

Public Hearing

Date March 21, 2011

Item # 15

LEGISLATIVE HEARING

On a Request by the Chatham County Board of Commissioners for text amendments to the Chatham County Zoning Ordinance to delete the requirement for an Environmental Impact Assessment on non-residential, general use zoned properties in Section 11.3 and to add "Telecommunications Towers" in the list of permitted use in Section 10.3 as a correction to an earlier amendment.

Each speaker must sign up in advance of the hearing and his/her comments shall be limited to not more than three minutes. No speaker may yield unused time to any other speaker. The maximum length of any legislative hearing shall be not more than 30 minutes for the proponents in support of a request and not more than 30 minutes for those in opposition.

	Check One		Name	Complete Address with Zip Code	Phone Number
	For	Against			
52:02		✓	Caroline Svenson	5560 Castle Rock Farm Rd. Pittsboro NC 27312	663 3465
55:04	✓	✓	Diana Hales	528 Will Behane Siler City NC 27344 PBO 27312	663-2372
59:50		✓	Timothy Keim	93 Cynthia Lane	542-7417 call
03:43		✓	Randy Voller	21 Ferr Randolph Ct 27312 PBO	949-1249 call
1:50	✓		Harry Ballas	139 Indian Creek Ln Pittsboro NC 27312	362 0094
11:32		✓	Sonny Keiser	3006 River Falls Rd Salem NC 27330	777-9750
15:11		✓	JOHN ALDERMAN	249 Red Gate Rd Pittsboro NC 27312	
18:22		✓	Elaine Chiasso	P.O. Box 187 Hwy 187 Assembly	542-5790
22:31	✓	✓	Carol Hewitt	424 Johnny Buckle Rd Pittsboro NC	542 2237
27:21	✓	✓	Liz Cullington	390 Rocky Hills Rd Pitts	542-2405
	✓	✓	Jeffrey Starkweather	590 Old Gold Star Pittsboro	545-8989
	✓	✓	Emily Lancaster	1000 Jay Chambers Rd Pittsboro, NC 27312	428-1641

March 21, 2011
Public Hearing Comments

My name is Caroline Siverson and I live at 5560 Castle Rock Farm Rd. I have been a Chatham County citizen for 27 years and served on the Planning Board in the early 2000's. Presently, I am a board member of Chatham Citizens for Effective Communities and am speaking here today on behalf of that organization.

CCEC commends this Board of Commissioners for your stated commitment to open and transparent government, and for your promise to hold your meetings in the evenings so that most citizens can attend. Until now, you have abided by this promise. We are therefore very concerned that you have chosen to schedule this Public Hearing during standard work hours.

We are not aware at this time of a rush on commercial development proposals; therefore, we question the timing of this public hearing today. We request that you postpone it to an evening time to allow all interested Chatham citizens the opportunity to speak out about their concerns.

CCEC is opposed to this "text" amendment, which will remove safeguards of our streams, rivers and natural resources. You have repeatedly stated your commitment to protecting the environment. You assert that the current review process slows down and inhibits commercial development. But commercial and residential projects that were permitted *before* the current process was in place remain unbuilt.

You have questioned the value of the Environmental Impact Assessment and its review by the Environmental Review Board. You have asked, "Why have it if it has no regulatory power?"

We ask:

Why wouldn't you want to know all the potential impacts of any projects that disturb two or more contiguous acres?

Why wouldn't you want to know the effects of a project on adjacent properties?

Why wouldn't you want citizens to know the impacts a project might have on their communities, their streams, their rivers, and their lake?

Why wouldn't you want the developer to know what impacts their project might have on our natural resources?

The current review process has proven to be very effective at identifying and evaluating potential environmental impacts. The County has worked with developers to implement mitigation strategies that minimize environmental damage. Better developments have been the result.

Why wouldn't you encourage and enable developers to do the right thing and ultimately create better projects?

CCEC sincerely hopes that as you consider the elimination of this effective and important safeguard of our natural resources, you will ask yourselves *why* wouldn't you want all the pertinent, expert information available to help you make critical decisions that affect the citizens and communities you are charged to serve and protect.

Thank You

Thank you for holding a public hearing on the regulations that we have in Chatham County regarding riparian buffers and the protection of our intermittent, ephemeral and blue line streams. I hope you would be willing to hold a few more of these hearings to offer the citizens and stakeholders of our communities an opportunity to be heard and to participate in the process.

Doing so would be in line with the wise words of our current Chair Brian Bock who stated to the Indy that "public policy be based on mutual respect and justice for all people, free from discrimination or bias." And "That all citizens regardless of political affiliation, race, or economic situation, are allowed and encouraged to be involved in decision-making at all levels including; needs assessment, planning and implementation."

These are important ideals and very much in line with "common sense government."

Protecting our water and improving its quality is not only a smart investment but also what we need to do to ensure that we have good quality drinking water.

It may be a coincidence, but the Town of Pittsboro had its worst problems with producing high quality drinking water from the Haw River at precisely the same time frame our county and others in the Haw River watershed were clear cutting and allowing point source and non-point source chemicals and organic compounds to overwhelm the eco system of the Haw River.

The taxpayers have spent hundreds of thousands of dollars ameliorating this problem. The simple solution is to let nature do it for us and be wise stewards of our watersheds so we do not foul the rivers nor the lakes. As we created better policies and the marketplace stopped supporting sprawl the water quality slowly improved.

As the Mayor of Pittsboro and the Chair of the Triangle Area Rural Planning Organization I respectfully ask that the board heed the words of its chair Mr. Bock who stated that "we need to be very careful to ensure that we strike a healthy balance between protecting the natural rural beauty of Chatham and the proper amount of infrastructure."

Our infrastructure needs are in the municipalities and a healthy balance requires us to be vigilant and wise about our most precious resource: water.

I have qualitative and quantitative data that respectfully I will submit to the board.

1. The economic value of open space.
2. Recent actions the Town of Pittsboro has taken regarding recurring violations of DEHNR land disturbance permits in the Town.
3. Data from the Town of Pittsboro indicating the quality of its processed water over the past 10 years.
4. Other pertinent information.

Finally Chairman Bock stated that "...in the name of social justice and common sense, affected landowners need to be involved in developing the policies and if decisions have a negative impact on landowners, those landowners need to be justly compensated."

I hope we can see both sides of that equation for when our county's resources are not protected we all suffer and no one will be present to pay the bill.

TOWN OF



BOARD OF COMMISSIONERS

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P.O. Box 759 - 635 East Street
PITTSBORO, N.C. 27312

March 14, 2011

Colleen Sullins, Director
Division of Water Quality
North Carolina Department of Environment and Natural Resources
1628 Mail Service Center
Raleigh, North Carolina 27699-1628

Dear Director Sullins:

The purpose of this letter is to forward the attached resolution of appreciation by the Town of Pittsboro Board of Commissioners for the continuing efforts of the Division of Water Quality to compel Ricky Spoon Builders, Inc. to comply with State and Federal water quality regulations in and around the Bellemont Point Subdivision here in Pittsboro. The Board of Commissioners also urges the Division of Water Quality, NCDENR to continue to aggressively pursue all remedies within their purview to compel Ricky Spoon Builders, Inc. to comply with the laws in this case.

Despite the best efforts of the Division of Water Quality, we continue to receive citizen complaints on the subject of uncontrolled runoff of red silt-laden water from the Bellemont Point Subdivision site. These complaints have been investigated and confirmed by our Town Planning Director; however, we have been unable to persuade Ricky Spoon Builders, Inc. to take effective action to remedy the situation.

This matter has an increased sense of urgency for the Town as the start date for a major wetlands restoration project at the Pittsboro Town Lake Park approaches. In the summer of 2011, the North Carolina State University Water Quality Group, North Carolina Cooperative Extension will begin work on a restoration project of the Pittsboro Town Lake, including removal of accumulated silt deposits, using funding from a \$476,000 Clean Water Management Trust Fund Grant. Continued runoff from the Bellemont Point site will have the effect of depositing significant amounts of silt into Robeson Creek downstream of the Pittsboro Town Lake, thereby adversely impacting the overall water quality in the creek. Accordingly, the Town wishes to express its full support for your ongoing efforts to compel Ricky Spoon Builders, Inc. to come into compliance with the laws governing water quality and erosion control at Bellemont Point.

If the Pittsboro Board of Commissioners or Town staff can be of any assistance in this matter, please call me at (919) 949-1274 or Town Manager Bill Terry at (919) 542-4621 ext. 22.

Sincerely,

Randolph Voller
Mayor

A RESOLUTION OF APPRECIATION AND SUPPORT FOR THE CONTINUING EFFORTS OF THE DIVISION OF WATER QUALITY, NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO COMPEL RICKY SPOON BUILDERS, INC. TO COMPLY WITH STATE AND FEDERAL WATER QUALITY REGULATIONS IN AND AROUND THE BELLEMONT POINT SUBDIVISION IN PITTSBORO, NORTH CAROLINA.

WHEREAS, the Board of Commissioners of the Town of Pittsboro has received multiple citizen complaints regarding stormwater and sediment runoff from the Bellemont Point Subdivision owned by Ricky Spoon Builders, Inc.; and

WHEREAS, the Town of Pittsboro is in receipt of a copy of NCDENR letter of August 16, 2010 wherein a chronology of the aggressive enforcement measures undertaken by the Division of Water Quality, NCDENR beginning on February 13, 2008 are enumerated; and

WHEREAS, despite the best efforts of the Division of Water Quality to enforce State and Federal water quality regulations in and around the Bellemont Point Subdivision, the Town continues to receive reports of uncontrolled runoff of silt laden stormwater from the Bellemont Point Subdivision; and

WHEREAS, property owners adjacent to Bellemont Point Subdivision continue to be adversely affected by the silt laden stormwater runoff from Bellemont Point; and

WHEREAS, in the summer of 2011, the North Carolina State University Water Quality Group, North Carolina Cooperative Extension will begin work on a restoration project of the Pittsboro Town Lake, including removal of accumulated silt deposits, using funding from a \$476,000 Clean Water Management Trust Fund Grant; and

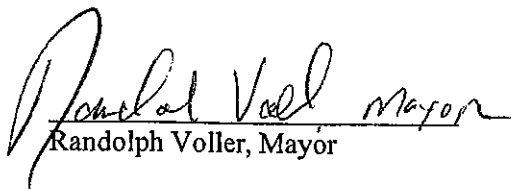
WHEREAS the Pittsboro Town Lake is an impoundment on Robeson Creek upstream of the Town's Wastewater Treatment Plant; and

WHEREAS, the continued runoff of silt laden stormwater from the Bellemont Point Subdivision will tend to return silt to Robeson Creek between the Pittsboro Town Lake and the Pittsboro Wastewater Treatment Plant, thereby adversely impacting the positive effects of the scheduled lake restoration project and negatively impacting the overall water quality in Robeson Creek.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town expresses its appreciation for the ongoing efforts of the Division of Water Quality, NCDENR to compel Ricky Spoon Builders, Inc. to comply with State and Federal water quality regulations in and around the Bellemont Point Subdivision in Pittsboro, North Carolina.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Town of Pittsboro that the Town urges the Division of Water Quality, NCDENR to continue to aggressively pursue all remedies within their purview to compel Ricky Spoon Builders, Inc. to comply with State and Federal water quality regulations in and around the Bellemont Point Subdivision in Pittsboro, North Carolina.

This is the 14th day of March, 2011.


Randolph Voller, Mayor

Attest:


Alice F. Lloyd, CMC, Town Clerk

1

Talking points from Larry Ballas.

Intent of the rule change is to make it easier for small business to open and function in chatham county and still be able to work at a profit.

Environmental impact assessment for conditional use permits by a developer as might be suggested by the planning board is a good thing. For general use, not so good.

Do we, as a county, need to be so restrictive with our rules of development that we chase honest folks away from our goal of allowing any business to be attracted to Chatham County? Why, then, did we take around a year to decide what type of non polluting business would be attracted to and fit our communities. Do we need strict, no wiggle room rules to attract the types of business we desire?

The reality here is that environmental consideration are always at the forefront of any development regardless of its size. Ways of doing development, even for business, are always being improved to satisfy the most critical of us.

However, let me ask this question. How many of us today are using this light bulb in their own house or business? These have been available for a while now and are a small way for all of us to improve our environment. But how many of us use them? Probably not many of us. We don't use them, now, because we are not forced to use them by some rule. But in the future we will have that rule. So why don't we use them now? Oh right, I forgot. They cost a lot more than incandescent and they contain mercury.

2

A common sense approach to the environment many times is lacking so we have to make up rules. For instance we got a lot of complaints about a route 64 superhighway being built through Chatham county for reasons that it will cause more traffic and more pollution, destroy the beauty of our land, and other reasons related to today's visions, not our future visions. But if we critically look down the road we find that in 25 years or so when the highway will be built, cars will not be polluting or at the worst, not anywhere as polluting as today's cars.. We even have new tires available today that are much less polluting than regular tires, but they cost too much so no one wants them. So our decision to not support this road were environmental based on today's reasons of car pollution and not the future position that cars won't pollute in 25 or so years. Common sense was neglected. (As far as beauty goes NC has won numerous awards for the highways that they have built, and those roads do bring economic advantages to those places that have them. Of course there are some that are not so pretty which emphasizes the fact that public input is important during the whole process.)

Well the same common sense approach should go for land use. It should not be so restrictive that future potential investors in Chatham County do not want to invest their money in us, even small business. The future of development will not need rules to tell it not to pollute. The present day's rules do not look any farther than today. The future is what needs to rule. Do we think a business person wants to build something that pollutes? No one would support or use it. We need to use the technology that will lead us into the future and not a rule that restricts any incentive for the future. Common sense will dictate that.

Let me suggest that individuals here look at their own property first and if they find that they are an environment challenge to the rules

we now have then they fix their area first, rather than restrict what may be a good plan from someone else and offer a distinct advantage to the development of Chatham County. No one, who is just a landowner in Chatham County, contributes ^{enough} ~~more~~ tax wise than what the county needs. We need business to afford ourselves.

Just What do we have a planning board for if we write rules so inflexible that even they cannot have a discussion of how to make a project work better or be better. We already have restrictive rules about setbacks from roads, setbacks from stream beds, set backs from something that could be a part time stream route. We have rules about the type of air that leaves the structure. We have rules about a lot of things that impact small business developments. ^{with out an environmental impact study} We do have a planning board. Lets trust them enough to make the right recommendations and decisions about projects and not take innovation out of their hands, or the commissioners hands or most importantly, the citizens hands by making inflexible rules.

It seems with all these rules we have that it will become very difficult to make Chatham County a business competitive county. I thought we all agreed that Chatham county had a real advantage for economic development being located between the Triad and the Triangle. I thought our initial economic goal was to be the glue linking those well known economic centers by attracting business to us. If that is our goal then why are we so restrictive. If that is our goal, then why have we failed to attract development. Why do we only attract the bedroom communities? If we really wanted to be competitive economically we would have rules such that we would have a waiting list of companies and small business wanting to locate here in Chatham County. It is also my opinion that when attracting from outside our county or developing within our county that common sense would and should be rule. And that means

flexibility.

Listen, none of us want to pollute, but we all do. We all care about the environment in our own ways. We are a pretty darn clean county. A lot of our pollution that is measured in Chatham County comes from outside Chatham County. Our rules won't stop that. The Chatham county line is not that restrictive.

Yes, we are a pretty clean county and we can stay that way with common sense, not rules that restrict the most important future of our lives and our county's future. That future is common sense economic development. That future is what took us a year to decide the direction we want to travel.

One final point. If all we as a community want to do is look to the future to try to figure out what we want we will never move forward. We have a plan for economic development which looked to the future. Let's implement it now. Let's get rid of the restrictions. Let's implement common sense.

If the approvers of the rules in Chatham county really believe that the people of Chatham county need restrictive rules, that they cannot decide for themselves, with some guidance, how to work with the environment, that there are no good developers, that there can be no innovation unless approved by a rule, then we are in a pretty sad way.

You know, all these different government bodies create rules to make something work better or limit something and then they vote on an exception to the rule when asked. It never fails that when a government body is pressed to do the right thing, common sense floats to the top.

***Opposition To Text Amendments To the Chatham County
Zoning Ordinance That Will Delete Requirement For An
Environmental Impact Assessment (EIA) On Non-Residential,
General-Use Zoned Properties.***

My name is Sonny Keisler. I reside at 3006 River Forks Rd. in southern Chatham County. I am here today to oppose the text amendments that eliminate Environmental Impact Assessments for non-residential general-use zoned properties. I urge the Board to keep current environmental assessment requirements and to provide more staffing so they can be effectively and efficiently implemented.

The reason for this is simple. According to the best science available, here in Chatham County ... here in North Carolina ... here in the United States and ... and all around the world, natural systems that have supported civilization for the past 12,000 years are collapsing. For example, all around the world ice is melting ... coral reefs are collapsing, ... bird populations are declining, ... fish populations are declining, ... amphibian populations are declining, ... tropical rain forests are declining, ... oceans are becoming more acidic ... all around the world we are experiencing the sixth great mass extinction of life on planet earth and this includes Chatham County... the Rocky River, the Haw River, the Deep River, the Cape Fear River and all parts in between.

The well documented decline of water quality in the Rocky is one example of this general worldwide ecosystem decline. As Margaret Pollard – the former chair of the Chatham County Board of Commissioners - and as a person who grew up along the

river observed a year before she died ... "few people will swim or wade in the Rocky River anymore".

Because of ecosystem decline in Chatham County and the world at large, we should be redoubling our efforts to strengthen environmental protections in Chatham County, in North Carolina, in the United States and in the entire world. However, what is happening is a dismantling of environmental protections by newly elected Republicans in Chatham County, in Raleigh and in Washington D.C.

You need to be governing like those famous Republican Presidents ... Theodore Roosevelt and Richard Nixon and become the champions of environmental protection. You also need to be governing in the manner of John Locke and be empiricists. In this regard you should open your eyes and make public policy decisions based on the best science available and not on the basis of any one ideology whether it comes from the John Locke Foundation in Raleigh or the Sierra Club in San Francisco.

Thank you.



P.O. Box 187 Bynum NC 27228 (919) 542-5790 info@hawriver.org

March 21, 2011

To: The Chatham County Board of Commissioners

The Haw River Assembly is a grassroots non-profit organization founded in 1982 to protect the Haw River and Jordan Lake. We are based in Chatham County where many of our members live.

We disagree with this proposal to delete the requirement for an Environmental Impact Assessment (EIA) on non-residential, general-use zoned properties. We believe that this requirement for an EIA and its review by the Environmental Review Board (ERB) for "any proposed non-residential project of two contiguous acres or more in extent that disturbs two or more acres" is an important protection to keep in place. Land disturbance of 2 acres is actually quite large in terms of the impact it can have on streams, wetlands, significant natural areas and even for off-site damage to adjacent properties.

The process of doing an Environmental Impact Assessment can help both the developer and the county see specific features of a piece of land that should be better protected when during the process of development. That is why it is done and though it may be an extra step in the development process of creating a new or expanded business it is a very important step. Once streams are muddied or unique natural areas destroyed it is too late to bring them back. This one step in the planning process is a powerful tool to make sure the development occurs in the best way for Chatham County.

We are also concerned that this public hearing was held during the day when the majority of residents cannot attend due to job obligations. Your concern to create and protect jobs in Chatham County should make it obvious that requiring people to leave work to speak to you is not in anyone's best interest, we request that you re-schedule this public hearing to a later date so that all interested Chatham citizens have an opportunity to attend without jeopardizing their job security.

Sincerely,

Elaine Chiosso
Haw Riverkeeper
Executive Director, Haw River Assembly