

Memorandum for Record

March 7, 2016

Re: Public Hearing - Case No. 16-1593

Conditional Use Permit Parcels 74641, 88057, 88068

Lena Hurst

551 Horton Pond Rd.

I am an adjoining landowner

Not long after moving out to Chatham County in 1994, we were faced with the possibility of a concrete plant being built directly across the street from our home ruining our quality of life and the value of our home. Instead, we now have Holly and her horse farm which couldn't be a more perfect fit for the area.

I attended every single meeting for the creation of the Joint Land-use plan with Chatham County Board of Commissioners and the Cary Town Council. We fought and fought to keep the area East of Jordan Lake, in the critical watershed, rural, to protect the lake. We wanted to maintain our current peaceful and quiet lifestyle. We did not want to allow businesses and dense housing in such a sensitive area.

This proposed zoning change does not meet the majority of the Guiding Principles in the Joint Land-use Plan.

1) AVOID all nonresidential development within one mile of the mean pool elevation of Jordan Lake.

\*This proposed kennel is within the half mile boundary on the ~~attached~~ map in this critical watershed and it is definitely non-residential development.

*done* 2) This commercial kennel is not desirable to the residents in this rural area and I feel it does not preserve the rural character of the bulk of this area.

3) This would not protect the property rights of residents and landowners as it would lower our property values and quality of life.

Lena Hauser 3/7/16

4) Ensure public involvement in the development and implementation of the Joint Land Use Plan.

\*We are adamantly speaking out against this proposal. I submit to you a petition with over 65 signatures to turn in for public record.

5) Use the future availability of public utility services to guide and direct growth to minimize water quality impacts on Jordan Lake Reservoir.

\*Public utilities will not be provided to this area. This kind of proposal should be located in the commercial corridors.

6) Focus the most intense land uses close to the eastern boundary of the plan area and the major transportation facilities, and maintain very low intensity and very low density uses westward towards Jordan Lake Reservoir.

X 7) Encourage limited economic development in the planned mixed-use areas that capitalize on its geographic location relative to major employment and population centers.

X 8) Balance the amount of future development with the capacity of the transportation system by utilizing the highway corridors.

9) Create a sense of place that is distinct, attractive, and of high quality – an area recognized within the Triangle region for its high quality of life.

\*Many of the Chatham County documents repeatedly say that this area should remain rural in character and have no more than one dwelling per 3-5 acres.

\*\*For public record, I am also submitting a document noting inconsistencies between the community meeting with Ms. Hauser on Dec. 9<sup>th</sup> and the application submitted, local <sup>community</sup> meeting attendees, real estate research, franchise information and NC laws.

My land and home is an investment that I have had for over 20 years; perhaps the largest investment that I will ever make. I would do nothing intentionally, or knowingly, to decrease its value or my quality of life. Nor would I willingly consent to having a boarding kennel built on adjoining

property for that very reason. With that in mind, I implore the Chatham County Board of Commissioners to reject this proposed Conditional Use Permit and do not allow this business to operate in any rural residential neighborhood.

#### Executive Summary Vision for Chatham County

- create residential development patterns that retain the form of "ruralness" through large-lot zoning, open space subdivisions, village clusters, or other design approaches.

Respectfully,  
Lena Hurst

Additional Concerns:

- ① Social Media
- ② Extreme fear of dogs
- ③ Weekend events
- ④ Her additional business of dog rescue
- ⑤ Future Expansion
- ⑥ Lighting
- ⑦ Area precedence of commercial bus.
- ⑧ Additional property up for sale



Adopted by Cary Town Council on June 28, 2012  
Adopted by Chatham Board of Commissioners on June 18, 2012

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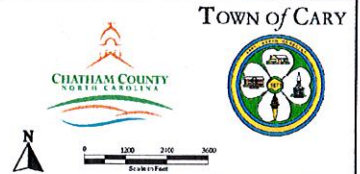


- Medium Density Residential (MDR)**  
Use: 4-dwelling per acre, single family detached or attached. May include attached townhomes or condominiums. May include accessory structures, detached and/or attached. See *Design Guidelines for the City of Los Angeles* for details. See *Design Guidelines for the City of Los Angeles* for details.
- Low Density Residential (LDR)**  
Use: 2-3 dwellings per acre, single family detached or attached. May include accessory structures, detached and/or attached. See *Design Guidelines for the City of Los Angeles* for details. See *Design Guidelines for the City of Los Angeles* for details.
- Very Low Density Residential (VLD)**  
Use: 1 dwelling per acre, single family detached or attached. May include accessory structures, detached and/or attached. See *Design Guidelines for the City of Los Angeles* for details. See *Design Guidelines for the City of Los Angeles* for details.
- Commercial / Retail**  
Includes shopping centers, drug, dining, entertainment, services, and related uses. See *Design Guidelines for the City of Los Angeles* for details.
- Mixed Use Node**  
Use: 10-20 dwellings per acre, single family detached or attached, plus commercial, office, and/or other uses. The node should generally have a 10-20 acre footprint and be located near a major transit station. See *Design Guidelines for the City of Los Angeles* for details.
- Community/Institutional**  
Includes places of worship, medical facilities, banks, schools, libraries, day-care, senior centers, and other community uses. See *Design Guidelines for the City of Los Angeles* for details.
- Industrial**  
Includes heavy/light industrial uses, light manufacturing, manufacturing, and distribution and related uses. See *Design Guidelines for the City of Los Angeles* for details.
- Parks, Open Space, Golf Course**  
Park and open space uses, including golf courses, and other recreational uses. See *Design Guidelines for the City of Los Angeles* for details.
- Stream**  
Use: 10-20 dwellings per acre, single family detached or attached. May include accessory structures, detached and/or attached. See *Design Guidelines for the City of Los Angeles* for details.
- Stream Buffer**  
Use: 10-20 dwellings per acre, single family detached or attached. May include accessory structures, detached and/or attached. See *Design Guidelines for the City of Los Angeles* for details.
- Rural Buffer Boundary**  
Public space or undeveloped land that is not to be developed for residential or commercial uses. See *Design Guidelines for the City of Los Angeles* for details.

General Note:

**Boundaries of Land Use Designations:** The boundaries between the various land use categories shown on the Plan Map are intended to be general in nature, and are not intended to be absolutely "fixed" or the exact locations shown. See Plan Document for details.

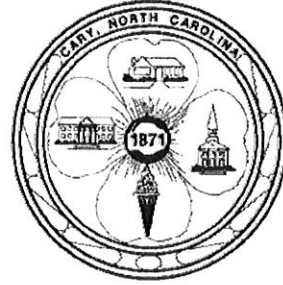
TOWN of CARY  
&  
Chatham County  
Joint Comprehensive Plan





*Lena Hunt*

*3/7/2016*



# CHATHAM COUNTY TOWN OF CARY JOINT LAND USE PLAN

Adopted JUNE 2012

Effective JULY 1, 2012

Prepared By:

Chatham County Planning Department

Town of Cary Planning Department

## **CHAPTER 1 EXECUTIVE SUMMARY**

The Chatham-Cary Joint Land Use Plan covers over 18,000 acres located east of Jordan Lake in Chatham County. The area is bordered by White Oak Creek to the south, Wake County to the east, Durham County to the north and Jordan Lake to the west. The Plan is an official policy document adopted by the Chatham County Board of Commissioners and Cary Town Council meant to guide future land use regulations, public infrastructure improvements and development. By guiding and limiting future development and infrastructure improvements, the Plan aims to maintain the rural form and character of most of the area, while still accomodating a limited amount of suburban growth in the area closest to Research Triangle Park and the Western Wake Freeway. The plan also seeks to protect water quality in Jordan Lake.

The Town and County have been working together on the Plan since joint resolutions were passed by both jurisdictions in December 2005. The Town Council adopted the Plan on June 28, 2012, with the Board of Commissioners adopting the Plan on June 18, 2012. The Plan became effective for the Joint Plan area July 1, 2012. The Plan includes a land use map that designates two land use categories for most of the Plan area and the potential location of a mixed use area. The area generally along and west of NC 751 is designated as Very Low Density Residential, with lot sizes ranging from 3 – 5 acres. The area generally east of NC 751 is designated Low Density Residential, which will allow smaller lots if public utilities are extended from the Town. The map also includes a Rural Buffer Boundary line running north-south through the Plan area. This line is used to indicate the limits of where public utilities (water, sewer) may be extended to serve future growth. Very low density residential development is planned on the west side of the boundary (where public utilities would not be available), and higher residential densities or mixed use development is envisioned on the east side of the boundary (where public utilities may be provided).

Chapter Two of the Plan begins with a dicussion of the introduction and purpose of the Plan, and continues with an overview of the plan vision, guiding principles used in the development of the Plan, and details on the planning process used by Chatham County and the Town of Cary to develop the Joint Land Use Plan. The chapter concludes with a discussion of the legal status and standing of the of the Plan and a recommended timeline for updating the Joint Land Use Plan.

Chapter Three of the Plan includes guidance on the land uses and residential densities allowed in the different land use categories and the proposed mixed use area, or node. For the Mixed Use Node, the Plan includes general guidance on the mix of land uses and includes a discussion of existng developments that are considered comparable to the proposed node. Chapter Three also includes guidance on buffers that should be provided adjacent to U.S. Army Corps of Engineers land and the American Tobacco Trail, which runs through the northeastern portion of the Plan area. Chapter Three concludes with recommended transition techniques between land uses and densities and the principles of plan interpretation both jurisdictions have agreed to use.

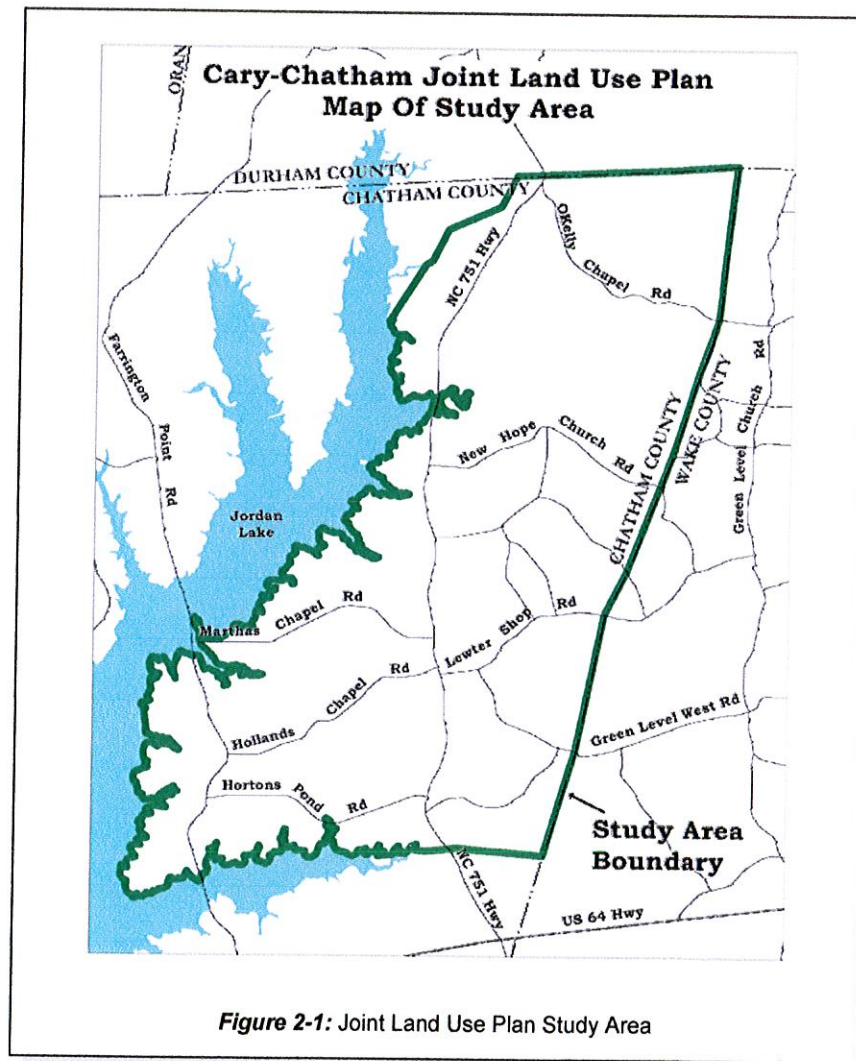
Chapter Four of the Plan dicusses the Rural Buffer Boundary and the potential provision of public utilities in portions of the plan area. This chapter includes guidance on the Town's utility extension policies and guidance for the jurisdictions and property owners on a "rescue" policy



## **CHAPTER 2 INTRODUCTION & PLAN VISION**

### **2.1 Plan Introduction & Purpose**

The Joint Land Use Plan between Chatham County and the Town of Cary covers an area of land in western Chatham County bordered by Jordan Lake on the west, White Oak Creek on the south, Wake County on the east, and Durham County on the north (See Figure 2-1). This plan is not an ordinance or zoning. The plan itself does not change the zoning of property, and it is not a development proposal for a specific project. Rather, this plan is an official policy document used to guide future development regulations, development policies, public infrastructure improvements, and evaluations of future development proposals. The plan provides development guidance to landowners, citizens, and developers in the Joint Plan Area. Of the approximately 18,137 acres in the Plan area, approximately 6,082 acres are owned and regulated by the U.S. Army Corps of Engineers as part of the Jordan Lake project, leaving approximately 12,055 acres where county and local governments can guide existing and future land uses and development. Of those 12,055 acres, approximately 2,550 acres are currently developed as county subdivisions, and about 866 acres are developed or approved as subdivisions and open space within the Town of Cary's municipal limits.





### ***Guiding Principles***

- Within one mile of the mean pool elevation of Jordan Lake (i.e., of the lake shore), avoid all nonresidential development, and allow residential densities of no more than one dwelling per acre.
- Preserve the rural character of the bulk of this area, while allowing for balanced growth and development.
- Protect the property rights of residents and landowners in the Joint Plan area.
- Ensure public involvement in the development and implementation of the Joint Land Use Plan.
- Use the future availability of public utility services to guide and direct growth to minimize water quality impacts on Jordan Lake Reservoir.
- Focus the most intense land uses close to the eastern boundary of the plan area and the major transportation facilities, and maintain very low intensity and very low density uses westward towards Jordan Lake Reservoir.
- Encourage limited economic development in the area that capitalizes on its geographic location relative to major employment and population centers.
- Balance the amount of future development with the capacity of the transportation system.
- Create a sense of place that is distinct, attractive, and of high quality – an area recognized within the Triangle region for its high quality of life.
- Preserve key open space, especially where needed to protect water quality.

## **2.4 Planning Process**

The Joint Land Use Plan planning process began in December 2005 with the adoption of joint resolutions by both the Chatham County Board of Commissioners and the Cary Town Council. At that time, Cary also agreed to enact a moratorium on Voluntary Annexations into Chatham County while work on the Plan was completed. The two governing boards also designated that the joint plan should be developed by a joint staff team, consisting of staff from both local governments. The joint staff team held community meetings in June and October 2006 to gather input, with the joint staff presenting two plan map options at the October meeting. After reviewing the input received at the 2006 meetings, the joint staff prepared a revised map option that was presented to a joint meeting of the Board of Commissioners and Town Council in February 2007. In April of that year, the Board of Commissioners held a public hearing on the Joint Land Use Plan map presented at the joint meeting in February. Based on the feedback received at the April public hearing, the Board of Commissioners directed Chatham County planning staff to prepare a new plan map, which was presented at a joint work session of the Board of Commissioners and Town Council in September 2007. At that meeting, it was decided by the Board and the Council that more time was needed to continue working on the Plan, and Cary agreed to extend the Town's moratorium on Voluntary Annexations into Chatham County.

Plan development was delayed during 2008, while the Town of Cary commissioned a watershed impact study to compare the projected impacts of the different plan options, and Chatham County worked on the development of new environmental management ordinances. Then, in May 2009 the Board of Commissioners and Town Council once again held a joint meeting to discuss the Joint Land Use Plan, and decided at that meeting to appoint a joint committee consisting of two Commissioners and three Town Council members to work on the Plan with the joint staff. The joint committee held their first meeting in June 2009, and continued to work on the plan map for the next year. During that time, the Chatham County Board of Commissioners held a public input session for citizens in the Joint Plan area in August 2009, followed by a



recreation and cultural facilities. The Town also regulates all land use within its limits, and enforces the North Carolina Building Code. The services provided by the County include (but are not limited to) public schools, social services, public health services, parks and recreation, police protection by the Sheriff's Office (unincorporated areas), libraries, as well as land use regulation and building permitting (unincorporated areas). In the unincorporated areas of the County, the NC Department of Transportation provides road maintenance for all public roads. In the unincorporated area of the County within the joint plan area, fire protection is provided by either the North Chatham Volunteer Fire Department or the Parkwood Volunteer Fire Department, while emergency medical services are provided by First Health, under contract with the County. For those areas that are served by one of the Volunteer Fire Departments, an additional Fire District Tax is added to the County property tax bill.

## **2.6 Plan Amendment Procedures**

Any Plan amendment will require approval of both the Chatham County Board of Commissioners and the Cary Town Council. Plan amendment requests outside the Cary Town Limits shall be submitted to the Chatham County Planning Department, who will forward the request to the Town of Cary for simultaneous review. Plan amendment requests inside the Cary Town Limits shall be submitted to the Cary Planning Department, who will forward the request to Chatham County for simultaneous review. The County will process such request(s) as a zoning map or zoning text amendment, as specified in the Chatham County Zoning Ordinance. The Town will process such request(s) as a Comprehensive Plan Amendment, following the procedures specified in the Town's Land Development Ordinance. Both jurisdictions generally require public hearings for plan amendments; for a proposed amendment to the Joint Land Use Plan, the governing boards may choose to have a joint public hearing. Both jurisdictions also generally require review and recommendations by their respective Planning Boards to their governing boards.

## **2.7 Timetable and Process for Periodic Reviews and Updates**

This Joint Land Use Plan should be revisited and updated at least once every five years, to ensure that it remains up to date and reflects any changes in policies or local and regional conditions and circumstances, including traffic, land uses, and technologies. Any updates will require the concurrence of both the Board of Commissioners and Town Council. The first review should occur no later than 2017.



## **CHAPTER 3 LAND USE**

### **3.1 Introduction**

The *Joint Plan Map* that accompanies this plan depicts the recommended pattern of future land use types and densities. Changes on the map from one land use category to another generally occur along key geographic features, such as roads, streams, and open spaces; however in some cases parcel lines are used. The Plan Map's *Legend* provides summary definitions for each of the land use categories used on the map. More detailed definitions are provided in Sections 3.2 and 3.3, below.

This plan should not be construed as requiring or recommending that existing rural uses be "phased out" in favor of the land use categories depicted on the Plan Map. Quite the contrary: any existing uses within the plan area, including rural home sites, farms, forestry, and private natural areas, will continue to be considered acceptable uses within any of the land use categories shown on the Plan Map. Existing residential lots smaller than the minimum lot sizes referenced in this document and shown on the Plan Map will also continue to be considered acceptable as non-conforming lots. The purpose of this plan is to guide any future development so that it conforms to the pattern of uses, intensities and densities given in this plan.

### **3.2 Land Use Category Definitions<sup>1</sup>**

Note: The land use category definitions given below are unique to this Joint Plan, and may differ from identical or similar terms used in other components of Cary's or Chatham County's Land Use Plans or policies. In particular, the density definitions for MDR and LDR differ from those used in the Wake County portions of Cary's Land Use Plan.

**Medium-Density Residential (MDR):** Includes housing at densities up to 4 dwellings per gross acre, and typically averaging at least 2 dwellings per gross acre. Housing can include a mixture of dwelling types including single-family detached, duplex, patio home, semi-detached/attached dwelling, and townhouses. Multifamily housing is not envisioned. A variety of neighborhood-compatible and complimentary civic, institutional, and utility uses may also be considered within any MDR area, such as churches, parks, schools, libraries, daycare facilities, telecommunication towers, utility pump stations, and electric utilities.

**Low-Density Residential (LDR):** Includes housing at densities up to 2 dwellings per gross acre, and typically averaging at least 1 dwelling per gross acre, although larger lots and/or lower densities may be used when needed to form acceptable transitions. Housing can include a mixture of dwelling types including single-family detached, duplex, patio home, semi-detached/attached dwelling, and townhouses. Multifamily housing is not envisioned. Institutional, civic, and utility uses that are compatible and complimentary to the surrounding neighborhood may also be considered within any LDR area, such as churches, parks, schools, libraries, daycare facilities, telecommunication towers, utility pump stations, and electric utilities.

**Very Low Density Residential (VLDR):** VLDR areas are recommended for agricultural and single family detached residential uses. The recommendations for VLDR areas differ depending on whether the VLDR area is situated east or west of the Rural Buffer Boundary, as follows:

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<sup>1</sup> These Land Use Category definitions do not necessarily correspond to any of the Zoning Districts defined or used by the Town or County.



- **VLDR areas west of the Rural Buffer Boundary:** New development west of the Rural Buffer Boundary should have a minimum lot size of 40,000 square feet, yielding a maximum recommended density of 1 dwelling per 1 gross acre. The housing type should be limited to single family detached. Wastewater treatment systems for new development in this area shall be limited to individual on-site septic systems approved by the Chatham County Environmental Health Department or other on-site septic systems approved by the North Carolina Department of Environment and Natural Resources.
- **VLDR areas east of the Rural Buffer Boundary:** New development east of the Rural Buffer Boundary should have a maximum density of 1 dwelling per 1 gross acre. The minimum lot size should be 40,000 square feet for development occurring within Chatham County's zoning jurisdiction.<sup>2</sup>

Institutional, civic, and utility uses that are compatible and complimentary to the surrounding neighborhood may also be considered within any VLDR area, such as churches, parks, schools, libraries, daycare facilities, telecommunication towers, utility pump stations, and electric utilities.

**Mixed Use Node (MXD):** The striped pattern used on the Plan Map for this land use category is intended to convey that a mixed use node is an optional or alternate land use that can be considered for the areas indicated on the map. The thematic land use color(s) visible between or underneath the striped "mixed use node" pattern indicates that it would also be acceptable for the area to be developed at the residential densities indicated by the underlying land use designation, namely Low Density Residential. Section 3.3 describes the mixed use node in detail.

**Office & Institutional:** This land use category is typically limited to uses that were previously zoned and approved by Chatham County or the Town of Cary prior to development of the Joint Plan, and includes all types of office and institutional uses. Examples include corporate and professional offices (large and small), general business offices, clinics, nursing homes, banks, churches, schools, daycare, government offices, and so forth. A limited selection of commercial uses (such as banks, restaurants, personal services) supporting the actual office and institutional uses may also be acceptable within buildings whose primary use is office or institutional, as long as such uses do not dominate the area designated as Office & Institutional.

**Commercial/Retail:** This land use category is typically limited to uses that were previously zoned and approved by Chatham County prior to development of the Joint Plan. The Commercial/Retail classification includes shopping/retail uses, dining, entertainment, banking, personal services, and related.

**Light Industrial:** This land use category is typically limited to uses that were previously zoned and approved by Chatham County prior to development of the Joint Plan. The Light Industrial classification describes a wide range of employment-generating office, light industrial, research and development, and "clean" light manufacturing uses. This classification also includes flex office/light industrial uses, warehousing and distribution, transportation-related uses, automotive and boat repair and bodywork, trade schools, and so forth. Light Industrial areas should be developed in a manner compatible with nearby properties to minimize potential nuisances or damage to the environment.

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<sup>2</sup> Lots smaller than 40,000 square feet are feasible within Cary's jurisdiction, for two reasons: First, the provision of public sewer service will enable the use of clustered single family lots, using smaller lots to preserve permanent open space. Second, in Cary the required stream, perimeter, and other buffers must be in common open space, and cannot be included in a residential lot, while such buffers can be included in residential lots in Chatham County subdivisions; allowing smaller lots compensates for that difference.



### 3.6 Principles of Interpretation

This plan will be used by both Chatham County and the Town of Cary to guide future development, regardless of whether that development occurs under the authority of Chatham County or the Town of Cary. (Properties that do not request annexation into the Town of Cary will continue to be subject to the zoning and development regulations of Chatham County. Properties that request annexation into the Town of Cary will be subject to Cary's zoning and development regulations.) In the case of future rezoning requests, the responsible local planning and zoning board will need to determine whether or not the request conforms to the recommendations of this plan. The following recommendations should be considered in making such a determination:

- a. For either jurisdiction, there may be more than one zoning district that can conform to one of this plan's land use categories.
- b. While it is anticipated that future development will for the most part conform to the boundaries between different land use categories as shown on the Plan Map, there may be exceptional cases where the final boundary between adjacent land use categories shifts somewhat according to the merits of a development proposal and whether it meets the overall plan vision. Such minor shifts in land use boundaries can be considered as conforming, and should not warrant an official amendment to this plan.
- c. Rezoning and development requests should conform to this plan's recommendation that appropriate transitions should be provided between developments (*Section 3.5*). Planning boards may exercise discretion and judgment in determining whether they believe that the transition proposed by an applicant is sufficient and appropriate.
- d. The residential land use categories include provisions for civic and institutional uses; however the planning board may exercise judgment in determining whether a proposed civic or institutional use is appropriate for a given parcel, given its context.

### 3.7 Land Use by Acreage

The total estimated acreage for each of the land use categories as shown on the Plan Map are given in the table below.

Land Use Category	Acres
Very Low Density Residential	7,622
Low Density Residential	2,901
Medium Density Residential	369
Golf/Park/Open Space	486
US Corps Property	6,082
Office & Institutional	69
Commercial/Retail	28
Light Industrial	24
Road rights-of-way (existing)	556
<b>Total Acreage</b>	<b>18,137</b>



## **CHAPTER 4 PUBLIC UTILITIES**

### **4.1 The Rural Buffer Boundary**

The *Plan Map* includes a Rural Buffer Boundary Line that effectively divides the plan area into a western portion and an eastern portion. Areas west of the boundary line should not be eligible to receive public sewer or wastewater utilities, regardless of provider. This includes all municipal, county, and private providers, as well as sewer or wastewater authorities or agencies. Properties on the east side of the Boundary Line may be eligible to receive public water or sewer utilities, subject to the Utility Extension Policies described in Section 4.2, below. Excluding U.S. Army Corps of Engineers property, there are approximately 4,234 acres east of the Rural Buffer Boundary, and 7,821 acres west of the Boundary.

The Rural Buffer Boundary Line meanders in places, and in some cases it can be unclear as to which areas are "east of" or "west of" the line. In such cases, the "east" side of the line can be defined by the side that also includes the Low Density Residential and/or Medium Density Residential land use categories.

Certain types of public water and sewer infrastructure may be located west of the Rural Buffer Boundary, provided that service is not provided west of the boundary. Examples include pump stations, force mains, and other facilities for the purpose of serving areas east of the Rural Buffer Boundary in an efficient manner.

### **4.2 Utility Extension Policies**

As noted above, properties east of the Rural Buffer Boundary may be eligible to be served by public utilities. However, it is not the Town of Cary's normal practice to initiate the extension of utilities into an area. Rather, utility extensions and connections tend to be initiated, constructed, and paid for by private landowners or developers who wish to tie into Cary's utilities. Thus, properties located east of the Rural Buffer Boundary should not expect that public utilities will be provided in the future as a matter of course. Rather, private landowners would first need to request permission to connect to the utility system. If permission is granted, then the landowner would construct the extensions to Town standards.

In general, Town of Cary utility extension policies also require properties receiving Town utilities to request annexation as a condition of utility service. In some cases, the Town Council may elect to provide utility service without requiring annexation, although in those cases a higher rate is charged to the utility users. Full details of Cary's utility connections policies are available in its [Utility System Extension and Connection Policy](#) (Policy Statement 23).

### **4.3 Utility Rescue Policies**

Public utilities may be provided west of the Rural Buffer Boundary when necessary to "rescue" a property having a failed private sewage treatment system, provided that both the Town of Cary and Chatham County agree to the rescue. Such rescues could also apply to an entire subdivision if a portion of the subdivision lots experience a failure. No increase in density above that existing within the rescued area at the time of the rescue shall be permitted by any utility rescue west of the Rural Buffer Boundary without a Plan amendment. In evaluating a rescue request by either an individual owner or an entire subdivision, the local governments may consider both the technical feasibility of repairing the private system(s), and the cost differential to the property owners between repairing a private system and connecting to public utilities.



local governments must follow in order to attempt to reduce the amount of nitrogen and phosphorous reaching the lake.

The land development and watershed protection ordinances adopted by Chatham County and the Town of Cary either meet or exceed the new *Jordan Lake Rules*. In fact, in recognition of the issues facing Jordan Lake, and in anticipation of the forthcoming rules, the Town of Cary applied comparably stringent watershed protection rules developed for the Neuse River Basin to all development within the Jordan Lake watershed in 2000. In a similar way, Chatham County significantly revised their watershed protection ordinances in 2008.

Water quality protection and regulation is a complicated topic, since it involves a complex mix of federal and state regulations and policies, implemented in large part by local county or municipal regulations and policies. It is beyond the scope of this area plan to summarize and describe all the various regulations and policies. For this document, it is sufficient to note that both Chatham County and the Town of Cary have local watershed and stormwater management ordinances and programs that meet or exceed state and federal requirements or guidelines.

Additional information about the Jordan Lake Watershed and the Jordan Lake Rules can be obtained from the NC Department of Environment and Natural Resources, or found online at <http://portal.ncdenr.org/web/jordanlake> and <http://portal.ncdenr.org/web/wq/home>.

### 5.3 Approaches for Mitigating Adverse Water Quality Impacts

The Jordan Lake Rules include specific water quality performance targets for new development. In general, the rules specify the maximum total annual amounts of nitrogen and phosphorous per acre that can be allowed to run off of a development in response to rain or snowfall. There are also standards for control of sedimentation and erosion, as well as for the treatment of the Total [amount of] Suspended Solids (TSS) in stormwater runoff. In order for new development to meet these nutrient reduction targets, the state specifies that certain actions must be taken – such as providing natural vegetated buffers along certain classes of stream courses in order to protect stream water quality.

In addition, developers can meet the nutrient and suspended solids targets either by strictly limiting the amount of impervious surfaces, or by incorporating *Best Management Practices* (BMP's) into their site design. Best Management Practices are engineered devices or landscapes that are specifically designed to filter out excess nitrogen, phosphorous, and suspended solids.

Both Chatham County and the Town of Cary take additional regulatory steps to protect water quality<sup>4</sup>. Chatham County and/or the Town of Cary's development ordinances also include measures such as – but not limited to – the following:

- **Buffer requirements** that mandate additional vegetated buffers beyond the riparian buffers required by the Jordan Lake Rules;
- **Impervious surface limitations** that place limits on the total amount of impervious surface allowed in new developments;

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<sup>4</sup> Details about Chatham County's watershed protection and stormwater management rules can be found online at [www.chathamnc.org](http://www.chathamnc.org) or by calling the Chatham County Environmental Quality Department at (919) 542-8268. Details about Cary's rules can be found at [http://www.townofcary.org/Departments/Engineering/Stormwater\\_Management.htm](http://www.townofcary.org/Departments/Engineering/Stormwater_Management.htm) or by calling the Town of Cary Engineering Department at (919) 469-4030.



Adopted by Cary Town Council on June 28, 2012  
Adopted by Chatham Board of Commissioners on June 18, 2012

**Adopted by Cary Town Council on June 28, 2012**

Adopted by Chatham Board of Commissioners on June 18, 2012

- Medium Density Residential (MDR)**
  - Use is a dwelling or uses, single family detached or attached. May also include small multi-family detached or attached, townhomes, row houses, duplexes, triplexes, and fourplexes. See Part D Document for details. Note: The Park and Recreation Department does not permit the retail density category of Medium Density Use (see Part D Document for details).
- Low Density Residential (LDR)**
  - Use is a dwelling or uses, single family detached. May also include small multi-family detached or attached, townhomes, row houses, duplexes, triplexes, and fourplexes. See Part D Document for details. Note: The Park and Recreation Department does not permit the retail density category of Low Density Use (see Part D Document for details).
- Very Low Density Residential (VLD)**
  - Use is a dwelling or uses, single family detached. May also include small multi-family detached or attached, townhomes, row houses, duplexes, triplexes, and fourplexes. See Part D Document for details. Note: The Park and Recreation Department does not permit the retail density category of Very Low Density Use (see Part D Document for details).
- Commercial / Retail**
  - Includes discretionary uses, shopping, eating, drinking, services, and related. See Part D Document for details.
- Mixed Use Node**
  - A street-level use may be placed within or near a general commercial district or zone. The node(s) should generally include a mix of general commercial and discretionary uses. The node(s) should be designed to be pedestrian friendly. The commercial component of the node is intended to be more than a typical convenience store or gas station. See Part D Document for details.
- Office/Institutional**
  - Includes general office uses, medical offices, banks, schools, capitol, libraries, churches, schools, etc. See Part D Document for details.
- Industrial**
  - Includes free off-highway industrial uses, light manufacturing, manufacturing and assembly, and transportation-related uses. See Part Document for details.
- Parks, Open Space, Golf Course**
  - Parks and open space refers to public and private parks, golf courses, open space. See Part Document for details.
- Stream**
  - Streams are regulated by the Oregon Stream Survey maps. Adult stream channels include riparian uses and have been found to be cold, fast, and may vary in width. See Part Document for details.
- Stream Buffer**
  - Regulated riparian buffers adjacent to qualifying streams.
  - Small stream buffers, streams and riparian buffers are not defined.
  - See Part Document for details.
- Rural River Buffer**
  - Public rivers or waterways treatment should not be provided for properties adjacent to any of the following:
    - A public river or waterway
    - A public river or waterway that is not a public river or waterway as prohibited anywhere in the community's "home" or currently being built
    - A public river or waterway that is not a public river or waterway as prohibited anywhere in the community's "home" or currently being built
    - A public river or waterway that is not a public river or waterway as prohibited anywhere in the community's "home" or currently being built

General Note:

**Boundaries of Land Use Designations:** The boundaries between the various land use categories shown on the Plan Map are intended to be general in nature, and are not intended to be



TOWN of CARY  
&  
Chatham County  
Joint Comprehensive Plan

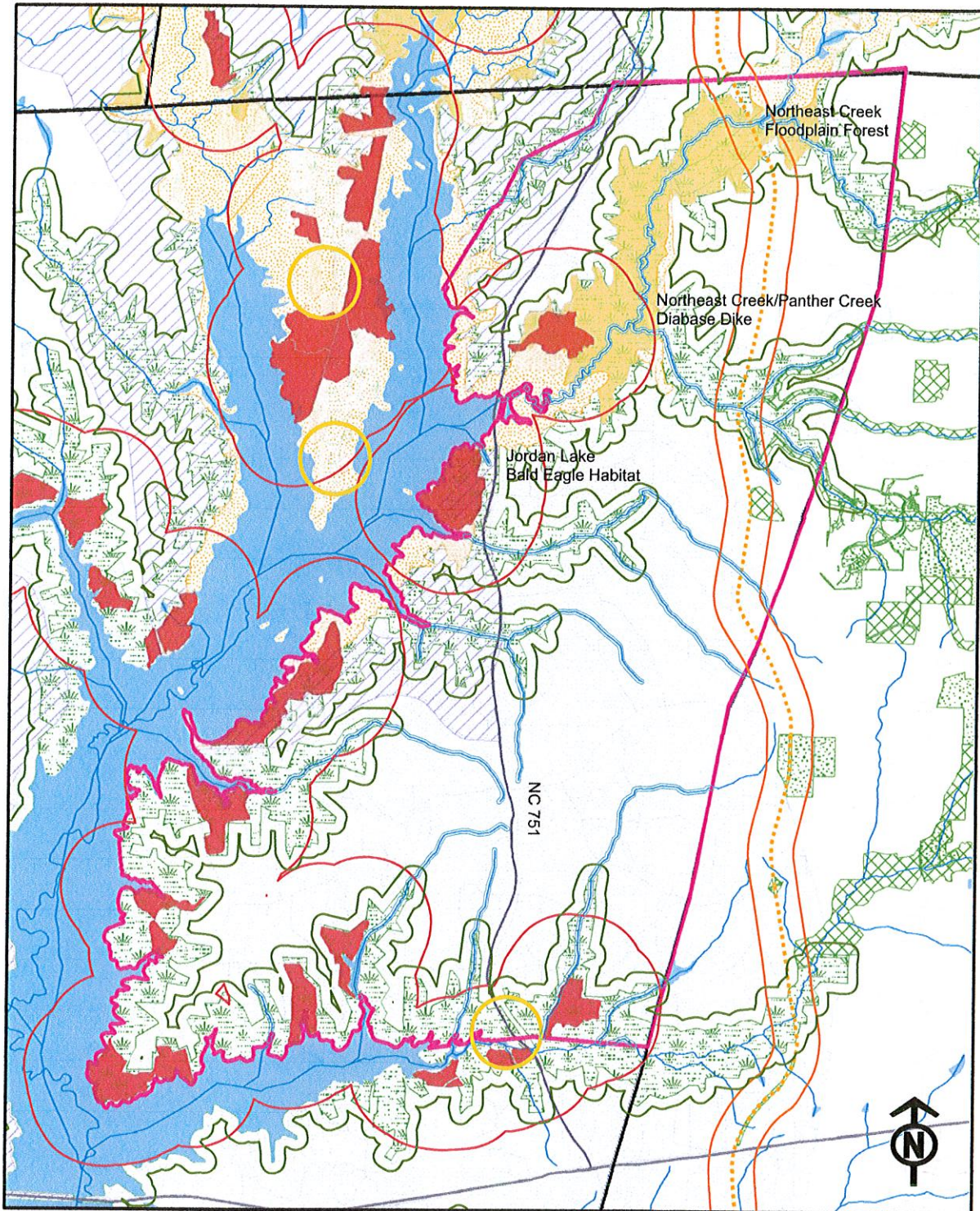


TOWN of CARY



# Conservation Opportunities: Chatham-Cary JLUP Study Area

*Sara Hirst* 3/7/16



- |   |  |
|---|--|
| <span style="border: 2px solid pink; padding: 2px;"> </span> Chatham-Cary JLUP Study Area                             | <span style="color: orange;">----</span> American Tobacco Trail  |
| <span style="background-color: yellow; border: 1px solid black; padding: 2px;"> </span> NHP Macrosite                 | <span style="background-color: red; border: 1px solid black; padding: 2px;"> </span> Jordan Gameland Burn Blocks |
| <span style="background-color: orange; border: 1px solid black; padding: 2px;"> </span> 2006 Natural Heritage Area    | <span style="background-color: green; border: 1px solid black; padding: 2px;"> </span> Cary Proposed Open Space  |
| <span style="background-color: lightblue; border: 1px solid black; padding: 2px;"> </span> TNC Portfolio Site         | <span style="border: 2px solid red; padding: 2px;"> </span> 1/2 Mile Smoke Buffer                                |
| <span style="background-color: lightgreen; border: 1px solid black; padding: 2px;"> </span> 2006 WRC Gameland         | <span style="border: 2px solid orange; padding: 2px;"> </span> 300 meter ATT Buffer                              |
| <span style="background-color: lightyellow; border: 1px solid black; padding: 2px;"> </span> 2005 Important Bird Area | <span style="border: 2px solid green; padding: 2px;"> </span> 150 yard Hunting Buffer                            |
|   | <span style="background-color: yellow; border: 2px solid black; padding: 2px;"> </span> Bald Eagle Critical Area |
|   | <span style="border: 2px solid blue; padding: 2px;"> </span> 100 ft. Stream Buffers                              |

0 0.5 1 2 Miles



*Sena Hunt 3/7/16*

## **Inconsistencies Noted Between Community Meeting and Application**

Application states that the residents were satisfied with the plans. This is absolutely not the case.

When asked about the septic for dog waste, she stated they will be using septic and commercial waste in the landfill. The application states no dog waste will go in the landfill.

When asked why she concentrated all of the commercial activity in one corner, she stated because she did not want to hear the dogs either.

When asked about number of employees, she stated that they had 4 full time trainers and that is all they ever would have. She has posted that they are expanding on Facebook and have already hired an additional trainer.

When we exclaimed that 55 dogs sounded like a lot, she laughed and said that 55 dogs is a small kennel to her, she said she had seen much larger kennels.

There was no mention of the retail sales area, grooming and additional services that the application shows or overflow parking areas.

She had said the boarding was only for her 'training clients' and now the application says it is essential for the local people's welfare.

She asked us to sign her list so she could send meeting information, none of us received information and now my personal information is listed on the internet attached to the application. Working in government IT security, this can be dangerous.

She stated that no dog would be outside unless it was one on one with a trainer, now the application states 5 dogs at a time in each of the play yards. She also stated that dogs only go out only 3 times a day to go to the bathroom, she said they do not play outside.

She started a German Shepherd Rescue, she did not say if rescue activities will be done at the facility or in the residences.

She said that the entire property would be fenced, there is no fence on the engineered drawing submitted for the application.

She never mentioned lure coursing or dock diving competitions being part of the activities held at the facility or any other weekend/ evening activities. This is very concerning as there are no limits.

She also did not let us know about the appearance meeting that evening knowing that we most definitely would have attended.

She never mentioned that this was a nation-wide franchise commercial business either. It seems as though she was not upfront about many items on this plan.

The original map shows that the building is clearly a kennel, on the application it is now called an office. I believe this is because The Chatham Plan allows only 4 items in resource protected areas. Farms, convenience stores, offices and single family homes on 5 acre lots.

She stated that dogs currently board at the trainers' houses. I could not find records for the required state mandated inspections. If they have been in business for 3 years, is she operating illegally?

She never mentioned boarding cats, the application does leave that door open too.

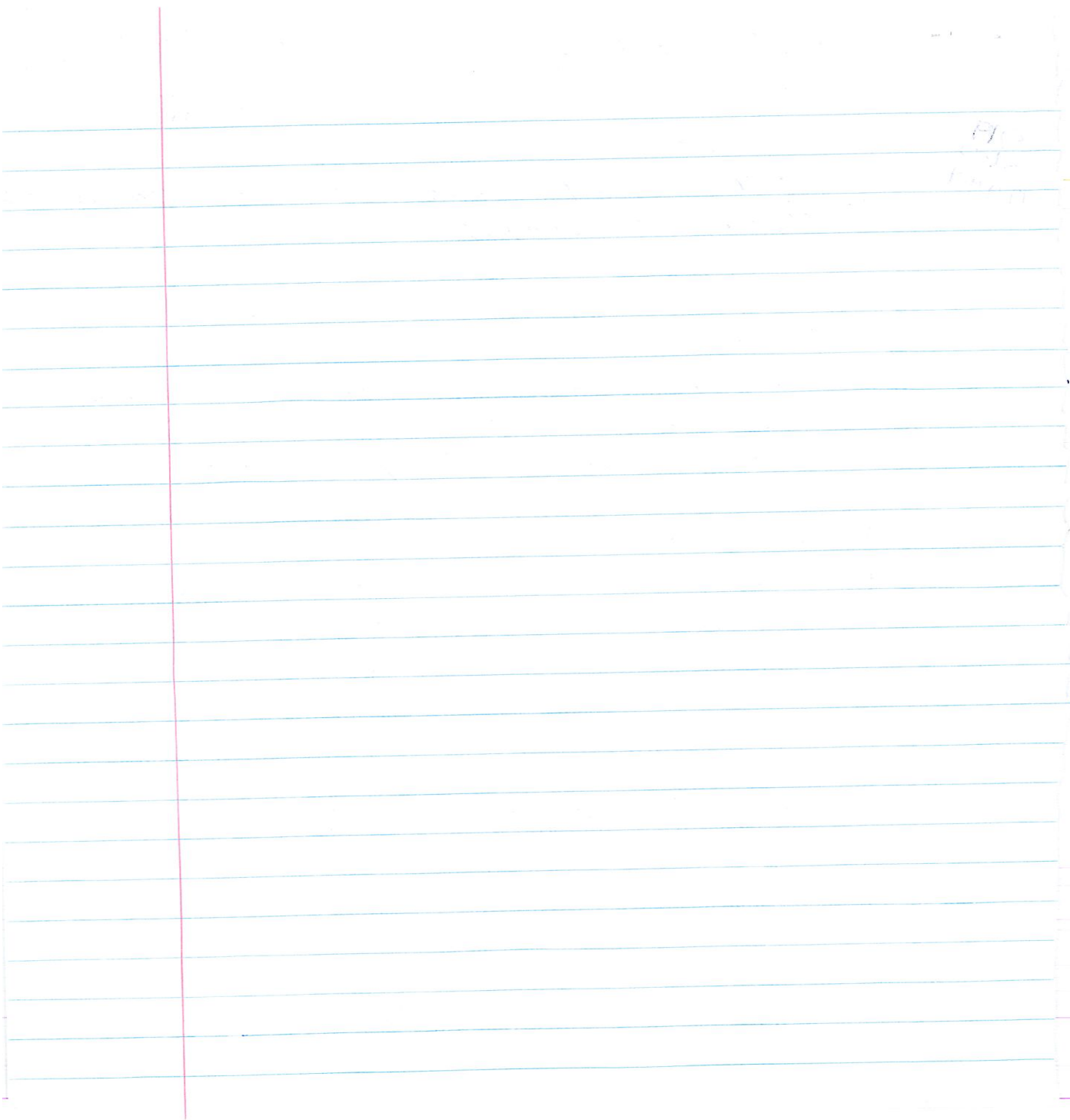
Local Meeting Feb. 13, 2016 Lena Hurst 3/7/16  
held at the Bells Church Hall.

917-  
362-  
7444

COLEEN HOLT	945 HORTON POND RD
Robert Vancourt	235 HOLLAND CHURCH RD
Billy & Joyce Vancourt	"
Clara Daley Farrington	Rd 1405
BILLY & BRENDA LILBERT	979 HORTONS POND RD
Amy Johnson	48 HOLLAND CHURCH RD
HOLLY HACH	2450 FARRINGTON RD HHACH 502 @ CANAL
Gondia & Kenneth Horton	125 Lays Dr Apex 27522
Ernest T. Parker	209 Alston Rd
Elaine Oleson	997 Hortons Pond Rd Apex 27522
Michael Smith	551 Horton Pond Rd
Stan Williams	624 Hortons Pond Rd
Lena Hurst	551 Horton Pond Rd.
Bill Haig	2457 Farrington Rd

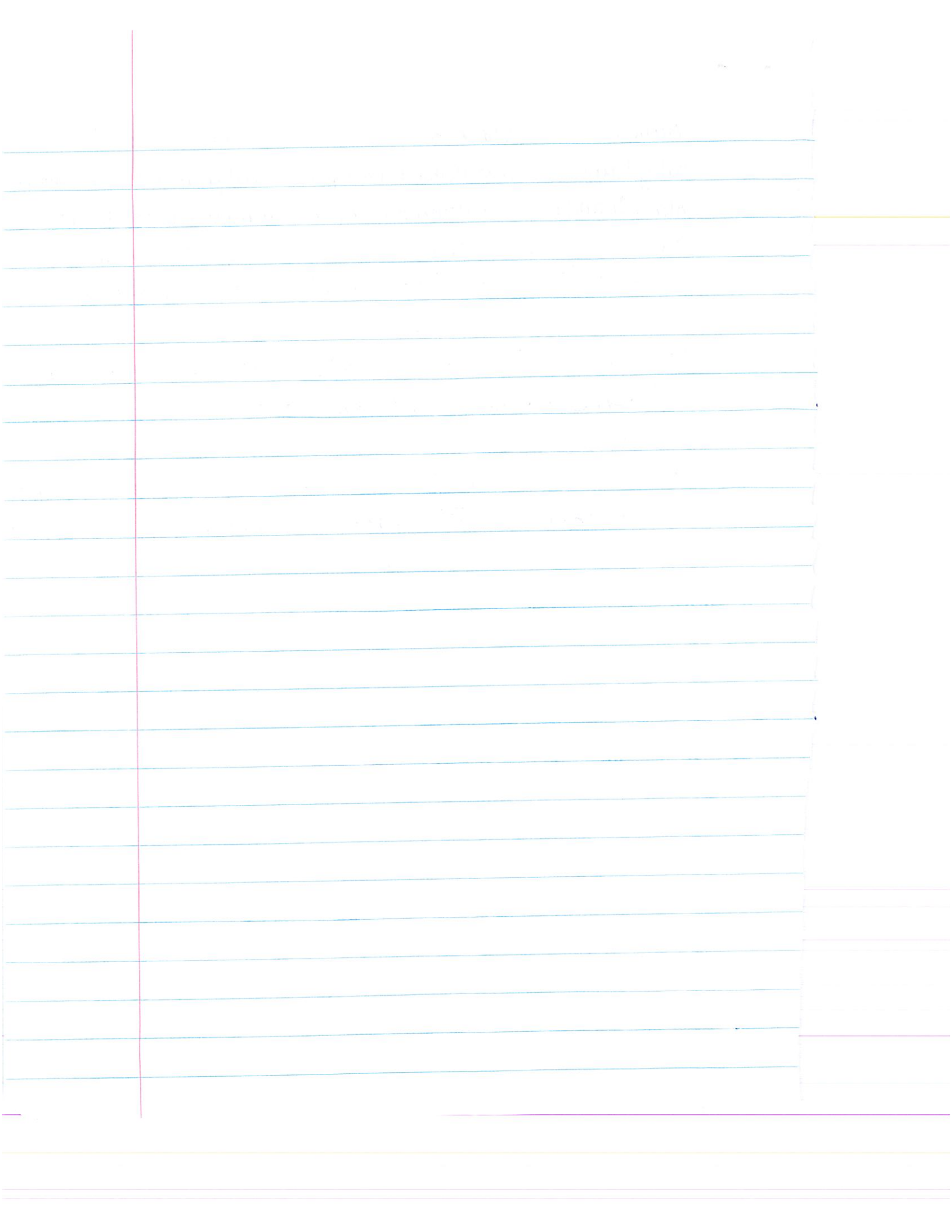
\*29 people in attendance





Name	Address	Email/Phone #
Patsy Hancock	2037 Horton Pond Apex	patsyhancock@bellsouth.net
Alma Council	2038 Horton Pond Apex	almaco@bellsouth.net
JAMES Woodward	2110 Horton Pond	Captn Jim Woodward@ gmail.com
Craig Martin	1660 Horton Pond Rd.	craigmartin47@gmail.com
Lillie + Herbert Ferguson	235 Sexton Rd	lilliemae48@att.net
Martha & Dick Thomas	133 Halland Chapel Rd	dlthomas@deltaforce.net
Versie Horton	193 John Horton Rd	
Linda Gay	1080 Hortons Pond Rd	linda.j.gay@yahoo.com
Glenda Gilbert	909 Hortons Pond Rd	ggilbert@bwtfund.org
Clint Chambers	57 Burgess Rd	clintandjenn@earthlink.net
Jennifer Chambers	57 Burgess Rd.	jennifer.chambers@ quintiles.com





## **Research about the decline of property values with dogs next door**

1. No way in HELL I would buy a property next to a barking dog. Barking dogs are a SERIOUS issue in America and it needs to be addressed by harsher Federal, State, and Local laws.

A non stop barking dog can ruin your life and drive you insane. Barking dogs were used on the Branch Davidians to drive them batty and also used as TORTURE on enemy combatants!

**SOURCE:** <http://sacramentoappraisalblog.com/2012/08/20/the-impact-of-barking-dogs-on-property-value/#comments>

2. Barking nuisance is noise, something serious that ultimately affects the number of times your home will be shown.

Most clients choose not to offer a lower price but instead to find another property altogether. Barking dogs in the neighborhood certainly deter buyer clients from submitting offers on a house, no doubt at all. The only exception may be when an investor buys a house for renting out so this buyer doesn't care, it's just the tenant who will live there. Not him, not his family.

Nobody wants to walk into that noisy environment or feel like a prisoner to how they can or would enjoy their outdoor living space in peace and silence. Plus, no one wants to be the person that approaches and has to confront someone about the noise or anonymously report someone's furry friend and fight that battle for possibly years and years if you're a home owner (or even renter).

**Neighbors should never have their enjoyment hampered by dogs over the fence. (and vice-versa).**

Nuisance barking dogs of any shape, breed or size at a neighboring property can definitely impact the desirability of a house. Most homeowners would like to be able to enjoy pleasant activities like entertain guests in the backyard, relax and read, garden, swim, let the kids play – safely – or barbecuing without the constant disruption and annoyance of a loud, obnoxious dog.

Nuisance dogs influencing prices in buyer's and seller's markets

Annoying dogs in the adjoining backyard make it take at least a little longer than is normal in any market, be it a buyer's or seller's one. The obnoxious animals nearby usually cause sellers to have a more difficult sale, something that not everybody wants.

**SOURCE:** <http://www.anilak.com/barking-dog-hurting-property-value/>



3. Certain next-door nuisances — such as annoying pets, unkempt yards, foul odors — could **reduce your home value by 5% up to 10%**, or even more at the extreme, according to the Appraisal Institute. Just to mention the financial hardship.

**SOURCE:** <http://www.anilak.com/barking-dog-hurting-property-value/>

# NC Animal Welfare Laws

Jena Hunt  
3/7/16

## § 19A-21. Purposes

The purposes of this Article are (i) to protect the owners of dogs and cats from the theft of such pets; (ii) to prevent the sale or use of stolen pets; (iii) to insure that animals, as items of commerce, are provided humane care and treatment by regulating the transportation, sale, purchase, housing, care, handling and treatment of such animals by persons or organizations engaged in transporting, buying, or selling them for such use; (iv) to insure that animals confined in pet shops, kennels, animal shelters and auction markets are provided humane care and treatment; (v) to prohibit the sale, trade or adoption of those animals which show physical signs of infection, communicable disease, or congenital abnormalities, unless veterinary care is assured subsequent to sale, trade or adoption.

Added by Laws 1977( 2nd Sess.), c. 1217, § 2.

## § 19A-28. License required for public auction or boarding kennel

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year.

### Credits

Added by Laws 1977 (2nd Sess.), c. 1217, § 9. Amended by Laws 1987, c. 827, § 65; Laws 1989, c. 544, § 18; S.L. 2011-145, § 31.5(b), eff. July 1, 2011.

(5c) "Boarding kennel" means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.

Source: <https://www.animallaw.info/statute/nc-dogs-consolidated-dog-laws#license>



Lena Hurst 3/7/16

**In-Home Pet Boarding is Illegal in NC and many other states** – North Carolina has very stringent animal welfare laws to protect animals in boarding and kennels. In-Home Pet Boarding falls under these laws. The regulations are set to protect your pets from neglect, injury and disease.

A recent article from Pet Sitters International states, "...our state [NC] has very specific regulations about in-home boarding. In fact, even if you just bring one dog or cat into your home (and are paid for your services) and have not applied for a boarding license and had your home inspected and approved, you are in violation of the law!"

According to the NC Dept. of Agriculture, "our [North Carolina] Animal Welfare laws and sanitation regulations are so strict, there is a 0% chance that an individual's home would be approved for a boarding/kennel".

A person's home cannot be sanitized and secured to the degree required by the state. It is unlikely a person advertising in-home boarding on craigslist or one of the large booking websites is operating a legal and licensed boarding facility, unless that person has a physical kennel/boarding location on their property that has been inspected and approved by the State.

When you are in search of pet care for your next vacation, traditional pet sitting (where the pet sitter comes to your home for day-visits or overnights) is still the best and safest option for your pets. However, if you feel your pets might be happier in a boarding/kennel setting, then do your homework before sending them off to boarding.

Here is the Link to the NC Dept of Agriculture, Animal Welfare inspection reports of kennels and boarding facilities in your area: <http://www.ncagr.gov/vet/aws/Inspections/index.htm>

**NO OFF LEASH K9 TRAINING/ BOARDING FACILITY has been inspected in WAKE or DURHAM Counties.**

Source: <http://aroundtownhound.com/home-pet-boarding-trendy-dangerous-illegal-nc/>

OFF LEASH CURRENTLY OPERATES  
FROM THE TRAINERS HOMES

-There is no record of inspections  
being done for this business in  
Durham or Wake Counties.



# ~~OFF LEASH~~ K9 FRANCHISE / THIS IS NO HOME BASED BUSINESS!

**Business Ownership:** The initial fee is \$48,000 (this includes housing in a nearby hotel for 2.5 weeks). There are very few places that you can have a up and running proven business for less than \$50,000. Especially a business with a huge amount of income potential! This includes your initial licensing fee, Off-Leash K9 Training certification program that is 100% hands-on. You will work hands on with over 70 dogs in this program; ranging in different ages, sizes, energy levels, and breeds! If you are somewhat local, then you could just train on the weekends. For people out of state, we do an intense 2.5-week training period. Where you are training and working with dogs every day for 2.5 weeks straight! Once you have trained and instructed "supervised" lessons with at least 30 dogs and we are confident (and you are confident) that you have a complete understanding of the training methods, the "ins and outs" of the business, and marketing strategies; you will have completed the certification training and you can immediately start your own Off-Leash K9 Training licensed business in your area. Additionally, you will receive continuous education, unlimited support in-person, via email, and phone for the life of your business. You will also receive Off-Leash K9 Training business cards with your name and information, brochures, as well as our amazing shirts, which you will wear when giving lessons! We will also take you through all the simple steps that are needed to get your business licensed and insured in the state that you are residing in.

Denise  
Hurst  
3/7/16

## Franchise Territory

All Off-Leash K9 Training Licensees are given a territorial radius dependent on demographics, population, and location. We do this in order to eliminate competition amongst our own certified trainers.

## Revenue Per Dog

You can generate revenue in FIVE ways! As a business owner, you get wholesale pricing on all equipment that is utilized for training, allowing you to receive significant profit on MSRP resale. Additionally, you will have all of the knowledge required to teach puppy obedience, basic obedience as the dog gets older, then advanced obedience as the dog progresses through his/her training. This allows you to make four sources of income off of one dog! Additionally, we will help you become an AKC Canine Good Citizen Certified Evaluator, which will provide you a fifth source of income by testing dogs for their certification! Then, you can even start doing our popular 2-week board and train program, which is \$2800.00 for ONE dog!

## Marketing

By doing a licensee, you are getting a well-established name, with a great reputation, national publicity (as seen on our Yahoo Special) a company that already has a huge client base, and one that has a lot of marketing strategies currently in place. You are utilizing our company name, reputation, marketing, and clients and building on it. Also, the more certified trainers we have, the more marketing that's on the internet, the more dogs trained, the more client referrals, and it benefits everyone in the company. It is like owning a McDonalds in your area vs trying to start your own burger restaurant.

## Franchise Fees

Yes, there will be a low monthly \$350.00 license fee or 15% of gross sales, whichever is the greater of the two, which is used by us to continue to market the company, make enhancements, and continue growth. We do this in order to ensure that everyone is doing their part to ensure the growth, reputation, and earning potential for the business. This is a very small monthly fee! If you ONLY train one dog all month (\$600.00 package price), it covers the fee, and you STILL made a profit. Also, this licensing fee does not begin until 3-months AFTER you finish training! We give you 3-months "fee



Primarily for very low density residential developments along the County's rivers and streams which are compatible with protecting the water quality of the rivers and streams.

*Gene  
Hunt  
3/7/16*

## **Executive Summary**

### **The Vision for Chatham County**

*Chatham County will be a place that cooperatively controls its own destiny to assure the state of well-being desired by all of our people, while proudly preserving diverse cultural heritages and the County's rural character.*

**Discourage commercial** and industrial development in other settings, especially as strip commercial development and in **sensitive resource areas**.

Prime farmland is conserved and protected to ensure agricultural lands remain in agriculture.

- More intensive land uses, e.g. commercial, high density residential and industrial, are concentrated in or near Chatham's existing towns, in designated economic centers and in clustered and mixed use developments.
- An increased proportion of land is preserved as open space in areas under development.
- A wide variety of housing options (categories, densities, locations and prices) is available.
- The county's land use planning emphasizes clustered and mixed use developments.
- Chatham County's natural resources are identified, conserved and protected.
- Chatham County's surface and underground water resources are effectively protected.
- Natural scenic areas are preserved.

**Off Leash K9 Franchise Information/ This is no home based kennel!**