

Comments on Joint Land Use Plan #5

November 2009 Questionnaire & Community Meetings

Questionnaire Comments

Question 1 – *If you own property within the Joint Plan area, do you have any concerns about the specific land use recommendations shown for your property? Would you prefer a different designation? If yes, please mark your property on the attached plan map, and explain below.*

Responses

- Yes (my property across from 454 Lewter) change from mixed use. I want a one dwelling/5 acres designation. I want to preserve the current rural character of the immediate area. I do not want the increased traffic and density of the plan. I do not want city/developed environment.
- I live in Rosemont-much of my lot is covered by this 400 ft natural boundary ON THE ATT Trail. Does this mean I cannot cut a tree or build a garden shed on that part? Buffers this wide for streams I can understand for water quality--what does 200' do for the trail--ELIMINATE THE BUFFER--or no more than 50'! Why doesn't Cary have the same buffer if it is so good? B. Rosemont wells are very poor-at some future date we may need Cary water-we should be inside of water services area-the density is already set (1 house/5+acres-so water service if we face a crisis will NOT cause any high density.
- Low density- increase density - "Don't tell me how to use my property"
- Current proposal is for 2 lots per acre. We are proposing 3 & 4 lots per acre. Our land is the last of the undeveloped land in the immediate area and makes sense to have it developed. It is in close proximity of the metropolitan RTP area. We would not be setting precedent as again we are the last of the undeveloped areas. It would be beneficial economically also to both Chatham Co. for taxes & to Cary for the extension of water, etc. & possibly annexations. It would be a proper transition considering the area.
- Why is it that sewer lines are not indicated all the way through Hollands Chapel Rd. from 751 to Farrington Rd. The project appears to be just 1/2 baked, or piecemeal. Wouldn't it be cheaper in the long run to place sewer and water at the current rates then pay for sewer bit by bit.
- The plan is proposing 2 dwellings/1 acre. I would prefer 3 or 4/1 acre, since the land across Pittard Sears Rd. has been approved for 4 dwellings/1 acre. Our land is the only undeveloped acreage between that new development and the Chatham Glen neighborhood, so with 3 houses per acre and a good tree buffer. I think the transition would be appropriate. This would be economically beneficial to us and to Chatham County.

- The Wendy Hill Subdivision was developed to respect the run off into streams and ultimately Jordan Lake. This density should be maintained. The same issues arise across Barbee where the proposed 2 dwelling units per acre is a ten fold increase!
- No Cary
- If the plan is adopted (i.e. 5 a. per house) there should be means to enforce the plan. Exemptions should not be allowed.
- I would prefer to be within the 1/5 ac. Zone, which is about 1/2 of Holland Ch Rd on the west. It would make more sense since the land won't support water & sewer @ a higher density. The area around me continues to be extremely rural which is the desire of the residents on Holland Ch. Rd. and most likely most of the people in the plan boundary, at least that is the opinion of every single person I know affected by this land use plan. 1/5 ac is more consistent with how the land is held at present. I have a low pressure sewer system and a well that are more than 100 ft apart. I do not see how without sewer & water piped in, could my 3.71 acre lot be split 3 ways. Will someone be building mansions out there?
- Concern - we will never get public sewer or water but will have all the effects of urban sprawl :(
- Will existing properties along Am. Tobacco Trail be grandfathered for the 200 ft. buffer area?
- Higher density is needed. I believe that providing water and sewer for 1/2 ac lots is a waste of infrastructure and does not afford good land stewardship. Higher densities with more clustering will make more efficient use of infrastructure and allow for the potential to leave marginally fragile environmental areas preserved.
- I and my family are not interested in having our land designated as mixed use. I can think of no where along Lewter Shop Rd where you can put together 400+ acres of land without displacing many people. Chatham County needs something like the proposed mixed use over on the west side of Jordan Lake along the Hwy 64 corridor. I will not live in Cary.
- Concerned about the use of my land for livestock operation. Currently breed and sell quarter horses - want freedom to use my land, no codes for fences etc.
- I don't see an issue with any zoning (1 house per 5 acres).
- After reviewing the materials available from the community meetings I would like to offer feedback. I live in what is affectionately labeled, the 'Mixed Use Area'. My family has own the farm land where I reside for over 100 years and I realize that I have a different view about rural areas than those that prepared the plan. Probably not many on the planning board have had the experience of living on

the 'Home Place' and may have a different concept of 'value' of property than I. I do not ever plan to sell my property to anyone who would develop it for 'mixed' use and am investigating organizations that preserve farm land, and definitely not organizations that will sell property to invest in farm land in other areas. Adding this mixed use area will certainly increase traffic on NC 751, which runs directly through Jordan Lake. I don't think you can 'protect' Jordan Lake by increasing carbon emissions in the area. I also wonder if we learned anything from the recent drought, as lots of neighborhoods have been added along the Wake county line, which has increased the demand for water out of Jordan. I am not particularly reassured when reading the regulations about town-initiated annexation. I truly think that money is the driving force behind the 'mixed use area' and wonder why Chatham would basically give Cary the right to do business in Chatham. The intersection of US 64 and NC 751 would be better suited to a 'mixed use area', but then Cary would not get that revenue - Apex would. I appreciate the time that went into the plan, but understand that I hope to influence my neighbors that a 'mixed use area' is not a good future neighbor.

- My issue with the plan is: The plan proposes changing the buffer area for the American Tobacco Trail from 50 feet on each side to 200 feet on each side. I purchased my property (lot 28 in Hills of Rosemont) in 2004 and built my home (over \$3.5 mm invested) based on those rules. The new buffer rules would essentially consume my entire lot. I am a huge fan of the ATT and believe in keeping it natural looking. I have invested in trees and shrubs to screen my home from the trail and plan to do more. You cannot arbitrarily change the buffer rules where people have already purchased and developed property. Those lots MUST be grandfathered to the rules at the time of purchase or buy those property owners out.
- Hello, It has come to our attention that a joint committee between the Town of Cary and Chatham County has made some proposals for our area. One proposal is a 200 foot buffer on either side of the American Tobacco Trail. To do this taxpayers' land would need to be taken in SIGNIFICANT AMOUNTS. The corridor for the ATT is 100 feet wide. There is a neighborhood off of the trail called Markham Plantation. The trail is only 16 feet wide, so an 84 foot buffer already exists without taking taxpayers' land. Quoting the proposal, "The Joint Plan recommends there be a 200 ft. undisturbed, vegetated buffer maintained on both sides of the American Tobacco Trail. No clearing, housing, or development should occur within this buffer." First, this will significantly affect farm land that is in use for pasturing horses and all the building needs for those farms and horses. Buildings, pastures, rings, fences, would all need to be torn down and removed. This would affect many, many acres of land. If you do the math - over 220 acres of taxpayer land will be restricted (4.6 miles in Chatham County x 400 foot buffer, 200 on each side. If you're interested in the numbers - 4.6 miles is 24,288 feet. 24,288 feet x 400 buffer = 9,715,200 sq. feet. 9,715,200 sq. feet / 43,560 sq. feet/acre = 223.03 acres). This is more restrictive than land along the Haw River and the Rocky River in Chatham County, and those are major water sources. Second, according to Committee Members, this point was added by the County Commissioners not Town of Cary personnel. Chatham County has not made a commitment to the ATT. The money for the work completed to date was provided by NC DOT and managed by the Town of Cary. Based on this lack of commitment by the County but also regardless of this fact, it is unreasonable to ask a taxpayers to

forfeit their property rights, property that has been in use for years and years in the functioning of their farms and pastures. Third, Town of Cary doesn't have buffers for their greenways. Most are located in buffers of roads, watersheds, etc, but the greenways themselves have no buffer and safety is an issue here. The more open and exposed the trail is, the safer it will be. I have heard that there have been some assaults in the Wake County section of the trail south of here. Also, kids have been using the remoteness to have parties where alcohol and drug use have been going on. More exposure will make it safer. Please take a walk on the trail behind Markham Plantation and you will see that the current buffer is more than sufficient without devastating the farms and pasture land of the people that happen to live upon the trail.

- My property OK. Already built
- We are concerned about the 200 ft buffer from the trail. The land is developed with 1 house and we would "lose" a considerable amount of land (and property value) if a 200 ft buffer would pass. Our neighborhood is not densely populated (5+ acres/house) and will never be.
- I do not want my land designated for mixed use in Joint Land Use Plan – **10 Responses**
- Yes, I am concerned about the 200 ft buffer requirement around the ATT, as my property, Lot#9 in the Hills of Rosemont shares a long border with the ATT. I would prefer that the Hills of Rosemont be exempt from this as it is a previously platted subdivision and also because its lot sizes averaging well over 5 acres already provides substantial buffer opportunities for each homeowner to make best use of. I am currently in the late stages of finalizing plans for the construction of a home and have relied on the ordinance provisions, the subdivision plat, surveys, and restrictive covenants that were in place when the subdivision was approved. Imposing a buffer at this point would be a change in the rules mid-stream essentially taking previously vested private property rights after the fact, which I would hope would be considered unconscionable. The requirement of a 200 ft buffer will necessitate changes to my current construction plans and may well make construction the home I envisioned into an unattractive proposition. I believe that the existing buffer around the ATT and the property setbacks already provide a sufficient buffer to maintain the natural beauty and privacy that I desire and which was the primary attraction to purchasing the property in the first place. In short, I think that imposing the requirement for a 200 ft ATT buffer through the Hill of Rosemont is both unnecessary and highly problematic.
- Change the mixed use area to 1 dwelling/5 acres or 1 dwelling/3 acres. Rationale:
 - * mixed use area not needed. The abundance of nearby shopping/retail within 10 to 15 minutes (55/High house Rd; Beaver Creek; Durham to Green Level and Carpenter Fire station Road; Southpoint; Alton (sp) new development) and abundant housing complexes/developments make the mixed use plan unwarranted and undesired. Residents already living in the area moved there with the existing infrastructure. If they wanted a grocery store 5 minutes away they would have chosen a home within city limits.

* demand for rural setting with acreage. I am constantly asked about rural land availability in Chatham county from acquaintances, colleagues, and even from my physician. These individuals live in Cary and seek close contact with the natural world and relief from city taxes. Allow Chatham County to remain a safe haven from urban/suburban sprawl. Protect our land from development.

* reduce impact on the environment. Low density zoning for the entire area would safeguard water quality in the lake, which I understand to be the reason behind Cary's interest in the area.

* reduce traffic on 751. The many commuters and residents on 751 do not want added congestion or traffic which the mixed use area will generate. 751 crosses the environmentally fragile lake just north of the area. Do not add high density housing which will in turn increase traffic on the highway.

* a job center would bring in lower paying retail jobs. Generate higher income jobs in existing job centers. I work in RTP (in the pharmaceutical industry) and would welcome more biopharma positions around Pittsboro.

* the idea of people working and living in the same place is not sustainable. Individuals in today's job market change positions 4 to 5 times in their working career. People are willing and often do commute 30 minutes to work. Please do not pursue the Mixed Use Area. It is not needed and is, in fact, destructive to the area and our way of life. After graduating from NCSU, I worked in Michigan for 26 years. I recently returned to Chatham County and my family's land so that I can enjoy God's beautiful natural world. Please do not destroy that environment. Please share my comments with the subcommittee.

- I hope Cary will not adopt the proposed joint plan. I have several reasons for opposing it. Most important is the general loss of rural area. Although many of us prefer to live in a city or in a typical suburban residential area, there are many people who prefer to live in a rural area. The area covered by the plan is currently rural, with small farms and forest. Those who wish to continue to live in that type of area should be allowed to continue to do so. We are rapidly losing our natural area; we should not add to that loss by designating rural areas for suburban and higher density development. Jordan Lake is already polluted (called "impaired" by the professionals in that field). Additional runoff from developed areas will increase the nitrogen and phosphorus compounds entering the lake. Even if retention ponds and other engineered features remove most of the pollutants, some amount will still enter the lake that already has too much. The addition of a large number of people in that area will increase the traffic. The area is now accessed by two lane roads. With more traffic, those roads will have to be "improved" to four lane roads. Who will pay? While NC-540 will take traffic to Apex, RDU, and RTP, traffic going into Cary or Raleigh will travel on High House. And the eventual conversion of NC751 to four lanes will cause further loss of the rural atmosphere. I am also worried about Cary's South West plan and its low density designation. Will Cary be able to maintain the low density in the South West plan while pushing for high density between that area and the lake the low density is meant to protect. I understand that Chatham County already had a plan for the area: keep it rural. Since this area is part of Chatham County, Is there any reason that they should not be allowed to keep this plan? Monday I attended the open house for the Chatham

Cary joint plan. I have several concerns about the plan that I will send in on the official comment web site. I am a Cary resident, but I am frequently in the affected Chatham area visiting friends, at Jane's Berry Patch, and watching birds. Some of my concerns are: Loss of rural and wild area, Traffic on Cary roads and on NC751, Protection of the water in Lake Jordan. Also, I am worried about the effect on the Wake County area north of Green Level road that is now very low density. Will the density of this area be increased as a result of higher density west of the area? I am interested in your thoughts on the Joint plan

- I am concerned about planned walking trails around Corp of Engineers Jordan Lake boundary. I believe these trails will lead to intrusion on private property surrounding those boundaries. The Corp property in this area is gamelands and could be dangerous for pedestrians.
- Yes. I am concerned with the proposed 200 ft buffer requirement around the ATT. I live in the Hills of Rosemont, a community that has been in existence for several years. I feel strongly that any buffer requirement should not apply to previously platted subdivisions. Imposing a buffer after a subdivision has been approved and recorded has many repercussions. As a homeowner, I am concerned that any change to the original plans may have the potential of reducing the investment I have made. Additionally, we have several homeowners in the neighborhood whose land borders the ATT and I am concerned that if this requirement is confirmed the ability to work on existing structures, septic fields or landscaping as well as undertake new projects may be limited. In some instances, the 200 ft. buffer would negate any development at all on a single lot. Most of the lots in the Hills of Rosemont subdivision are larger lots, i.e. greater than 5 acres, and there is already a substantial buffer between the homes and the ATT. It should be up to the landowner to determine how much privacy is necessary. Please clarify the buffer requirement to read: "Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan".
- No
- Why do we need a Joint Land Use Plan when we are in Chatham County? Why would Chatham County allow this to happen to begin with?
- I am extremely concerned about the 200 foot buffer on the ATT. It covers about half my property. That is totally unacceptable and I would say illegal. My property is platted and deeded and I have clear title to it. This is a violation of my rights. How can it even be considered???
- Turtle Creek Farm Subdivision includes homes on 5 acre lots. The proposed zoning of 1 dwelling per 5 acres is appropriate.

- I do not have as much concern for the zoning of my land as much as my deep concern for the land that is in very close proximity to my land. (2 Responses)
- Yes, I have concerns. The 200 ft buffer around the ATT should not apply to the Hills of Rosemont, a previously platted subdivision. This is a very wide buffer through an area that is heavily wooded in a subdivision where the lots are quite large (on average, more than 5 acres per lot), so the existing buffer seems more than adequate. Applying this new 200 ft buffer requirement retroactively is grossly unfair to those who live in our community and could greatly impact our current and future home values.
- YES. The 200-foot buffer on either side of the ATT must not apply to existing platted subdivisions, such as the Hills of Rosemont. My home is in The Hills of Rosemont development on 5.4 acres adjacent to the east side of the ATT at milepost 10. After attending most all of the public Plan Review Meetings over the past several years – I was shocked to find a last minute addition of a 200-foot buffer each side of the ATT. The buffer would include the present clearing for my septic field as well as that of the presently wooded emergency backup field. The Buffer actually goes through some of my neighbors’ houses. As the plan is written, (without any consideration for existing homes, etc.) there is very real risk that the final buffer regulation could prevent me from clearing the backup septic field if the first one fails or prevent my neighbors’ need to replace one of their “non-conforming” homes if it should burn down. And some members in Rosemont have not yet built their homes. In at least one case that I know of, the owner will not be able to build anywhere on his lot and meet the proposed buffer restrictions and specified septic locations - which will make his property value zero. I strongly believe that the proposed 200-foot ATT buffer requirement must not apply to existing platted subdivisions such as The Hills of Rosemont and such language must be included in the Plan. Such a severe restriction should not be applied retroactively to people who purchased their home sites relying on the approved and recorded subdivision plat and our restrictive covenants. These “last minute surprise” buffer restrictions are clearly like changing the rules in the middle of the game – and smells a lot like a taking of previously recognized property rights. As an aside, if the wide boundary is intended to protect wildlife corridors – we already have plenty in the Corps. of Engineers land that nearly surrounds the Hills of Rosemont.
- No concern on the land use of my own property. But I am very concern on the value of my house. I paid \$610K for my house and then Chatham assessed it as \$545K one year later. I have the smallest lot here too. Most houses at Amberly Peninsula has .5 acre but mine in 0.247 acre only. My house lost a lot of value right now. I wish I can get the difference back from the builder, can't I?
- Yes. The 200-foot buffer requirement around the ATT should not apply to previously platted subdivisions, such as the Hills of Rosemont. Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that

are already recorded as of the date of the adoption of this Plan. Previously recorded subdivisions have vested rights in developing the projects in reliance upon the ordinance provisions that were in effect at the time the subdivisions were approved. Imposing a buffer after a lot has been recorded, at best, "changes the rules in the middle of the game", and, at worst, constitutes a taking of a landowner's property rights. Owners have purchased their lots in reliance upon a survey, the subdivision plat, and restrictive covenants. They should not be burdened with requirements about which they did not (and could not) know about when they purchased their lots. Such a requirement should not be applied retroactively. Without an exception, some of the lots, clearing, septic fields, and structures on lots in the Hills of Rosemont subdivision would be inconsistent with the proposed buffer requirement. Without the requested clarification, a 200-foot buffer requirement could cause some lots or structures in the Hills of Rosemont to be non-conforming. This could have a negative economic impact for all home owners in the sub division and that would not be acceptable.

- I own three parcels in the 1d/5A area. I'm fine with that designation.
- First and foremost, any plan that includes Cary in Chatham County is unacceptable!!!! Giving up or sharing the approval rights with Cary for Chatham County land use or projects is foolish. The only joint consideration should be for proposed Cary projects in Chatham. CHATHAM COUNTY SHOULD REMAIN RURAL. Having Cary in Chatham County with its congestion, pollution, "Stepford" appearance and rules is not why I moved to Chatham County. None of the people making these decisions for Cary are from here. Most have been in NC for only 10-15 years. They should respect the locals and try to fit into our way of life rather than making us fit into their "plan" (if you can call it a plan).
- I am a home owner that would like to document concern regarding a proposed 400' buffer requirement for the American Tobacco Trail that runs through the Rosemont Development (200' on both sides as I understand it). Bottom line...I sincerely hope someone in a position of authority can and will draw a distinction between existing neighborhoods (a.k.a. Rosemont) and those that have yet to be developed. A 200' side buffer hits me as excessive in the first place...are other greenways & trails held to that standard? Regardless, it seems reasonable that an exception would be made for pre-existing neighborhoods and developments. Clearly the impact on those that could be forced to retrofit if this requirement is indeed legitimate would be both significant and grossly unfair.
- Yes. The 200-foot buffer requirement around the ATT is should not apply to previously platted subdivisions, such as the Hills of Rosemont. Accordingly, the following clarification to the buffer requirement should be included: "Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan." This clarification is needed for the following reasons: 1. Previously recorded subdivisions have vested rights in developing the

projects in reliance upon the ordinance provisions that were in effect at the time the subdivisions were approved. Imposing a buffer after a lot has been recorded, at best, “changes the rules in the middle of the game”, and, at worst, constitutes a taking of a landowner’s property rights. Owners have purchased their lots in reliance upon a survey, the subdivision plat, and restrictive covenants. They should not be burdened with requirements about which they did not (and could not) know about when they purchased their lots. Such a requirement should not be applied retroactively. 2. Without this exception, some of the lots, clearing, septic fields, and structures on lots in the Hills of Rosemont subdivision would be inconsistent with the proposed buffer requirement. Without the requested clarification, a 200-foot buffer requirement could cause some lots or structures in the Hills of Rosemont to be non-conforming. There are clearings, structures and septic systems already located within 200 feet of the ATT on some of the lots in the Hills of Rosemont. Such a buffer requirement could prevent the construction of a replacement septic field or even a home or garage if it needed to be reconstructed (i.e., after a fire). 3. No other homeowners in or around Cary living next to greenways, trails, or other features have a 200-foot buffer requirement imposed upon their existing lots. Having a burden on their lots that no one else has would unfairly discriminate against Rosemont homeowners who might want to re-sell their homes. 4. Some lots in Rosemont adjacent to the ATT have not yet been developed. For those lots, the septic fields, septic lines, repair areas or other building structures must be located within 200 feet of the ATT; otherwise, the lot would be unbuildable or its value would be greatly impaired. 5. The ATT right-of-way is, we believe, 100 feet wide in most places. The trail itself is generally near the middle of the right-of-way, and is, generally, approximately only 20 feet wide. Therefore, the 40 feet on both sides of the trail are already heavily wooded and provide a sufficient buffer. Most of the lots in the Hills of Rosemont subdivision are large lots (5 acres or greater), and, in most places, there is already a substantial buffer between the homes and the ATT. The existing buffer provides a sufficient buffer for both the homeowners and the public using the ATT. It should be in the discretion of the individual homeowner (who values his or her privacy) to determine how much is sufficient for privacy and visual purposes. In light of the existing woods, a required buffer along the ATT is not needed for wildlife corridors. Moreover, the Army Corps of Engineers property on either side of the existing creeks running from Durham County south/southwest on the north and west sides of the Hills of Rosemont and Old Chatham Golf Club serve as existing and well-established wildlife corridors. 6. This issue was only raised in the very late stages of the discussion of the land use plan.

- Yes. The 200-foot buffer on the American Tobacco Trail (ATT) should not apply to lots in the Hills of Rosemont development or other existing subdivisions that have already been platted and approved. My house is on LOT 25 in Rosemont and shares a 170-foot property line in common with the ATT. The first time I ever heard of there being such a buffer proposed was at the November 18th meeting at the Chatham Elementary School. Frankly, nearly every planning member there had a different interpretation of how the buffer would be implemented and – whether or not existing homes would be “grandfathered,” and if so, what that actually meant. How would non-conforming homes and property be treated in the future? I am concerned that

the impact on existing homes has not been fully (if at all) vetted by the planning group. Can I clear a new septic field if my present one fails? I don't have a pool – but what has happened to my property value if a future buyer cannot add a pool which would be in keeping with such typical estate property? I've even heard some people who have not yet built on their Rosemont lots would not now be able to build at all. In a way, layering the buffer strip on top of Rosemont's approved (and mostly built out) subdivision design and our rural character is a bit insulting. For the most part, our subdivision already provides all the benefits targeted from the buffer strip – so why should we have one more regulatory complication imposed retroactively as a last minute thought? I urge the planning group to reconsider the extent of the ATT buffer and specifically exclude The Hills of Rosemont development. It is the northern most segment of the ATT in Chatham County -- and O'Kelly Chapel Road would be a clean stopping point.

- First thank you for the opportunity to respond as well as the public information meetings you held. Yes. We live in the Hills of Rosemont. We have major concerns about the 200 foot buffers on both sides of the American Tobacco trail since it affects existing homeowners. This buffer should not apply to existing subdivisions for the ATT or any future contemplated trails. As of today the descriptive language requires more definition in order to protect existing subdivisions. Imposing this buffer changes the game after we made an investment and commitment to our community particularly since we relied upon a survey, the subdivision plat, and restrictive covenants. Without clarifying this ambiguity home owners lots and structures could be non-conforming to the buffer. Does this buffer exist any where else in or around Cary on existing lots? To the best of my ability I can not find any. This would unfairly discriminate against Rosemont home owners affecting their market values and ability to sell now or in the future. Our comments also apply to undeveloped lots in Rosemont. It appears that this issue is being raised at a late stage in the land use plan. The ATT has significant existing wood line around Rosemont to provide a sufficient buffer. We all want to provide privacy and maintain the unbelievable beauty of the trail. We believe this protection is already provided by nature.
- YES. The 200-foot buffer on either side of the ATT must not apply to existing platted subdivisions, such as the Hills of Rosemont. I would prefer that there be no buffer imposed on any existing, platted subdivisions, but as president of the Rosemont Homeowners' Association, I am very concerned not only for myself, but for all our 63 owners. There is no way we can accept such a buffer without severe value and use impairment of our property. My home is on 6.3 acres, 1 lot away from the east side of the ATT at milepost 10. I am very disappointed that this buffer has appeared (at least to us) at the last minute in the 5th draft, and that we are given very little time to respond. I think this is inconsiderate and ill-advised on the part of the planners for both parties. The Buffer actually goes through some of my neighbors' houses. What kind of realistic thinking went into this? As the plan is written, (without any consideration for existing homes, etc.) the regulation could prevent our neighbors from clearing backup septic fields if the first one fails. Or, it could prevent my neighbors from rebuilding if their home should burn down. This happened to me in 2003. Some members in Rosemont have not yet built their homes. In at least one case that I know of, the owner will not be able to build anywhere on his

lot and meet the proposed buffer restrictions and specified septic locations – which will make his property value zero. This plan tests the limits of legality and we will fight hard to defeat it, at least as it relates to Rosemont. I strongly believe that the proposed 200-foot ATT buffer requirement must not apply to existing platted subdivisions such as The Hills of Rosemont and such language must be included in the Plan and the resulting Chatham County Ordinance. Such a severe restriction should not be applied retroactively to people who purchased their home sites relying on the approved and recorded subdivision plat and our restrictive covenants. These “last minute surprise” buffer restrictions are clearly like changing the rules in the middle of the game – and represents a clear taking of previously recognized property rights without due compensation. The rights of permanent established homeowners who have made substantial investments must logically pre-empt the rights of occasional users of a trail who have paid nothing.

- We live on the west side of the ATT between New Hope Church Rd and Panther Creek. The proposed 200 foot buffer on both sides of the ATT will restrict 2.9 acres of our land. We have several concerns with this proposed buffer. First, the ATT land owned by NC DOT is 100 feet wide. The actual trail in our section is only 16 feet wide – 6 feet natural and 10 feet paved. Therefore, a built-in buffer of 84 feet already exists. Why do our Commissioners feel that additional land is needed at the expense of a few taxpayers? Second, the proposed 200 foot buffer on both sides of the ATT will expand the right-of-way to 500 feet, five times its current size. This expansion comes solely at the expense of a few taxpayers. Chatham County has not been committed to the ATT. This lack of commitment led to Cary stepping in to manage the project. Yet, we are led to believe that this trail is so important to the County that it warrants taking 2.9 acres of our property, and approximately 220 acres from few other Chatham County taxpayers. This is not consistent with the minimal commitment the County has made to the ATT to date. Third, the Town of Cary does not have buffers for its existing greenways. Most of its greenways are built within buffer areas for roads or creeks, but the greenway itself does not have an associated buffer. We don't understand why the ATT needs a buffer beyond the current 84 feet, particularly when this additional buffer would be gained at the expense of a few taxpayers. Fourth, safety is a concern of ours with the ATT. During the mid to late '90s, we attended Town of Cary hearings on the Amberly subdivision. A concern that was voiced repeatedly related to the sidewalks and greenways. There were citizens who warned against making the mistake that was made in the Lochmere neighborhood. In Lochmere, sidewalks and greenways strayed from the roads and travelled through wooded areas. Evidently, there had been some assaults on the secluded parts of the trails. There was much discussion about keeping trails close to the roads for safety. We believe this is true for the ATT, also. The more visible and open it is, the safer it will be. To date, it has been the residents along the trail who have kept an eye on things and notified the police when necessary. In our stretch, we had a fire break out in 2000 that burned over 20 acres. According to the Forestry Service who came to cut a fire break, the origination point was on the ATT where there was a pile of beer cans and cigarette butts. In the past 3 years, we have had issues with high school kids partying on and along the ATT. There have been bonfires, alcohol and marijuana involved. The Cary Police have

been very responsive to our concerns. However, the only way we notice such activities is by being back on our property. The more eyes that see the ATT on a continual basis, the safer it will be. Also, I repeatedly see young women jogging with headphones on. Please keep the trail safe for these users who don't necessarily use their best judgment. We lived along the Washington and Old Dominion Trail in Arlington, VA. It was a wonderful trail that we used extensively. We always felt safe since we were within earshot of houses. There is no buffer requirement there. I have also used the Katy Trail in St. Charles, MO. Again, there is no buffer. We do realize that at some point in the future, this corridor could become a light rail system. My parents live in St. Louis where a light rail system has just been expanded. The physical rail lines run within 25 feet of taxpayers' property. The result has been that the properties have retained their values. If this is what our Commissioners feel they are protecting us from, it is protection we don't need. It is protection we don't want. Our last concern is that no one can tell us what the purpose of the buffer is. Is it to protect the taxpayer/landowners from trail users, or to protect the users from us, the land owners? The role of the Chatham County Commissioners is to serve their constituents. Nowhere in Chatham County have we heard anyone calling for buffers. We have friends who live along the Haw River and friends who live along the Rocky River. Other than flood plain restrictions, their land directly adjacent to major water supplies is not restricted. Why is our land along a multi-use trail to be restricted?

- yes, I have concerns because I know my land was omitted from the urban boundary line because Sally Kost lives on my street. Yes I prefer a different designation than what is proposed because public water and sewer is only of a quarter of a mile from my property and my land is NOT in the one mile critical watershed. I prefer to have my land designated as 2 units per acre and NOT the proposed designation of 1 unit per 5 acres.
- Response to 1 and 2 (below): Yes, my property borders on the ATT. The 200 foot buffer requirement around the ATT is should not apply to previously platted subdivisions, such as the Hills of Rosemont. Accordingly, the following clarification of the buffer requirement should be included: "Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan." This clarification is needed for the following reasons: A. Previously recorded subdivisions have vested rights in developing the projects in reliance upon the ordinance provisions that were in effect at the time the subdivisions were approved. Imposing a buffer after a lot has been recorded, at best, "changes the rules in the middle of the game," and, at worst, constitutes a taking of a landowner's property rights. I purchased my lot in reliance upon a survey, the subdivision plat, and restrictive covenants. They should not be burdened with requirement about which I did not (and could not) know about when I purchased the lot. Such a requirement should not be applied retroactively. B. This is an unacceptable proposal to me. It would severely curtail use of a large percentage of my property and significantly devalue my property. This decision seems arbitrary and without regard for the impact of the value of my property and the implications it has for resale or tax. Other lot and home owners would be affected without this exception; some of the lots, clearing, septic fields, and structures on lots in

the Hills of Rosemont subdivision would be inconsistent with the proposed buffer requirement. Without the proposed clarification, a 200-foot buffer requirement could cause some lots or structures in the Hills of Rosemont to be non-conforming. There are clearings, structures and septic systems already located within 200 feet of the aTT on some of the lots in the Hills of Rosemont. Such a buffer requirement could prevent the construction of a replacement septic field or even a home or garage if it needed to be reconstructed (i.e. after a fire). C. No other homeowners in or around Cary living next to greenways, trails, or other features have a 200-foot buffer requirement imposed upon their existing lots. Having a burden on their lots that no one else has would unfairly discriminate against Rosemont homeowners who might want to re-sell their homes. D. Some lots in Rosemont adjacent to the ATT have not yet been developed. For those lots, the septic fields, septic lines, repair areas or other building structures must be located within 200 feet of the ATT; otherwise the lot would be unbuildable or its value would be greatly impaired. E. The ATT right-of-way is 100 feet wide in most places. The trail itself is generally near the middle of the right-of-way, and is, generally, approximately only 20 feet wide. Therefore, the 40 feet on both sides of the trail are already heavily wooded and provide a sufficient buffer. Most of the lots in the Hills of Rosemont subdivision are large lots (5 acres or greater), and, in most places, there is already a substantial buffer between the homes and the ATT. The existing buffer provides a sufficient buffer for both the homeowners and the public using the ATT. It should be in the discretion of the individual homeowner (who values his or her privacy) to determine how much is sufficient for privacy and visual purposes. In light of the existing woods, a required buffer along the ATT is not needed for wildlife corridors. Moreover, the Army Corps of Engineers property on either side of the existing creeks running from Durham County south/southwest on the north and west sides of the Hills of Rosemont and Old Chatham Golf Club serve as existing and well-established wildlife corridors. F. This issue was only raised in the very late stages of the discussion of the land use plan.

- Yes. We are concerned about the proposed the 200-foot buffer requirement around the American Tobacco Trail. It should not apply to previously platted subdivisions, such as the Hills of Rosemont. Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan. Such a requirement should not be applied retroactively. Previously recorded subdivisions have vested rights in developing the projects in reliance upon the ordinance provisions that were in effect at the time the subdivisions were approved.
- Yes, we have particular concerns with the proposed imposition of a 200 foot wide buffer zone along the American Tobacco Trail. Our residence is directly adjacent to the American Tobacco Trail. The buffer would cut deeply into our back yard, depriving us for all time of the ability to improve, use and enjoy almost one third of our property and significantly impairing the value of our home. We purchased our home with the specific intent of further development in accordance with the recorded covenants applicable to our community. We have been blindsided by the proposed imposition of additional limitations in connection with the American Tobacco Trail, especially since those additional limitations could not have been anticipated and

are so severe. We need a clear, explicit statement that the 200 foot buffer requirement around the American Tobacco Trail should not apply to previously platted subdivisions. The following clarification to the buffer requirements is needed: "Any requirement for a natural buffer adjacent to the American Tobacco Trail or any other trails will not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan."

- Yes. I am concerned with the proposed 200 foot buffer requirement around the ATT. I live in the Hills of Rosemont, a community that has been in existence for several years. I feel strongly that any buffer requirements should not apply to previously platted subdivisions. Imposing a buffer after a subdivision has been approved and recorded has many repercussions. As a homeowner, I am concerned that any change to the original plans may have the potential of reducing the investment I have made. Additionally, we have several homeowners in the neighborhood whose land borders the ATT and I am concerned that if this requirement is confirmed the ability to work on existing structures, septic fields or landscaping as well as undertake new projects may be limited. In some instances, the 200 foot buffer would negate any development at all on a single lot. Most of the lots in the Hills of Rosemont subdivision are larger lots, i.e. greater than 5 acres, and there is already a substantial buffer between the homes and the ATT. It should be up to the landowner to determine how much privacy is necessary. Please clarify the buffer requirement to read: "Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan."
- No, I applaud the recommendation of 1 dwelling/5 acres within 1 mile of Jordan Lake!
- Yes. The 200-foot buffer requirement around the ATT is should not apply to previously platted subdivisions, such as the Hills of Rosemont. Accordingly, the following clarification to the buffer requirement should be included: "Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan." This clarification is needed for the following reasons: 1. Previously recorded subdivisions have vested rights in developing the projects in reliance upon the ordinance provisions that were in effect at the time the subdivisions were approved. Imposing a buffer after a lot has been recorded, at best, "changes the rules in the middle of the game", and, at worst, constitutes a taking of a landowner's property rights. Owners have purchased their lots in reliance upon a survey, the subdivision plat, and restrictive covenants. They should not be burdened with requirements about which they did not (and could not) know about when they purchased their lots. Such a requirement should not be applied retroactively. 2. Without this exception, some of the lots, clearing, septic fields, and structures on lots in the Hills of Rosemont subdivision would be inconsistent with the proposed buffer requirement. Without the requested clarification, a 200-foot buffer requirement could cause some lots or structures in the Hills of Rosemont to be non-conforming. There are clearings, structures and septic systems already located within 200 feet of the ATT on

some of the lots in the Hills of Rosemont. Such a buffer requirement could prevent the construction of a replacement septic field or even a home or garage if it needed to be reconstructed (i.e., after a fire). 3. No other homeowners in or around Cary living next to greenways, trails, or other features have a 200-foot buffer requirement imposed upon their existing lots. Having a burden on their lots that no one else has would unfairly discriminate against Rosemont homeowners who might want to re-sell their homes. 4. Some lots in Rosemont adjacent to the ATT have not yet been developed. For those lots, the septic fields, septic lines, repair areas or other building structures may need to be located within 200 feet of the ATT; otherwise, the lot would be unbuildable or its value would be greatly impaired. 5. The ATT right-of-way is, we believe, 100 feet wide in most places. The trail itself is generally near the middle of the right-of-way, and is, generally, approximately only 20 feet wide. Therefore, the 40 feet area on both sides of the trail is already heavily wooded and provides a sufficient buffer. Most of the lots in the Hills of Rosemont subdivision are large lots (5 acres or greater), and, in most places, there is already a substantial buffer between the homes and the ATT. The existing buffer provides a sufficient buffer for both the homeowners and the public using the ATT. It should be in the discretion of the individual homeowner (who values his or her privacy) to determine how much is sufficient for privacy and visual purposes. In light of the existing woods, a required buffer along the ATT is not needed for wildlife corridors. Moreover, the Army Corps of Engineers property on either side of the existing creeks running from Durham County south/southwest on the north and west sides of the Hills of Rosemont and Old Chatham Golf Club serve as existing and well-established wildlife corridors. 6. This issue was only raised in the very late stages of the discussion of the land use plan.

- Yes. I am concerned with the proposed 200 ft buffer requirement around the ATT. I live in the Hills of Rosemont, a community that has been in existence for several years. I feel strongly that any buffer requirement should not apply to previously platted subdivisions. Imposing a buffer after a subdivision has been approved and recorded has many repercussions. As a homeowner, I am concerned that any change to the original plans may have the potential of reducing the investment I have made. Additionally, we have several homeowners in the neighborhood whose land borders the ATT and I am concerned that if this requirement is confirmed the ability to work on existing structures, septic fields or landscaping as well as undertake new projects may be limited. In some instances, the 200 ft. buffer would negate any development at all on a single lot. Most of the lots in the Hills of Rosemont subdivision are larger lots, i.e. greater than 5 acres, and there is already a substantial buffer between the homes and the ATT. It should be up to the landowner to determine how much privacy is necessary. Please clarify the buffer requirement to read: "Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan".
- I would prefer the 5-10 acres per lot and more farming or animal husbandry. My great-great-grandfather farmed this property, XXXX, father of XXXX and whose granddaughter was my grandmother XXXX, born 1888. As a child I helped convert the log burning tobacco barns to gas

and then we progressed to bulk barns for tobacco and sweet potatoes. As a NC recognized centennial farm family I desire to return to NC and have a small farm now that I am retired from the USAF. Our building plans are almost complete and I have attended several of the meetings held regarding the joint land use plan.

- Yes. I am concerned with the proposed 200 foot buffer requirement around the ATT. I live in the Hills of Rosemont, a community that has been in existence for several years. I feel strongly that any buffer requirements should not apply to previously platted subdivisions. Imposing a buffer after a subdivision has been approved and recorded has many repercussions. As a homeowner, I am concerned that any change to the original plans may have the potential of reducing the investment I have made. Additionally, we have several homeowners in the neighborhood whose land borders the ATT and I am concerned that if this requirement is confirmed the ability to work on existing structures, septic fields or landscaping as well as undertake new projects may be limited. In some instances, the 200 foot buffer would negate any development at all on a single lot. Most of the lots in the Hills of Rosemont subdivision are larger lots, i.e. greater than 5 acres, and there is already a substantial buffer between the homes and the ATT. It should be up to the landowner to determine how much privacy is necessary. Please clarify the buffer requirement to read: "Any requirement for a natural buffer adjacent to the American Tobacco Trail (ATT) or any other trails should not apply to platted subdivisions that are already recorded as of the date of the adoption of this Plan."
- Yes I would prefer for the density of my property and property surrounding it to be 1 dwelling per 5 acres or more.
- No

Question 2 – If you own property within the Joint Plan area, do you have any concerns about the specific land use recommendations shown for adjacent or nearby properties? If yes, please mark your property on the attached plan map, as well as the nearby areas of concern, and explain below.

Responses

- Yes. Increased traffic on 751. The proposed mix use will not generate business tax to offset traffic. Traffic flow on 751 is a product/result of the larger area commute pattern (south Pittsboro to RTP for example). Additional traffic is dangerous. Apt dwellers commute often 30/40 minute drive. Move high density to US 64.
- A. The intersection of O'Kelly Chapel and American Tobacco Trail is VERY dangerous-2-/30 cars parking on road edge-we need NO PARKING sign. B. Speed limit on Chatham portion of O'Kelly must NOT be 55 miles an hours. It must be lowered (even Hwy 53 is only 50 mph). 3 Deaths since we have lived there (4 yrs.)

- I approve for SE of Pittard Sears Rd. recommendations
- I approve of the land use recommendations for the Southeast corner of O'Kelly Chapel & Pittard Sears. I would prefer that the land on the west side of Pittard Sears Rd. have the highest density you can allow.
- Rural buffer area is non-existent between the mixed use area and our homes in the Wendy Hill Subdivision. There is no transition planned.
- I am concerned about adjoining property adjacent to my property that is at a much higher density than my own property. My property where I live is "zoned" at 1 dwelling per 3 acres, and according to this plan, I will be looking out my back window at property zoned at 2 dwellings per acre. I suggest buffer areas so that high density development is not permitted immediately adjacent to low density areas as it will destroy the rural nature of our residence.
- Cary should cease incorporating areas of Chatham County.
- Traffic, depletion of resources and the fear that Chatham County Government is selling us out. I understand Cary's desire to gain control of what is to come with the property adjacent to their boundaries. I cannot understand what Chatham has to gain by allowing Cary to get control. With all the information provided, I feel that important component is deliberately omitted and it makes me feel quite distrustful of those holding office in the County where I pay taxes, and more specifically struggle to pay taxes. I'm concerned that a neighboring development would not fit into the existing environment. There are no restrictive covenants now that impede one's lifestyle. People who choose to live in rural areas choose them for a reason. It will be such a shame to see beautiful rural Chatham County look like plastic, congested, unfriendly Cary.
- 1. 15 O'Kelly Ch Rd to be widened beyond Cary? 2. Will there be a reduction on speed limit from 55 mph? 3. What precautions will be taken where the Am. Tobacco Trail intersects?
- Yes, regarding the land adjoining my property and other Chatham Glen Dr. residents. We don't think it makes sense for the "yellow" areas to surround us- makes no sense to have this oasis of low density in the middle of new "suburban" development. We would like it to be re-zoned to be green - or 1 dwelling per 5 acres. Even 1 dwelling per 2-3 acres would be better than what it is now. According to item#2 on "Key Facts About the Proposed Joint Land, etc." it says that areas within 1/4 mile of Corps of Engineers land be 1:5 density ratio - 1 dwelling per 5 acres. Please note on map- Panther Creek (northeast section of map) areas near Amberly & Pittard Sears Rd. are planned for very dense development right up to the Corp boundary. area west of Pittard Sears not yet developed so please note this discrepancy from policy/proposed land use and make it 1:5 per your own recommendations, as these areas are compliant in every other case abutting Corp land.

- Higher density for same reasons as above.
- The 200' buffer on top of the existing Rd right of way is excessive. A maximum of 100' is plenty
- Traffic is bad on Green Level Rd near Lewter Shop junction - a school will certainly increase pressure on traffic.
- We live in a horse community in a rural setting. Having high density housing and an office part within a stones throw of our house, would compromise our lifestyle choice, and that of our neighbors as well. If both boards are serious about the quality of the lake then the blue zoning proposal must be re-considered.
- The plan should include a better transition from lower to higher densities. You currently have Turtle Creek Farm, which is a subdivision of 1 dwelling per 5 acre properties, surrounded by property designated as 2 dwellings per acre. That's a 10 times difference in density. I don't see how our properties can retain their rural character when there's such a difference in the density of adjacent properties.
- Slow growth to complete Amberly area ok. Moderate easing of density requirements o,. As Amberly is completed some commercial services (food, etc.) will be needed. General low density housing ok.
- We are very concerded the property value of our entire neighborhood could be affected by the buffer. We were told at the meeting by Sall Kost/County Commissioner (Chatham) that the buffer is not intended for existing development however, we would like to see to it that that exception is included in the planning & plans plus explanations when it passes.
- I do not think that a buffer should be imposed on properties adjoining the Tobacco Trail. These properties were already platted prior to this proposed land use plan and prior platted properties should be excluded. I think this buffer would constitute a "taking" of private property for public use.
- Yes. I purchased land in the Hills of Rosemont because of a concern that Wake County was developing the land too densely. The "2-dwelling units per acre" zone north of O'Kelly Chapel Rd. and adjacent to the Hills of Rosemont will have will have a negative affect on our subdivision. I feel it is necessary to reduce the dwelling units to a lower level, for examplt, 1-dwelling unit per 2.5 acres, to try to replicate the natural feel of how a normal town develops. For example, Amberly is more densely populated at 4-dwelling units per acre. The Hills of Rosemont is 1-dwelling to 5-13 acres. The land in question resides between the two developments and, as such, should have a dwelling requirement that would not be such an abrupt change in land use.

- I am concerned about the mixed use area on Hwy 751. I am shocked at the proposed number of acres designated for commercial/retail use. That will completely destroy the rural aspect of this area. I would much rather see existing commercial areas expanded such as along Hwys 64 or 55 to accommodate the needs of the expected influx of people. Large business/office complexes and retail centers are more reasonable on major roads such as Hwys 64 and 55 versus rural residential areas. Southpoint Mall is very convenient for us from Hwy 751 and there are already several grocery stores within a 10-minute drive. It seems like an unnecessary loss of land to be paved over and ruined.
- Yes I do - taxes are high enough in Chatham but bringing Wake County into the area will increase taxes. Regulations will change and I am perfectly happy with the ones that I have. I believe this is a round-about way of annexation
- The map shows a proposed school and park immediately adjacent to my property. Turtle Creek Farm is zoned 1 dwelling per 5 acres. It means that in spite of the unwelcomed growth in traffic, light and noise, TCF will retain some degree of peace. However, an adjacent school or park will destroy all. Please consider locating your school and park centrally among a high density area where traffic, light and noise will already be accepted, and laws like target shooting within X yards of a school will not affect our little un-annexed donut hole.
- This buffer would affect all the properties in our subdivision, the Hills of Rosemont. It just can't be done and our subdivision should be grandfathered.
- Ms. XXX at XXX Earnest Jones Road owns and operates an active farm adjacent to us. It is a disgrace to propose 2 dwellings per acre on her farm and homestead. She has spent her entire life on this property and her father (XXX) built the existing road, now state owned. She tends this farm alone is the hardest working lady I know. She knows more about the area than most and likely does not have time to respond to your inquiry about the proposed zoning on her land. She likely does not know that her land is proposed for 2 dwellings per acre. Please add her active farm including home and barns at AKPAR XXX and PIN XXX to your 1 dwelling per 5 acres zoning, which would be consistent with other working active farms in our area.
- I have concerns for the land use plan that is approximately 30,000 yards from my property. The proposal indicates that I will see 1 resident per acre from my home. It appears that I will have to go through a major congested "mixed use area" to access ANYTHING. The proposed zoning for the mixed use area and the 1 and 2 dwellings per acre areas are entirely too close to the lake and natural areas. The wildlife, water sources and country atmosphere will be jeopardized. The noise, light, water contamination and depletion, wildlife extinction and total destruction of wooded acreage and wildlife corridors will be a detriment to this area of Chatham County. Please reconsider your plans indicated on Joint Committee Plan #5.

- Some of the lots within the Hills of Rosemont which abut the ATT have not yet been sold and developed. I am concerned that the new proposed 200 ft buffer will limit the desirability of these lots.
- YES. The "2-dwelling units per acre zone North of O'Kelly and adjacent to the boundary of the Hills of Rosemont (5-10 acres per home) is much too abrupt a change in land use character. The zoning should be either 1 unit per acre -- or better yet 1 unit per 3 acres.
- The lot size is too big for most area. Please allows no less than 1 house per 1 acre so that more houses can be built here but not too close to the lake.
- No!
- I own three parcels in the 1d/5A area. I'm fine with that designation.
- There will be a shopping center near by. This is the worst possible thing to be near my home and near Jordan Lake. I know that some on the Cary Town Council (one in particular) would like shopping near every home. However, for the people that live in Chatham County this is not what we want. We do not want the congestion or the pollution associated with large shopping areas. If the people will do their homework they will find the pollution and runoff created by a shopping center will be harmful to the water supply (Jordan Lake). The entire plan of to allow growth so near to the lake is very stupid and irresponsible.
- My concern is the infringement of a 200 foot buffer off of the ATT. This would cover 1.93 acres of my land. I believe such a buffer is unreasonable and unnecessary, as the trail already has a sufficient buffer on both sides. It is unclear what the reason for the buffer is, and I am hearing conflicting answers as to what is covered/grandfathered from some of the commissioners. I am not sure it is legal for the County to do this, and it is unclear why the County is getting involved when funding/planning of the trail was done by other entities. As a landowner adjacent to the trail, I am strongly opposed to any such buffer and its infringement upon my land and my rights.
- YES. The "2-dwelling units per acre zone north of O'Kelly Chapel Road and adjacent to the boundary of the Hills of Rosemont (5-10 acres per home) is much too abrupt a change in land use character. Most good planning includes smooth transitional zoning and land use restrictions. The zoning should be either 1 unit per acre -- or better yet 1 unit per 3 acres.
- We noticed a future greenway that looped around the Rosemont neighborhood. This is an exclusive neighborhood and should be left alone. Please do not infringe on the privacy of residents in this proposed area.

- 1. Would like to make ALL of the area between Hwy. 751 and Jordan lake part of the rural buffer area. I reside between Holland's Chapel and Martha's Chapel. 2. Would like to change the designated "Mixed use area" at the junction of Hwy 751/Holland's Chapel/LewterShop to 1 dwelling unit/5 acres with commercial enterprise ONLY in the area where it already exists and only of such a nature to fit with the rural character of the area and not requiring paved parking or access. (The current nursery/rural market fits well with the rural lifestyle. It doesn't require night lighting, generate industrial noise, or require significant paving. The Berry Patch/Pumpkin Patch are enjoyed by both locals and city dwellers alike. Losing the rural feel of this area would be a loss to those of us who live nearby and those who drive out from the city alike.)
- No - it's none of my business.
- I would have the same concerns for other home or lot owners along the ATT. See above.
- Part of our house and most of the septic system are within 200 feet of the American Tobacco Trail. There is no other area within the property to locate these structures. The buffer needs to remain the same as platted for the property to maintain its use. The purpose of the large lot was to provide enough space to accommodate the septic systems in place. Because of the topography and quality of the soil not all of the land is suitable for building, septic systems and the well. Some lots in Rosemont adjacent to the ATT have not yet been developed. For those lots, the septic fields, septic lines, repair areas or other building structures require the land as platted to maintain their intended use. Otherwise, these lots would be unbuildable and would be of little or no value.
- We believe those who acquired property and built homes adjacent to the American Tobacco Trail with the good faith and well-founded expectation that they would be entitled to improve their homes and grounds and should be exempted from the 200 foot buffer.
- Yes. I purchased land in the Hills of Rosemont because of a concern that Wake County was developing the land too densely. The "2-dwelling units per acre" zone north of O'Kelly Chapel Road and adjacent to the Hills of Rosemont will have a negative affect on our subdivision. I feel it is necessary to reduce the dwelling units to a lower level, for example, 1-dwelling unit per 2.5 acres, to try to replicate the natural feel of how a normal town develops. For example, Amberly is more densely populated at 4-dwelling units per acre. The Hills of Rosemont is 1-dwelling to 5-13 acres. The land in question resides between the two developments and, as such, should have a dwelling requirement that would not be such an abrupt change in land use.
- Yes, very much so. Number 1: I don't see the supposed gradual transition from 1-dwelling-per-5-acres to 1-dwelling-per-3-acres to 1-dwelling-per-1-acre, etc. For example: Along Holland Chapel Rd. the density changes directly from 1-dwelling-per-5-acres to 1-dwelling-per-1-acre. A large portion of the proposed mixed use area borders on land recommended to be 1-dwelling-

per-5-acres. That neighboring land should be at that low density and shouldn't have a mixed use area next to it. The rest of the lowest density land "transitions" directly to 2-dwellings-per-acre. Number 2: There is no need for a mixed use area, which includes 5 or more creeks that flow into Jordan Lake, at the intersection of 751 and Lewter Shop Rd. There are already several convenience stores in the area, and 2 large commercial/shopping areas within a 7-10 minute drive (South Point and Beaver Creek). A mixed use area should be in the middle of a population center, not at the edge of it. The plan proposes increasing the population of the area from 7200 people to 24,000, with a high concentration in the mixed use area. Add to that 7000 employees, 180,000 square feet of retail/service, the large increase in traffic and necessary road improvements, and all the clearcutting and re-grading of land. I can't see how this would be protecting water quality in the lake, and don't want to see the mistakes of Amberly repeated.

- No
- Yes. I purchased land in the Hills of Rosemont because of a concern that Wake County was developing the land too densely. The "2-dwelling units per acre" zone north of O'Kelly Chapel Rd. and adjacent to the Hills of Rosemont will have will have a negative affect on our subdivision. I feel it is necessary to reduce the dwelling units to a lower level, for examplt, 1-dwelling unit per 2.5 acres, to try to replicate the natural feel of how a normal town develops. For example, Amberly is more densely populated at 4-dwelling units per acre. The Hills of Rosemont is 1-dwelling to 5-13 acres. The land in question resides between the two developments and, as such, should have a dwelling requirement that would not be such an abrupt change in land use.
- We shopped in Cary for groceries as early as 1965 and continue to shop there now. We do not need nor do we desire to have greater traffic on NC Hwy 751. Neighbors moved into the area when the Neodak Dairy farm, Frank Goodwin's old place sold to Bill Hughes, became housing and have enjoyed a quieter existence. I grew up working in the fields we owned back then that looked onto what is now houses. My father sold at least five plots of land and one was subdivided into three plots for people who wanted the country atmosphere we currently enjoy. One neighbor is a veterinarian with horses who would love to have more land but I am not willing to share any more of the old plantation. Many small creeks are on our property that feed into Jordan Lake and I know that greater density and commercialization of the area will only add to the droughts we have experienced and the contamination of the lake. Already the water table sinks due to the Apex Nursery watering their plants. I've known the Copelands and even worked there once when Ronald needed a secretary for the day. His father built the nursery back when Allie and Ada Johnson owned the land next to us. Betty Lou Johnson Ferrell and my dad, XXXX, grew up together and we remember and love the area that is still the old Johnson home place. We do not need more housing especially since so many homes are up for sell in the area. Yes I even remember the days we missed school in Pittsboro that prompted the

creation of the lake and movement of the cemetery of Bells Church. I graduated Northwood High in 1976.

- Yes. I purchased land in the Hills of Rosemont because of a concern that Wake County was developing the land too densely. The "2-dwelling units per acre" zone north of O'Kelly Chapel Road and adjacent to the Hills of Rosemont will have a negative affect on our subdivision. I feel it is necessary to reduce the dwelling units to a lower level, for example, 1-dwelling unit per 2.5 acres, to try to replicate the natural feel of how a normal town develops. For example, Amberly is more densely populated at 4-dwelling units per acre. The Hills of Rosemont is 1-dwelling to 5-13 acres. The land in question resides between the two developments and, as such, should have a dwelling requirement that would not be such an abrupt change in land use.
- I am concerned about potentially living adjacent to the mixed use area around Lewter Shop Rd. I moved out to this area so I could have my horses at home and I could enjoy nature and the peacefulness of the countryside. I do not want to live in a development.
- Yes - #1 The proposed density of 2 homes/1A between our property area (1 home/3A) and Jordan Lake area (1 home/5A) is too high. It seems that this density is too high considering the proximity to Jordan Lake and that a more gradual density transition would be appropriate. A transition zone of the 1 home / 3A density or at most 1 home/1A density next to the Jordan Lake zone makes more sense. A 2 homes/1A (1 home/0.5A) density that close to Jordan lake is too high to protect water quality and the rural character of the area. #2 The proposed mixed use area at 751 & Lewter Shop Rd seems too large considering its proximity to Jordan Lake. It would seem that the area should be reduced by at least 30%.

Question 3 – Do you have any suggested changes for other areas of the Draft Joint Plan Map? If you need to refer to a specific map location, feel free to mark it on the attached small-scale map.

Responses

- I want the entire draft joint plan map to be 1 dwelling/5 acres. I want rights to farm animals and farms to continue to function without "public health" concerns from a higher density designation.
- Increase Density
- No
- One question about the mixed use Ares at 751 & Lewter Shop Rd. Why is it felt that a mixed use area is necessary for a community such as ours? Currently how many small businesses/commercial structures are vacant, throughout Cary. If current strip malls are not occupied why do you feel it necessary to build more to satisfy a new community. Folks in the

area don't need a Walgreen's or Food Lion on every corner. Yes, Recently we learned that Durham County proposes to change boundaries in their jurisdictional areas encroaching Jordan Lake. This was against the will of the people

- A lawyer for Durham has declared that a decision by the Council to stop these boundary changes will only be acceptable if the property owners take the County to court.
- If Cary and Chatham are so keen on protecting the watershed areas surrounding Jordan Lake, then Durham should also have to abide by the same rules and follow the same Land Use Plan. After all what Durham dumps into Jordan Lake, everyone else will be forced to drink.
- I suggest that the areas that have not been developed thus far be designated low density. There are other areas in the county that can be developed without Cary's input or intrusion. I think that before you worry about protecting the lake, the lake needs to be cleaned up. Perhaps Cary would like to fund cleaning up the Haw River. We in Chatham might like them better if they did something beneficial to the environment instead of just greedily grabbing up all the existing space around.
- I still do not believe the Lewter Shop Rd is a good location for a 'mixed use' corridor but suggest using Hwy 64 which already has commercial use along the highway.
- I don't like the idea of the mixed use area at the intersection of 751 and Lewter Shop Rd.'s. I think it belong further south at the intersection of 751 and Hwy 64.
- Don't understand why this mixed use area is so far from a main route, i.e., Rt. 55. Even from a business standpoint, would get more customers/clients if not so hard to find.
- I truly believe a larger urban service area should be considered. Chatham needs to take as much advantage as it can of the economic forces at RTP, RDU and surrounding areas. Make this part of Chatham more urban, or at least suburban to relieve pressures from areas farther to the west. I would also decrease the thought for a 200 foot buffer on the rail trail. This is a passive transportation/rec. corridor that should be more integrated into the community. I also believe that more 'service' opportunities need to be accommodated within the area. We basically burn a gallon of gas to go buy a gallon for a lawnmower because services are so far away. These need to be where the bulk of the people will be too.
- I see that there are 2 school sites. I want to mention that there is a real need for schools on this side of the lake even today. It is a very long trip for students now to go to existing Chatham Co. schools. Also, the plans for the mixed use area seem extremely ambitious.

- Chatham Co is making a big mistake in effectively giving Cary authority over Chatham land. If I understand the joint plan, once adopted, changes to the plan must be approved by both Chatham and Cary. Thus Cary is effectively controlling all the land to Jordan Lake, even though they have no legal authority over that land unless you, the Chatham BOC, give it to them. Cary could propose some crazy thing and get enough Chatham BOC members to go along with and it is a done deal. I have no recourse against the Cary Chatham BOC members. Chatham could have just said 1/5 ac without any input from Cary for this area.
- It is ashamed to destroy the beautiful rural farm character of our Green Level area. No design codes will offset the damage of high density of a mixed use plan.
- The plan has the same problem of density transitions along the rural buffer boundary line where 1 dwelling per 5 acre land is adjacent to 2 dwellings per acre. The mixed use area is totally inappropriate, according to your own design guidelines. Densities of 8 dwellings per acre, office parks, and strip malls with yet another Harris Teeter store are incompatible with retaining a rural character.
- I am very concerned with the current draft of the Land Use Plan. I ride my bicycle throughout this beautiful area in the plan, and I am always humbled by the gorgeous rural character that is so prevalent throughout my ride in Chatham County. This current plan doesn't seem to take into consideration what is so important to that community - it's rural beauty, the timelessness of the area, and the important environmental considerations for an area that needs our protection, rather than our impact. In reviewing this plan online, and at the meeting at Bradford Hall, I am deeply disappointed with the proposed almost 500 acres of MIXED USE smack in the middle of a rural area. There are too many sensitive areas near our drinking water in Jordan Lake, to make sense of having a high impact mixed use center, and the amount of impervious surface that would come along with that, so close to Jordan Lake. I am concerned that this plan will have an unfortunate impact on our water quality - and enhancing, and supporting additional open space in that area is more appropriate, than adding more density.
- We would like to see the speed limit lowered on the Chatham portion of O'Kelly chapel Rd. and possibly the crossing/ATT - It is in a dangerous curve and we have witnessed several accidents or near-accidents at the trail crossing. One of them involving a motorcyclist/car.
- Yes. I feel that the area slated for Multi-Use at the intersection of Lewter Shop Rd. and 751 unnecessary. Presently, there is an area just a few miles south at the intersection of 751 and 64 designated for Multi-Use. I grew up in a rural section of a northern state and we did not have shopping strip malls or pharmacies at every corner. The reason why there are landowners who prefer to live in a rural setting is just for that reason - because it is rural. I have been appalled at some of the development in the Triangle and with this economic downturn it only reminds us that we do not need brick and mortar on every corner just to make it convenient. Living in a

rural setting we expect and do not mind the drive to the grocery store, pharmacy or dry cleaner as long as we preserve what we hold dear - land that is in finite supply.

- No
- I am also concerned about the walking trails that will come right up to our subdivision and are on the Corps of Engineers property. I am concerned for safety and security because I don't see how it can be controlled or monitored.
- There is no reason to have mixed use zoning at the intersection of NC 751 and Lewter Shop Road. There are plenty of strip cookie cutter shopping centers with apartments/condos nearby in Cary and Apex.
- I am writing from Charlotte, NC to urge you to plan now for preserving green space, parks, greenways and nature preserves before its too late. Charlotte has learned this all too late and so now, most of our large parks on on the most outer regions of our county. Please take this land and save it as a nature preserve, setting aside our desire for growth and income. Instead think of the quality of life our grand children will have. Sometimes it is very difficult to the the right thing as you consider the big picture, this is one of those tough times. Listen to your heart, to nature, and not the special interest groups or the short term friends. Do what's right for the long term greatness of your region and for North Carolina. Too often, we wake up in Charlotte and ask, "where did all the trees go?" Don't make this easy mistake. Consider a regional nature preserve and camp ground. Work with the county park and recreation to consider the what the master plan might recommend. Do this for future generations who will thank you for your forward thinking .
- I suggest that the entire mixed use area and the 1 and 2 dwellings per acre areas are moved south and east, further towards highway 64 which is suited for and already developed to effectively support high traffic, dense population. There are already too many large shopping centers surrounding this area. This high density is not necessary this close to Jordan Lake. The water source will be depleted quickly if this development is not controlled. The wildlife will continue to be chased out and killed on the roads by overdevelopment. I ask that you please reconsider and not develop the area (Hollands Chapel Rd, Lewter Shop Rd and highway 751) as proposed for "mixed use" and 1 and 2 dwellings per acre.
- none
- Please make sure there are new elementary, middle and high school in this Cary, Chatham area but not in Cary, Wake County. We don't have any Chatham school close to us right now. Family with children can not move here as we are not allowed to go the better Wake County schools

(like Green Hope, Panther Creek, and the new Alston elementary school) which are very close to us. We need Chatham schools for this north-eastern Cary, Chatham area as soon as possible.

- No!
- I am a consistent and regular user of the ATT. My main argument - the corridor for the ATT is 100 feet wide. The trail behind Markham Plantation is only 16 feet wide, so an 84 foot buffer already exists without taking taxpayers' land. 1.This will a huge amount of people's land. 2. According to Committee Members, this point was added by the County Commissioners not Town of Cary personnel. Chatham County has not made a commitment to the ATT. The money for the work completed to date was provided by NC DOT and managed by the Town of Cary. Based on this lack of commitment by the County, It is unreasonable to ask a few taxpayers to forfeit their property rights. If the trail was so important, both the Town of Cary and Chatham County would have committed more to it. Over 220 acres of taxpayer land will be restricted (4.6 miles in Chatham County x 400 foot buffer, 200 on each side. If you're interested in the numbers - 4.6 miles is 24,288 feet. 24,288 feet x 400 buffer = 9,715200 sq. feet. 9,715200 sq. feet / 43560 sq. feet/acre = 223.03 acres). In addition, this is more restrictive than land along the Haw River and the Rocky River in Chatham County, and those are major water sources. 3.Town of Cary doesn't have buffers for their greenways. Most are located in buffers of roads, watersheds, etc, but the greenways themselves have no buffer. 4.Safety is an issue here. The more open and exposed the trail is, the safer it will be. I have heard that there have been some assaults in the Wake County section of the trail south of here. Kids are using the under exposed trail to party (beer and pot) and build bonfires along the trail. More exposure will make it safer.
- I am concerned with the increase in population and its effect on Jordan lake. Other concerns are that Cary will increase traffic, noise, and light to Chatham residents. My overall concern is that we are loosing the appeal of Chatham county. While Cary is a terrific place to live there needs to be a balance with the rural and the sprawl. I do not think that this plan is a balance and the residents of Chatham County with whom I have had conversations do not care for this plan. I would like to see the entire area designated as 1 acre lots close to cary and 5 acre lots close to Jordan lake with a lot more open space.
- I have a neighbor with 70 acres, parcel XXX, currently at the same density as me: 1d/5A. I want her designation to remain at 1d/5A. If her's is made more dense, then I want mine more dense so I can sell out with her. Caley Wilson Rd has two different density designations. Though it is not a development, it might as well be because of it's short length. To preserve the appearance and value of my property, I would prefer all of Caley Wilson road to have the same density designation.
- My suggestion is for Cary to stay out of Chatham County. Cary has made a mess of Western Wake County and now they want to expand their mess into Chatham County. Actually, Cary

should stay east of NC55. Most of the area they would like to grab now has always been associated with Apex. The majority of the people in southeastern Chatham County identifies with Apex and do not want to be in Cary or in the Cary ETJ. Again, the people making these decisions are "imports". They should come to this area and try to fit into our lifestyle or go back to where they came from. This is not the Oklahoma Land Rush but it certainly seems to be the Cary Land Grab.

- As a Cary resident, I have several concerns about the Joint Plan. 1) The area currently is low density, primarily farm land and forest. It should stay that way. We have lost too much rural area; we should preserve what we have left. This area is quite different from Cary's suburban area. We should respect and preserve the rural character of the area. 2) I am concerned about the additional traffic, both on Cary roads and Chatham County roads. For example, the addition of a large number of people west of Cary may increase the traffic on High House Road, which already has problems due to too much traffic. There will be additional traffic on NC751. 3) I do not agree with the location of the mixed use area at the intersection of Lewter Shop Road and NC 751. If a commercial and office area is needed, it should be close to US64 or to Pittsboro. 4) Across the county line from the area covered by the Joint Plan is Cary Southwest Area Plan. In this area the densities decrease to very low density near the county line. Will this land continue to have the very low density and rural character with higher density land in Chatham County? 5) I am also worried about the condition of Jordan Lake. This lake is already impaired by algae that results from nitrogen and phosphorus compounds. Even though buffers will be maintained around the lake and streams, there is no way to prevent any of those nutrients from entering the lake. With the lake already impaired, we should not allow any increase in nutrient pollution. The people in that area should, through their elected officials, determine the future land use of the area without interference from Cary.
- Additional active and recreational open space and multi-use trails should be designated and planned for on the joint land use plan map. The location of streams, wetlands, and other watershed features should be clearly identified on the map, so that it will be possible to tell if the land use plan will protect those areas. Information about transportation infrastructure needs and the plan to encourage multi-modal transportation options including express bus service to Chapel Hill and RTP and other locations should be included in the map. Connection of walking and biking trails to express bus stops or future transit stops would help reduce dependency on single occupancy vehicles. Planning for multi-modal transportation options would reduce the need for road widening projects and would provide support to senior population in the area. Critical watershed areas for Jordan lake should be protected using perpetual conservation easements, to guarantee that the area be protected from future development pressures. References:
<http://www.environment.ok.gov/documents/CWA/GrantWorkplans/Eucha-Spavinaw%20Watershed%20Riparian%20Protection%20Initiative/WorkplanApproved10-07.pdf>

- None
- We noticed the Rural Buffer Boundary Line on the Plan Map. Although the map states that water and sewer will not be provided west of this line, Scott Ramage mentioned that Cary would consider providing utilities if wells were condemned or septic systems failed. If this is the case, the verbage on the map and associated documentation should reflect this.
- No
- No
- Communities such as The Hills of Rosemont should be excluded from the proposed 200 foot buffer as the large lots are consistent with the spirit of the American Tobacco Trail and Chatham County density. Having a burden on their lots that no one else has would unfairly discriminate against Rosemont homeowners who might want to re-sell their homes.
- Yes. I feel that the area slated for Multi-Use at the intersection of Lewter Shop Road and 751 unnecessary. Presently, there is an area just a few miles south at the intersection of 751 and 64 designated for Multi-Use. My family has land in a rural section of a northern state and we do not have shopping strip malls or pharmacies at every corner. The reason why there are landowners who prefer to live in a rural setting is just for that reason - because it is rural. I have been appalled at some of the development in the Triangle and with this economic downturn it only reminds us that we do not need brick and mortar on every corner just to make it convenient. Living in a rural setting we expect and do not mind the drive to the grocery store, pharmacy or dry cleaner as long as we preserve what we hold dear - land that is a finite supply.
- I would like to see the area proposed for 1/2 acre lots truly transition from 3 acre lots to 1/2 acre lots.
- WakeUP Wake County is a non-profit citizens' organization working for good growth solutions in Wake County and the region. Our members across the county believe we must plan well for future growth and work to ensure a high quality of life for all for decades to come. Sustainability of our drinking water supplies, efficient transportation systems, great public schools and well-planned development are WakeUP's top priorities. Jordan Lake is the primary drinking water source for citizens' of Western Wake County. Within just two decades, the water quality has become seriously polluted, being rated as "impaired" by the State of North Carolina. Rules to begin cleaning up this vital water supply were finally approved by the N.C. General Assembly in 2009, and frankly were a compromise as to what is required to bring Jordan Lake back to a safe quality. WakeUP commends the Town of Cary and Chatham County for planning for future growth, as we know population will continue to grow substantially in Wake and Chatham Counties. However, WakeUP is concerned with plans to develop such a large area of

land in the Jordan watershed. WakeUP does not oppose growth, but development needs to be guided to appropriate areas in municipalities to protect the natural resources vital to our future. WakeUP Wake County's concerns and questions about the proposed plan: Pushing the edge - Future development of this land use area will be in the Jordan watershed so stormwater runoff will affect Jordan's water quality. While the denser development is outside the ½ mile and one mile boundaries, it comes right up to the very edge of those boundaries. The mixed use area will have a much higher percentage of impervious surface, carrying higher amounts of runoff into the local streams. Jordan Rules must apply - At the bare minimum, any future development must comply with the Jordan Lake rules for new development, yet actions required by municipalities will not be in place for two to three years. Total nitrogen and phosphorus load must be reduced significantly in the lake overall, so any new development must abide by stricter stormwater ordinances and building standards. Whose stormwater ordinance will apply? This development area would be shared by Chatham and Cary. Whose ordinances would apply? Are low impact development requirements for new development going to be included regardless of who controls the areas? Density and Mixed Use Development – WakeUP supports the concept of higher density and mixed use development to plan for urban growth because it allows for transit use and increases walkability. This is the kind of development Cary should be encouraging closer to its core and connected to its transit system (and future light rail line). However, the location of the mixed-use zone in this plan is very problematic because of the watershed and the close proximity to Jordan Lake. Will it even be transit accessible? Will it even be walkable to neighboring lots which are spaced out enough to need substantial road access? Cost for future infrastructure – This plan looks mostly like more suburban sprawl which will require significant investment of taxpayers for roads, water and sewer and parks. Why not build where existing infrastructure already exists? We must maximize the land already developed. Inconsistency with Cary's intention to protect watershed – Cary made a good decision to help protect the watershed by conserving a substantial area on the East side of this proposed development area. Yet, the land use plan permits development of a very large area between that conservation area and Jordan Lake. This seems inconsistent. Top priority should be protecting drinking water for future generations. Lack of clean water is a public health issue. It also will limit the economic development for our municipalities. We must protect the watershed from the kind of development that will adversely affect our drinking water. WakeUP is not yet convinced that this land use plan will do that. Contact: Karen Rindge, Executive Director, WakeUP Wake County, krindge@earthlink.net, 828-3833, www.wakeupwakecounty.com

- We have made suggested clarifications so the Draft Land Use Plan Map in paragraphs 1 and 4.
- Yes. I feel that the area slated for Multi-Use at the intersection of Lewter Shop Rd. and 751 unnecessary. Presently, there is an area just a few miles south at the intersection of 751 and 64 designated for Multi-Use. I grew up in a rural section of a northern state and we did not have shopping strip malls or pharmacies at every corner. The reason why there are landowners who prefer to live in a rural setting is just for that reason - because it is rural. I have been appalled at

some of the development in the Triangle and with this economic downturn it only reminds us that we do not need brick and mortar on every corner just to make it convenient. Living in a rural setting we expect and do not mind the drive to the grocery store, pharmacy or dry cleaner as long as we preserve what we hold dear - land that is in finite supply.

- If you desire to bring commercial business to this part of Chatham look more at NC Hwy 751 & US 64. Traffic is already dangerous when trying to turn onto Lewter Shop from Hwy 751. Thousand of bicylists use the area and increased traffic would only endanger their lives more. We have many who speed down Lewter Shop and on Hwy 751. Back in 1979 or so my car was struck by a speeding vehicle at our drive from Hwy 751 on Lewter Shop towards Wake county. Another time a horse trailer attached to a dual axel truck raced past Quail Ridge. I was leaving my sister's home, XXXX, and the vehicle from Wake county raced towards Hwy 751 on Letwer Shop. I happened to have my window down, heard the vehicle and stopped. Just this past year there was a wreck when a car failed to yield at Green Level and Lewter Shop and struck a vehicle pulling a trailer with lawnmowers. Why make a dangerous intersection more so by increasing traffic.
- Yes. I feel that the area slated for Multi-Use at the intersection of Lewter Shop Road and 751 unnecessary. Presently, there is an area just a few miles south at the intersection of 751 and 64 designated for Multi-Use. My family has land in a rural section of a northern state and we do not have shopping strip malls or pharmacies at every corner. The reason why there are landowners who prefer to live in a rural setting is just for that reason - because it is rural. I have been appalled at some of the development in the Triangle and with this economic downturn it only reminds us that we do not need brick and mortar on every corner just to make it convenient. Living in a rural setting we expect and do not mind the drive to the grocery store, pharmacy or dry cleaner as long as we preserve what we hold dear - land that is in finite supply.
- I would prefer that there not be a school on Green Level Road.
- No

Question 4 – *Is there anything on the Draft Joint Plan Map that is unclear to you? (Including the Notes and Legend text, etc.) Are there any Notes or Text that you'd like changed ? Please describe:*

Responses

- Why is Cary voting on Chatham County land use?
- Yes, it is not clear to me how or why Chatham wants to work with Cary. Why cannot Chatham make their own plan? Those of us who are effected by this plan do not have a vote in Cary. If we wanted to live in Cary, we would have moved to Cary - or Cary-like neighborhoods in cookie-cutter houses.

- It is unclear why you have called it "Carolina Preserve." You have not preserved a darn thing!
- Who provides sewer? Chatham vs. Cary or do we bow to Cary?
- The blue dashed lines in the map - are they showing proposed greenway/multi-use trails? That looks like a purple dashed line in the legend.
- Roads are the land marks most people would use. These are not all clearly visible.
- During my discussions at the review meeting, I am not clear who owns the responsibility for enhancing, building and maintaining any and all greenways that were proposed in Chatham County. I understand that there has been an effort to have developers build their sections, but many of those areas will not have developers associated with Greenway sections on the map. I believe there should be a plan and timetable associated with the proposal for the greenways in that area.
- We would like to see the wording changed in the "Key Facts" about the proposal. Item #4 ATT buffers: 200 ft buffer for new, not existing neighborhoods only. 50 ft for existing.
- It is unclear as to the exact proposed width of the proposed buffer from the CL of the ATT.
- Yes. First, I support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and scope of "rescue" or "failed" is not defined. Also, at what level is this failure, i.e. the entire subdivision or the individual homeowner. In the General Notes and Details of the Joint Land use Plan #5 regarding the RBBL needs clarification. "Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line...This includes both Town of Cary and Chatham County water and sewer utilities. However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham Co. agree to the rescue". Second, the description for the ATT buffer in the Map Key for the Draft Plan #5 Cary-Chatham Land use Plan is described as a "400 Natural Buffer Along American Tobacco Trail". this should be clarified to state "200 ft. Natural Buffers Adjacent to Both Sides of the American Tobacco Trail right-of-way" and should be noted where the previously platted subdivisions lie.
- I would like to see the inclusion of the 8 dwellings per acre of the mixed use area included with the information at the top of the plan along with the other residential area codings. The "1 dwelling per 5 acres," etc. is clearly listed at the top but the "8 dwellings per acre" is buried in a note at the bottom. At a minimum, the mixed use area color coding explanation at the top with the residential info should have a note to "see more details in the footnote below" or similar

language. As it is now, the color coding explanation misrepresents the maximum density proposed in this plan.

- What is wrong with the use of our land now? what utility service are they referring to? They have CP&L just like we do.
- No
- Please clarify what the blue dashed lines indicate.
- The Notes and Details section regarding the Rural Buffer and Boundary Line needs clarification. I support the provision that public water and sewer may be provided when necessary to "rescue" a property that has a failed water or sewage system. However, I can imagine that the definition of failure is subject to considerable interpretation. For example, if the private system fails, but could be repaired only at a substantial cost that makes the repair impracticable, would public water and/or sewer be provided? I would suggest that the language be changed to: "However, the public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham County agree to the rescue."
- YES. It needs to be clear that public water/sewer service can be provided outside of the Rural Buffer Boundary Line (RBBL) to existing homes with systems that have failed - and to clarify the meaning of "failed." I strongly support the concept of the RBBL to set a limit to water/sewer service that in turn stimulates higher home density. However I am concerned that such an absolute line is an unacceptable barrier to resolving a hardship of existing homeowners if their water or sewer systems fail. Providing emergency service to existing homes would not have any impact on housing density. None of the information I saw at the Plan Review Meeting indicated that public water/sewer service could provide service beyond the Rural Buffer Boundary Line to homes where the private systems have seriously failed. I have since been told (but haven't seen) that in some other documents it is mentioned that public water/sewer can provided outside of the boundary line to "rescue" an existing homeowner from a failed system. You should formally adopt that provision -- and clarify the meaning of "failed" to reflect reasonable economic considerations for the average homeowner.
- Do we have any date to build the new elementary, middle and high schools for this Cary, Chatham area? I hope they can be built in couple years.
- Yes, two provisions are unclear to me. First, the General Notes and Details of the Joint Land Use Plan # 5 regarding the Rural Buffer Boundary Line are ambiguous and needs clarification. The Notes and Details regarding the Rural Buffer and Boundary Line states: Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line.

This includes both Town of Cary and Chatham County water and sewer utilities. However, public utilities may be provided when necessary to “rescue” a property having a failed water or sewage system, provided that both the Town of Cary and Chatham County agree to the rescue. I support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and scope of “rescue” is not defined. For example, the language is not clear about what would constitute a “failed” water or sewage system that would allow the homeowner or neighborhood to tap on to Town or County utility services. Also, would the failed system be to an individual home system or to the entire system? A homeowner might not be permitted to utilize Town of Cary or Chatham County water and sewer utilities -- if the failed private system could be repaired, but at such a substantial cost that would make the repair economically infeasible. Therefore, I propose adding the following language to the exception: “However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham County agree to the rescue.” Second, the description for the ATT buffer in the Draft Plan #5 Cary –Chatham Land Use Plan is described as a “400’ Natural Buffer Along American Tobacco Trail”. I assume that the intent of that description is that there will be a 200-foot buffer along each side of the ATT; but the description, as written, might suggest that a 400-foot buffer is required along each side of the ATT. Thus, the description should be clarified to specify the width outside the ATT right-of-way such as: “200’ Natural Buffers Adjacent to Both Sides of the American Tobacco Trail right-of-way”, and should also be clarified as discussed in detail in Item 1 above.

- I think the plan is very clear. Cary plans to ruin our way of life. There is a total disregard for the locals and our lifestyle from these "imports" on the Cary Town Council. They plan to run over everyone to achieve their desired plan. They treat their neighbors with total disrespect and annex up to their neighbor's back door giving no opportunity for growth for anyone else. Cary is a very greedy, self-adsorbed community.
- Yes, two provisions are unclear to me. 1. First, the General Notes and Details of the Joint Land Use Plan # 5 regarding the Rural Buffer Boundary Line is ambiguous and needs clarification. The Notes and Details regarding the Rural Buffer and Boundary Line states: Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line. . . . This includes both Town of Cary and Chatham County water and sewer utilities. However, public utilities may be provided when necessary to “rescue” a property having a failed water or sewage system, provided that both the Town of Cary and Chatham County agree to the rescue. We support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and scope of “rescue” is not defined. For example, the language is not clear about what would constitute a “failed” water or sewage system that would allow the homeowner or neighborhood to tap on to Town or County utility services. Also, would the failed system be to an individual home system or to the entire system? A homeowner might not be permitted to utilize Town of Cary or

Chatham County water and sewer utilities -- if the failed private system could be repaired, but at such a substantial cost that would make the repair economically infeasible. Therefore, we propose adding the following language to the exception: "However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham County agree to the rescue." 2. Second, the description for the ATT buffer in the Draft Plan #5 Cary –Chatham Land Use Plan is described as a "400' Natural Buffer Along American Tobacco Trail". We assume that the intent of that description is that there will be a 200-foot buffer along each side of the ATT; but the description, as written, might suggest that a 400-foot buffer is required along each side of the ATT. Thus, the description should be clarified to specify the width outside the ATT right-of-way such as: "200' Natural Buffers Adjacent to Both Sides of the American Tobacco Trail right-of-way", and should also be clarified as discussed in detail in Item 1 above.

- In the General Notes and Details of the Joint Use Plan #5 needs clarification. The term and scope "rescue" needs to be defined in the event of a failed water or sewage system on properties west of the Rural Buffer Zone. What constitutes a "failed" water or sewage system that would allow homeowners or a neighborhood to tap on to Town or County utility services? Also, would the failed system be to an individual home system or to the entire system?
- no, nothing is unclear.
- The land use map should clearly distinguish between different types of open space on the map. Private golf courses should be identified with a different color from parks or greenways as this land is not available for recreational enjoyment by the public, the land is privately managed and there are no requirements for the private golf courses to manage their land in a way that is sensitive to the environment re: nutrient, sediment and pollutant impacts on Jordan Lake. Private golf courses that use water from Jordan lake to irrigate their manicured and fertilized fairways are the least desirable use of open space, as compared to parks, greenways, wildlife habitat, and trails, and yet the Old Chatham Golf Course is only significant parcel of open space that is identified within the Joint Land Use Plan. Reference:
<http://www2.journalnow.com/content/2009/oct/19/state-allowed-easleys-golf-club-to-take-water-duri/news/>
- See argument in #2 above. Unclear what is covered/grandfathered in the 200 ft. ATT buffer from both the vague language in the plan and from conflicting conversations with some of the commissioners. This is a huge concern for me due to the impact on my land.
- YES. It needs to be clear that public water/sewer service can be provided outside of the Rural Buffer Boundary Line (RBBL) to existing homes with systems that have failed - and to clarify the meaning of "failed." I strongly support the concept of the RBBL to set a limit to water/sewer

service that in turn stimulates higher home density. However, I am concerned that such an absolute line is an unacceptable barrier to resolving a hardship of existing homeowners if their water or sewer systems fail. Providing emergency service to existing homes would not have any impact on housing density. None of the information I saw at the second Plan Review Meeting indicated that public water/sewer service could provide service beyond the Rural Buffer Boundary Line to homes where the private systems have seriously failed. I have since been told (but haven't seen) that in some other documents it is mentioned that public water/sewer can be provided outside of the boundary line to "rescue" an existing homeowner from a failed system. You should formally adopt that provision -- and clarify the meaning of "failed" to reflect reasonable economic considerations for the average homeowner.

- It would be helpful to identify the amount of land that land that should be dedicated for potential civic uses such as libraries, schools, fire stations, town recreational facilities, town public works facilities and/or meeting spaces. Growth in housing will create demands for these public facilities. It would be better to place these facilities close to planned residential areas, to reduce the traffic demands on the area roads. reference: http://www.ci.austin.tx.us/zoning/downloads/land_use_guide1.pdf I am also concerned about tree conservation and the types of structural BMP devices in the watershed area. When driving around Amberly and other areas in West Cary, I noticed several areas where trees had recently died next to buffer areas to the riparian streams and. I am not sure what caused this, but the trees in the wetlands and open space areas should be protected. Has an assessment been done to determine the impact on streams and wetlands by Amberly and the other developments that are in or near the Joint Land Use Plan? How will sensitive areas be identified and preserved in the plan? I also noticed that there was a lot of sedimentation in the large BMPs, and green algae blooms in the smaller BMPs. Will there be an inspection/maintenance program for the BMPs, will natural bmps be given incentives over structural bmps? Perhaps a watershed protection audit should be done for the Joint Land Use Plan and for the Town of Cary, and the Town of Cary should then craft a watershed protection ordinance that will protect the Jordan Lake Watershed. Please provide topographic maps showing steep slopes, and maps showing existing streams, lakes, wetlands, other water features within the Joint Land Use Plan to the public. http://dukespace.lib.duke.edu/dspace/bitstream/10161/472/1/MP_jeg25_a_200805.pdf
- No
- Yes, two provisions are unclear to me. 1. First, the General Notes and Details of the Joint Land Use Plan # 5 regarding the Rural Buffer Boundary Line is ambiguous and needs clarification. The Notes and Details regarding the Rural Buffer and Boundary Line states: Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line... This includes both Town of Cary and Chatham County water and sewer utilities. However, public utilities may be provided when necessary to "rescue" a property having a failed water or sewage system, provided that both the Town of Cary and Chatham County agree to the rescue. We

support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and scope of "rescue" is not defined. For example, the language is not clear about what would constitute a "failed" water or sewage system that would allow the homeowner or neighborhood to tap on to the Town or County utility services. Also, would the failed system be to an individual home system or to the entire system? A homeowner might not be permitted to utilize the Town of Cary or Chatham County water and sewer utilities - if the failed private system could be repaired, but at such a substantial cost that would make the repair economically infeasible. Therefore, we propose adding the following language to the exception: "However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham County agree to the rescue." 2. Second, the description for the ATT buffer in the Draft Plan # 5 Cary-Chatham Land Use Plan is described as a "400' Natural Buffer Along American Tobacco Trail." We assume that the intent of that description is that there will be a 200-foot buffer along each side of the ATT; but the description, as written, might suggest a 400-foot buffer is required along each side of the ATT. Thus, the description should be clarified to specify the width outside the ATT right-of-way such as: "200' Natural Buffers Adjacent to Both Sides of the American Tobacco Trail right-of-way," and should also be clarified as discussed in detail in Item 1 above.

- The General Notes and Details of the Joint Land Use Plan # 5 regarding the Rural Buffer Boundary Line is ambiguous and needs clarification. The Notes and Details regarding the Rural Buffer and Boundary Line states: Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line. . . . This includes both Town of Cary and Chatham County water and sewer utilities. However, public utilities may be provided when necessary to "rescue" a property having a failed water or sewage system, provided that both the Town of Cary and Chatham County agree to the rescue. We support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and scope of "rescue" is not defined. For example, the language is not clear about what would constitute a "failed" water or sewage system that would allow the homeowner or neighborhood to tap on to Town or County utility services. Also, would the failed system be to an individual home system or to the entire system? A homeowner might not be permitted to utilize Town of Cary or Chatham County water and sewer utilities -- if the failed private system could be repaired, but at such a substantial cost that would make the repair economically infeasible. Therefore, we propose adding the following language to the exception: "However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham County agree to the rescue."
- "Yes. First, I support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and

scope of "rescue" or "failed" is not defined. Also, at what level is this failure, i.e. the entire subdivision or the individual homeowner. In the General Notes and Details of the Joint Land Use Plan #5 regarding the RBBL needs clarification. "Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line...This includes both Town of Cary and Chatham County water and sewer utilities." However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham County agree to the rescue." Second, the description for the ATT buffer in the Map Key for the Draft Plan #5 Cary-Chatham Land Use Plan is described as a "400 Natural Buffer Along American Tobacco Trail". This should be clarified to state "200 foot Natural Buffers Adjacent to Both Sides of the American Tobacco Trail right-of-way" and should be noted where the previously platted subdivisions lie. **(2 Responses)**

- Yes, two provisions are unclear to the people living in the Hills of Rosemont. 1. First, the General Notes and Details of the Joint Land Use Plan # 5 regarding the Rural Buffer Boundary Line is ambiguous and needs clarification. The Notes and Details regarding the Rural Buffer and Boundary Line states: Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line. . . . This includes both Town of Cary and Chatham County water and sewer utilities. However, public utilities may be provided when necessary to "rescue" a property having a failed water or sewage system, provided that both the Town of Cary and Chatham County agree to the rescue. We support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and scope of "rescue" is not defined. For example, the language is not clear about what would constitute a "failed" water or sewage system that would allow the individual homeowner or entire neighborhood to tap on to Town or County utility services. Also, would the failed system be to an individual home system or to the entire system? Also, that provision is unclear because, as written, it could be interpreted to prevent a homeowner from utilizing Town of Cary or Chatham County water and sewer utilities if the failed private system could be repaired, but at such a substantial cost that would make the repair economically infeasible. Therefore, we propose adding the following language to the exception: "However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham County agree to the rescue." 2. Second, the description for the ATT buffer in the Draft Plan #5 Cary –Chatham Land Use Plan is described as a "400' Natural Buffer Along American Tobacco Trail". We assume that the intent of that description is that there will be a 200-foot buffer along each side of the ATT; but the description, as written, might suggest that a 400-foot buffer is required along each side of the ATT. Thus, the description should be clarified to specify the width outside the ATT right-of-way such as: "200' Natural Buffers Adjacent to Both Sides of the American Tobacco Trail right-of-way", and should also be clarified as discussed in detail in Item 1 above.

- Yes. First, I support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and scope of "rescue" or "failed" is not defined. Also, at what level is this failure, i.e. the entire subdivision or the individual homeowner. In the General Notes and Details of the Joint Land use Plan #5 regarding the RBBL needs clarification. "Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line...This includes both Town of Cary and Chatham County water and sewer utilities. However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham Co. agree to the rescue". Second, the description for the ATT buffer in the Map Key for the Draft Plan #5 Cary-Chatham Land use Plan is described as a "400 Natural Buffer Along American Tobacco Trail". this should be clarified to state "200 ft. Natural Buffers Adjacent to Both Sides of the American Tobacco Trail right-of-way" and should be noted where the previously platted subdivisions lie.
- I would like the Note 2 to be changed since this impacts our area.
- Yes. First, I support the provision that public water and sewer should be provided to rescue properties west of the Rural Buffer Zone with failed water and sewer systems; but the term and scope of "rescue" or "failed" is not defined. Also, at what level is this failure, i.e. the entire subdivision or the individual homeowner. In the General Notes and Details of the Joint Land Use Plan #5 regarding the RBBL needs clarification. "Public water and sewer should not be provided to any properties located west of the Rural Buffer Zone boundary line...This includes both Town of Cary and Chatham County water and sewer utilities. However, public utilities may be provided when necessary to rescue a property having a failed water or sewage system that is impossible or economically impracticable to repair, provided that both the Town of Cary and Chatham County agree to the rescue." Second, the description for the ATT buffer in the Map Key for the Draft Plan #5 Cary-Chatham Land Use Plan is described as a "400 Natural Buffer Along American Tobacco Trail". This should be clarified to state "200 foot Natural Buffers Adjacent to Both Sides of the American Tobacco Trail right-of-way" and should be noted where the previously platted subdivisions lie.
- No

Question 5 – *The Joint Land Use Plan provides recommendations for future land use types and densities. In addition to this plan, Chatham County and the Town of Cary intend to create development design guidelines that will establish standards governing the detailed design and layout of individual development projects. What sorts of topics do you think should be addressed by these guidelines?*

Responses

- Keep the rural character. Therefore no multiple story buildings.
- If we're stuck with this, then I think Chatham needs to exist a great deal of control and be wary of the consequences that will befall them if and when Cary's numbers make the playing field dreadfully uneven, which may already be the case.
- There are things as important as the money to be made on all this. One of those is beauty. You have destroyed so much natural beauty & habitat already please please please don't keep doing this. People who have moved to Chatham Co. have done so because we appreciate nature; we know development is coming, just don't destroy so many trees (clear cut) and make the developed areas in Chatham much less dense. Nobody minds development as long as it is in good taste! So far it has been an abomination and a nightmare.
- If homes front upon the existing roads require a substantial setback of perhaps 60-65 feet and a "woodlands" strip (natural or planted) along the road. If homes access a new road and back up to an existing road require a woodlands strip of at least 35 feet in width along the existing road.
- What do the design codes mean for current land owners? How can developments avoid the "anemic Cary" syndrome? How can development accommodate wildlife?
- Specific plans of what can be placed in the mixed use area.
- Any development design guidelines should require developers to follow low impact development (LID) techniques.
- Growth region - timing of growth
- If the plan will continue, as is, then a more detailed set of guidelines should be created to determine what "MIXED USE" will look like. In that sensitive area, we should have a stricter set of guidelines for green development, erosion, impervious surface, and transportation plan that would encourage more walking, biking and less commuting by car. We should also be sensitive to the impact on the environment - absolutely NO stream buffer crossing, and environmental sensitivity should be a priority.

- Chatham County has a responsibility to provide protection to Jordan Lake. Development should be limited as we have natural wetlands in many of the areas surrounding the Lake. Another reason for purchasing our specific lot was because we are contiguous to the Army Corps of engineer property. it is a haven for all types of wildlife and would be negatively affected by creating greenways throughout as proposed as a dotted line on the Joint Land use Plan #5. Just take a wander on some of the short trails that lead from 751 to Jordan Lake and you will be astounded by the amount of trash that the humans leave in the wilderness.
- minimizing environmental impact, especially water; burying power and other lines; keeping as many existing trees and natural areas as possible; allow for individuality of design rather than the sad, identical houses that are so common in subdivisions; please don't name a subdivision "Old Chatham," "Country Estates," or similar -- once it has a golf course on it, it's no longer old Chatham, it's new Cary -- and there are no cul-de-sacs in the country
- Will this affect the preexisting land that we own? What do you mean by individual development projects. Is this on preexisting land that is owned.
- No Comment
- Add an Urban Growth Boundary to the Map along or near the County Line. This will be the line where no Cary utilities will be extended into Chatham. Without this boundary, Cary will continue to annex and develop every available parcel of land east of the Lake with rezonings, inch by inch. In 20 years we'll wonder why the lake is so polluted and the area looks exactly like the hundreds of other streets and intersections in Cary. Pesticides and stormwater will be pouring directly into the lake from the increased impervious surfaces. Thanks for the opportunity to comment on this Urban Growth Boundary again, even though Chatham Co. and Cary are reluctant to follow the lead of other model cities such as Portland Oregon and Lexington Kentucky... Just Google "Urban Growth Boundary" and lets really save our limited area near the Lake.
- I ask that this development, especially the mixed use and 1 and 2 dwellings per acre areas, to be revised to accommodate wooded acreage with plans for wildlife corridors. This would enhance public safety by decreasing collisions between wildlife and automobiles. I ask that the high dense areas be placed in areas already prepared for high traffic and high density, mixed use areas.
- Please provide more area for mixed use so more business, services and retails can be established here to serve the Cary, Chatham residents. Right now we don't have any of these in Cary, Chatham area. It is not attractive to new home buyers. Change most of the 5-acre lots into 1-acre lots, but not too close to Jordan Lake.

- Rural appeal.
- I'm not sure how it would be controlled, but I strongly hope the dense area near Lewter Shop Rd will end up being high end development with character, as opposed to just more sprawl.
- The density in Chatham County around Jordan Lake should remain very low to protect the water quality of the lake and the quality of life for its residents. This should be the highest priority for everyone in the area when planning any form of growth or development in and around the lake and the tributaries. Anything less is responsible and very shortsighted. For some unknown reason Cary just doesn't get it when it comes to protecting the environment and reducing congestion.
- Many of us believe that our area is already out of water. We are opposed to those provisions in the Joint Land Use Plan which put any specific development or business interests ahead of the greater good of the community. We believe that the Joint Land Use Plan needs to establish standards that put eliminating the current pollution and protecting Jordan Lake over the decades ahead as the top priority.
- I do not think that the land should be developed. The land should be very low density, with one dwelling unit per five acres.
- Has there been an environmental assessment of the Joint land Use Plan? Will this plan result in continued degradation of Jordan Lake Watershed? Now that the Joint Land Use Plan is available, there is no longer a moratorium on land being annexed by the ToC. It is my concern that site plans that do not adequately provide for the protection of streams and wetlands will be submitted for annexation and approval, before Cary adopts ordinance rules that are more protective of streams and the Jordan Lake Watershed. Without improved environmental protection and ordinances, individual developments will continue to degrade of the Jordan Lake Watershed. Development guidelines need to incorporate green street design, site designs that minimize soil disruption (eliminate mass-grading and changing the contours of the land that has occurred in Amberly), protection of ephemeral streams and stream buffers, independent determination and verification of streams and stream buffers. In addition to voluntary guidelines, there needs to be a review of the development requirements that will be needed to protect the Jordan Lake watershed. The Town of Cary needs to adopt Chatham County's Watershed Protection ordinance for entire plan area as the Chatham county ordinance rules are more protective of the watershed than the existing ToC rules. A joint Jordan Lake Watershed Assessment Team needs to be created to prioritize conservation easements, draft land management requirements, establish monitoring, assessment and reporting of water quality within the watershed. A comprehensive environmental impact analysis of the westward expansion of Cary, and the ability of our region to safely supply water and sewer to support this growth is needed. Cary is planning to extend the reclaimed water lines from North Cary

Reclamation facility on the Neuse River Watershed to the Jordan Lake Watershed to help satisfy the interbasin transfer rules. A similar move to purchase water and sewer from surrounding municipalities may allow water drawn from Jordan Lake to be transferred back to the Jordan Lake Watershed via the Durham Sewer processing plant (rather than being discharged at the North Cary Sewer processing plant into the Neuse River). Will municipal agreements to share water and sewer supplies enable more growth can be sustainable in the Jordan Lake Watershed? Will growth in the joint land use area occur too quickly, before the environmental rules are in place to provide protection to the watershed? References:

http://www.epa.gov/dced/pdf/sg_stormwater_BMP.pdf

http://www.co.chatham.nc.us/dept/planning/planning_dept/watershed_review_board/supporting_documents/cases/Amendments_1-16-07_PH/Proposed_Text_11-26-07/Section%20304%20Recommendations%20final%20draft%2011-26-07.pdf

http://www.townofcary.org/_shared/printpages/page16882.htm

- The ATT right-of-way is, we believe, 100 feet wide in most places. The trail itself is generally near the middle of the right-of-way, and is, generally, approximately only 20 feet wide. Therefore, the 40 feet on both sides of the trail are already heavily wooded and provide a sufficient buffer. Most of the lots in the Hills of Rosemont subdivision are large lots (5 acres or greater), and, in most places, there is already a substantial buffer between the homes and the ATT. The existing buffer provides a sufficient buffer for both the homeowners and the public using the ATT. It should be in the discretion of the individual homeowner (who values his or her privacy) to determine how much is sufficient for privacy and visual purposes. In light of the existing woods, a required buffer along the ATT is not needed for wildlife corridors. Moreover, the Army Corps of Engineers property on either side of the existing creeks running from Durham County south/southwest on the north and west sides of the Hills of Rosemont and Old Chatham Golf Club serve as existing and well-established wildlife corridors.
- Identify areas in the Land Use Plan needed for civic uses. Development design guidelines should require developers to Co-locate park/library/school/recreational facilities and place them within walking distance to neighborhoods. These facilities could offer swimming, libraries, arts/crafts classes - provide areas to foster civic involvement and recreational activities. Cary's Mixed Use Overlay Districts do not specify any requirements for public amenities in terms of meeting spaces, active or recreational facilities, school, libraries or parks facilities. The result is that builders can create high density office/high density residential, and commercial infill developments, with no "public spaces" - which results in the surrounding parks, libraries and schools being unable to keep up with demand. "Integrating public spaces into proposed developments would reduce traffic demands on rural streets. Create design guidelines that encourage developers to build walkable, sustainable communities that have meaningful/useful/multi-purpose open space. Create Transferable Development Unit Program to protect the critical land in the Joint Land Use Plan.
http://rmc.sierraclub.org/pcg/sprawl/sprawl_rep3.pdf,
<http://www.coastal.ca.gov/nps/lid/6Anderson-SustainableUrbanism.pdf>, <http://www.b->

sustainable.org/built-environment/walkability-index,
<http://www.smartgrowth.org/about/principles/principles.asp?prin=4&res=1024>,
<http://www.walkablestreets.com/calm1.htm>

- Provide green buffers around any commercial development. Restrict artificial lighting after dark. I enjoy the stars and do not enjoy the city glow on cloudy nights. Keep noise low (especially evening, night and early morning) by restricting population density and size and hours of commercial development. (The traffic noise is already an unwelcome distraction when outdoors in the morning.) Limit size of commercial development by limiting density, size of building, parking, lighting at night. Encourage wooded areas and wildlife habitats. Provide wildlife corridors for safe passage around development and roads. Maintain the rural nature of the Green Level community and all along Hwy 751. I enjoyed those drives when I did live in Cary and was please to have rural area close by. Survey all residents within a 2 mile radius of any proposed change at least 6 months prior to deciding on change.
- The proximity to RTP and the I-540 extension need to be considered very closely.
- No Comment
- The ATT right-of-way is, we believe, 100 feet wide in most places. The trail itself is generally near the middle of the right-of-way, and is, generally, approximately only 20 feet wide. Therefore, the 40 feet on both sides of the trail are already heavily wooded and provide a sufficient buffer. Most of the lots in the Hills of Rosemont subdivision are large lots (5 acres or greater), and, in most places, there is already a substantial buffer between the homes and the ATT. The existing buffer provides a sufficient buffer for both the homeowners and the public using the ATT. It should be in the discretion of the individual homeowner (who values his or her privacy) to determine how much is sufficient for privacy and visual purposes. In light of the existing woods, a required buffer along the ATT is not needed for wildlife corridors. Moreover, the Army Corps of Engineers property on either side of the existing creeks running from Durham County south/southwest on the north and west sides of the Hills of Rosemont and Old Chatham Golf Club serve as existing and well-established wildlife corridors.
- Chatham County has a responsibility to provide protection to Jordan Lake. Development should be limited as we have natural wetlands in many of the areas surrounding the Lake. Another reason for purchasing our specific lot was because we are contiguous to the Army Corps of Engineer property. It is a haven for all types of wildlife and would be negatively affected by creating greenways throughout as proposed as a dotted line on the Joint Land Use Plan #5. Just take a wander on some of the short trails that lead from 751 to Jordan Lake and you will be astounded by the amount of trash that the humans leave in the wilderness.

- No clearcutting and massive re-grading--work with the trees and the lay of the land instead of bulldozing everything. Protect dark skies at night. Require natural areas (other than spray fields!).
- WakeUP Wake County is a non-profit citizens' organization working for good growth solutions in Wake County and the region. Our members across the county believe we must plan well for future growth and work to ensure a high quality of life for all for decades to come. Sustainability of our drinking water supplies, efficient transportation systems, great public schools and well-planned development are WakeUP's top priorities. Jordan Lake is the primary drinking water source for citizens' of Western Wake County. Within just two decades, the water quality has become seriously polluted, being rated as "impaired" by the State of North Carolina. Rules to begin cleaning up this vital water supply were finally approved by the N.C. General Assembly in 2009, and frankly were a compromise as to what is required to bring Jordan Lake back to a safe quality. WakeUP commends the Town of Cary and Chatham County for planning for future growth, as we know population will continue to grow substantially in Wake and Chatham Counties. However, WakeUP is concerned with plans to develop such a large area of land in the Jordan watershed. WakeUP does not oppose growth, but development needs to be guided to appropriate areas in municipalities to protect the natural resources vital to our future. WakeUP Wake County's concerns and questions about the proposed plan: Pushing the edge - Future development of this land use area will be in the Jordan watershed so stormwater runoff will affect Jordan's water quality. While the denser development is outside the ½ mile and one mile boundaries, it comes right up to the very edge of those boundaries. The mixed used area will have a much higher percentage of impervious surface, carrying higher amounts of runoff into the local streams. Jordan Rules must apply - At the bare minimum, any future development must comply with the Jordan Lake rules for new development, yet actions required by municipalities will not be in place for two to three years. Total nitrogen and phosphorus load must be reduced significantly in the lake overall, so any new development must abide by stricter stormwater ordinances and building standards. Whose stormwater ordinance will apply? This development area would be shared by Chatham and Cary. Whose ordinances would apply? Are low impact development requirements for new development going to be included regardless of who controls the areas? Density and Mixed Use Development – WakeUP supports the concept of higher density and mixed use development to plan for urban growth because it allows for transit use and increases walkability. This is the kind of development Cary should be encouraging closer to its core and connected to its transit system (and future light rail line). However, the location of the mixed–use zone in this plan is very problematic because of the watershed and the close proximity to Jordan Lake. Will it even be transit accessible? Will it even be walkable to neighboring lots which are spaced out enough to need substantial road access? Cost for future infrastructure – This plan looks mostly like more suburban sprawl which will require significant investment of taxpayers for roads, water and sewer and parks. Why not build where existing infrastructure already exists? We must maximize the land already developed. Inconsistency with Cary's intention to protect watershed – Cary made a good decision to help protect the watershed by conserving a substantial area on the East side of this

proposed development area. Yet, the land use plan permits development of a very large area between that conservation area and Jordan Lake. This seems inconsistent. Top priority should be protecting drinking water for future generations. Lack of clean water is a public health issue. It also will limit the economic development for our municipalities. We must protect the watershed from the kind of development that will adversely affect our drinking water. WakeUP is not yet convinced that this land use plan will do that.

- Chatham County has a responsibility to provide protection to Jordan Lake. Development should be limited as we have natural wetlands in many of the areas surrounding the Lake. Another reason for purchasing our specific lot was because we are contiguous to the Army Corps of engineer property. it is a haven for all types of wildlife and would be negatively affected by creating greenways throughout as proposed as a dotted line on the Joint Land use Plan #5. Just take a wander on some of the short trails that lead from 751 to Jordan Lake and you will be astounded by the amount of trash that the humans leave in the wilderness.
- The Town of Cary should stick to Cary and remember that this is Apex and Chatham County. I spoke to George Lucier during the first meeting at the North Chatham Elementary School and expressed my concerns to him. He seemed to have the opinion that people only needed a certain number of acres of land for their homes. I think if you own land and it is rural you should be able to determine how your land is used. Since 1753 we have owned and used land in NC. A multi great uncle, XXXX, gave land on which part of UNC Chapel Hill campus resides. That is why we are listed in the XXXX Family Book. The idea that someone will decide how my land will be used begs me to ask am I in a socialist versus democratic country! I served my country for 20.5 years in the USAF and do not wish to fight for my right to use my own property as desired.
- Chatham County has a responsibility to provide protection to Jordan Lake. Development should be limited as we have natural wetlands in many of the areas surrounding the Lake. Another reason for purchasing our specific lot was because we are contiguous to the Army Corps of Engineer property. It is a haven for all types of wildlife and would be negatively affected by creating greenways throughout as proposed as a dotted line on the Joint Land Use Plan #5. Just take a wander on some of the short trails that lead from 751 to Jordan Lake and you will be astounded by the amount of trash that humans leave in the wilderness.
- Specification of Creek / Drainage buffer zone area, design and maintenance.

General Comments (received via Email)

- WakeUP Wake County is a non-profit citizens' organization working for good growth solutions in Wake County and the region. Our members across the county believe we must plan well for future growth and work to ensure a high quality of life for all for decades to come. Sustainability of our drinking water supplies, efficient transportation systems, great public schools and well-planned development are WakeUP's top priorities. Jordan Lake is the primary

drinking water source for citizens' of Western Wake County. Within just two decades, the water quality has become seriously polluted, being rated as "impaired" by the State of North Carolina. Rules to begin cleaning up this vital water supply were finally approved by the N.C. General Assembly in 2009, and frankly were a compromise as to what is required to bring Jordan Lake back to a safe quality. WakeUP commends the Town of Cary and Chatham County for planning for future growth, as we know population will continue to grow substantially in Wake and Chatham Counties. **However, WakeUP is concerned with plans to develop such a large area of land in the Jordan watershed. WakeUP does not oppose growth, but development needs to be guided to appropriate areas in municipalities to protect the natural resources vital to our future. WakeUP Wake County's concerns and questions about the proposed plan:**

Pushing the edge – Future development of this land use area will be in the Jordan watershed so stormwater runoff will affect Jordan's water quality. While the denser development is outside the ½ mile and one mile boundaries, it comes right up to the very edge of those boundaries. The mixed used area will have a much higher percentage of impervious surface, carrying higher amounts of runoff into the local streams.

Jordan Rules must apply - At the bare minimum, any future development must comply with the Jordan Lake rules for new development, yet actions required by municipalities will not be in place for two to three years. Total nitrogen and phosphorus load must be reduced significantly in the lake overall, so any new development must abide by stricter stormwater ordinances and building standards.

Whose stormwater ordinance will apply? This development area would be shared by Chatham and Cary. Whose ordinances would apply? Are low impact development requirements for new development going to be included regardless of who controls the areas?

Density and Mixed Use Development – WakeUP supports the concept of higher density and mixed use development to plan for urban growth because it allows for transit use and increases walkability. This is the kind of development Cary should be encouraging closer to its core and connected to its transit system (and future light rail line). However, the location of the mixed-use zone in this plan is very problematic because of the watershed and the close proximity to Jordan Lake. Will it even be transit accessible? Will it even be walkable to neighboring lots which are spaced out enough to need substantial road access?

Cost for future infrastructure – This plan looks mostly like more suburban sprawl which will require significant investment of taxpayers for roads, water and sewer and parks. Why not build where existing infrastructure already exists? We must maximize the land already developed.

Inconsistency with Cary's intention to protect watershed – Cary made a good decision to help protect the watershed by conserving a substantial area on the East side of this proposed development area. Yet, the land use plan permits development of a very large area between that conservation area and Jordan Lake. This seems inconsistent.

Top priority should be protecting drinking water for future generations. Lack of clean water is a public health issue. It also will limit the economic development for our municipalities. We must protect the watershed from the kind of development that will adversely affect our drinking water. WakeUP is not yet convinced that this land use plan will do that.

- We in Chatham County have attended numerous meetings concerning a Joint Use Plan for the area of Chatham County indicated. So far, it seems to me that Cary has not heard one word we said or maybe it is the Chatham County Planners, or County Commissioners... What we would like, is for Cary to stay in Wake County and leave Chatham Planners to do the planning for Chatham County.
- Our property adjoins the game lands. About 2/3 of the property is shown for 1 unit per 5 acres and the remainder is 2 units per acre. I know that there has to be a buffer along the creek, but our land has about a 70 vertical foot difference between the creek elev. and the line that splits the different proposed density. There is a rural buffer boundary line that bisects our property. One question is why are you buffering the buffer that the Corp. of Eng. purchased as a buffer for Jordan Lake? I do not understand this. The proposed density would be detrimental to our property. We would like to see the rural buffer line at least run along our western and southern property lines instead of bisecting the tracts as our property line runs along the 100' Lake buffer in the SW corner. Another concern I have is with the Ephemeral Stream Buffers. Chatham County is covered with draws and dry creek beds. Why are these being buffered when 99% of the time there is no water flowing into them? Let me say that I am all in favor of protecting our environment and what God has give us to be good stewards of. There has to be some sense of balance. I think this plan is a bit extreme as to the buffers and density.
- I have been reviewing the latest draft Chatham Co plan # 5 that was discussed at the last joint session and I need your help on something. My wife and I own two parcels on Green Level Road West. The Black and Yellow boundary line severs about 75% of this farm with a different zoning. I have no problem buffering the creeks and streams, but it makes more sense to me to run the boundary lines along property lines and not sever tracts of land. The topo of this farm rapidly rises as you travel for west to east. I think the topo needs to be looked at prior to making a decision on the zoning limits and boundaries. The size of the creek that borders our property once it cross under Green Level Road West does not really change until it reaches the far SW corner of our property. This current scenario (draft) is detrimental to the value and potential for this farm. Our farm is way beyond the 1/2 & 1 mile pool elevation for the lake.
- I am a resident of Amber Peninsula. I wonder if you could add the following to the future agenda: 1) Fix the potholes on Yates Store Road along the Chatham county line. Cary News paper said none of the developer, Town of Cary and Chatham is willing to maintain this section of road. No one has done any maintenance in last 2 years since I moved in. It has no street light,

hilly and curly. It makes driving at night difficult. People tend to speed up when going downhill. Both Peninsula entrances are on this section of road. The trees on road side are also blocking some of the view when coming down the hill. It can be dangerous when turning left into the entrances. During winter, these icy potholes can cause car accidents easily. The Yates Store Road within Wake County had installed lights and well maintained in last 2 years. 2) Please allow high school aged resident to attend Panther Creek High School in Wake County. The North Wood High School is 30 to 40 minutes away from my community. The Panther Creek is only 5 minutes away. We may be one of the very few communities that requires school in this eastern side of Chatham with Cary address. When I offered to buy my house 2 years ago, the developer agent told me that a new high school will be built on Jack Bennett Road 10 to 15 minutes from us and will be open around 2011. But now, it is put on hold for 2 or more years. It is a big disappointment to us. House value of this community drops a lot. From what I learn in this 2 years, most people buy houses in Wake County side of Cary, and very few people buy in this community in Chatham. Many houses are building now in the near-by communities in Cary within Wake County but none in my community.

- First, do the existing greenways in Cary have any buffer requirements? Second, did Chatham County put up any money for the ATT? It is curious that after not caring enough to fund it that it expects a few citizens to expand its size five times by surrendering use of their land.
- My wife and I are landowners of about 50 acres in Chatham County near Yates Store and the county line. After reviewing the proposed land use plans we are very concerned they are nothing more than a ruse to keep Cary out of certain areas at any cost. The proposed plans are not at all in the best interest of the environment nor the people of Chatham County and Cary. The plans DO represent the very strong interests of a small number of very vocal people who despise Cary. Those promoting the plan dress it up as rural protection, environmental protection, and anti-sprawl, when in fact none of these are effectively accomplished in the proposals. In reality, for much of the land in question, the plans offer no viable alternative to an intense agricultural use which, as you may know, comes along with an environmental cost.
- My hope is that Cary, and the majority of Chatham County Commissioners, are not duped into accepting any of these plans. True professional land use planning to determine the highest and best use of this area would be welcome. But, planning based on the political motivations of just a few is foolish.
- I have been reading up about the protective Stream Ordinances that are in place in Chatham County. <http://swap.deh.enr.state.nc.us/swap/pages/morechatham.htm> A comparison was provided in the following website: http://www.townofcary.org/Sunshine/Agendas_Minutes/Town_Council/Minutes_Archive/2009_Council_Minutes/cc061609.htm There are other ordinances in Chatham County that could be considered by the Town of Cary for adoption including the Chatham County Compact

Community Ordinance.

<http://www.chathamjournal.com/weekly/news/government/community-ordinance-award-51013.shtml> The proposed plan adoption process and timeline states that consideration of

changes to the LDO by the Town of Cary to provide protection of ephemeral streams will be a post-adoption action/implementation step. I believe that Cary needs to make changes to their LDO to adopt rules that are at least as protective as those in Chatham County for the protection of natural resources around the lake prior to the adoption of the Joint Land Use Plan.

- It has come to our attention that a joint committee between the Town of Cary and Chatham County has made some proposals for our area. One proposal is a 200 foot buffer on either side of the American Tobacco Trail. To do this taxpayers' land would need to be taken in **SIGNIFICANT AMOUNTS**. The corridor for the ATT is 100 feet wide. There is a neighborhood off of the trail called Markham Plantation. The trail is only 16 feet wide, so an 84 foot buffer already exists without taking taxpayers' land. Quoting the proposal, "The Joint Plan recommends there be a 200 ft. undisturbed, vegetated buffer maintained on both sides of the American Tobacco Trail. No clearing, housing, or development should occur within this buffer." First, this will **significantly affect** farm land that is in use for pasturing horses and all the building needs for those farms and horses. Buildings, pastures, rings, fences, would all need to be torn down and removed. This would affect many, many acres of land. If you do the math - over 220 acres of taxpayer land will be restricted (4.6 miles in Chatham County x 400 foot buffer, 200 on each side. If you're interested in the numbers - 4.6 miles is 24,288 feet. 24,288 feet x 400 buffer = 9,715,200 sq. feet. 9,715,200 sq. feet / 43,560 sq. feet/acre = 223.03 acres). This is more restrictive than land along the Haw River and the Rocky River in Chatham County, and those are major water sources. Second, according to Committee Members, this point was added by the County Commissioners not Town of Cary personnel. Chatham County has not made a commitment to the ATT. The money for the work completed to date was provided by NC DOT and managed by the Town of Cary. Based on this lack of commitment by the County but also regardless of this fact, it is unreasonable to ask a taxpayers to forfeit their property rights, property that has been in use for years and years in the functioning of their farms and pastures. Third, Town of Cary doesn't have buffers for their greenways. Most are located in buffers of roads, watersheds, etc, but the greenways themselves have no buffer and safety is an issue here. The more open and exposed the trail is, the safer it will be. I have heard that there have been some assaults in the Wake County section of the trail south of here. Also, kids have been using the remoteness to have parties where alcohol and drug use have been going on. More exposure will make it safer. Please take a walk on the trail behind Markham Plantation and you will see that the current buffer is more than sufficient without devastating the farms and pasture land of the people that happen to live upon the trail.
- Your survey does not provide an opportunity for input from Cary Residents or non-Chatham County residents who are immediately effected by this land use plan. As a Cary resident and recipient of economic and ecological burdens that this land use plan will have on my water supply, taxes and community, I strongly suggest your survey be expanded/modified for the

inclusion of Cary and Western Wake county residents directly effected. This is especially pertinent considering the Town of Cary is so involved in the current design of this proposal. This is an incredibly bad idea! The proximity of the allowed parcels to Jordan Lake will have a catastrophic ecological impact on an already well documented overstressed resource and does not make economic sense. The forecasted growth you used in your models must be outdated (pre-2005) and does not reflect the current economic downturn (the bubble burst in 2008) and demographic shifts that will accompany them in the future. I suggest the entire plan be reviewed and revised to reflect more realistic expectations and that the Town of Cary's expansionist involvement in YOUR plan be limited.

- I am a home owner that would like to document concern regarding a proposed 400' buffer requirement for the American Tobacco Trail that runs through the Rosemont Development (200' on both sides as I understand it). Bottom line...I sincerely hope someone in a position of authority can and will draw a distinction between existing neighborhoods (a.k.a. Rosemont) and those that have yet to be developed. A 200' side buffer hits me as excessive in the first place...are other greenways & trails held to that standard? Regardless, it seems reasonable that an exception would be made for pre-existing neighborhoods and developments. Clearly the impact on those that could be forced to retrofit if this requirement is indeed legitimate would be both significant and grossly unfair.