

**Joint Meeting Between
Cary Town Council and Chatham County Commissioners
May 13, 2009
7:00 p.m.
Carolina Preserve, Bradford Hall Grand Ballroom
115 Allworth Place, Cary, NC**

Present:

Cary Town Council: Mayor Harold Weinbrecht, Mayor Pro Tem Julie Robison, Council Members Gale Adcock, Don Frantz, Ervin Portman, and Jack Smith

Chatham County Commission: Chair George Lucier, Vice-Chair Sally Kost, Commissioners Mike Cross, and Tom Vanderbeck

Absent: Commissioner Carl Thompson

Council Member Jennifer Robinson arrived late and her arrival is noted in the minutes.

Mayor Weinbrecht called the meeting to order at 7:10 p.m.

Chair Lucier said that Cary and Chatham have many common issues, including Jordan Lake and annexation.

The Joint Land Use Plan - Background and Status

Jeff Ulma, of the Cary Planning Department, said the joint venture regarding the Jordan Lake area started in December 2005 when the Chatham County Commissioners asked the Town of Cary to participate in a joint planning effort. The Commissioners adopted a resolution asking Cary to place a moratorium on any pending annexations while they work together on studying land use, transportation, open space, greenways, etc.

Mr. Ulma said a Town-wide land use plan was adopted in November 1996, which included the land east of Jordan Lake in Chatham County. Council directed staff to develop special area plans, one of which was the Northwest Area Plan adopted in September 2002. Council then directed staff to visit the southwest area. Because this raised concerns for citizens of Chatham County, Council focused only up to the Wake County line on the southwest plan and at a later time looked at the area within Chatham County. The Southwest Area Plan was adopted in 2004.

Both boards agreed to develop a joint plan and to share information from any rezoning, annexations, and development proposals.

Mr. Ulma said in the spring of 2006 Cary started research and conducted a community meeting in June. Both boards adopted a revised schedule and Cary extended their moratorium to September 28, 2007. By August 8, 2006, two plans were developed and a second community meeting was held on October 17, 2006 for citizen input. A plan was devised in February, 2007 and a work session was held to share the plan with both boards.

Each board developed a plan for consideration at the second joint session in September, 2007. Chatham County adopted a moratorium on subdivisions through June, 2008 and Cary extended their moratorium through June, 2008 to allow time to work on regulations and ordinances. At that session, there was general agreement for about 60 percent of the land use area, but just beyond the Wake County line there was an issue regarding impacts on water quality in Jordan Lake. Cary asked their staff to commission a storm water impact analysis to evaluate both plans and both moratoriums were extended to December 31, 2008.

Mr. Ulma explained that the area being considered is about 11,000 acres. Cary's plan designates one unit per 10 acres on about 2,300 acres closest to the lake, transitioning to one unit per 5 acres on about 4,000 acres, moving eastward one unit per acre on about 2,700 acres, and then two units per acre on about 1,700 acres; Chatham County's plan designates one unit per 5 acres, covering the total acreage.

Mr. Ulma stated that Cary also presented a build-out plan showing the maximum development using the existing zoning. If they could locate a well and septic on lots that size under the existing zoning there could be one unit per acre, which would accommodate 9,200 units. Considering the septic aspects, the average would be one unit per 3 acre lots, which would accommodate 3,500 units, similar to the developments and subdivisions currently in Chatham County. (For comparison: Cary's plan would allow up to 7,500 dwellings, Chatham County's plan would allow about 2,300 dwellings and the current zoning would allow 9,200 dwellings, with tempering for septic 3,500 dwellings.)

Mrs. Robinson arrived at 7:27 p.m.

Mr. Portman asked about the tempering from current zoning. Mr. Ulma said it was an allowance for utility provisions, septic systems and soil types.

Ms. Kost asked if it takes into account developed lots. Mr. Ulma said yes.

Results of the Joint Land Use Plan Storm Water Study

Tim Bailey, of the Engineering Department, said there was a lot of discussion about the water quality of each plan. The methodology was questioned, so Cary hired Tetra Tech to study the issues. This is the same group that did some of the modeling for the Jordan Lake Rule and the same parameters were used for this report. He said water quality standards and regulations are constantly changing and will have to be incorporated into the study. Chatham County incorporated some Best Management Practices (BMP's) that were not incorporated in the study, which might change the results.

Mr. Bailey said that by the time the Jordan Lake Rules are in place the same water quality standards will probably apply for any development.

Mr. Bailey said that the results were similar in all comparisons. Now that BMP's are in place, however, Chatham County's plan would have a lower total pollutant loading than Cary's plan.

Mr. Portman asked about the percentage of differences. Mr. Bailey said the total nitrogen load from Cary's plan is 49,000 and Chatham County's plan is 52,000-58,000. He added that neither is less than the 15 percent range.

Chair Lucier asked if the old data was used. Mr. Bailey said yes. Chair Lucier said the data would now be cut in half because of changes made in Chatham's subdivision ordinances. Agricultural uses were not fully accounted for in the joint plan. The proposed plan would result in a far less degree of loading in the lake than the denser plan.

Mr. Bailey said the study accounted for some level of increase compaction in nitrogen run-off. He said Total Suspended Solids (TSS) would require a wet pond, which would give about a 25 percent reduction.

Chair Lucier said his concern with a more dense development is that the storm water devices are considered successful if they are 80 percent efficient. With BMP's, there is plenty of opportunity for soil runoff and sediment control.

Ms. Kost said with 5 acre lots, the land itself will take care of the runoff. Mr. Bailey said most of the study considers the built environment, which is the long term impact. There is a difference between during construction activity and when the development is completed.

Western Wake Partners and Treatment Facility Update

Steve Brown of the Public Works Department said they are nearing the end of a two-year permitting process led by the Army Corps of Engineers. Once completed, there will be a cascade of various permits that will allow construction, which is estimated to begin early in 2010 with completion in 2013.

Ms. Kost asked about discharge into Harris Lake. Mr. Brown said the state requires discharge into the Cape Fear River below the Buckthorn Dam and that is the current design. It goes through a portion of Chatham County below Harris Lake into the river. Alternatively, Progress Energy is reviewing long term water resource issues for a proposed expansion and considering Harris Lake as a possible discharge for better water resource management.

Mrs. Robison asked when that study will be released. Mr. Brown said later this summer.

Mr. Cross asked where the discharge would be in Harris Lake. Mr. Brown said into the main stem of the lake.

Tax Issues

Ms. Kost said Chatham County is doing a revaluation with the 2010 budget, and another one will be done in three years. However, Cary's tax rate won't be adjusted for another eight years. This will mean a large tax increase for the Cary-Chatham residents. She asked Cary to look at options, i.e., two tax rates.

Mrs. Robinson said Cary does not have authority to set different tax rates for different groups of people. The Town is providing the same type of services to Cary-Wake and Cary-Chatham residents. Those residents rely on the services that Cary provides. It would probably be more appropriate for Chatham County to look at having two different tax rates, since they are probably providing fewer services to municipal citizens than they are to non-municipal citizens.

Ms. Kost said she does not dispute the services Cary provides; the issue is that because of the difference in the revaluation cycle, Cary-Chatham residents will be unjustly taxed. Mrs. Robinson said because Cary revaluates every eight years, they are going longer without having a tax increase. Mr. Portman added that right now the residents are more burdened by Chatham County's four year reassessment.

Ms. Kost said the concern is the next revaluation. Mayor Weinbrecht said he would like to see options brought forth and discussed by a subcommittee. Ms. Kost and Mrs. Robinson volunteered to serve on that subcommittee.

Mrs. Robison asked about the financial impact to a single family dwelling versus multi-family. Ms. Kost said it could be between \$700-\$800 annually.

Durham, Chapel Hill, Carrboro (DCHC) Metropolitan Planning Organization (MPO)

Chair Lucier said the northeast part of Chatham County is in the DCHC MPO and Cary is in the Capital Area Metropolitan Planning Organization (CAMPO) and they want to ensure adequate communications.

Ms. Kost said that two Cary locations in need of attention have not been discussed or considered by the MPO.

Mrs. Robison questioned if joint representation was needed on the two boards.

Chair Lucier said a contact person from Cary is needed who could attend the MPO meetings. Likewise Chatham County needs to be kept abreast of what happens in CAMPO.

Joint Planning with Orange County

Chair Lucier said that Orange County suggested a joint planning task force with Chatham County, Orange County, Chapel Hill, Carrboro and Hillsboro to discuss planning and transportation issues. He asked what level of participation Cary would like to have.

Mrs. Robison is in favor of Cary participating.

Transfer Development Rights

Ben Howell, of Chatham County Planning Department, said Chatham County submitted local legislation authorizing a transfer of the Development Rights Act for Chatham County. The legislation was referred to committee on February 12. Chatham County is working with a Maryland consultant on a farmland protection plan.

Chair Lucier explained that agricultural issues are important to them and they are the only county in North Carolina with an increasing number of farms.

Annexation

Expiration of Cary's Moratorium

Mr. Ulma said Cary's annexation moratorium expired December 31, 2008. (He provided the history of the moratorium earlier in the meeting when discussing the joint land use plan.)

Pending Annexation Legislation

Chair Lucier asked Cary to join them in advocating for a bill that Cary would not annex into Chatham County without their permission to help ensure more effective joint planning. He said they need to look at Jordan Lake Rules, which will have stringent and strict requirements on new development. Chatham County does not believe there should be development in the area once the transmission line is in place.

Ms. Kost said the law provides that Wake County Board of Commissioners have to approve Cary expanding their ETJ; this legislation will provide the same for Chatham County. In addition, the issue of protest petitions would be a helpful planning tool, which they do not currently have.

Mayor Weinbrecht said Cary's attorneys will have to advise them on the matter.

Mr. Horne said Senator Atwater was looking into whether the crossover would be affected.

Mr. Portman said there is a renewed spirit of cooperation and hopes this matter does not become a barrier.

Chair Lucier said dealing with the annexation issue is a way to look more objectively at other issues.

Mrs. Robinson said there may be a way to involve Chatham County in the comprehensive plan review process. She said planning and legal staff should consider the different options.

Mrs. Robison asked when they could expect guidance from legal council. Cary Town Manager, Ben Shivar said probably around the middle of June.

Mr. Vanderbeck suggested that the boards consider extending the moratorium, bearing the timeframe of scheduling another joint meeting.

Next Steps

Mayor Weinbrecht said their boards should try to meet on a regular schedule. He suggested creating a general subcommittee to work on the outstanding issues and bring options/recommendations back to the full boards so they can move forward and take action. Chair Lucier agreed and said they have identified three issues: taxes, MPO/CAMPO and annexation. Mayor Weinbrecht believes it would be more efficient for one committee to handle all the issues, including the joint land use plan.

Mrs. Adcock said that Cary should extend their moratorium as a show of good faith. Council members agreed to discuss extending the moratorium.

Mayor Weinbrecht recommended another joint meeting in the fall.

Mayor Weinbrecht and Chair Lucier thanked the council, commissioners, and their staff for working together.

The meeting was adjourned at 8:45 p.m.