

**Minutes of the Joint Work Session between the Cary Town Council and the Chatham
County Commissioners**
Subject: Joint Land Use Plan
Date: February 20, 2007
Location: North Chatham Elementary School
3380 Lystra Road, Chapel Hill, NC

Chatham County Commissioners present: Chairman Carl Thompson, Vice Chairman George Lucier, Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck

Cary Town Council members present: Mayor Ernie McAlister, Council Members Jennifer Robinson and Nels Roseland

Council Member Marla Dorrel arrived late, and her arrival time is noted in the minutes.

Absent: Mayor Pro Tem Jack Smith and Council Member Julie Robison

Chairman Thompson called the meeting to order at 7:20 p.m.

Chairman Thompson stated that the purpose of the meeting is for the two boards to dialogue, review the materials provided based on public comments from prior meetings, and provide direction to staff. He said that it would be difficult to provide specific direction without hearing from the citizens and stated that several opportunities will be provided to receive such input. After the meeting, the Board of Commissioners will reconvene to hear public comments and they will schedule subsequent dates to receive other comments. He invited the Cary Town Council to stay for the public comment. Chairman Thompson stated that he and Mayor McAlister met and agreed that they want both boards and the citizens working together in the best interest of all concerned.

Town of Cary Planning Director Jeff Ulma reviewed the purpose of the meeting and planning effort history. (Staff's PowerPoint presentation is attached to and incorporated herein as **Exhibit A.**) He stated that the staffs have worked together for some time on the joint planning effort and they need input and guidance from both boards before moving forward. (Copies of the planning area maps are attached to and incorporated herein as **Exhibit B.**)

Chatham County Planning Director Keith Megginson reviewed the preliminary plan development and the draft plan. He said the planned area mostly in Chatham County is zoned residential agriculture (RA-40), but that most of the land is not developed that way because of physical constraints on the land and suitability to accept lake water. He said the zoning is one dwelling unit per acre.

Ms. Dorrel arrived at this point in the meeting at 7:33 p.m.

Mr. Megginson said that there are many game lands around Jordan Lake and the Wildlife Resources Commission puts out a game lands book for North Carolina each year showing where hunting can occur. There are also natural areas they want to protect because of large eco systems.

Mr. Megginson said that in creating the draft plan staff looked at the two existing options, citizen comments, and comments from the Wildlife Resources Commission, the Orange-Chatham Group Sierra Club, and the Capital Group Sierra Club. Based on those comments they have lowered the zoning for the first half mile around the lake and created a third option. He said they bumped the density down as low as is allowable by law.

Mr. Ulma stated that all of the plans exhibited the transition from east to west to lower density. Moving closer to the Amberly project and the county line is where it becomes two dwellings per

acre. He said the highest densities in Chatham County are in Amberly. In addition to the land use and the types of development that could occur, staff also looked at the various parks, public spaces, greenways and trail systems that could be developed to serve people in the area. He said they also looked at multiuse paths adjacent to existing roadways as an alternate way of moving pedestrians and others without a vehicle. Mr. Ulma stated that staff needs direction on next steps and whether to move forward.

Mrs. Robinson asked about the density in the draft Chatham plan. Mr. Ulma responded that it is one unit per two acres in the Southwest Plan. He said with the next round of amendments they are looking at changing it to one unit per one acre to match the density.

Mrs. Robinson asked if the density would be changed if they moved forward with the current draft plan. Mr. Ulma responded that staff is looking at that as part of the conservation residential overlay. He said that when the Southwest Plan was developed staff was directed by council to stop at the county line and they created a plan for density southwesterly in Wake County. He said that depending on what happens to the west they have to look at the areas in between and make decisions about those land uses.

Mrs. Robinson asked about the zoning for the land in Wake County south of Green Level West. Mr. Ulma said it is in Apex's jurisdiction and he believes the county zoning is R-40.

Mrs. Robinson asked about the designated zoning for the land to the east of the American Tobacco Trail between Green Level and Green Level West as it exists today. Mr. Ulma responded that it is part of the designated conservation area which starts at a base and can achieve a maximum of 2.5 units to the acre with additional open space and protection of resources in that area. Mrs. Robinson asked what it was before adopted by council. Mr. Ulma said it was one unit per one acre to make use of the R-40 zoning.

Mr. Roseland asked the draft plans would preserve more land or have lower densities than the existing zoning. Mr. Megginson replied that it would in Chatham County because it is one dwelling unit per acre. He said it would be a great reduction.

Mr. Lucier stated that he is committed to cooperation. He stated that as a new commissioner he needs to understand what precipitated Cary's interest in developing the joint land use plan. Mayor McAlister responded that initially Cary responded to those who asked for annexation into Cary in order to get services on the Chatham County side of the line. That was being done without a plan in place and council felt that it posed significant risks in going forward without a plan agreed on by both sides. Ms. Dorrel said that when working on the Southwest Area Plan Cary felt it was important to have a plan in place when development in the Chatham County area was brought to council. She said that Chatham County residents felt as if they were not being represented and asked that council engage the Chatham County Commissioners in the planning process. Mrs. Robinson added that the impetus for their desire to have a plan was that council recognized the value of Jordan Lake and the need to protect it, the environment in Chatham County, the character of the landscape, the interest in preserving the rural atmosphere, and the concern with suburban sprawl near the lake. When landowners asked Cary to rezone land they wanted to have a plan to ensure that they were adhering to environmentally sensitive issues, and without a joint planning session for the area they were getting requests without guidance by which to judge those requests.

Mrs. Robinson said that when requests for municipal services are received from applicants who have land in Wake County or Chatham County they go through the Town's rezoning and site plan processes, which is a decision-making process involving the council. She said that council needed a plan in place to understand how development should occur.

Mr. Barnes said he would like a public input session in Chatham County where citizens would have the opportunity to speak. He said that the citizens in his district look at Cary in a negative

light and they have no desire for Cary to come into Chatham County. He said that the problem can easily be solved by Cary staying into Wake County. He said that he hopes there will be a meeting with Chatham Commissioners and the full Cary Town Council in Chatham County and that better notification is given to Chatham County citizens.

Mrs. Robinson stated that council is interested in working with the county commissioners to develop a plan on how the land should be handled in the future. She said that a land use plan helps them to understand when they should say no to annexation.

Chairman Thompson asked if the boards wanted to continue their discussions on whether to proceed given the statements that have already been made. Mr. Lucier replied that although there are issues that cloud the discussions but they should proceed. Mr. Vanderbeck said they need to continue discussions on the land use and water protection. He said before proceeding they need to address the Town's reasons for annexation given the change of environment within Chatham County. Mr. Roseland stated that he hopes the two boards can moving forward in a constructive manner and discuss their respective concerns. He said there is an opportunity to work effectively together to meet similar goals and objectives to protect Jordan Lake, increase nitrogen standards in terms of development, and decrease the amount of impervious surface that happens over a period of time. He said they can develop a financial plan for a joint open space acquisition effort.

Mr. Lucier relayed to council the county commissioners' recent accomplishments. He said it is important for the council to know as they move forward with issues that the commissioners are doing a lot of things for environmental protection. He then asked what parts of Chatham County have been annexed by Cary. Mr. Ulma replied that Cary has annexed Amberly, a piece of the Stonewater development going to the east towards Alston Avenue, and part of the Weldon Ridge development south of Amberly.

Mr. Lucier said that they need to think about school if continuing with the plan and he asked if the joint planning group considered school sites. Mr. Megginson responded yes, that they looked at some different areas, but without water and sewer it's not likely that development will occur in certain areas.

Mr. Cross said that they need to work together on a plan to develop the area and thanked the staffs for their efforts. He said that he would rather have a plan for the area so that east Chatham doesn't get developed like north Chatham.

Chairman Thompson asked about industrial development in the area. Mr. Megginson said that they looked at the land area needed for an office park and there aren't a lot of places for development.

Mr. Vanderbeck said that Chatham County's future will be intertwined with the surrounding counties and municipalities and they need to leave those options open. He said they want sewer but they will most likely have to look for regional cooperation because they can't afford it right now. He said this provides an opportunity for future economic development but they don't yet know if the plan works in their industry clusters. The mixed use area is a good plan and they are looking at ways to incorporate more affordable housing in their area. They don't want sprawl; they want walkable and inclusive communities. He said he sees the plan as a start and they need to consider possible future cooperation. He said if they can put into perspective the direction of the plan and work together within certain parameters, they'll be on the right track for regional cooperation.

Ms. Dorrel asked whether the area northeast of the mixed use area is office and whether that area has been identified as appropriate for some kind of economic development driver. Mr. Ulma responded yes. She asked if it is appropriate for economic development. Mr. Ulma said it is

considered a residential designation because that was the thrust of the plan, but they need direction on whether to consider other uses.

Ms. Dorrel said that they have had a moratorium on annexations into Chatham County. As they get into density areas she would like the commissioners' views on the plan that's been presented. She said it is important that Chatham County citizens affected by the plan feel they are being represented by their commissioners.

Mayor McAlister said that what they've heard is that by pursuing a plan they are moving in the right direction, they should stick to the process, talk about some of the specifics, and give their joint staffs some direction to assure they come out with a good product. He said they need to understand the commissioners' views about the significant down zoning in the plan of land that Chatham County has already zoned R-40. He said that in the public input sessions they've repeatedly heard that less density is better. They need to hear from the Chatham County Commissioners and then address the other items presented by their staffs to see where that leads them in terms of a next draft.

Chairman Thompson asked council if they agreed with Ms. Dorrel about giving deference to their board of commissioners on the density in the particular areas. Council members responded yes. Mrs. Robinson said she also has specific questions on what the commissioners think about different aspects of the plan.

Mr. Lucier said he doesn't want to answer some of the questions definitively because it is important to him in his decision making process as a commissioner to first hear from the citizens affected by the plan. He is a firm believer in open spaces but there has to be areas where there is more dense development which offers some advantage and that has to be laid out.

Mr. Vanderbeck said he hasn't had enough time to review the information. On its face, having down zoning in the area by the lake seems like a good thing to protect the watershed. He said the residents in the area would like a better opportunity to look at the options and he wants to hear from the residents how the plan is affecting them before moving forward.

Mr. Thompson said given what's been said, they should establish a time for a public hearing to get input from area citizens on the plan. Mr. Vanderbeck added that it would be helpful to make the PowerPoint presentation available on the web for citizens and possibly at the libraries for those who don't have access to the web.

Mr. Roseland said he'd like to hear from the engineers regarding the land and the condition of the soils. He said that the practicality of the existing zoning may not meet the R-40 designation on paper. He said the zoning should be appropriate for the public purposes and the environmental considerations discussed. In looking at reality of existing zoning and engineering challenges he would prefer Option 1.

Mrs. Robinson said that she would like to know the impetus for one dwelling unit per acre at New Hope Church Road and Mt. Piska Church Road. She wants to hear comments from the citizens and the commissioners.

Chair Thompson thanked the Cary Town Council and said it looks like they have laid the groundwork for a good working relationship in the future.

The meeting adjourned at 8:53 p.m.

At 9:06 p.m. the Chatham County Commissions began hearing public comments from the citizens. Mayor McAlister, Mrs. Robinson and Ms. Dorrel were also present.

Larry Ballas of Indian Creek Lane said there needs to be a regional meeting with other cities and counties coming together to discuss how to prevent pollution from getting into the lake. He said most residents don't want a Cary plan they want a Chatham County plan. If no one sells their land to developers then Cary will not be able to annex and he doesn't believe Cary wants to force annexation. He said he is in favor of a plan but not necessarily the one presented. The proposed plan is going in the right direction with some exceptions. He would like to see the density lowered throughout the entire project and doesn't want to see dust bunny clusters.

Mr. Steve Stevenson of New Hope Church Road said that the only way to develop the land with one house per acre is to move sewer in the area. He said that would be the reason for them not to have one house per acre in certain areas.

Jim Fletcher of the Penny Hill Subdivision said he would like the plan to be looked at as a unit with the density driven back into Wake County and lighter density in Chatham County. He said there are several streams in the area and a number of them drain into the lake. He supports what staff has presented.

Wendy Mason of Indian Creek Lane thanked the boards for working on the plan. She is in support of a plan because it is something that has to be done. She would like the plan to include what can and cannot be done by developers, such as clear cutting. The streams also need to be protected. She said flooding on Indian Creek Lane occurs from a current Town of Cary development. She said that schools also need to be part of the plan because the current school is beyond capacity and they don't have a high school.

Eileen Evans of Indian Creek Lane said that she and her neighbors are concerned about the area at Church Road and Hope Church near Indian Creek Lane. She doesn't think the plan fits. She said with one dwelling per acre they will be scrunched.

Lynn Fass of Marvin Plantation said she doesn't understand annexation. Mayor McAlister said there are two types of annexation--citizen and town initiated. He said they are talking about citizen initiated annexation where folks who own the land ask to be annexed in order to get water or sewer to the property. He said that those annexed would pay Cary taxes in addition to a charge for the water and sewer. Ms. Fass said the proposed property near Indian creek lane cannot handle the density and there are continual flooding problems when it rains. She said the plan should be kept to the point where the environment won't be damaged.

Dana Buckley said her subdivision has one house per five acres and they have been completely surrounded by Cary with one-third acre lots. She said it is a very rural area and that is not an appropriate transaction.

Hill Hancock of Court Pond Road said his family has about 100 acres and has been in the area for a long time. He said one house in 10 acres is ridiculous. He said one in 2 acres is more realistic. Nancy Brown and Steve Kelly who also live in the area said that they are in total agreement with Mr. Hancock's statement.

Robert Sears of Ludershop Road said that the area is zoned RA-40 but without sewer and he is against having sewage. He said his family owns a lot of the land and they are not planning to sell. He said if a school was built his land would be taken and he wouldn't have a place to live. He said the boards should take into account the needs of the people who live in the area.

Judith Ferster spoke on behalf of the Haw River Assembly, the Capital Group Sierra Club, and the Orange-Chatham Group Sierra Club and provided council and the commissioners with written comments from all three. (Copies of the January 25, 2007 letter from the Haw River Assembly and the February 19, 2007 letter from the sierra clubs are attached to and incorporated herein as **Exhibit C.**)

Mr. Thompson said that board of commissioners will decide on a time for a public hearing, ensure that the hearing is well publicized, and ensure that information to be presented is available for review in advance. He thanked the council and citizens for participating in the process.

The meeting ended at 9:31 p.m.