

**Chatham County/Cary Joint Issues Committee Meeting Verbatim Minutes**  
**May 18, 2010**  
**9:30 a.m.**  
**Cary Fire Station #7**  
**6900 Carpenter Fire Station Road, Cary, NC**

Members Present: Co-Chairs Sally Kost and Julie Robison and Members George Lucier, Ervin Portman and Jennifer Robinson

Chatham County Staff Present: County Manager Charlie Horne and Planner Ben Howell

Cary Staff Present: Town Manager Ben Shivar, Planning Staff Scott Ramage, Bill Moore and Philip Smith, Engineering Director Tim Bailey, Town Attorney Chris Simpson, Public Works and Utilities Director Steve Brown, Public Information Officer Susan Moran and Town Clerk Sue Rowland

The agenda follows:

**9:30 A.M.**

- I. *Call to Order*
- II. *Approval of Minutes of March 18, 2010*
- III. *Approval of Minutes of April 15, 2010*

**9:35 A. M. – 11:25 A.M.**

IV. *Discussion of Map-Related Public Comments on DRAFT Joint Land Use Plan*

o **Mixed Use Node:**

**9:35-9:45 A.M.**

- *Staff clarifies definition and composition of Mixed Use Node*

**9:45-10:15 A.M.**

- *Staff presents environmental information for Mixed Use Node area*

**10:15-10:55 A.M.**

- *Subcommittee discussion and decision on the following questions:*
  - *Should the Mixed Use Node be included in the Joint Plan area?*
  - *Should the Node be renamed to Employment Node?*
  - *Should the Mixed Use Node/Employment Node location be moved to another location in the Joint Plan area?*
  - *Should the size of the Node stay the same?*
  - *Should the mix of uses (commercial, office, residential) stay the same?*
  - *Should the density of residential uses or allowable non-residential square footage remain the same?*

o **Mapped Comments:**

**10:55-11:25 A.M.**

- *Staff will present further options for the two remaining mapped comments from the March meeting regarding density changes on the map.*

**11:25 A. M.**

- V. *Other*
- VI. *Next Meetings*

## VII. Adjournment

Robison: Let's go ahead and call the meeting to order. (*Note from clerk: meeting start time was 9:34 a.m.*) I appreciate everyone being here this morning and our ability to start on time. Thank you very much. We have a couple of orders of business to take care of first, and that is a matter of agreeing to our agenda. I'd like to just ask that we reserve about 10 minutes at the end and add an item related to the draft bill that Chatham has drafted and has put in the hands of Cary for our input. We need to have a brief discussion about that. So, is everyone okay with that?

Kost: I move approval of the agenda as amended.

Portman: Second

Robison: In favor, say aye.

*NOTE FROM CLERK: All members said "aye".*

Robison: We next need to approve the minutes of March 18. Has everyone had a chance to review especially the edits that have been proposed? This was a carryover from our last meeting. Any comments at all?

Kost: I just want to thank staff for doing that, because there were a couple of areas where we just needed a little better transition. I think you addressed my concerns, and thank you so much.

Portman: So moved

Lucier: Second

Robison: All in favor?

*NOTE FROM CLERK: All members said "aye".*

Robison: Then we have approval of the minutes of April 15.

Kost: At your place here is a copy of my edits. I just got a chance to review these. Most of the edits are extremely minor. They are more of a clarity issue; it's nothing as far as content goes. I apologize for not getting them out earlier. But as I said, nothing changes the content; it just makes it a little more clear.

*NOTE FROM CLERK: The Kost suggested edits to the April 15, 2010 are attached to and incorporated herein as **Exhibit A**.*

Robison: Let's just take a minute and go through them. Sally, you've made it very easy for us to spot the changes.

Kost: I do need to clarify with George. One of my edits is to add page numbers. So, on Page 6, I just need to make sure with George on this one. The one that shows the number of students per dwelling. This says, 'Lucier verified that they assumed 2.7 people per dwelling and 2.9 students per dwelling.' I don't think we generate 2.9 students per dwelling. Is it 0.9?

Lucier: Unless I misspoke when I said it, what you generally get is 0.35 students per dwelling -- depending on what model you use, it's somewhere between 0.3 and 0.4.

Portman: The minutes should reflect what was said in the meeting. Right?

Kost: I don't think George said 2.9.

Lucier: I'm sure I wouldn't have said that.

Kost: I know he wouldn't. I've heard him too many times.

Portman: My suggestion if this would be the case is have the clerk go back and check the tape and bring it back at the next meeting.

Kost: Alright.

Portman: It may be if we misspeak we can clarify that. But the minutes should reflect what was said at the meeting.

Kost: Right. I'm certain he didn't say 2.9. I remember this, and it was in the context of talking about what we typically use for the school generation rate. We use the number that was in our most recent impact fee report. And that was what we talked about at that time.

Lucier: In the recent impact report it was 0.29.

Kost: Maybe that's what it is – just a decimal out of place. We'll clarify that one.

Robison: So, we have on Page 6 one outstanding issue.

Robinson: On Page 10 it says Robinson and you need to say Robison. It's Page 10, the second paragraph, the first word.

Robison: Do we have any other clarifications? I think that would be the only point we need to discuss, because we are obviously not going to adopt these this morning.

Kost: Most of my changes are very minor – just clarifications. If you want more time that's fine. I make a motion that we go ahead and approve the minutes as amended asking staff to go back and verify the student generation rate to clarify that. I think it's just the decimal out of place.

Robinson: I just have a question on Page 10. There are some statements that were reported as having been said and they are crossed out. Were they actually not said?

Kost: The problem is they weren't clear. We can go back and listen to the tape and put the entire statement in, but as you know, we don't have verbatim minutes. So everything that is said is not in the minutes. But, some of them were left unclear, and sometimes it was just redundant – it was said somewhere else in the minutes. I'll be more than happy to withdraw my motion and have time to review the minutes.

Portman: It's a minor point, but it's a fact question. The minutes need to reflect what was actually said in the meeting. So, we don't know that; there's a question. I don't think there's any urgency of approving these right now. Let's just clarify it.

Kost: I withdraw my motion.

Robison: Thank you, Sally, for taking the time and trouble to make sure that we're dealing with accurateness. I think this is going to be the most accurate set of minutes that exists from any committee group. So we will defer to our next meeting the review and approval of the April 15, 2010 meeting.

Robison: Let's move on now to our discussion of the map related public comments on the draft joint land use plan. We had several areas – two in particular – that we agreed that we needed to discuss at our last meeting that we're carrying over for today. One was the issues dealing with the

mixed use node and also there are mapped comments. Let's start out with the map related public comments on the draft land use plan related to mixed node. Scott, are you going to drive us through this?

Ramage: Ben and I will be tag-teaming again as we go through the issues.

**NOTE FROM CLERK: Staff's PowerPoint Presentation is attached to and incorporated herein as Exhibit B.**

Ramage: What you see in the hard copy in front of you and on the map on the wall, the staff team went ahead and made changes to the plan based on the direction given so far by the committee. For example, symbols for schools, parks and greenways have been removed. The resolution for the Verde subdivision has been clarified. The line of the rural buffer boundary is clarified. So, the changes we've agreed to so far are reflected. We're calling that draft Plan #6 to keep with our habit of iteratively numbering these. Following today's agenda, we propose going through the topics as shown. Just a quick reminder for the activity node or mixed use node or employment center – whatever it will end up being called – talk about the current understanding in the plan of its definition – its mixed density and so forth. The committee asked for environmental data to be re-presented and summarized for the site. We have that.

Portman: When did we ask for that to be re-presented?

Robison: Two meetings ago.

Portman: The committee did? I recall us hearing an extensive presentation on wildlife and environmental and looking at those maps, but I don't recall us asking to re-present that information.

Robison: I think we did agree that we'd look at the LiDAR data.

Portman: Oh yes, I do recall at the last meeting we were going to get some topography data.

Robison: That was a more specific request.

Kost: It's in the draft minutes.

Ramage: The staff team was suggesting for the committee's consideration – it is a very difficult topic – perhaps the topic could be approached using a decision tree – a series of discreet decisions the committee might consider taking to reach closure on the issue. After we talk about environmental issues we propose taking the questions in turn. First the big question, should there be any kind of employment or mixed node or whatever it's called in the plan at all? If so, should we rename it – should a different name be used? Should it be moved? And then resolve whether *(inaudible due to background noise)*.

Ramage: Starting first with the current definition we have in front of us. A reminder, here's where the mixed use node is currently on the draft plan – at the corner of Lewter Shop and NC 751. Jump by the *(inaudible word)* boundary, and as we referred before, the light blue shaded properties are ones that during the comment periods have expressed opposition to the nodes. And the dark blue properties have suggested moving or shrinking the node. In the current draft plan you can see the node; it's shown completely in light blue. To the west it's one unit per acre; to the north one unit per five acres; and to the east and south two units per acre and a small portion of one unit per three acre property. Right now in the plan the note specifies the node is about 460 acres. If you look at the commercial or retail portion, the note specifies about 24 acres being set aside at a typical suburban development ratio. You'd get about 180,000 square feet of floor space and maybe 470 employees. The note specifies that office and residential portions are split evenly with 218 acres each. If you could development office or employment area at typical

suburban office park, you'd get about 1.6 million square feet of space. The residential – 218 acres – the note specifies that no more than eight units per acre should be the density with an absolute maximum of 1,744 dwellings. And we've also projected population of students. So that's been consistent or constant through the plan.

Robison: I'm sorry. Scott, would you mind going back to that for a minute. I'm looking at what we have on the table and just want to make notes.

Ramage: Sure. And as we've done in past presentations, following today's meeting – if it's acceptable – we've put a PDF version of the whole PowerPoint on the Web site for the project. We can send a link to the full color version of today's presentation to all the committee members.

Robison: Thanks.

Ramage: At the last meeting staff presented a few photos of the area – different views looking towards the Copeland Nursery, some historic farm buildings, views on the approaches, you may remember the mix of views we've got here between Lewter Shop and 751 and Hollands Chapel Road.

Howell: The picture on your left here is looking from Hollands Chapel Road toward 751. The Apex Nursery is on your right there. And this, I can't remember exactly where the picture on the right is.

Robinson: It's Jean's Berry Patch.

Kost: Lewter Shop Road going east

Ramage: The image on the left is on Green Level West Road as it approaches Lewter Shop, showing some of the old farmstead buildings in the area. So that's the current picture of the area in question. The second part is the environmental setting, and we do have staff who can answer in more detail if you have questions about the environmental data. So here's an aerial view of the node at 751. We highlighted the roads and names of the roads so you can get oriented to the site. You'll see the nursery in the lower left corner south of Hollands Chapel, and Jean's Berry Patch on the south right.

Portman: Out of curiosity, what are all the long white shapes down below Hollands Chapel Road and east of 751. What is all of that?

Ramage: That's the nursery. They have greenhouses on the site and so forth.

Kost and Ramage: Inaudible (*speaking simultaneously*)

Robison: It kind of points out a question. The parcel to the west of 751 just below the boundaries, it looks like that's all part of the same ownership.

Ramage: Yes, it's in the same ownership and is also owned by the Copeland family. They've got several parcels in the area, so they're not all contiguous. But that's part of the nursery.

Kost: A lot of irrigation ponds, too.

Ramage: Yes

Portman: One of the key factors that we're looking at is environmental impact on the lake and nitrogen loading to the tributaries to the lake. Do we have any idea of the current nitrogen loading of the current use as it relates to the projected future uses? I don't know the nursery, and I don't mean to pick on it, but we look at the map and it jumps out at you. There's a tremendous amount

of land being developed close to the lake and close to the tributaries, which I assume has a lot of fertilization going on with it.

Lucier: I'm sure they use some of it, but every study that I've seen indicates that the residential uses of fertilizer on a per acre basis is greater than agriculture.

Portman: Interesting.

Lucier: Some studies indicate about 10 times more, because people want to keep their lawns green and farmers, because of the cost of fertilizer and they have a lot of acres to fertilize, tend to use far less.

Portman: We had a document at the very beginning of this effort back in 2007, which was an EPA document that spoke about the nitrogen loading impact of various uses. Does anybody recall that?

Ramage: That was presented as part of the Jordan Lake Model that the State developed to model pollutant runoff – nitrogen phosphorous – the whole suspended solid export for different uses as part of the Jordan Lake Water Quality Modeling. When you model look at application of a fertilizer is one thing. How much actually leaves the site is different. And so yes, you are correct that the State model shows that agricultural uses export about anywhere from three to five times greater than residential.

Portman: As we deal with final steps on this plan, a major factor is environmental. Could we get a copy of that EPA document to help guide us from the standpoint of fact-based decision making? What I recall was maybe five or six or seven pages. It was not the technical stuff that was in the study we did; it was more like a layman's terminology. I think it would be helpful for us to have that as we address these issues.

*NOTE FROM CLERK: The audio was inaudible, but Cary Engineering Director Tim Bailey spoke from the audience and indicated he will share this document with the committee members.*

Lucier: I'll bring some other scientific articles that – for me – contradict the EPA report.

Portman: The more fact-based information we can bring forward, I think the better decision we can make.

Ramage: We're going to show you a series of builds of different slides, and we'll keep adding to the information as we go through the slides. These are US Geological Survey stream data, so it shows streams coming from that data source.

Kost: Do they map the ponds, too?

Ramage: They do sometimes map the ponds. Staff has looked at it; sometimes they map them; sometimes they don't. It can depend on the date of the data. The State does not require an owner to keep a pond, so ponds can breach dams and are not necessarily regulated to that extent.

Bailey: USGS last update is 1983, so if it was built or demolished since, it would be (interrupted)

Kost: We don't give a whole lot of credence to these maps, because we know they're not always accurate.

Ramage: Lewter Shop Road tends to be a ridge line, meaning water on the north flows north; rain water flowing on the south side of Lewter Shop goes south. 751 in this area is another ridge line. Rain water on the west of 751 flows to the west. You've heard the term 'headwaters' used in this area. That simply means you're at the very, very beginning of the stream. So when you're at the

headwaters, you're as far away from the receiving waters as you could possibly be. So you can't get any further away from final receiving waters as you are at the headwaters.

Robison: So from a topographical standpoint, this is the high point.

Ramage: Right, this is the highpoint.

Lucier: If what you're saying is true, then the ponds are basically the origin of the stream.

Ramage: Well, the ponds are catching a drainage area using topography on the site.

Lucier: Right, but what you said, if Lewter Shop Road was the ridge, then it puts things going north of there – it looks like the pond could generally (interrupted)

Ramage: Yeah; for example, this pond may be catching rain water flowing in this area draining down to the pond. If we brought the actual topo lines here you might see a little gulley coming down that finally provides enough rain water flow to fill that pond.

Lucier: So the assumption would be, obviously before the ponds there would be ephemeral streams and wet weather streams, but they're not shown on the map.

Ramage: And we're going to keep adding to this data, so the next slide shows streams that were provided from the soils survey. And again, soils survey data – we've been advised to take that again with a grain of salt. It can vary widely from site to site depending on who was doing the estimating or the surveying. Soils survey streams are simply used as geographic reference points for soil scientist looking at soils on a site. They're not meant to be hydrologic determinations. We then pulled up – this is the Chatham County stream buffer layer from the official Chatham County GIS system. We added to that plus Cary stream buffers which we pulled using USGS data and added that on top of the Chatham County stream data. In some cases the buffers are a little bit wider. This was the breakline data in the digital terrain model that you saw presented a few months ago. Breakline data is capturing all kinds of shift in elevation – not necessarily streams. So staff went in and we've done a cursory clean-up of the data, removing fences, driveways, swimming pools, tennis courts, irrigation. For example, you pick up every single irrigation trench in a nursery. Well, those are hand-made structures, for example. So if you clean the data and remove what was obviously not a stream, we end up with something that's a little more pulled back. And if we buffer that DTM breakline data assuming they're all streams, you would get something that looks like this. We then pulled up – again from Chatham County GIS – Chatham County has a steep slope ordinance. And you can see colored in red would be subject to a steep slope ordinance in Chatham County, which uses a combination of slope – any slope over 25 degrees – and under that there's actually a formula used in the factor considering the erodibility of the soil and the steepness of the slopes. So these are regulated slopes in Chatham County.

Robinson: Can I ask a quick question? What does Cary have as far as provisions for steep slopes?

Ramage: We do not have a steep slope ordinance in Cary. It was investigated at the request of Council several years ago. We did a lot of modeling in GIS systems trying to determine steep slopes. We found two things. First, that a lot of the GIS software can have significant inaccuracies in determining slope. And second, that almost all the steep slopes in Cary – 90+ percent of them were all contained within the 100-foot stream buffers anyway. So, by default, with Cary's stream buffer ordinance, you were capturing the vast majority of all the steep slopes.

Kost: And that is true down in that area around Lochwood – down Kildaire Farm Road? Because that's pretty hilly land in there. I forget the name of the creek – Lochmere.

Portman: Swift Creek

Kost: Yeah, Swift Creek.

Robinson: Well we see that as evidenced here in this. The steep slopes coincide most everywhere with our buffers.

Ramage: A lot of them do. Another thing that staff found was that if a developer can avoid a steep slope, they will, because grading is tremendously expensive. And if your community has a limit on a pervious surface anyway, such as we have in our development ordinances, if there's a regulation to keep a certain amount in open space, most of the time a developer will keep in open space the stuff that's the hardest to grade – or that's the most sensitive. So during that plan review process, very often if there's any remaining steep slopes they tend to get protected more often than not, because they've got a financial incentive to avoid the slope. Plus you have to save a certain amount of open space, so why not save the steep. But no, we don't have an ordinance. It was investigated, but we determined in the report that it probably wasn't necessary.

Portman: I think Jennifer's point is a valid one, that we sort of see that same effect here, that 90 percent of the steep slope appears to be protected by the 100-foot stream buffers.

Lucier: I'm not sure if it's 90 percent. Look at that big area on the right-hand side – sort of in the center. That's a significant stream. We have a lot of other dots that are outside of that buffer area.

Portman: I can't be sure it's 90 percent either. I'm not an accountant, but it looks like the majority of it – a significant percentage of it is.

Ramage: And as Mr. Bailey pointed out we know we've got ground inaccuracies in the streams, and we probably have ground inaccuracies in the slopes. The bottom line message is that most steep slopes tend to be somewhere near streams.

Ramage: You saw a slide similar to this a few months ago. This is NCDOT LiDAR slope data, so it's developed using a whole different approach. It's continuously shaded. You'll see it from the legend in the lower right, slopes that use a continuous gradation of color depending on how steep the slope is. So, if we add on top of that the Chatham County steep slopes – you'll see a couple of extra areas show up. So you don't even get perfect conformance between the two. I'll toggle back just to LiDAR, and I'll toggle forward and add the Chatham slopes. When you use two different methods you might get two different results. In some of these we tried the ground truth by printing off topographic maps and checking some sites and seeing how accurate they tended to come in.

Robison: What did you find in general?

Ramage: Some of them are very, very good. Some of them are off a little bit. We do have our GIS supervisor who can explain perhaps the methodologies employed. But, you still find as a general rule that more of the slopes are hugging near the streams. So, you just have that difference between a regulated steep slope and different gradations of slope that may not meet regulatory criteria. But it does paint a picture. Maybe the general lesson here is that as you get to the north of the subject area, this looks like it's getting a little more sensitive. The streams are getting closer, so you've got more challenges probably up here. And then you've probably picked a good boundary for the eastern edge of the center, because you seem to have a very sensitive area right in here. The center pads here look pretty good. And just driving this – just field observation as you drive past those farm fields – farm fields are where they are because of the land. They're on very flat, nice, even, rolling land. Where you see the berry patch and fields there today, they tend to be these more open areas. So, people have used today the best land. It fits very well. That's the bottom message to drop from the data. The best land is south of Lewter Shop Road and west of 751.



Lucier: East of 751.

Ramage: Right. East of 751 over here. And when we look at the topographic data, it's a little bit exaggerated here. You actually have a pretty good development pad around here, and then it comes in fairly deep and back out, but you do have those streams extending it. So that's the quick view of the environmental data. We were just focusing on streams from different sources, slopes from different sources, and that's about it.

Robison: That's much appreciated.

Ramage: The next part is coming to the question for the committee of given what you know so far about the plan, citizen comments, different goals and objectives, the question is should the node be in the plan? If so, should it be renamed? Should it be called a mixed use node or should it be something else, or should the node be moved? Those three questions can warm up the discussion.

Lucier: Yes, yes, yes

Portman: Let me take a start at this. When you look at the boundaries (interrupted)

Lucier: I just said yes, yes, yes to the three questions.

Kost: Yes, yes, yes. I said it, too.

Portman: Great. Do you want to articulate what you'd like to change?

Howell: If ya'll are willing, staff has worked together and we've mocked up some maps showing potential changes. Would you like us to go through those now? It may help your discussion a little bit more.

Robison: Yeah, let's get informed on this – specifically what their 'yes, yes, yes' looks like.

Howell: The two staffs have discussed it between staffs, and the two staffs have tried to talk to some of the subcommittee member as well. Based on the discussion we've had with county staff and with our Commissioners, these are some options we felt might be good options for moving the node, if we are going to keep the node in. Again, showing the current plan. The node is currently located at 751 and Lewter Shop Road. It's about 460 acres with a mix of residential, office/institutional and neighborhood commercial. On the Chatham County side there's been some discussion about the possibility of moving the node further east closer into the Wake County border where it would be easier to serve it with utilities, and it might make a little more sense based on traffic patterns and road networks. And it would also put it closer to 540 – or what will be 540. So this is one of the first options that on the Chatham side we've been discussing – moving it right adjacent to the county line. There's still some large parcels in this area. There does not seem to be quite as much environmental impacts in this area. It does take it away from the 751 intersection, which there may be some concern about the road network. But from our understanding, the Cary comprehensive transportation plan does show Lewter Shop Road eventually possibly being a four-lane road. If the node were to move here, it would only be approximately one to three miles or less to the 540 interchange that is proposed. If the node were to take this shape here, it would be approximately 490 acres, I believe – keeping the same mix of uses as far as residential, office/institutional or office park employment center and then some neighborhood commercial level. It would be about another 25 to 30 acres of commercial to serve the neighborhood and this area. It would up it to probably closer to 250 acres or so of employment center and another 250 acres or so of residential.

Robinson: Say that again – 250 employment; 250 residential; and how many commercial?

Howell: The desire on the Chatham side would be to keep the same general ratios as far as acreage. So the node would be increased in size a little bit, so all the acreages would probably go up a little bit. It may not be 250 each of office (interrupted)

Robinson: So let's just say roughly 30 acres of commercial.

Howell: Yeah. Keeping the 25 to 30 acres of commercial and then half of the remaining would be the employment node and half would be residential.

Howell: If the node were to be moved closer in or right to the Wake County line, the discussion on the Chatham side would be – and since Scott has already said, 751 is actually a ridge line here – it would make sense to move the rural buffer boundary line to follow along 751. It would follow along the ridge line. Keeping it out here – one potential problem that staff has discussed if you were to provide services west of 751, it would require the need for one or more pump stations because of the topography in this area. So by moving the node closer east closer to the Wake County line, you actually could preserve more land on the west side of 751. The discussion on the Chatham side was to instead of trying to redraw the map a whole lot as far as densities go, drop this density down to one dwelling unit per acre in what was the location of the node.

Howell: One of the concerns on the Chatham County side was dealing with the residential density. So the discussion on our side was also in moving the node to drop the residential density down to match the corresponding surrounding residential density. So it would actually drop the residential density of the node area to two dwelling units per acre would be the net density. However, based on the size of the node, you may end up with some higher density residential but it would still come out to overall two dwelling units per acre. You would figure out the number of maximum residential units based on the total size of the node, and that would be your total number of units. So if the node was 500 acres, the thought is with the two dwelling units per acre you would be allowed 1,000 residential units. You would keep that 1,000 residential units as your maximum, but they may only be allowed on 230 acres of land. So you could end up with a higher density in the residential area, but your next density would still remain the same.

Lucier: This compares to the total dwellings in the current one, which is not now shown in blue – that was 1,744.

Howell: Right. It would drop the residences down by about 700 to 800 units.

Robinson: This plan decreases the number of units total because we're swapping out two dwelling units per acre of land for one dwelling unit per acre of land?

Howell: In the existing Map 6 that you have at your seat with the node here, the current plan shows a maximum of eight dwelling units per acre in the node area. The discussion on the Chatham County side was to move the node, but at the same time also – since there's a lot of discussion, a lot of concern about the density of the residential dwelling units – would be to drop the residential dwelling unit density in the new node location to two dwelling units per acre, which would match the surrounding higher density residential in this area.

Lucier: In other words that wouldn't change the (interrupted)

Robinson: Right. Your mixed use has two dwelling units per acre density instead of an eight dwelling unit (interrupted)

Lucier: Gross, but then you have half of that is used in reality as four units per acre. So you drop 1,744 houses to a little less than 1,000 in that area. You haven't changed the number of houses that would be allowed in that area if the mixed use node wasn't there from our current plan. Do you see what I'm saying?

Portman: I do.

Robinson: I do not. I'm so sorry.

Lucier: Right now on this map this area we're talking about is in here.

Kost: In orange

Lucier: That area that's now outlined in blue would allow 994 houses.

Robinson: No net change there, but there's a massive net change to the west, because what used to have 4,888 units would now have 200 units or something.

Lucier: Well if it's one unit per acre, which is the current zoning, 460 houses would be allowed there with the current zoning.

Robinson: You'd have 460 units vs. 4,888 units, so you're dropping down by 4,400 units.

Lucier: That's correct. In reality, it's like the mixed use node wasn't there in terms of the number of houses.

Portman: One of the things I was thinking about as we were going through with the overall numbers is trying to guide the decisions based upon environmental impact and based on good planning data – wanting to stay away from arbitrariness as much as we can. So, the fundamentals of a good long-range 20 to 30 year land use plan. It seems to me that overall the discussions we've had, the real interest has been an employment center more so than just necessarily higher density suburban housing. What I was hearing from you folks – this is really a question more to you – but I was hearing from you is how can we create an environmentally friendly, responsible employment center without the suburban sprawl that is not classically Chatham County? And to that extent, redefining the mixed use to not necessarily be Cary's mixed use of 50 percent split between housing and commercial. I think it makes good sense. It deals with the objective of having the employment center and reduces what might be perceived as an undesirable on the part of Chatham County in terms of a drastic change to the character of the area.

Lucier: That's certainly what we've been hearing. The environmental thing, too, is relevant here. If you look in the current area you've got streams that are obviously entering into those fingers of the lake in a much closer proximity. Then you move it away to a situation where you don't have that same probability for sediment moving into the lake and those fingers.

Howell: And one thing Scott did point out to me is the buffers that are shown on the streams in the new mixed use node are to scale and those are showing the correct size buffers.

Lucier: Perimeter buffers, too? A 200 foot perimeter buffer?

Howell: That's the other thing we had discussed on the Chatham County side was moving the node but also providing a 200-foot perimeter buffer especially between the commercial uses and the residential uses – or office use and residential use.

Portman: Just for apples and apples. The current mixed use location does not include the area you were just pointing to – is that Olive Chapel Road? Follow the green stream. To the left of the arrow. That's not currently in the mixed use area, is that correct?

Lucier: Some of it is. If you look at this map here.

Portman: Right up along 751 is. It's an important question, because it really deals with the environmental issue of each location. When I look at this, if I recall correctly, the current mixed use zone is this and comes over to about here (*NOTE FROM CLERK: Mr. Portman went to the wall and pointed to the map shown on the PowerPoint Presentation*). Is that correct?

Lucier: That's correct.

Portman: So this isn't in it. When I think about it, I'm trying to figure out how many lineal feet of streams would we have in this area vs. the overall area, and how many do we have here. To the extent that it is equivalent, then from my standpoint it's not an environmental impact. There may be other reasons – pro or con. It looks to me about the same. But, that's something easily we can get, right?

Lucier: But they're further away from the lake. You have this area in here, which is part of it. Obviously you don't have any analogous situation over here – it's moving in so close – except perhaps this, but it's a greater distance away. In here you do have those streams moving in, and it is further away from the lake. You still are going to have water moving down into those fingers from here through the drainage area.

Portman: But help me out here, because you know this better than I do. What I've always been taught is that regardless of how far you are from the lake, once you're in the stream, then you're in the stream.

Lucier: Right.

Portman: Once you're in the stream, the water is going to be carried to the body. So the distance of how far the stream runs – once you're in the stream, it's going to the lake. There's no filtering; there's no stopping.

Lucier: Well there is some.

Robinson: It's really unclear. When you talk about the fingers – how far this stream buffer is from this finger of the lake – you still have the same thing up here with these. You still have the same proximity basically to a finger. It kind of makes me question are you holding this area to a different standard than you are other parts of Chatham County. For example, we're well outside of the one mile here from the lake, but at the project you all are considering doing down at 751 and 64, it's within the one mile of the lake, and it's (interrupted)

Portman: It's within a half a mile. Look at the map.

Robinson: So are we going to be holding this area to a different standard than other parts of Chatham County?

Lucier: Right now we haven't done anything at 64.

Portman: I think the same guidelines and the same discussion – if we're going to base this on sound environmental data – really needs to be consistent. I think it's an excellent question. It seems to me there's far more sensitivity at 64 and 751.

Kost: It's outside of the mile.

Portman: It's a half mile – it's right here.

Kost: It's down here, though. It's this area here.

Portman: It's right at the mile.

Kost: Right.

Portman: But it's also right at our inlet – our drinking water inlet. It's incredibly sensitive for both (interrupted)

Kost: That's a long way. I drive it every day.

Portman: Well wait a second now. We're looking at the same map and we're saying this is close but this isn't.

Lucier: You know what I think? We're talking about an area outside our joint planning area, and if you want to do that, we can talk some about Cary's things that are outside the joint planning area.

Robison: I think there's just a question of comparison for perspective. I don't think we necessarily are suggesting (interrupted)

Portman: I'm asking the question. There's an alternative. Both the Chatham County Board and the Cary Town Council voted on a land use plan that we spent a year developing last fall. We are now talking about changing that. I'm not sure how we got here. I thought we had finished this work last year. We're now basically setting aside the joint Boards' approvals from last fall and basically redoing a second plan. I'm asking the questions about the pros and cons about environmental impact of a new alternative. I'm not saying I don't like it. I'm not saying it's good or bad. I just want to understand. When I ask the questions I hear, 'Well, it's not as close; it's closer; it's further.' I'm wondering are we doing this fact-based or is there something else at stake here that's driving this discussion?

Robison: I think you present a broad-brush question of perspective. I think it's certainly worthy. I'd like to see if we can perhaps address your questions but keep it focused to this question at hand on Map #6A.

Portman: And can I suggest a way we can do that? And that is we have the mapping data. Can staff show us the lineal feet of streams in the original plan and the lineal feet of streams encroaching in the proposed plan relative to the total acreage? That way we will have an objective answer in terms of is one better environmentally than the other. Is that fair?

Lucier: It's not totally fair because distance does make a difference, despite the contention.

Robison: The other thing that I'm wondering about is the issue about the road network here and the proximity to 540 and some of the other effects that are also important attributes or elements to be looking at in the discussion.

Howell: If you'll excuse me, we have a couple more slides to show with a couple more options, and we do have some slides showing some more of the environmental information for this node. That may help focus the conversation further.

Robison: Great. Would you suggest that we work through the presentation?

Howell: Yeah, and Cary staff has prepared some information, too, I think based on some of their discussions on their staff side and some options. It may help ya'll focus your discussion a little bit further, and then we can still have some more discussion if you need more information. Is that alright?

Robison: That sounds good. Thank you.

Howell: On the county side, they go a little bit further. There's discussion about moving the node and also about reducing the size. We provided a couple of different options showing the node reducing in size from an overall of about 490 acres here; taking out that land would cut it to around 399 to 400 acres.

Robison: Just a second. I'm trying to relate what you just said to the different maps here. Option #2. Is that this slide?

Howell: Yes

Robison: And that takes it down to how many acres?

Howell: Taking it down here would take it to about 400 acres. And then further reducing it to keeping only south of Lewter Shop Road in this area would take it down to about a little under 300 acres. There's a couple of different ways staff has talked about doing this, and a lot of it, too, will depend on what the node ultimately is. If the node is purely an employment center node, there's a couple of options. You can show this area as only being the non-residential area and still allow a little bit higher density residential in this area. If you're interested in using the overall of 1,000 residential units for the entire area – using the two dwelling units per acre – you could only show the south side of Lewter Shop Road as being the office/employment node area, and then allowing the 1,000 dwelling units to be up in this area but still show it as two dwelling units per acre with some clarification in the plan document. Based on these options, staff has prepared some of the same environmental information we showed for what was the mixed use node for this new location at the Wake County line. Here you see the aerial of the new node location, and this would be about the 490 to 500 acre size node. As you can see there's still some large property holdings – it seems to be a little bit more forested area. There's not as much open farmland in this area.

Robison: Where's the county line?

*NOTE FROM CLERK: Inaudible as numerous committee members and Howell answered Robison's question.*

Robinson: I'm trying to relate it back to the maps here. Oh, I see. Okay.

Ramage: The two options are hatched.

Howell: So again showing the USGS streams data for the new node location – employment center location.

Robison: And that's 6A?

Howell: Yes, and everything is shown for the entire 499 acres.

Robison: So that's Option A?

Howell: Yes.

Portman: Do you think that has less stream buffer per acre than the other plan? One of the rationales I'm hearing is more environmentally friendly.

Robison: Let's look at the whole thing, Erv. They go through the soils and streams buffers.

Portman: Okay; I'm just reacting to the data I'm seeing.

Robison: Yeah, let's look at the whole thing, because I can see a whole set of maps coming up here.

Howell: So this is showing the USGS streams; this is showing adding on the soils streams as you can see here; showing the buffers per the Chatham County regulations that would be on the streams; showing the Cary stream buffers, which picks up a little bit of land; showing the original DTM breakline data without cleaning it up, which does show a lot of streams in this area. However, when you clean it up it does cut down somewhat, but there are still some fairly significant – here as some streams in this area. And a lot of this area, there's going to be streams and a lot of these environmental impacts in most of the joint plan area, because we are so close to the lake. If we buffer the DTM breaklines, there's still a good bit of open space around it. Showing the Chatham County regulated slopes, which again generally follow the streams, but in some instances are a little bit further away from the stream buffers. And then with the DOT LiDAR data.

Robison: Tell us again why this is significant.

Robinson: To protect development in those steep slopes.

Lucier: We have a soil erosion/sedimentation control ordinance that regulates development of steep slopes.

Robison: Right. So the LiDAR data tells us if you were to develop near there, you're going to be at risk for issues related to soil erosion and general degradation?

Portman: No. LiDAR is simply another tool that shows varying gradients of flatness and topography. I don't think it says that at all. The steep slopes identify the concern areas. Now you could make the comment in terms of is there danger at 20 percent, 25 percent, 15 percent, 10 percent, 5 percent. LiDAR's just another tool (interrupted)

Robison: Erv, I understand that. What I'm asking is that the LiDAR data was really important to Sally. We all agree. So I'd like to hear more about – and I can hold this question – but I just think it's good to say that this is one of the reasons that we are looking at environmental data. I want to just refocus on what it is – the significance – and how it applies to our decision-making. That really is probably more my question.

Kost: The reason I requested the LiDAR data is because we've used it in the past in Chatham for helping us predict, because unless you go and survey the land itself – it helps us predict where the ephemeral streams are. So that's the reason I requested it. Getting the slope data was secondary. It's good information, and it's good data, but the main reason I requested it is so we can identify potentially – not 100 percent – but potentially where the ephemerals are.

Howell: In Chatham County we use the DTM breaklines – our environmental resources director uses those to give him ideas of areas – when he goes out and does stream calls – because we do on the ground stream calls for our stream buffers. He uses the DTM as a base map to determine where to go on the property to look at first. I was going to point this out with the slopes. The Chatham County regulated slopes, in our ordinance we restrict development on 25 percent or greater slopes. So, all this map shows in the red, these are only 25 percent or greater slopes.

Lucier: Most of them are outside that area, just north of it. That's where the steepest slopes are.

Howell: The LiDAR data shows actually the gradient from flat land all the way up to very steep slopes. You can see here LiDAR does show some steeper slopes, but you compare it to the Chatham County slopes – there's some 20 percent slopes leading into what Chatham County regulates at 25 percent. The reason we were showing the LiDAR data was just to show more of the gradient instead of only the 25 percent slopes.

Lucier: The LiDAR by nature is going to take out more just by what it does. Right?

Robison: So that tells us that there could be more ephemeral streams.

Portman: And we don't have a map that would show ephemerals, do we?

Kost: No.

Robison: This would be our best guesstimate.

Portman: Because development would not be allowed along the ephemerals based upon the (interrupted)

Kost: What we agreed to earlier was that we would use the Chatham County more stringent stream buffers, and that requires that ephemerals be buffered.

Howell: Right, which is 30 feet from the top of bank for the ephemerals.

Lucier: Now there can be crossings of stuff, but they are regulated in terms of BMPs how you do that. So it's not an (word inaudible) buffer, but there are guidelines, and we have them to be able to cross that area.

Howell: Again, this is just another map showing the overall – the largest size Chatham proposed node – about 500 acres. And now Scott will take back over and go through what the Cary staff has discussed.

Portman: When would be an appropriate time to ask about the environmental assessment of the two mixed use plans? Do we want to go further and then come back to it?

Ramage: I would suggest finishing – going through the next proposal and then coming back to a summary of environmental data.

Ramage: Ben explained a suggestion that's come forward from Chatham County. Cary staff met and we've looked at the issue of if we need to move or resize the node as well. We have heard that Fearington Village might be something considered as a model for a good amount of open space, a commercial core, and so forth. This is an aerial of the core of Fearington Village. We looked at the core as kind of a ring road that goes around Fearington. Outlined by the blue line here – this is a little ring road that comes around. That's the shopping/village center. You've got about 140 acres in the core of Fearington. And then they have a new addition down here, which is about 56 acres. So we started looking at those for acreage size – a size that was legible or understandable immediately to everyone. This is just individual spot acreages. It's a very interesting open space project because it has maybe 40 percent of its total area in open space in fields. That was the starting point. This is the current plan – version 6, which we had up at the beginning. We have thought about a slightly different approach and using two smaller nodes instead of moving the entire node to the west. We still have one at Lewter Shop and 751, and we have a second node on the east side. It's a little bit different. The eastern node has been slid. In the proposal you just heard it's more here. We've slid it over so that it's taking advantage of County Line Road. It's a four-lane median-divided facility that goes all the way from Durham County to Highway 64. So we slid it eastward. It goes over to County Line for a good part of it. It also brings the node up to the edge of the ATT buffer. In the proposal you just saw, where the old node used to be, the Chatham proposal had all this at one unit per acre, but outside of the urban service area. The Cary staff suggested since you're not going to provide water and sewer, you'll never achieve one unit per acre. You're probably going to be at three to five acre lots. So why don't we just go and designate it at five acre lots. So we've taken that out, and kept the same rural buffer proposed by Chatham County. We also pulled in the served area here. We looked at



subdivisions and parcelization and the stream here and thought this part of the two units per acre would probably never really be served. You've got an existing subdivision. So we pulled the line up. We've taken quite a bit of land out of that western portion of the area. With these two different node locations we wanted to try and envision how do you use a piece of land like that. Here's the 751 site. Again, we can see the nursery; here's the berry patch and the nursery. Sorry for the slower transitions. We did the same thing that Chatham staff suggested, having both a primary area – so this is our tightest node – the two blue acreages, which together total to about 140 acres. That's that core inner circle of Fearrington Village we saw on an earlier map. We found expansion areas if you want to go larger, it takes the whole area up to about 210 acres, which is both phases of that core of Fearrington that we looked at. We wanted to envision what are people talking about a mixed use node. We just did a little photoshop playing. This is what nobody's envisioning. That's why we said 'not this' on the slide. This is an aerial of Crescent Commons. It's been inverted and flipped, but that's Wal-Mart, and that's a Harris Teeter – that's at Crescent Commons. But it gives you an idea of how much acreage (interrupted)

Kost: Crescent Commons?

Robison: Kildaire Farm Road, across from WakeMed Cary

Ramage: It's about a 200,000 square foot shopping center.

Robison: Right by Lucky 32; you know where that is.

Kost: In the hole.

Ramage: Just an exercise in trying to envision how big is this when you look at it. The second effort is more like this. This is the core – it takes about 20 acres to take the core village shopping center of Fearrington, including its open space fields. This is one of the townhome or patio home projects in there. That's the new multi-family project. We're just playing with some configurations to get an idea of how much can we fit into 140 acres. This is the other side of the County Line node. Again, Lewter Shop Road will be a four-lane median-divided; County Line Road four-lane median-divided from 64 to Durham County. Here's the site, again, a core area of about 140 acres at the core of Fearrington and two expansion areas brings it up to about 210 acres. We haven't shown the buffer, but this also gives you access from the development, adding a buffer to direct access to the ATT, which could be kind of interesting.

Robinson: What kind of buffer is that on the ATT?

Ramage: At the last meeting it was agreed that it would be a 50-foot buffer for any new development on the ATT – 50-foot buffer outside the right-of-way of the ATT right-of-way. So, the ATT is in a 100-foot right-of-way, so from center of the trail you probably still have about 100 feet total buffer.

Robinson: I think there should be some kind of consideration given that if you're going with a more dense product, that you go further back off the trail.

Portman: We didn't discuss that I don't think. The conversation last time was focused around the residential neighborhood and the impact to the ATT.

Lucier: I agree with what you're saying, Jennifer.

Kost: I do, too.

Ramage: We looked at the opportunity here – and whichever option is chosen you may also have an opportunity – we look at topography in the area with one stream crossing. This is lining up I believe with West Ferrell Road. You could get a connection just as a local connector that could

bring you across the creek, and take the high ground back to County Line Road. So you may have an opportunity here to have a good network to distribute the traffic. And again we just played with potential concept and just played with photoshopping. This is Fearington Village, here's one of the open spaces in the middle, this is the core shopping area, multi-family and patio home area. Just to kind of show you what you can fit in 140 acres instead of just blue sky thinking.

Robison: It's interesting you have the topo lines on this map.

Ramage: This one we did. We added topo on part of it. We've turned them on at the county just so we can get a sense (interrupted)

Robison: So working in the topo lines, even with the topo, you were able to place prospective sites that would actually work?

Ramage: Right. Our landscape architect and I sat down and started looking at where the buildable pods were. And these aren't perfect. These are just sketchy, but once you get away from the streams – and you saw most of the steep slopes if not within 100 feet are within 200 feet – and we tried to look at where the buildable, gradable pads were.

Ramage: We now have a comparison of all three. The current Plan 6. 6A which you have. We have a handout for 6B. We'll give you one so you'll also have the 6B option.

*NOTE FROM CLERK: Refer to **Exhibit C** attached to and incorporated herein for options 6 (current proposal), 6A (Chatham's proposal) and 6B (Cary's proposal).*

Ramage: 6B is the Cary two smaller nodes, which together add up – if you use just the small cores, you've got about 280 acres of mixed use area. If you do the expansion areas you've got about 440 acres. So the two end up being just about 600. This is the current plan; this is what we looked at first this morning. The current plan has the node right there. This map – we zoomed out a little ways so you can see 540. So here's the future 540, and this is the Wake/Chatham County line. So we've taken the shading off so we can see more clearly. Here's Highway 751, US Highway 64; this is Morrisville Parkway or Lewter Shop Road as it goes to a potential future interchange here. That interchange is not guaranteed I understand, but it will be requested.

Robison: Which one?

Portman: Morrisville Parkway

Ramage: Tim, I'm not sure if that's still the case. That interchange – is it a long-term wish?

Bailey: We have no permits for that, including no approval from the NC Turnpike Authority. The one at Green Level West will be built with the project.

Ramage: So this is an approved interchange; this is not an approved interchange.

Kost: I thought that was in all along.

Portman: No

Kost: It's spaghetti to get through there now. You've got to curve and wind. That's not going to be fixed?

Portman: It's not there.

Ramage: It's on the long-range plan for Cary.

Bailey: I've been requesting that since 2000 when the Environmental Impact Statement was done for Western Wake before it was even a toll road. Because it wasn't on the thoroughfare plan at that time the environmental document started, it would not be allowed to be in the scope of the project, and they have not allowed it to be added until the project is completed. Unfortunately, while it met the Federal Highway Administration requirements for mile spacing for interchanges originally, it's not clear whether it will meet the Turnpike's requirement, because they may look at the revenue production. If it reduces revenue, they will not support it. If it produces revenue, they will be supportive of it, because they have a different approach. We've had multiple meetings with them and have another meeting coming up next week.

Kost: It's not a very efficient way to get through there now.

Robison: Bring it on, Sally.

Kost: Who do I fight with?

Ramage: This is the second option, the option Ben presented – Option 6A, with the node moved here – right to the county line -- just immediately west of the county line. If we look again, here's 751, Lewter Shop or Morrisville Parkway with a hope someday for interchange but not currently approved. The benefit of this road we feel kind of goes away with this location, because there's no north/south connection for the mixed use node to get to the freeway, other than sending traffic backtracking and then down. The traffic is really not distributing we feel on two roads. You've got a very large center but really only served by a single thoroughfare.

Portman: Didn't you say County Line Road was the north/south?

Ramage: County Line Road is the north/south, and we'll show that one.

Kost: I'm sort of blown away right now, because all my decision-making and all my thought process has been based on that interchange being there. That is just completely changing the way I'm thinking. Where does County Line Road connect to the north outside of the map area?

Bailey: It's Yates Store Road in Amberly.

Kost: Right, but where does it go at Mr. Yates' store? Where does it go from there going north? I know where it dead-ends right now (interrupted)

Bailey: inaudible

Kost: At Weldon Ridge it dead-ends there

Bailey: On the south, yes.

Kost: From there going north where does it go?

Bailey: It will continue and align with a road in Durham called Granville.

Kost: How do we get through Amberly?

Bailey: It's already in Amberly. It's Yates Store Road.

Kost: I'm talking about the intersection of Carpenter Fire Station and Yates Store Road going towards Mr. Yates' store. Where does it go through there?

Bailey: It uses the Yates Store Road alignment that exists today.

Kost: So going down the hill where the creek is and all that is going to a four-lane?

Bailey: That's correct. There hasn't been enough development along the frontage to improve it yet in that area, but it will be over time. It uses the same path, it's just slightly widened and straight through there – same corridor.

Ramage: In this option there's County Line Road, and you'll see as it comes through it then joins what's called Yates Store Road, and that goes all the way up through Amberly, through O'Kelly Chapel and eventually ties into Granville Road in Durham County.

Kost: Where it crosses the American Tobacco Trail, is that going to be bridged, or is that going to be an at-grade crossing at the ATT?

Bailey: We do not know that at this point. Our transportation plan doesn't have that level of detail. Certainly we are interested in bridging, but we haven't had a development at that location yet to see where and how it will cross. Fortunately we'll be eliminating a major crossing when we bypass White Oak Church Road, which right now has a crossing. And if we redirect around it and align it with Wimberly, we'll be eliminating an at-grade crossing here.

Ramage: So there's the east/west Green Level Church Road. The thought is for connectivity that this one gets served by a north/south arterial, an east/west here, and by distributing trips even another east/west. 751, of course, going all the way from 40 down to 64 will still be a very strong connection. And then, hopefully, someday we will get an interchange over there.

Lucier: I wonder if you ever will.

Portman: I do, too.

Lucier: I think if it's not in the plans now it will never happen.

Portman: When I look at that map, that major north/east/west road I discount. Because it is not approved; it is not in the Turnpike plan. We'd like to get it, but it's just not there. I think it's good to think about what could be, but it's not.

Lucier: I'd say the chances are less than 50/50.

Robison: I think that's a 20 to 30 year out thing.

Lucier: But it affects my thinking.

Robison: But you should know that we hope for it, and there are efforts to prepare, but those are long, long term.

Robinson: This is also a 20 year plus plan, too. It's not like this is coming in next week. If we magically approve something today, it's not going to come in next week. We're talking years and years. I think that's one thing that's really hard for people when they're doing these kinds of land use plans is they say 'the owners don't want this near their property'. But you have to think in 20 to 30 years down the road when things probably start changing hands and it does develop, what is the best development.

Kost: Let's do a little bit of a time check.

Robison: I've been just looking at the clock, too, and let's finish up our presentation as quickly as we can.

Ramage: We only have four more slides on this. So the current plan will go back to the existing node. This is that same site – the Cary alternative – of having two core pieces, which try to keep you out of all the sensitive areas up here. These are the two core pieces, but for expansion you've got some good open ground here, here and here. And you can go a little ways up into here as well. The Chatham proposed plan – the slide before. And here's the difference between the two. That's the Cary proposed node with the core pieces here and expansion pieces here, and I'll flip it again. That is the end of our presentation of Options 6A and 6B.

Robison: The maps that you just showed of the environmental evaluation between them, could we see again the 6B? Which is the one that straddles the line?

Ramage: This one does. The Wake County line and Durham County line is right here. We did not run slope LiDAR data on the Cary side. That's why you see the shape finished, but then we picked up the Cary stream buffer data on this slide.

Kost: I was clear on the densities. What type of densities are you talking about for 6B?

Ramage: We didn't get that much further in the discussions. We still think you could do something similar to the patio home developments at Fearrington Village, which probably – if you look just at their development sites – would be six to eight units per acre. It depends if you look at the gross area with all the open space involved.

Kost: Correct me if I'm wrong, but the mixed use area before had densities as great as 12 units per acre. It was pretty dense.

Ramage: It's always been capped at eight units per acre. We're just repeating the same density.

Kost: The Cary staff's major concern dealing with the option we presented for 490 acres was mainly the transportation issue. Is that what I was hearing?

Ramage: Mainly we think that for distributing trips to and from the node to make it marketable that being served by a single boulevard – we haven't seen that be that successful. We think if you can distribute the trips (interrupted)

Kost: Transportation was your main concern.

Ramage: Transportation is a major concern. There is also, I think we have some concern with the feasibility – this quadrant of that node is so (*inaudible word*) with streams and limitations going right through the heart of it, and we have a lot. And we bring up the topo – this northern pod looks even more difficult. And we start to get worried about having a developable pad in here that would be pretty isolated. Like the cul-de-sac development coming in and out – maybe we could get that road we suggested, which would help distribute it, and then you could expand it and take it across. We thought the site had more limitations. We were thinking really your big traffic draw still would be 751.

Kost: Except 751 is not slated for any major road improvements through the year 2035.

Robison: Which is another concern.

Lucier: And it's already highly traveled.

Kost: That, combined with some very intense development being proposed on the Durham side on 751, has all of us in Chatham concerned.

Ramage: That was one of the reasons we suggested having the node – shrinking it into two smaller ones – each individually might have more of a market chance than one big one.

Howell: That's where on the Chatham staff side we showed this large amount of area, but we were always – we understand the transportation issue, but we were always under the thinking that really only maybe half of this would actually be the non-residential uses. And your residential density would go down so significantly. We feel the transportation issue probably is not as big an issue with keeping an employment area here, which would be a modified office park with maybe some residential included. And with Lewter Shop Road ultimately being shown on at least Cary's comprehensive transportation plan as a four-lane road and then the County Line Road being not that far away as another four-lane road to get you south. On the Chatham staff side, our feeling is that the transportation network is not that big a concern. Yet you do have the environmental concerns through here, but with the buffer regulations and all the other environmental regulations we have on the Chatham County side – there's a large portion of this land that may not be able to be developed, then so be it. But, we feel there's still a good possibility of this location.

Portman: Question from the audience

Robison: Well let's take a question, but

Larry Ballas (from audience): The question I have is I sort of like this plan here. What's the economic opportunity for Cary – on the other side of the county line – to increase the area that's of concern to both committees for economic development and housing. Rather than going to Plan 6B, which sort of does that. Take 6A, which has a little bit larger area, decrease the density and then move it to Wake County. That way you'll have the north/south road, you'll have an east/west road near I-540. That's just my thought.

Lucier: Is your comment that you like 6A?

Ballas: I like 6A, but I like 6B's extension into Wake County. What I'm concerned about is we need to develop tax base in Chatham County. And it doesn't necessarily have to be with houses. It can be the employment center. Housing can be also taken up by Cary. People can move to Chatham County to work. *(Inaudible comments because multiple people speaking simultaneously.)* So what I'm saying is take 6A and expand it out into Wake County.

Kost: The history has been on all the developments that have been right on the line is the planned commercial is on the Wake County side and residential is on the Chatham side. That is a concern of ours.

Ballas: It does concern me having Plan 6B at the county line and also 751 with traffic always going towards the lake.

Lucier: I have the same concern.

Ballas: Just move it towards the Wake County line and make it larger. You've already done all the environmentals on that; keep it all together.

Howell: If I can clarify real quick. For the Chatham County staff side, we didn't go into Wake County at all. We proposed moving the node over to the county line, but we didn't feel – since the Wake County side of Cary has never really been in the joint plan area, so we've only focused on the Chatham County side. But, we were doing it with the understanding that moving it to the county line would probably require Cary to update their southwest area plan and very well might spur more development on the Wake County side for Cary. But we were focusing only on the Chatham County side. So, I think Cary staff has some good proposals with adding some Wake County land on there, but our purpose has always been – we've always been focusing on the Chatham County side and trying to get some more non-residential uses – office/employment center type uses on the Chatham County side in the plan area.

Robison: Let me ask you this. Fundamentally does Plan 6B, which is the revised Cary version with the two sites, does that offer enough opportunity for employment between the reduced scale of the mixed use at Lewter and 751 and the parcel that is shown on the Chatham side? I realize that you haven't proposed a formula yet, but it could be – it seems to be that there could be enough opportunity to do the employment that you're looking for in those two areas. I'm just looking for some response. What do you think?

Lucier: I have the same concern Mr. Ballas just raised with 6B about employment. And the answer is probably not. What we're trying to do with 6B is really react to what we're supposed to do in part to all the public input we've received. And we've received a lot about the mixed use node and its location and issues surrounding that. We're trying to react to that. I think there are some legitimate issues that have been raised. At the same time keeping employment opportunities in Chatham County has been a concern for me and one of the main goals in pursuing this is to bring some jobs into Chatham County. Right now the growth we're having is out of balance. I fear 6B will – if anything (interrupted)

Robison: If you just eyeball it, the 6A version, which I think that the blue is the area that would be for employment on this, and if you kind of eyeball the two spaces it doesn't look like the 6B plan – the Cary version – has less acreage than – but it's not that far off – just from an eyeball perspective. I guess what I'm trying to ask is would the 6B allow for the employment centers that you want. Maybe the compromise is a greater amount of the mixed on the Chatham side than what this shows.

Kost: Limit the residential on the Chatham side is what you're saying, so that residential would be on the Wake side.

Robison: Yeah, I'm asking if that (interrupted)

Portman: I'm not sure how we get there yet because we're talking about differences in terms of land use plans, and I'm not hearing any environmental discussion in terms of is one alternative better environmentally than another, which is a basis of why we should be even having the conversation about moving the areas. And then if we can get some agreement on that, then how we color the use between employment and residential in my mind is a secondary issue, and, of course, we're free to color that however we want to to address that issue.

Robison: I think that the reality is that we have to consider both issues. I believe – from what I've heard of the environmental evaluation between the different nodes – that plan 6A I think takes into account the environmental concerns that we saw really with especially the original 6 plan north of Lewter Shop Road. It eliminates a lot of those environmental concerns.

Portman: We've sat in the same meeting, and I asked questions on environmental when we first saw that, and I was asked to hold those questions until we got through the presentation. We're not at the end of the presentation, and from what I can see on the maps, the new proposed site is as or more impacted by stream buffers than the original site. And if the new site has more lineal feet of stream buffers than the proposed site, I want to understand how that is meeting the objective that we started on two years ago of protecting the lake. I don't buy – I'm open to anyone helping me understand that distance to the lake is a valid factor. I would like to be taught that, but my understanding is once something is in a stream, it's in the lake. There are no filtering devices in the streams (interrupted)

Lucier: That's not true.

Robinson: I think Erv has raised a good point, though. Let's get that information back before we try to make a decision.

Portman: We're very concerned about Haw River, because things that affect Haw River way upstream affect the lake.

Robison: Could we have our staff maybe respond to this issue right now?

Robinson: Sure, if they have the information.

Robison: Erv, you're absolutely correct, and you've been patiently waiting for that.

Robinson: Are you equipped to answer that at this time?

Ramage: I'm not; I'm not sure if Mr. Bailey has any insight to offer.

Bailey: First of all the goal is to prevent pollutants from entering the streams that are – especially the perennial streams that have water year round, because that's when you're supporting wildlife and those types of things. And (inaudible words) do not allow those pollutants to enter the stream. However, for what does get in, the (inaudible word) and transport of nutrients, which is mostly what I'm aware of from modeling wastewater and just primarily nitrogen phosphorous, there is some minor reduction based on (inaudible words). We've done studies at our north plan and some others. I can give you that information, but I can't say five percent in eight miles; I don't have that kind of thing to quantify it. But there is some reduction, especially for any pollutants that are attached to particles and they can settle out. For any pooling that you have along the channel corridor and any of that water that can get consumed by plant life or whatever, you can help reduce some of the nitrogen, but my recollection is that it's pretty minimal based on the distance. But, I would love to get some facts there to quantify that reduction per length kind of information.

Someone from audience: It's also very dependent on the flow. If the flow is slow, the more you have algae and your plants sucking the nitrogen out, and the higher the flow (inaudible).

Portman: Makes sense.

Bailey: We have fairly steep stream corridors in this area – western Wake County and Chatham County. It's fairly steep topography overall compared to say southern Cary and that part of Wake County. So, that is accurate. It does have a little higher flow.

Lucier: It's different for nitrogen phosphorous, too.

Bailey: Yes

Lucier: Phosphorous will be – the length will make a much greater difference for the phosphorous than it will for nitrogen – just by the nature of how it binds with soil particles and moves. So, your phosphorous moves much more slowly than your nitrogen.

Portman: How do we get the answers?

Robison: We have 20 minutes left for our time for this meeting. We have I think some – it appears to me that there's priority issue on real comparison on the environmental impacts on the different sites. And we've gotten enough information today that causes us to want the complete response. I think that that's going to not be possible today. So, I'd like to see if we agree on that.

Kost: Could I just ask, are we all in agreement that what we had in version 5 and version 6, that that's out. That was the very large mixed use node at 751 and Lewter Shop. So we can dismiss that. Because we had – Chatham had some very grave concerns about the size, the density of that node. And so that's why we started looking at other options, because as we learned more we had some grave concerns.



Robison: Is it fair to say that we agree that looking at different options in order to address those concerns is the direction that we're going?

Robinson: I don't think we're ready to just drop one. I think that we need to have more information before we move on. Let me just express some of my concerns so the staff can be aware of them. First of all, between 6A and 6B, if we are going to have land here that's one unit per one acre, we really can't serve it with urban services. It is not in land that can perk very well. It seems unrealistic to even have it at one unit per one acre. So I like the fact that we pulled that boundary out and just say come up with a land use plan that's realistic for that land, and that is having one unit per five acres. So, I like that; I feel very comfortable with that.

Lucier: Yeah, I do, too. I agree with what you're saying.

Kost: Or one to three; it doesn't have to be one to five.

Robinson: That's an element of 6B that I like. I prefer that. Now I think that if we want (interrupted)

Robison: It would be great if there is consensus on that point.

Kost: I would like to look at either one for three or one to five. I agree; I think it's a very valid point. Let's not let just the nature of the land determine – let's actually get a good land use to fit it. I think that's a very good point. There are perkable sites at three acres, and again it would be consistent with some of the other transitioning that we've done. But again we would need to evaluate it.

Robison: So is it fair to say that the subcommittee in general likes the element of 6B, the Cary version plan, that pulls the border to 751 and that the density question would be outstanding as to whether it should be three or five units per acre? Is that where we're at?

Lucier: I think we could say at least three.

Robinson: And I guess what I'm saying, and I just want to be very clear about this, is when we first met we agreed that we felt like development should stay about one mile off. When we made that agreement, it was my understanding that our urban service boundary would trail along that one mile line or mimic it. And my opinion is we go back to our original intent and say we're going to mimic our urban service boundary to that one mile line, and we put a density that can be served by utilities or we pull it off, and we don't set up a land use plan that is not achievable. My preference is that we mimic the one mile line with our urban service boundary, and then we put in a nice transition of densities. And I believe that our plan will ultimately be more successful if we put that kind of smooth transition of densities in there rather than having it be a stark – going from one to five to two (interrupted)

Lucier: I think you could go with the one mile area from one to five to one to three and then moving to the denser, so that area was added back in east of – or west of 751 then becomes one to three.

Kost: There are some differences between 6A and 6B dealing with the rural buffer boundary that we haven't even discussed yet. I'm not ready to do that.

Robison: Do you have other points, Jennifer, that you want to make?

Robinson: Yeah. My other points are – I empathize with the struggle that you all as stewards for Chatham County are struggling with regarding the desire for non-residential tax base and then struggling balancing that with the environment. I think that we need to decide what's going to be the highest priority. Is it going to be protecting the environment, or is it going to be building your tax base. Because in this one it like – in 6A my impression from looking at it is that you picked a site that was large enough to accommodate the tax base that you wanted to grow, but you did not

necessarily pick one that was best for the environment. And I think you did that in reaction to responses you got having the mixed use at Lewter Shop. The problem is once you move it now you're going to have new reactions from people because you just moved it closer to their properties. So, you just have to struggle with that, but you've got to decide what are you going to put first. Is it going to be the tax base, or is it going to be the environment. I like the fact that in 6B you break it up into two smaller pieces. I think given the low densities in this area, people will respond better to having two smaller projects, where they don't feel like they live next to this very big project. And I think it's better served by the roads. The last comment I want to make is that in two meetings ago we had somebody come and talk to us about the forest and the impacts to the forest. It sure looks to me that the original plan in going with Lewter Shop does less destruction to the forest than 6A, which when we saw the little aerial of it, it looks like it has almost exclusively forested land.

Kost: Much of it pine forest. You've got to get into the types of forest. You can't just – not all trees are the same.

Robinson: I just think that most people feel more comfortable taking down a field to put dense development on vs. taking down any forest whatsoever. It's just a comment that I think also applies probably to 6B when we get into the eastern portion there. The concern I have going into Wake County is this. Many years ago when we did the southwest area plan – we were going to do a west plan, and we said let's split it into. Let's do the north plan, and let's do the south plan. And the north plan is going to have all this density, but to compensate for that we're going to have this really low density south plan. And so now we're eating into that south plan. This is exactly what I feared – that all this density would be achieved rapidly up in the north, and then they'd start eating away at the southern plan bit by bit by bit. Whereas I feel very concerned about eroding away at our southwest plan.

Lucier: So you have problems with both of them.

Robinson: I have concerns with all of them.

Lucier: Yes, that's what I hear you saying. I think it's probably an over-simplification to say 'do you want environment, or do you want jobs?' If you say we want the environment, then you would have no development at all. It's not quite that simple (interrupted)

Robinson: It's not that simple, but it's (interrupted)

Kost: I think George heard you out. I think we need to hear him out.

Lucier: In terms of the forest vs. the non-forest, that problem is if we have a non-forested area you've already cleared down to the stream. So any construction you do enters the – it doesn't have the tree roots and stuff and vegetation to sort out – to pull out the nitrogen phosphorous. Where you already have cleared down to the streams – and many farms have – you lose that filtering ability. So, it isn't necessarily correct to say that – and Sally's point with the pine forest vs. the hardwood forest is different too. But it's not necessarily true that building on what is farmland creates less pollutants entering the streams. It may create more.

Robinson: Okay; I think that's a good point.

Lucier: Because you don't have that long-standing filtering ability, whereas if you come down and cut trees along to the stream buffer, you have retained a lot of that filtering capacity with the trees that remain. I wish things were more simple. I'm concerned about the transportation issues. They bother me. I was assuming an interchange at Lewter Shop Road, and it's not. That bothers me, and I'll have to re-think some things about that one – that's for sure (interrupted)

Kost: That's shown on every map. I'm just completely (interrupted)

Lucier: I really don't think for the reasons I've said it's probably going to happen. It's probably unlikely, so I don't think we should assume that for the purpose of the transportation issues. That's why I'm concerned about that.

Portman: George, I share your concern on planning – the long-range plan – assuming that interchange. I think we should – of course, there's always the issue of what you don't know what's going to happen in 30 to 40 years, but you do a plan based on your best assessment. There's a couple of things I've heard today in terms of trying to synthesize a lot of information we've got here. I generally am supportive of cutting off at 751 and not having mixed use go west of 751 towards the lake. I think there's good data that has been presented to us in terms of slope and stream buffers that would support that. When I go back and I look at the alternatives between the old plan or the plan we walked into with this morning – 6A and 6B – I'm very confused about the environmental impact about the various options. I would want to see a good assessment of the number of feet of stream buffers per acre of the various options to make sure that we're not moving something and actually having a more detrimental affect to the environment. I think we should be articulate on that. This is a major issue. I like the idea of lower density development west of 751. Everything else out there is one to five. I don't really care if it's one to five or one to three. I think that's a Chatham County issue. The urban service boundary – it would not be a Cary issue anyway. We're not going to be providing services there, so in my mind that's purely a Chatham County discussion. Color it how you want in terms of what you think that should be. So, what I'm concerned about is our agenda and our schedule. Because we had talked about moving this along at each meeting and driving towards a decision point. Over the last few months I think we've done a good job addressing concerns, but we're now at the end of another meeting where we haven't really made decisions. I'm concerned about the responsibility we share as a subcommittee to bring closure to an important study subject that continues to go on undefined. I think we have a responsibility to the citizens to look carefully – which we're doing. I know that's part of what's gotten us here. But also to be decisive and make a decision after we have the information. If we're not careful, this plan will drift into 2011. I believe very much in the tenants behind the work we're doing – regional cooperation – the importance of two governing bodies to look responsibly at future land growth in the future and work together to develop a joint plan. I think that's the best purpose we can do. If we don't start to make decisions and close up portions of this plan in the upcoming meetings, I think we will risk the work we've done.

Kost: Well I came into this meeting ready to make some decisions today, and we didn't get there. I had shared with the co-chair, who was going to share with you, and I think there were some issues, on our option 6A so you would have an opportunity to know that that was something that we would like to propose ahead of the meeting. But then we get Option 6B that I didn't know was coming. We got a lot of new information today that made decision-making a little bit more difficult. There are other aspects of Option 6B that we have to discuss, too. We've only had the discussion on the mixed use. There are some other staff proposed changes that we all need to be prepared to talk about at the next meeting so we can at least bring closure to that.

Lucier: Can I add one thing to what Erv said, because I want to make sure that we get the right information we need. In terms of stream lengths in those two different areas, I also want information on distance from the lake. Because I know that especially for phosphorous that does have a significant impact. But also, and I think the gentleman in the back raised the issue of elevation of those streams. In terms of the elevation drop before they get into the lake. I think what he said is correct. So I think we'd have to factor in all those things. To make it more complicated we probably need to know not just the total stream length in each of the areas but whether they're perennial, intermittent or ephemeral.

Portman: We don't have any ephemeral on this, do we?

Howell: The one concern I think we're going to have from staff with the stream data is that we've shown you a couple of different types of stream data. From what I understand, the DTM breakline

data and the soils survey stream data – they're not ground verified. We show them because it's been shown before, and that's what the subcommittee has asked. But they may be shown, but they may not be there. There may not be anything there. Unfortunately we can't tell from that data whether they're going to be – we know the USGS data; we know that shows perennials and in some cases may show some intermittents. The DTM data and the soils survey data – we don't know what those streams are – if they're ditches, if they're ephemerals, if they're nothing.

Portman: When you did a presentation, you did a really good job of showing build slides. You started with some data, built in some other things, and ended up with the steep slope and the Cary buffers. In my mind, if you're using the same assessment in both areas and you use that data, I think that's all we can ask for. Because there are issues and weaknesses in everything we do, and that's a common principle that would be applied to both maps. I think you did a good job in terms of building that up and allowing us to see that. I would ask you to use that data.

Lucier: I agree. Just make sure I have apples to apples. There's going to be inherent problems with all the methods. We've used enough methods that we might not be 100 percent there, but we'll be close.

Ramage: One observation might also be that we could spend a lot of time on the environmental data here. Generally for planning, it's good for giving you a general sense of where the most buildable areas are of sites and where your best access is – looking where you might be likely to get roads through, where stream crossings and so forth. I think it's worth remembering though that any new development here on site needs to mitigate for the Jordan Lake Rules. Maybe Mr. Bailey could describe what that means. If every development has to perform at a certain level, how far the stream is in the lake may be a moot point. I'm not sure.

Bailey: Scott is right. No matter where it's at, it will have to mitigate. There will be pollutants to the point that they're required. I think the Jordan Rule is 2.6 for nitrogen, for instance. And to the extent that that 2.6 pounds per acre per year nitrogen continues is I think what we're talking about assessing length, grade, those types of things, and phosphorous and some of those things. We'll just provide the raw data they've asked for instead of what Mr. Lucier asked for is matching perennial/intermittent we'll use what we've shown today – USGS, soils maps and DTM breaklines as the categories. Since we really don't know the perennial/intermittent.

Lucier: I understand. I just want to make sure we have some idea what the size of the streams are. There are different problems. In some effects ephemerals are the worst (inaudible words) for moving nutrients down into the stream, because when they flush out, they flush out all at once. They often have a greater grade (interrupted)

Robison: George, I'd like to point out that we're at 11:29. We have had a chance to express various different concerns. I want to make sure – has everyone had a chance to make any statements on their preferences or concerns related to these options that they have not had a chance to state yet so that we are ensuring we are going to be formulating adequate direction?

Robison: Can we agree – and I appreciate the time and frustration of the decision-making process – it's messy and it's not always exactly on a timeline that we'd hoped for. Some of us had new information brought to us today, and I think that what we have been able to do is give some pretty clear direction in comments. I saw Scott taking a lot of notes – and Ben. Rather than going through those things I think it's fair to say – and I want to check this because we're tight on time – that you have a strong list of details on everyone's comments and concerns and specific requests for future information required to better evaluate the environmental impacts of the 6A and 6B in particular.

Kost: Can I just say thank you though? Because I think the information you all presented today was extraordinary. I understand other people's need for other information, and that's fine. But I actually learned enough today that I could have made a decision. So I thought the way you

thought through the information and presented it was excellent. I just want to say thank you, because that's not that easy to do. Don't you just love GIS.

Robison: I think we're going to have to agree that one more round to address some of these particular questions that's been brought up and then we've got to get to a decision point. It's not just one person that's asking for this information.

Kost: I respect that. I'm just saying that you met my data needs; I just wanted to say thank you.

Robison: I felt comfortable with it, too. I think in a comprehensive land use plan, you get to this level of details when you go to site plan. But this is a special area. I agree that the information was great today. We have not answered some of the key questions that were posed to us today, because we have concluded that we have more evaluation to do. I suggest that at our next meeting that we begin by getting the staff response to the information needs requested and that they take into consideration points of consensus that they heard about things like, for example, yes we like the boundary shifting over – for example – east of 751. That's just an example of generalities that were expressed. That you come back with what you think depict those consensus points. If we need to have another conversation between us, then we'll figure out how to do that so that we're clear on that if there's any questions. Then with that information at the next meeting we'll answer this question of where should the node be. I don't think it's a question of if it should be or not. I think I heard today yes. But exact location – we will determine that – the size, location and mix of uses and density. There are two other land map comments – the Hodges and Ferrell tract – that we were supposed to get to today and haven't. So we need to deal with those two issues. I hope that we can deal with them expediently at our next meeting, because we need to move on to what we had planned to work toward after this, which is the design guidelines.

Lucier: I think we will be able to do those two other issues – the Hodge and Ferrell – pretty quickly.

Robison: I agree with you. I'm just stating what we need to get to at the next agenda, which will be basically four items, or maybe three: continuation of the node issue; the map comments; and the design guidelines.

Lucier: I think we did pretty good with the questions, though. It's just there are a couple of questions we haven't answered that weren't on there – like where should it be.

Kost: Or how big should it be.

Robison: The wonderful thing is we have enough – good options.

Howell: If I can just get some clarification real quick. Do you want staff to be prepared to present the design principles at the next meeting?

Robison: I think that's the schedule. I think that would be on schedule, wouldn't it?

Kost: It would be if it's doable.

Robison: Just the principles.

Howell: On the original schedule we had that for last meeting even, so it should be (interrupted)

Robison: It's the next thing on our agenda; it's the next thing on the list. Put it on the agenda and at least present the guidelines – I mean the major principles.

Kost: I left my calendar at home, but is the next meeting the 11<sup>th</sup>?

Howell: The 11<sup>th</sup>, and it's scheduled from 8:30 to 10:30. If we continue our flip-flopping of locations, it would be in Chatham County. If ya'll want to agree with it being in Chatham County, then we can work out – I can work with the manager's office on finding a location.

Portman: I'm fine with that. I would like it to be in the planning area, if we can do it in the planning area. We have met up by Lake Jordan at one point.

Robinson: We prefer not to go to Pittsboro. For one thing, I can't get my kids in childcare until 8:00. I can't be in Pittsboro by 8:30.

Howell: That was one of the problems we did run into is that there's not really a good meeting location in the joint plan area in Chatham County. We can try for the Jordan Lake Visitor's Center. That can be difficult because that is a state run center. I know last time the reason we didn't have it there was they were doing some training. We can certainly try for that, but the only other option that as staff we've found if we can't get the visitor's center would be in Pittsboro.

Robison: Can this be a fallback option – the fire station?

Kost: This is my favorite location.

Howell: The first option would be the Jordan Lake Visitor's Center, and just have the second option be this fire station?

Robinson: Is there a reason why we're flip-flopping. What is the real reason why we're going from one place to the next? Is it labor-intensive for the staff to balance it?

Kost: To balance the staff load because of minutes.

Robison: Sue, do you have any comment on that?

Rowland: We're happy to accommodate whatever works for the committee.

Lucier: And also just have citizen availability.

Robison: Our clerk has said she's happy to accommodate whatever works for the committee. You'll work that out – either at the Jordan Lake facility or here as a back-up. I want to make sure that everyone knows that I will not be at the next meeting. I will do my best to prepare and to weigh in.

Portman: We have basically – at this graph up here – we have set the agenda for the next meeting. That is what we will deal with. Those are the issues we will address.

Robison: There should be no (inaudible word), no surprises in the next agenda in what we agree that we are determined to accomplish.

Kost: We need to talk about the bill.

Robison: We do. We are now running late. It's 11:38. I think we need a few minutes on this. Can everybody hang for another five minutes.

Portman: I can hang for five minutes.

Robison: Okay, then five minutes is what we've got.

*NOTE FROM CLERK: The draft bill language follows:*

(5/17/10 Draft)  
GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009  
SENATE BILL \_\_\_\_\_

A BILL TO BE ENTITLED  
AN ACT TO GRANT CHATHAM COUNTY AND  
THE TOWN OF CARY AUTHORITY  
TO ADOPT A JOINT COMPREHENSIVE LAND USE PLAN  
FOR A PORTION OF THE AREA OF  
CHATHAM COUNTY EAST OF JORDAN LAKE

*The General Assembly of North Carolina enacts:*

**Section 1** (a) *Chatham County (the “county”) and the Town of Cary (the “town”) shall have authority to adopt a joint comprehensive land use plan for the portion of Chatham County and the Town of Cary bounded on the north by the Durham County line, on the west by Jordan Lake, on the south by a prong of Jordan Lake and White Oak Creek, and on the east by the Wake County line (the “Chatham-Cary Joint Comprehensive Land Use Plan”).*

(b) *The Chatham-Cary Joint Comprehensive Land Use Plan as adopted by the county and the town shall act as a suggested guide for development in the plan area with respect to zoning, location of mixed use nodes, subdivision approval, design, building, and appearance standards, streetscape and streetscape buffers, screenings, signage, limits on utility extensions, development density, landscaping requirements, stream and development buffers, and such other provisions with regard to development in the plan area as are agreed to by both the county and the town.*

(c) *The Chatham-Cary Joint Comprehensive Land Use Plan shall be amended and updated from time to time according to procedures contained in the plan.*

(d) *Before adopting, amending, updating, changing, or repealing the Chatham-Cary Joint Comprehensive Land Use Plan the Board of Commissioners of Chatham County and the Town Council of the Town of Cary shall hold separate public hearings on the plan. Notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.*

*(e) The Chatham-Cary Joint Comprehensive Land Use Plan shall be adopted by the Chatham County Board of Commissioners and the Cary Town Council and once adopted shall not be repealed, amended, updated, altered, restated, or otherwise changed unless the governing body of the county and the governing body of the town approve such action.*

**Section 2.** *This act is effective when it becomes law.*

Kost: I didn't realize there was an issue with the local bill. We both have adopted local legislation requesting our legislators to support a local bill that requires mutual agreements on the decisions that we make so that both Cary and Chatham agree. I spoke with our local delegates, who are Speaker Joe Hackney and Senator Bob Atwater, and was told that Chatham was to take the lead on developing this. I met with our attorney last week, and we drafted legislation. Last night the Board of Commissioners passed a resolution supporting this legislation.

*NOTE FROM CLERK: The resolution adopted by the Chatham County Commissioners and referenced above is attached to and incorporated herein as **Exhibit D**.*

Kost: Our attorney provided copies to Chris and to the manager.

Robison: This morning?

Kost: No, last week.

Robison: Of the resolution?

Kost: No, I don't know if the resolution – the bill. The resolution is really a Chatham County resolution. I'll be happy to provide it to you, but it was our resolution – what we supported. But the bill is to bring forth what I thought we had agreed to as far as – I didn't bring a copy either.

Robinson: I'll say that I don't have a problem with the bill. I think there's a typo in your resolution. Let me just state really quickly what that typo is.

Robison: The resolution from last night?

Robinson: Yeah, that Chatham County approved.

Robison: I don't have it.

Robinson: In your 'be it resolved' statement, you say that Chatham County would weigh in on zoning – I think it says zoning – does anybody have the wording of the resolution?

*Multiple people speaking simultaneously (inaudible)*

Robinson: Let's see, that 'special legislation would also include agreement by Chatham County Board of Commissioners in any changes in zoning and design standards proposed by the Town of Cary'. So that's a typo; so what we're doing here is we're agreeing that we would have the joint ownership over the land use plan, which is different from our zoning.

Kost: But the zoning is the next step of the land use plan, is it not?

Robinson: Yes, but zoning is our responsibility as stewards of our community. It's not something to be extended outward to other governing bodies. So it's not – our agreement doesn't stretch into zoning.



Kost: So you're saying that Cary could come in and rezone a portion of Chatham County, and Chatham County doesn't have to agree to that. Is that what you're saying?

Portman: Consistent with the comprehensive plan.

Robison: I think that any changes – if there was a joint agreement to make any amendment to the Cary/Chatham land use plan, then that would govern any next steps on zoning. It would be more of a first step, but it wouldn't be – our act would not be an act to rezone; it would be to make any amendment to the land use plan. I think it is what the legislation is focusing on.

Portman: When we deal with a zoning which is inconsistent with our comprehensive plan, we take action on the comprehensive plan first or concurrently with the rezoning. Correct me if I'm wrong from a staff standpoint; we don't rezone inconsistent with the comprehensive plan. Is that correct? So if there's a rezoning that would be inconsistent with the comprehensive plan, the comprehensive plan has to be changed first. That's the way we keep this together.

Robison: Sally, maybe you could clarify your position here and what your expectations are. It could be that it's a matter of semantics.

Lucier: I think we should maybe just word it in a way that you just said, that Cary won't rezone inconsistent with the land use plan.

Portman: Well what we had agreed upon, and Chatham County had voted on this and so did our Board – the very nature of having a joint, long-range comprehensive plan, which, by the way, I think we're free to do without this – we've been working on it for two years. The title of it is a joint plan. By the very nature of it, one side couldn't change a joint plan without the approval of the other side, or it would not be a joint plan. That's what caused us to start to meet, because prior to us being willing to do this work together, there was the reality that there could have been two land use plans for this area -- a Town of Cary plan and a Chatham County plan – and they could have been inconsistent. And we didn't want that.

Robison: I think that one of our goals here is to ensure that we're really working off what our Council approved and adopted in our legislative agenda. Which it's really pretty simply stated, which is that we're asking for legislation to require the Town of Cary and Chatham County to approve any changes to the joint land use plan once it's adopted by both the County and the Town. It's really that simple.

Kost: It's not that simple, though, because we also agreed that the design standards would require – that there was going to be an overlay of design standards that we both mutually agreed to, and I don't think either one of us wants to allow those changes without the other approving.

Portman: Well make them a part of the comprehensive plan.

Robison: Yeah, I thought that's what we were doing, Sally.

Robinson: The bill is stated correctly, and let me just read it. It says 'Chatham/Cary joint comprehensive land use plan as adopted by the County and the Town shall act as a suggested guide for development in the plan area with respect to zoning, location of mixed use node, subdivision approval, design, building and appearance standards, streetscapes and streetscape buffers, screening, signage,' and so on. It goes on. It's the guiding document, but it is not the legal authority to our rezoning.

Robison: I think there is an issue on the table. Cary's legislative agenda and also the Commission's agenda is to seek legislation, and it was I think hoped for that we could pursue this now. There is a deadline coming up – Wednesday – to submit anything for a draft bill. Our staff

only yesterday was able to review and make some headway on providing input to Chatham County, so let me just make it clear that we're not ready yet to give our input, and we think that perhaps by the end of today or tomorrow that might be possible. But, I feel that any draft bill – this has been – should come back through our committee or our council. Just as you guys have had a resolution that you passed by your whole board that spells out the direction that you're going, I think that that ought to – the same process deserves to be employed in Cary. I'm just concerned about (interrupted)

Portman: Did we not already do that? The Cary Town Council already considered and voted on a resolution that supports a joint comprehensive land use plan. Did we not?

Robison: You mean the legislative agenda?

Portman: No. We actually took up several months ago this joint comprehensive plan, and we voted on it. I think we've taken our position. It's in our resolution. Am I wrong on that?

Shivar: I think what Julie is talking about is specific legislative language that we adopted – the Council agreed to. The way I understand and read it – and I'll ask Chris to correct me or add to it – is more narrowly defined than the draft legislation resolved in Chatham County. So for example, as she explained, our requirement was that any changes to the joint use plan once adopted would be approved by both Chatham County and the Town of Cary. My understanding – and it's a quick read – Chris and I haven't looked at it – is that the Chatham legislative suggestion in the proposed bill goes much further – much beyond. So I think the first issue is – it will be difficult for us to agree to that the way it's drafted right now because what we anticipated in our (whispers from table; inaudible words) and also our position is we don't think it's necessary. It seems to be that it should be the plan. If the design standards are an issue, my understanding is that would be part of the plan. So if there are any changes to that then that's how it's written.

Portman: So we are on record with a resolution that states what we had agreed to. This draft bill includes some things we had not agreed to. And to the extent that it does, it stands alone. But we have our position that we support a joint comprehensive land use plan once this is adopted. The very discussions that we got into today deal with the devil in the details. We want very much to have a joint plan. We thought we had it last year. Now we're going back through it, and hopefully we'll get one. But this covers us after we adopt a joint land use plan. That's Cary's position, and that hasn't changed.

Kost: The intent was not to go beyond what we had agreed to. Nobody's trying to pull the wool over anyone's eyes. It may be as simple as the semantics here, because what we're all trying to do is protect Cary's interest and protect Chatham's interest. It's very simple what we're trying to do. Someone had to take the lead in getting the bill done, because Wednesday's the deadline. So Chatham County took that initiative and took the lead. We sent the bill at the middle of last week. It's unfortunate that we're now up against such a hard deadline.

Robison: I think our staff received it Friday.

Kost: Wednesday

Robison: It was Friday.

Lucier: Let me say one thing. Does anyone have any issue with this sentence: 'Zoning decisions made by Cary and Chatham County must be consistent with the adopted joint land use plan'?

Kost: Read it one more time.

Lucier: 'Zoning decisions made by Cary and Chatham County must be consistent with the adopted joint land use plan.'

Kost: I mean that's what we said.

Portman: That's a statement of the obvious, because our practice is we don't – no, I don't have an issue with it.

Lucier: Okay.

Kost: Thank you; thank you.

Lucier: Does anyone have an issue with that?

Robinson: Well I have a question from staff. Are we ever inconsistent with our zoning and our comprehensive land use plan?

Robison: Sometimes

Portman: We try not to be.

Robison: We try not to be.

Robinson: Well, we try not to be, but there's a difference in trying not to be purely by matter of policy (inaudible words; multiple people speaking) as nothing by matter of law says that they're not going to be inconsistent. There's a difference there, and I want to make sure that we're not putting ourselves in a position – not ourselves, but future councils, in a position where there's difficulty.

Simpson: If I could just make a comment, and that is we need to make sure that there's a real meeting of the minds and we all understand what we're agreeing to. Because if this is going to be a local bill (interrupted)

Lucier: Before we go into that could I just get an answer to the question. That's important for me to know.

Robinson: In policy I agree that we should be complying with the comprehensive plan.

Lucier: Should be – so zoning decisions made by Cary and Chatham County must be consistent with the adopted joint land use plan.

Robinson: You have the word must.

Lucier: Yes, I do.

Robinson: Must be vs. should be

Lucier: No, I have the word must in there. I'm just asking that question.

Portman: George, the only issue I would have with that is a land use plan is a living document, and the adopted land use plan I assume will be modified.

Lucier: The adopted or amended

Portman: This plan will be modified.

Lucier: You're absolutely correct. So I'm sorry about that – the adopted or amended joint land use plan, and then it's clear that we both require joint approval to amend it so that's covered. So with

that statement, 'Zoning decisions made by Cary and Chatham County must be consistent with the adopted or amended joint land use plan'.

Robison: I think that's our understanding of the process that we would go through. That's my understanding.

Portman: It's our practice.

Robison: It's our practice.

Robinson: It is our practice.

Lucier: So then you wouldn't have any problem with the sentence.

Robinson: Listen, this is my concern. We very simply say that we would want to have a joint land use plan. We want to make amendments to that land use plan cohesively, and we're seeking legislation for that. I think given the time restraints that we have that we need to go with our common ground and move forward with that in this bill. And I think what is difficult for our council is the fact that when we meet with you, we show up at a meeting, and we have Option 6A that we never knew about before. We have different options come up from Chatham County with regularity that we have no preparation for, but yet you're willing to move forward and approve it that day. But we have never seen it before. So here we are at the last minute trying to approve a bill, and we're getting in language that pertains to our zoning, which we're not ready to forfeit to another governing body, and it's coming at us at the last minute. You're asking us – I feel like you're strong-arming us to be honest – to coming in and doing something with our zoning. I'm not comfortable doing that. Now if you want to move on this in the next four days and come up with a resolution or a request for a bill that we can all agree on – what we can agree on is that we want to do a joint land use plan together, and that we want to have joint responsibility of that land use plan. And (interrupted)

Portman: And that's outlined in our resolution.

Robinson: Right. So that's what we're going with. I think we're at the end of our time limit. So, Julie, I don't know what action we need to get at this point.

Kost: I'm sorry, I don't know if I want to end on that note or not.

Robison: Okay, what you needed, Sally and George, was some input from us. Our staff has told me that they think that if we can – that there are some suggestions that they have that could facilitate getting this in the deadline that you're looking toward – that if you can accommodate them would be possible.

Kost: We've asked – I met with the attorney last week. I thought all this was moving forward. I didn't realize that we had to do this and that the ball was in Chatham's court. So once we knew the ball, we played it. So, yeah, that's why we asked for input. We would love to be able to get this. If we don't get it in by Wednesday and we miss the deadline, we've missed the Short Session.

Portman: But the significance of that is what? We haven't adopted a plan. We hope to adopt a joint plan this year. It is by its very nature a joint plan that cannot be changed by one side.

Robison: I think the idea is to get the legislative authority in place, and at a bare minimum to say that we would like the authority granted that would require any changes to the joint comprehensive land use plan to be approved by both parties.

Portman: Do any of us think we need authority from the state legislature to do what we're doing?

Robison: I think it solidifies it and (interrupted)

Robinson: I don't think it's authority. I think it's a promise – it's a binding promise is what it is.

Portman: We have the authority to do this.

Robinson: We have the authority to do it right now.

Robison: And we could set up an interlocal agreement today that does that; however, let us just be reminded that we agreed a long time ago that we would pursue this legislation. I think what it does is it sets it up in place sooner rather than later so that should there be any changes in any political body, that the legislation is in place.

Robinson: Julie, I'm okay seeking the legislation, although I don't think we need it, as long as we're seeking this legislation and not some other legislation that (interrupted)

Robison: That opens the question up for interpretation

Robinson: Yeah

Portman: Our position is clear. We adopted a resolution. It was sent and shared with Chatham County. To the extent the joint legislation reflects that wording, we're fine with it.

Robison: We'd like it to just be a little bit – we'd like it to be simpler, and we'll give you (interrupted)

Kost: Send us the feedback.

Portman: Isn't it as simple as looking at our resolution?

Robison: Yes, and you don't know. Let us ask our attorney to communicate back to your attorney with the suggested changes to the draft.

Kost: That would be perfect.

Robison: Sally, I want to just make it clear, from my perspective – given the e-mail traffic I saw – our staff first received the draft on Friday morning. Our attorney was out in a training session on Friday and did not receive it until yesterday.

Kost: Okay; that's fair. It is last minute, and no one likes doing things at the last minute.

Robison: It's okay, and you know what – we were ready to pursue this, too. But, in the middle of this week we found out that the Wake Delegation said Chatham should pursue this. So, this is nobody's fault. It's a matter of the trigger point here is that the Short Session is upon us. It wasn't clear exactly how we were proceeding with development of drafting the bill. We're throwing something together, and we're trying to work it out.

Kost: Exactly. No one's trying to strong-arm or back anyone into the corner. That is not the way I do business or the way that I would want anyone to perceive that I do business.

Robison: Point well taken. On a good note then, is our staff clear? You think you can get this input back to Chatham by the end of today? Chris, is it possible?

Shivar: I don't know about today. We have a budget work session this evening. We'll do our best.

Robison: Okay, by tomorrow.

Kost: Tomorrow is the deadline.

Robison: No, Wednesday's the deadline.

Kost: Isn't tomorrow Wednesday?

Robison: Oh, I'm sorry. Okay, we will do our ever best. Sally, we'll be in touch.

Kost: I'm out of town.

Robison: Tomorrow?

Kost: Yeah

Robison: We'll do our best.

Kost: We've asked the county attorney to work with Cary to get it (interrupted)

Robison: So the attorneys will handle it then.

Kost: Yeah.

Robison: Okay.

Portman: And as a task force, we don't have any meetings between now and the next meeting. It's an important issue that we want to pick up the agenda at the next meeting where we're leaving off right here and now to try to avoid the surprises and the new information so we can move forward and get this thing done.

Kost: I agree, but if I have questions of my staff then I'm going to meet with them and address them.

Robinson: That's fine. I think what Erv might be alluding to is the fact that we don't want subgroups of this committee meeting and coming to agreements about what's going to be presented, and then all of us are not privy to it. We show up at the meeting, and suddenly new information is presented to us as if we should have known about it when we were not in this small subgroup meeting. We would like all meetings – all conversations between these boards to occur at these meetings.

Robison: And you need to know that there was no sub meeting.

Kost: There was no sub

Robison: There was no sub, and I explained this to Erv last night. The sub-meeting to plan agendas occurred over two months ago prior to us meeting in the Cary council chambers – where we set agendas for the next four meetings. I just want to make that clear.

Portman: Well this agenda today is very different from where we left. It came in with a presumption that the mixed use plan was going to change.

Robison: Yes, and it didn't occur as a result of any sub-meeting.

Kost: There was no subcommittee meeting between Cary and Chatham.

Robison: Nothing

Kost: There just wasn't.

Lucier: I think we're just reacting to the questions of should we have the mixed use area. You said last time that that was really up to Chatham County to decide and you'd go along with it – is what basically you said.

Portman: I said I was going to take my lead on the fine-tuning of the plan we had worked on for a year. The fine-tuning of that plan – I was going to take my lead from Chatham County. I didn't say that we were going to set aside what we had done and let's write a new plan. That wasn't my intention.

Kost: We'll have to go back and listen to that tape, because I remember exactly what George just said (interrupted)

Portman: I was going to take my lead (interrupted)

Kost: I remembered exactly as George said.

Portman: Let's listen to the tape.

Kost: We tried to work it through and bring forth an option that we supported. We did that today, and then we're getting told that we blindsided. That's a little hard to take.

Robinson: For the record, we have come in – and this is not just today, Sally – we have come in in several meetings, and you have come in and said now we want protection of ephemeral streams or other elements, and we had no forward expectation. And you come in and you say this is what we would like to do, and I'm ready to vote on it today, and yes, I support what we want to do. And we haven't had time to digest it. This is one case – today's meeting – where you came in with 6A and our staff understood you were coming in with 6A, so they came up with 6B. For those of us sitting on the council – I can only speak for myself – maybe Erv had privy to it – but I wasn't aware that there was going to be a 6A and a 6B discussed today until the very last minute. Then you say, well I'm surprised. I didn't even know there was 6B, and you seemed somewhat taken aback that someone would come forward with another plan. It's exactly the same thing – what we're sitting experiencing.

Lucier: I don't see the problem. I think it was perfectly appropriate to come up with 6A. I think it was perfectly appropriate for Cary to come up with 6B. I think it was perfectly appropriate that we had the lengthy discussion we had on it. And I think it's perfectly appropriate that we not decide today, because they were new plans that we hadn't seen before. So I don't think we did anything wrong – anyone.

Robison: Thank you for sharing concerns. I think that we're going to ensure that every piece of information is available to everybody ahead of time and that it will be as clear as we can about that. I call this meeting to close. *(Note from clerk: The adjournment time was 12:04 p.m.)*