

Chatham County/Cary Joint Issues Committee
March 18, 2010
8:30 a.m.
Cary Town Council Chambers, 316 N. Academy Street

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

The agenda follows

I. Call to Order

II. Approval of Minutes of February 4, 2010

III. Revised Project Schedule for Joint Land Use Plan

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

- Mapped Comments: Staff presents summary of mapped comments and identifies the most significant map areas and issues for committee discussion and recommendation. Focus on Density and Use change requests.
- Questions from staff: Should staff investigate revisions to parks, greenways? Should staff investigate additional details for schools and parks (types, locations, characteristics)? Should staff prepare recommendations for additional map changes to address any awkward boundary splits, parcel splits, and related?
- Conservation Areas/Natural Resources Concerns: Discuss citizen comments concerning environmental issues and natural resources concerns. Includes presentation of Chatham Conservation Partnership Plan research by Allison Weakley of RJG&A.
- Mixed Use Node: Discuss citizen comments regarding the Mixed Use Node. Committee determines nature of any revisions to the node. (Keep? Change location, acreage, boundaries, mix, or intensity?)
- Interpretation of land use boundaries: How does the Committee view the firmness of the land use category boundaries? How would having conceptual MXD boundaries work, vs. requiring a plan amendment? Impact of conceptual or floating boundaries on intergovernmental plan interpretation.

V. Update: Western Wake Wastewater Reclamation Facility

- Discussion of Greenway Easements
- Discussion of CDM Report to Chatham County Board of Commissioners

VI. Other

VII. Next Meetings

VIII. Adjournment

Robison called the meeting to order at 8:33 a.m.

Approval of agenda:

ACTION: Portman moved to approve the agenda; Kost provided the second; members granted unanimous approval.

Approval of Minutes of February 4, 2010

ACTION: Kost moved to approve the February 4, 2010 minutes; Robinson provided the second; members granted unanimous approval.

Revised Project Schedule for Joint Land Use plan

Scott Ramage reviewed the following chronology of events and schedule.

Chronology of Events

November 11, 1996	Cary Land Use Plan adopted. Includes area within Chatham County between Jordan Lake and Chatham/Wake county line.
Summer 2003	Town of Cary began work on preparation of the Southwest Area Plan. In the wake of Chatham County citizen concerns, Town Council directed staff to include only the land in Wake County.
March 22, 2004	Joint meeting of Chatham County Board of Commissioners and Cary Town Council with agreement to work on joint plan
July 29, 2004	Cary Planning Director advises Town Council that Chatham County is too busy with other projects to work on joint plan
December 12 and 15, 2005	Chatham County Commissioners and Cary Town Council adopt <i>Resolution Supporting Joint Planning Between Chatham County and the Town of Cary</i> calling for final adoption of the Joint Plan by September 2006
June 7, 2006	Kick-off community meeting conducted by Chatham and Cary staff members; background information presented and feedback requested
August 7, 2006	Revised, extended schedule adopted by Cary Town Council (with concurrence by the Chatham County Board of Commissioners) calling for final adoption of a joint plan by the second quarter of 2007
October 17, 2006	2 nd community meeting held; draft joint plan presented and feedback presented
February 20, 2007	1 st joint work session to review draft plan conducted
April 12, 2007	Further project delays led to adoption of second revised schedule and project extension by the Cary Town Council calling for final adoption of a joint plan by March-April 2008
April 17, 2007	Board of Commissioners conduct independent public hearing on joint draft plan
May 7, 2007	"Commissioner" plan proposed by Chatham County
May 13, 2009	3 rd joint work session conducted and the Cary Town Council and the Chatham County Board of Commissioners. Agreed to appoint subcommittee of Council members and commissioners to study

	issues of common interest to the Town of Cary and Chatham County with a target to receive subcommittee recommendations by September 2009
June 1, 2009	1 st subcommittee meeting
June 16, 2009	2 nd subcommittee meeting
July 14, 2009	3 rd subcommittee meeting
August 10, 2009	Board of Commissioners conduct independent community meeting and ask participants to respond to six general questions
August 14, 2009	4 th subcommittee meeting
August 31, 2009	5 th subcommittee meeting
September 17, 2009	3rd joint work session of the Cary Town Council and the Chatham Board of Commissioners scheduled
November 2009 (11/18 and 11/30)	Community Meetings held in Chatham County (North Chatham School and Carolina Preserve Club House)
December 11, 2009	6 th subcommittee meeting
February 4, 2010	7 th subcommittee meeting
March 18, 2010	8 th subcommittee meeting
April 15, 2010	9 th subcommittee meeting
May 18, 2010	10 th subcommittee meeting
June 11, 2010	11 th subcommittee meeting
July 13, 2010	12 th subcommittee meeting (if needed)
August 13, 2010	13 th subcommittee meeting (if needed)
August 2010	Public Hearings for Plan – Town and County
September 2010	Planning Board/P&Z Board Review – Town and County
October 2010	Joint Land Use Plan Adoption – Town and County

Updated Project Schedule

Joint Board Meeting	Sept. 17, 2009
Community Meetings #3	Nov. 18 & 30, 2009
Joint Subcommittee Meeting #6	Dec. 11, 2009
Joint Subcommittee Meeting #7	Feb. 4, 2009
Joint Subcommittee Meeting #8 <ul style="list-style-type: none"> ➤ Discuss mapped comments ➤ Identify desired map changes ➤ Resolve MXD node recommendations ➤ Discussion Conservation Plan Information for Possible Map Changes 	Mar. 18, 2010 8:30am – 11:30am

Joint Subcommittee Meeting #9 ➤ Review and endorse Revised Map #6 ➤ Discussion and direction on environmental and policy issues for plan document ➤ Discussion of Design Principles		Apr. 15, 2010 9:30am – 11:30am	
Joint Subcommittee Meeting #10 ➤ Review draft plan document ➤ Provide feedback and direction for document changes ➤ Final requests for map changes based on Plan/Policy Document		May 18, 2010 9:30am – 11:30am	
Joint Subcommittee Meeting #11 ➤ Review proposed Plan Document and Map ➤ Identify any final changes and endorse for public hearings ➤ Finalize the Schedule for Public Hearings, Adoption		June 11, 2010 8:30am – 10:30am	
Chatham County			
Chatham County		Town of Cary	
Joint Board of Commissioners and Planning Board Public Hearing	Aug. 2010	Town Council Public Hearing	Aug. 2010
Planning Board Recommendation	Sep. 2010	P&Z Board Public Hearing	Sep. 2010
Board of Commissioners Action	Oct. 2010	Town Council Action	Oct. 2010

Post-Adoption Actions/Implementation Steps

- Creation and adoption of Design Guidelines (Chatham County & Cary)
- Rezoning of areas as needed to be consistent with the joint plan (Chatham County)
- Land Development Ordinance amendments – ephemeral streams (Cary)
- Other relevant policy & ordinance changes (Chatham County & Cary)

Additional Subcommittee Meetings Scheduled

July 13, 2010 – 8:30am – 10:30am
 August 13, 2010 – 8:30am – 10:30am

Additional Topics for Discussion by Subcommittee (July & August)

- Legislative Matters – Possible Local Bills
 - Transfer of Development Rights
 - Joint Land Use Plan Revision Agreement
 - Property Revaluations/Property Taxes for Cary Residents in Chatham County
- Regional Issues
 - 751 Assemblage
 - Cell Phone Coverage in Chatham/Cary area
 - Transportation Issues

Kost and Lucier think the schedule is overly ambitious based on the time their planning board will need to review the plan, and October is not feasible for plan adoption. They suggested moving plan adoption to November or December. Robinson agreed that the Cary planning and zoning board may need the additional time as well.

Members agreed that board adoption should occur in the November/December time frame. Portman said the important thing is to get the public hearing process started.

Ramage stated that staff will extend the schedule for the planning boards to have two months for review—September through October—and two months for board/council review—November through December.

Portman believes the committee may need to meet during the public hearing process and prior to plan adoption. The objective is for both boards to adopt the same plan. There may be important information coming from the public for the committee's consideration.

Robison said the clerk has a set a committee meeting schedule through August. She stated the clerk should schedule a time for the committee to meet in November.

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

Ramage said the joint staff team narrowed comments to four or five areas (or properties) where they would like committee guidance. (Staff's PowerPoint Presentation is attached to and incorporated herein as **Exhibit A**; the table of citizen comments by topic is attached to and incorporated herein as **Exhibit B**; maps prepared for this meeting are attached to and incorporated herein as **Exhibit C**.) He stated the staff narrowed their work to landowners requesting a density change for their own property. He stated staff is open to hearing from the committee about any properties not covered in today's presentation.

Ramage said the owners of the Horil and Hodge properties on New Hope Church Road near the intersection of Mt. Pisgah Church Road are requesting an increase in the density designation, which is currently one house per five acres. Ramage stated staff suggests an alternative of one dwelling unit per acre for the committee's consideration if the committee is interested in entertaining such a change (as compared to the landowners' proposed two to four dwelling units per acre). He stated the one unit per acre would create a transition area. Staff looked at the land west of the American Tobacco Trail (ATT), and used Mt. Pisgah Church and New Hope Church Roads as the point of demarcation.

Robinson asked the density of Indian Creek. Ramage said these lots are three to five acre lots and larger; Kost said the average is closer to five acres. Ramage said they counted about five vacant properties in Indian Creek.

Robison asked if the lots abutting Indian Creek are developed. Ramage said about half of them are developed. He stated if the committee changes the land use designation, then it would make sense to wrap the urban service boundary around that area.

Kost asked if it would be contiguous with the other higher densities. Portman said it would serve as a transition from the two dwelling units per acre to the south to the one dwelling unit per five acres. He said staff has gotten comments from specific landowners, and he thinks it would appear to be spot zoning to rezone just those lots for which comments were received. He stated the expanded area provides a transition from higher to lower density and respects the land uses of the surrounding area.

Robinson said she would prefer to see a village center arrangement at the corner of the intersection of New Hope and Mt. Pisgah Roads. She wants to preserve everything to the south of the creek bed (adjacent to the residents). She asked if staff considered that option. Ramage said the committee directed staff to plan for residential uses in this area.

Portman asked if one dwelling unit per acre would preclude someone from putting the units closer together in a cluster. He thinks this would respect the natural area around the streams and provide a good transition to the Indian Creek neighborhood.

Kost said one house per acre makes sense for the location. However, she is troubled by public services, because to build one house per acre would require satellite annexation. She stated residents in this vicinity already experience public safety issues, in that they sometimes do not know what government agency to call if they experience an emergency. She stated if the

committee chooses to do this, then everyone must recognize and accept that it would be a satellite annexation.

Portman asked if the service boundary is contiguous to the south. Ramage said the current draft plan boundary goes to the ATT. He added if the committee wishes to change the land use designation to one unit per acre, then staff recommends moving the boundary.

Portman clarified that the service boundary is already contiguous to this parcel; the staff's recommendation to include Indian Creek will ensure that we do not spot zone. He said the property owners would have the right to request annexation if they choose. He thinks if the committee wishes to change this area to one dwelling unit per acre, then it would be logical to have urban services and move the boundary.

Lucier asked the type of stream that runs through Indian Creek. Cary Engineering Director Tim Bailey stated the main channel is a perennial stream. He pointed to other areas that are more than likely intermittent streams.

Lucier said if the committee moves forward with staff's suggestion, then there are other lots in the area that would change with the zoning designation in the draft plan. He asked if these landowners agree with the changes.

Portman defers to Chatham County to fine-tune issues in Chatham County as long as they don't get into spot zoning.

Kost said it's important for her to disclose that she lives on New Hope Church Road. She's separated her personal and professional opinions concerning the best land designation for these parcels. From a land use plan she agrees that maybe two houses per acre is more fitting because of transitioning, but she is totally opposed to any type of satellite annexation, which she believes is bad public policy.

Portman is also opposed to satellite annexation and agrees it is bad policy. He does not view this situation as a satellite annexation.

Robison thinks the issue is whether the committee wants to extend the urban service boundary from its current location. She suggested laying this issue aside for the time being and moving back to the presentation. She stated the committee can take up this issue and any other outstanding issue after going through all the comments. Everyone concurred.

Portman said the issue is not the urban service boundary, but rather the density. The question is whether the density should change based on the feedback. He stated if the committee determines they should be sensitive to the comments of the property owners and change the density, then the logical requirement would be to change the urban service boundary.

Ramage clarified that staff communicated with property owners that the committee would review the comments and make map changes if necessary and as appropriate. He stated at the public hearing, the staff will make it clear what changes came about as a result of the community meetings.

Ramage said staff received a petition from the six property owners in the Verde Road subdivision to lower their density so it's not at two units per acre, which is what the draft plan proposes. He presented two options for the committee's review:

(1) Change the entire area to one dwelling unit per acre and take the designation all the way to the street to apply to those properties fronting Green Level West Road. Ramage stated this would be an island and would be a transition between the two units per acre and the one unit per acre.

He added that the CAMPO long range (2030) transportation modeling shows Green Level West Road as a five-lane roadway section.

(2) Leave the lots directly on the road at two units per acre due to the future thoroughfare plan, and change the subdivision to match the one unit per three acres that's immediately to the north. He stated this would ensure contiguity.

Kost, Lucier and Portman prefer option 2.

Robinson said if she owned one of the eight-acre lots she would be concerned with a three-acre designation that someone could subdivide. Kost said the property is under a protective covenant, which does not allow property owners to subdivide the land. Lucier said the designation is currently one unit per acre, and even without the plan, someone can build eight dwellings on eight acres.

Ramage said the third and final land use plan change request is the Ferrell Family properties, which includes about 104 acres. He stated these land uses are split on their property, and the family would like to have their entire property treated the same.

Ramage said staff received new information that the Colonial pipeline 60 foot gas easement goes through the Ferrell property.

Mr. Ramage outlined the three options:

(1) He stated the Ferrell's requested that the topography elevation be used instead of the ¼ mile buffer from Corps property, because most of the property is on a high elevation. The Ferrells suggested targeting the bottomlands, because they believe it's more suitable for one dwelling unit per five acres.

(2) Ramage stated the committee proposes a second option of using the gas line easement as a break in the land use designation. He stated it could be used for the Ferrell property on the east.

(3) Ramage stated option 3 simply takes option 2 above and extends this scenario to the western part of the Ferrell site in addition to the eastern.

Ramage said the applicant seemed supportive of the gas line easement option; however, they believed the bottomland made the most sense for the property.

Kost asked if the original designation for the Ferrell land was due to the creek. Ramage said this property is completely outside of the one mile lake buffer. He stated the utility service boundary line splits the property, and there is a one-quarter mile buffer along all property owned by the US Army Corps of Engineers.

Robinson said the committee's direction to staff was to draw a quarter mile buffer along Corps property, and the committee would look at topographical and special case scenarios. She didn't view this issue as a "blanket" buffer, but rather an ideal scenario. She said there is value in understanding topography and what an owner envisions for their land.

Kost and Portman think option 1 (using topography) would provide more protection for the streams. Portman said the topography option respects the Corps principle. He thinks the pipeline is not a logical boundary for the comprehensive land use plan. He thinks the topography scenario is a good solution respectful of the interest of the land owner and the comprehensive plan.

Lucier conceptually agrees with Option 1, but he does not agree with the exact demarcation line. He stated this is a significant watershed moving towards the lake. He wants more input from others about where the line should be and the appropriate elevation and distance. Ramage said

the staffs will review this closely with their environmental staffs and others and will suggest changes (i.e., minimum distance and elevation). Members concurred.

Ramage said staff has clear direction on the Verde Road Subdivision to leave the lots directly on the road at two units per acre due to the future thoroughfare plan, and change the subdivision to match the one unit per three acres that's immediately to the north. He reiterated the approach and direction for the Ferrell property is to use topography elevation instead of the ¼ mile buffer from Corps property with the understanding that staff will obtain additional input from others about where the line should be and appropriate elevation and distance. He stated the committee still needs to provide direction on the Horil and Hodge properties at some time.

Ramage reviewed the rural buffer comments. He stated staff would like direction from the committee on the Rosemont subdivision. He stated the map can provide clarity on individual rescue issues. However, he stated these residents are also asking about subdivision-wide rescues. He stated all of Rosemont is currently outside the rural buffer.

Ramage outlined the following options:

(1) One option is to wrap the buffer around Rosemont; they would not be forced to connect to services, but it would settle the issue about how we'd handle a subdivision-wide request for a rescue due to well/septic failure, because they would be inside the boundary and could connect to utilities.

(2) Another option is to include more language in the text of the document to address these issues, including how a request to rescue an entire subdivision would be handled.

Ramage stated staff also looked at the undeveloped lots just south of Rosemont, where the entrance to the subdivision is inside the urban service area but the bottom is not. He stated staff seeks the committee's direction on whether they'd like to clean up that line so that it follows the ATT.

Robison asked if the Rosemont Homeowner's Association (HOA) asked that the subdivision be included in the urban service boundary. Ramage said one property owner asked that the entire subdivision be included in the urban service boundary. He said a number of people asked to clarify rescue and would like the option to connect if it's economically more advantageous to mass connect. He stated the policy question for a homeowner or the subdivision is whether a future connection would be allowed only if an engineer says the community system can't be fixed or the private septic systems failed or if the cost to fix is more than the cost to connect to a municipal system. The residents want the option to connect if it is cheaper than fixing. Staff needs direction on the vision and policy direction for future connections and extensions as they write the plan document.

Portman said he doesn't see the logic in drawing the urban service boundary through half of the neighborhood. He supports cleaning up the map and providing the option. He thinks the clean-up of the four lots in the adjacent neighborhood is logical. He stated people will only connect to utilities if they need it/want it and they pay for it. He asked why the urban service boundary extends to the Wake County line to the north.

Lucier doesn't have any trouble extending the urban service boundary; he has a problem changing the designation to something less than one dwelling unit per five acres.

Kost said there are other subdivisions involved. She would prefer cleaning up the rescue language rather than changing the urban service boundary.

Portman does not want to give a false sense of security with the rescue policy, because realistically it could be financially cost prohibitive.

Robinson said it seems illogical to draw the urban service boundary to exclude the Hills of Rosemont if in the future they may need a rescue. She asked what's gained or lost by moving the boundary line. Portman doesn't think anything is lost. He said it's important to keep in mind that the comprehensive plan is a "water color"; the zoning is more specific; and subdivisions are even more specific. He thinks fine-tuning to tremendous detail in the comprehensive plan is illogical.

Lucier said the reason for the one dwelling unit per five acres is because of the proximity to the watershed. He stated this is why the line goes to the Wake County line. He said it's important to have consistency, or a common principle, for the one dwelling per five acres that is outside of the rural service area. He thinks it makes sense to clarify the rescue process rather than encroach upon one of the underlying principles of the plan.

Kost said both boards can mutually agree to move the line once it's been drawn. Robinson concurred; however she doesn't subscribe to the idea of keeping the urban service boundary to achieve an ideal, if realistically the line could be moved now without amending it in the future with rescues. Lucier said it's a principle of decision making, and not an ideal.

Portman said the question is whether to make an exception to where the urban service boundary is located in the neighborhood. He thinks it's logical to include the urban service boundary around the neighborhood. He stated the density of one dwelling unit per five acres is not part of this discussion.

Cary Planning Director Jeff Ulma said staff applied the urban service boundary and the five-acre principle in the plan from the creek (north) based on their recollection of earlier direction from the committee. He stated staff was not clear on the committee's direction, however.

Robison wants to know the HOA's preference. She thinks this information will help the committee make a more informed decision about whether to make an exception to the principles discussed. Portman concurred.

Lucier said the bottom line is what happens if the wells fail. He stated residents will have to come up with a way to pay for the rescue and get Cary to agree to do the rescue, whether it's in or out of the urban service boundary.

Portman said drawing the urban service boundary to exclude the area would make the cost to rescue exorbitant and may not provide any protection for someone with a failed well.

Chatham County Planning staff member Jason Sullivan suggested writing language in the plan document to distinguish between rescues and system replacement. Ramage said staff can provide text options to distinguish between a true failure and subdivisions that want to replace systems. The staff will bring additional information to the committee on this issue.

Due to the length of the agenda and remaining items to be discussed, Robison suggested deferring the remainder of staff's presentation on this topic—direction on policy questions for schools, parks, greenways and trails—to the next meeting. The committee concurred.

Robison thanked the joint staffs for their work and effort.

Conservation Areas/Natural Resources Concerns: Discuss citizen comments

Sullivan said there were a number of comments concerning environmental and watershed issues. He stated staff met with different agencies at the state and local levels to identify natural areas of concern in the joint planning area. He reviewed issues for the committee's consideration. (Refer to Exhibit A to these minutes for additional information.)

Sullivan introduced Allison Weakley, a Biologist/Ecologist with Robert J. Goldstein & Associates, Inc., who is working to develop a conservation plan for Chatham County.

Weakley reviewed the conservation plan goals and timeline, and provided a project overview. (Weakley's PowerPoint Presentation is attached to and incorporated herein as **Exhibit D.**)

Weakley said they are meeting quarterly with the Chatham Conservation Partnership and formed a focus group that is meeting monthly to help direct development of the plan. They hope to begin community meetings in May or June.

Weakley reviewed the Biodiversity/Wildlife Habitat map (included in Exhibit D):

- Dark green is the highest conservation value, which is a 10 on a scale of 1-10, and that's because of the bald eagle critical habitat and the important other bottomland forest in that part of Jordan Lake;
- Lighter green is a conservation value of 7-8 on a scale of 1-10—Northeast Creek, going up into Kit Creek and Panther Creek;
- Pea green is value of 6 on a scale of 1-10 and based in part on the fact that Jordan Lake is an important bird area, nationally recognized by the Audubon Society;
- Yellow is a value of 1-4 on a scale of 1-10.

She said the White Oak Creek also has a high conservation value because of the rare species and important habitats found in those areas.

Weakley stated on the Conservation Planning Tool (CPT) forestry assessment, red is the highest conservation value given for important forest lands. The assessment considers ecosystem services and economic potential, while considering management constraints (i.e., they remove riparian buffers, wetlands, steep slopes, etc.) and masking areas (removes agricultural lands, open water, bare rock, unconsolidated sediment and high density urban areas, and conserved lands). The main focus for the state's forestry assessment is economic potential.

She stated the CPT for water services considers water quality, water quantity, and water use consumption. On a scale of 1-14, the darker orange is 10-12; the lighter orange is an 8-9; and the yellow area has a value of 5-7 (Jordan Lake watershed).

Portman asked about the best use for this tool in land use planning. Weakley said their plan picks and chooses the most helpful layers and puts them into a model.

Weakley said they are adding important priority habitats to the CPT based on what has been written in the State Wildlife Action Plan (SWAP) and the Southern Forest Land Assessment (SFLA), and they are updating it with local information to make it relevant for Chatham.

Weakley provided information on the USGS blue lines streams.

Portman asked if soils streams are the same as ephemeral. Weakley said they could be ephemeral or perennial; they are streams documented by a soils scientist, not someone trained in DWQ methodology. It was something seen in the landscape and hand drawn into the map to indicate where there could be a stream. The soils survey was done to provide information to farmers.

Portman asked about calibrating the "boots in the field" assessment with doing the work in the midst of a drought. Weakley said she doesn't know what has been used for the methodology. She said the soil streams are not jurisdictional. The information provided was to help them develop a model showing areas of potential high conservation value for habitat. She stated this project uses the best available GIS information.

Robison asked Weakley to respond to the earlier conversation at this committee meeting about individual properties.

Weakley said in addition to topography the committee may want to consider existing streams for delineation between land uses. The National Wetlands Inventory shows a broad wetland running through the Ferrell property; it is a problematic area to develop because of the stream and the steep slopes. The stream leading to White Oak Creek has one of the highest conservation values within the planning area; it is important for wildlife habitat and is the water intake for Chatham and Cary.

Portman asked how Weakley's information should guide the committee's decisions on the land use plan and the balance between respecting the environment and the rights of people who own the land. Weakley said it depends on the committee's priorities. She stated the entire land use planning area is an important bird area. She thinks one dwelling unit per five acres provides a good balance. She stated the committee can use this information as they create the plan.

Weakley said Chatham County has very few bottomland forests that are 75 or more contiguous acres. She added that these are a priority habitat in the state wildlife action plan and are based on 2001 land cover data.

Kost asked about the larger blocks of forest area shown on the map. She said it's important to look at the Army Corps of Engineers forestry land when looking at the importance of forestry to habitat. Weakley said she will look at aerials and take some measurements. The information she presented is an analysis using 2001 land cover data.

Weakley said Indian Creek has a lot of forest, but no big blocks. They have looked at upland hardwood because it is a priority habitat with the SWAP. She said these are the most important habitats in the Piedmont area.

Robison asked about draft documentation to provide a brief description of the most important elements of the upland forest in terms of habitat. Weakley said she has draft descriptions and will provide them to the committee.

Robison asked the difference between the bottomlands and uplands. Weakley said upland forests are hardwoods and are different species, mostly dry oak and hickory; bottomland has species that can tolerate wet conditions and provide habitat for water fowl and other species depending on water resources for nesting and foraging.

Robison would like staff to prepare an overlay map with the major elements presented by Weakley to overlay it onto the proposed land use plan.

Weakley said the Panther Creek area is a high conservation value; anything that might affect this area should be thoughtfully considered, as well as the White Oak Creek area and the forest block around Indian Creek.

Kost asked about mapping capability to show drainage basins. Weakley referred them to Chatham County's on-line mapping tool.

Robison summarized the committee's direction to staff, and the committee concurred. The committee:

- Is interested in the different information Weakley presented;
- Understands what was provided is information they would like to take into consideration;
- Hasn't placed a collective value on the different elements but understands their importance; and
- Would like to see some of the high priority areas assessed by staff and brought back to the committee in the form of an overlay on the current land use plan draft.

Robinson said information presented will help the committee with the land use plan. Other elements need to be considered in the design principles, such as the erodible soils. She stated everything will not impact the land designations on the map.

Robinson stated there are only three forests in this land use planning area, and one is actually developable. She stated this must be tended to in the land use plan. She stated the committee needs to determine how the soils streams impact this plan.

Robison thanked Weakley for her presentation.

ACTION: At 11:03 a.m., Robison moved to excuse Robinson from the remainder of the meeting; Portman provided second; members granted unanimous approval.

Kost suggested postponing pending decisions to the next meeting so Robinson may participate. Members concurred.

Robison suggested moving the discussions on the mixed use node and the interpretation of land use boundaries to the April committee meeting. Committee members concurred.

Robison stated she and Kost will meet as soon as possible to plan for the next meeting.

Update: Western Wake Wastewater Reclamation Facility

Engineering Director Tim Bailey provided an update on the plan. (Staff's PowerPoint presentation is attached to and incorporated herein as **Exhibit E.**)

Bailey stated the Corps has delayed their record of decision until May to give them more time to process comments and prepare the document. He stated one major change is that Holly Springs may pursue a Harris Lake discharge separate from the Western Wake Partners (Partners) after the record of decision is received.

Kost asked if Holly Springs is pulling out of the Partnership. Bailey said Holly Springs has not indicated this is their intent; rather, they would like the option to pursue this. He stated they may remove themselves from the Partnership, and there are terms in the agreement to allow that to happen. Bailey stated their allocation is eight million gallons per day.

Greenway Easements

Bailey stated staff has met and continues communicating with Mr. David Hughes, the Chatham County Public Works Director, about the greenway easement issue. He displayed a map (refer to Exhibit E), which appears to match the Environmental Impact Statement (EIS). He stated he understands the issue at this time is easements only for the greenway--not about environmental document pursuit or construction. He asked about linking the facility to the ATT. He stated there's a gap along the New Hope Valley railroad corridor that's about four miles long. He outlined several options that staff will continue exploring: They can go within that facility; just outside of that facility; or find a path that's not exactly parallel to the corridor and link the two. Staff thinks it may be a more connected route and may increase eligibility for state funding. They would stop at the pipeline easement in Wake County.

Kost likes the idea, and she thinks it fits with past committee discussion. Robison said the committee would be remiss not to fully consider the idea and suggested seeking federal funding. Bailey said there's already been state and federal money for portions of the ATT.

Bailey said it's important to note that any greenway acquisition would require authority from Chatham County. To the extent Chatham County is considering a resolution, he requested they add this authority for easement acquisition to the resolution text.

Bailey stated no one has quick take authority for greenways or any recreation facilities, because in North Carolina, only roadways and utilities are eligible for quick take authority. If a settlement cannot be negotiated with the property owner and eminent domain is used, then ownership of the property cannot be taken until the lawsuit is settled. He stated Progress Energy also has condemnation authority, and it's not clear whether the Town or Progress Energy has a higher authority. He stated it may be that for pipelines the Town can condemn land within easement areas; he stated this is uncertain for greenway easements. He stated if the property owners agree to the easement, then this is a non-issue; otherwise, this is a complicating factor.

Lucier said it's important to meet with Progress Energy ahead of time to get their input. Bailey agreed. Bailey said staff has had ongoing discussions with Progress Energy and will have discussions about the greenway easements as well. The committee concurred. Robison said it's important for the Chatham County and Cary legal staffs to work together and answer these legal questions before entering into negotiations.

Kost asked if it would be helpful for the elected officials to meet with Progress Energy. Bailey stated there is a request from the Partners to purchase the easements along the corridor within Chatham County, and he thinks it makes sense to extend that through Wake County along the pipeline corridor. He stated staff believes the Partners should make a good faith effort to try to purchase the property from the owner. If an offer is rejected, then staff will come back and confer with Chatham County about next steps, which might include the elected officials communicating with Progress Energy representatives.

Bailey stated currently the next steps are to formalize the request and go to the Partners' Policy Advisory Committee (this group makes decisions for the Partners) for approval of the concept.

Kost wants an answer to the legal questions. She understands it's important to get the pipeline utility easement, and she wants assurance that the recreation easement is not abandoned. Bailey said that would not be the intent. He stated staff will clarify the language and continue to work on the legal issues.

Kost stated all committee members have heard about the need for more horse trails, and she sees this as a good opportunity to provide that amenity. She stated it may help the friction with the ATT and the horse advocates.

Camp, Dresser and McKee (CDM) Report to Chatham County Board of Commissioners

Bailey said that Chatham County hired CDM to do this report. He referenced the report (attached to and incorporated herein as **Exhibit F**). He presented some of the key features in a PowerPoint Presentation (attached to and incorporated herein as **Exhibit G**).

Bailey stated the report outlines a pipeline and pump station only and does not include the plant that would be needed or some of the lines to get the untreated wastewater to the plant. He stated it has a six million gallon per day firm capacity, which is about 2.4 million gallons of average daily flow. He stated the cost estimate is about \$13.7 million for the pump station and pipeline. The report indicated that an environmental impact statement (EIS) would be needed, and it's possible that an inter-basin transfer certificate (IBT) would be needed.

Kost asked about the need for an IBT. Bailey said he is only reporting from the CDM report. He said there are a lot of sub-basins that have complex rules, and it may or may not meet these rules.

Portman stated that CDM is just giving a warning. Bailey concurred.

Lucier said there are three rivers running through Chatham County, and the discharge point is below the confluence point of all of them. Portman said it's the same issue Cary had with Harris Lake. Bailey concurred. Portman said there are technical issues that staff needs to review. Bailey suggested Chatham County follow up with their consultant about this issue.

Portman asked if the six million gallons per day is needed to deal with peak use. Bailey confirmed. He said Cary is getting a permit for 30 million average daily gallons, and Holly Springs will have eight million average daily gallons per day in addition to the 30 million. He stated the peak is in the 96 million gallon firm capacity range for pumping. He stated the words "firm capacity" are very important in the report.

Lucier asked about the usage per household. Bailey said it's 360 million gallons per day per single family home based on state rules, and Cary has an adjustment to 300 million gallons per day for a three bedroom house.

For next steps, Bailey stated staff would like to talk with the consultants, provide comments and feedback, and in the future share information with the committee about a connection point. He stated ultimately this will require review by the Policy Advisory Committee.

Lucier understood that when their consultant provided them with the report, based on Chatham's six million gallons per day usage, that it wouldn't require a change in the pipe size for Cary from the connection point to the Cape Fear discharge point. Bailey said staff has not confirmed this information. He said staff believes the pipeline could stay the same; however, staff believes it's an increase of about 200-250 horsepower of pumping at the pump station site to accommodate the Phase II flows. He said this information is very preliminary, and staff wants to try to quantify and understand it better. Bailey said the staff confirmed with the consultants that the connection point near Highway 42 would have no impact on the horsepower and pumping. He stated there will probably be similar horsepower increases on the Chatham side to pump against the pressure.

Kost stated Holly Springs currently has an allocation of eight million gallons per day, and if they pull out of the Partnership, then changes wouldn't be required to pump Chatham's six million gallons per day. Bailey said if Holly Springs drops out, then the pipe size would probably be decreased unless Chatham increases their request.

Lucier asked about the cost for Chatham County to run their own discharge line. Bailey said that is an option. He stated connecting at Highway 42 would save about two miles of line, the cascade aerator and metering, and the discharge point to the river. He said staff can continue looking at the various combinations and try to find the best solution. Lucier added that the terrain may be such that it's less of a pumping issue.

Robison said the pump station energy flow issue sounds important. Bailey said staff is happy to work through that, and every scenario has a different impact. He stated staff will try to pick the best one. He said depending on where Chatham connects depends on their level of involvement in the Partnership and the cost. He said Chatham can minimize most costs if they connect at a point that has no impact.

Robison asked if there is a plan to take this information to the Partners. Bailey said not until they know exactly what they are dealing with. He will provide the Partners a general information update with no action requested at their next meeting.

Robison said the committee's next scheduled meeting is April 15. She adjourned the meeting at 11:30 a.m.