

**MINUTES
CHATHAM-CARY
JOINT ISSUES COMMITTEE MEETING
AUGUST 30, 2011**

The Chatham-Cary Joint Issues Committee met in the Chatham County Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina at 9:30 AM on August 30, 2011.

Chatham County Members Present:	Brian Bock and Pamela Stewart
Cary Members Present:	Julie Robison and Jennifer Robinson
Chatham Staff Present:	Charlie Horne, Jason Sullivan, and Benjamin Howell
Cary Staff Present:	Scott Ramage, Jeff Ulma, Tim Bailey, and Phil Smith

The agenda for the meeting is incorporated in the text of the minutes.

The PowerPoint Presentation shown at the meeting is attached hereto and incorporated herein as Exhibit A.

I. Call to Order

Bock called the meeting to order at 9:33 AM and explained that Walter Petty was absent due to being called away with regard to his emergency generator business.

II. Approval of the Agenda

Bock stated that a presentation of a possible school/park site in the Plan area by Roy Mashburn will be deferred until a later date. Bock also requested that a discussion of the future schedule for the Committee be moved to Item #7.

ACTION: Robinson moved, seconded by Stewart, to approve the Agenda. The Committee approved the motion by unanimous consensus.

III. Approval of June 29, 2011 Minutes

Bock explained that an email was received from Debora Sears correcting a sentence in the June 29, 2011 minutes as follows: "She presented a petition on behalf of approximately 125 Chatham County residents and landowners opposing any type of Cary annexation or control in Chatham County as set forth in the Joint Chatham-Cary Land Plan".

ACTION: Robison moved, seconded by Stewart, to approve the June 29, 2011 minutes. The Committee approved the motion by unanimous consensus.

IV. Approval of July 19, 2011 Minutes

ACTION: Robinson moved, seconded by Stewart, to approve the July 19, 2011 minutes. The Committee approved the motion by unanimous consensus.

Plan Discussion

V. Staff Presentation

- a. Map Changes from July 19th Committee discussion
- b. Remaining Map Issues
 - i. Mixed Use Node(s)
 - ii. New Hope Church Road Rural Buffer Boundary
- c. Draft Plan Document Changes from July 19th Committee discussion

VI. Committee Discussion

- a. Land Use Plan Map changes
- b. Draft Plan Document changes

Ben Howell gave an update on the map changes from the July 19th Committee discussion, Eastern Mixed Use Node removal, and the Western Mixed Use Node. The plan map allows for a limited amount of LDR and/or MXD uses on west side of NC #751 but only if served by public sewer draining to the east side of NC #751. He reviewed properties opposed to the Mixed Use Node from a petition submitted in November 2009 and properties in support of the Mixed Use Node from a petition submitted in August 2011.

Howell continued by explaining the remaining map issue of the Western Mixed Use Node. He concluded with four questions for Committee discussion:

- 1. Should the Western Node at NC 751 be retained in the plan?**

Stewart stated that based on what was received from the people who will be directly affected, it seems that the majority is in favor of retaining the Node.

By consensus, the Committee agreed to #1 that the Western Node at NC 751 should be retained in the plan.

2. Are the descriptions of the “Floating” Node Boundary and its Optional Nature Sufficiently Clear?

By consensus, the Committee agreed that the descriptions on the map and in the document are clear.

3. Does the definition meet the Committee’s intent to shape a more general plan?

By consensus, the Committee agreed that the definition meets the intent.

4. Is the Committee satisfied/comfortable with the comparable examples?

By consensus, the Committee agreed with the comparable examples.

Committee Options for Malcolm Riggsbee Property

Howell laid out the staff-recommended options for the Malcolm Riggsbee Property:

1. Leave plan as is
2. Add text to plan document stating that any properties outside of the Rural Buffer Boundary may be considered for service provided that private connections are made to gravity lines within the Rural Buffer
3. Treat just the Riggsbee property similar to the MXD Node area west of NC 751.
4. Extend the Buffer Boundary around the exact property lines.

Robinson stated that Option 2 did not provide enough certainty to residents in the area.

Howell reminded the Committee of the petition received at the June 29th meeting from landowners in this area.

Robison stated that she thought the purpose of the Rural Buffer Boundary was to provide a definitive service area of utilities in the plan area and would rather put this property either in or out of the property boundary on the map.

Bock stated that he preferred to extend the buffer around the property line.

Stewart stated that now is the time to make the changes.

Robison asked if staff had inquired regarding the property owner's understanding and willingness to pay associated costs with running the line.

Howell stated that staff had made it clear in the letter.

Robison asked the Cary Engineering Department Director if that was something from Cary's perspective that they could meet.

Tim Bailey, Director of Engineering, responded that they worked with both planning staffs in defining these areas. The Option 1 line could be served by gravity. The Option 4 would require some level of pumping. They do allow pumping. If the pump station served very few people, they would require it to be privately owned and maintained.

Robison asked if staff had a recommendation

Bailey replied that they do not have a recommendation.

Stewart asked how much property they are talking about.

Howell replied approximately 20-30 acres.

By consensus, the Board agreed to Option #4 to modify the Rural Buffer Boundary to follow the Riggsbee Property lines on the north side of New Hope Church Road with no change to the recommended land use designation.

Howell next explained the Plan Document changes based on input from the Committee from its July 19th meeting.

By consensus, the Committee agreed with the changes to the Plan Document as recommended by staff based on the direction received from the Committee at the July 19th meeting.

Bock asked about the proposed 50 foot buffer on the American Tobacco Trail in the Plan Document.

Howell stated that the buffer had originally been proposed as a 200 foot buffer on the American Tobacco Trail but had been reduced by the Committee in 2010 to a 50 foot buffer. This was done to match what Cary had required of developments adjacent to the trail.

Bock clarified that the trail already has a 100 foot right-of-way and this requirement would add another 50 feet to that for new development.

Committee discussion ensued regarding the requirement of an additional buffer on the ATT.

Bock stated that he believed there was no need for an additional 50 foot buffer on the ATT. Staff responded by recommending to change the plan document to state that the 50 foot buffer would only be required for new development asking to tie into Cary utilities.

By consensus, the Committee agreed with staff recommendation.

VIII. American Tobacco Trail Parking in Chatham County

Charlie Horne explained there is temporary parking that is now being contemplated from a staging area. It will be coming to fruition although at a slower pace than anticipated. It will be located approximately 300 feet from the ATT and New Hope Church Road intersection at the Town of Cary pump station driveway access. NCDOT has also been asked to remove the "No Parking" signs on Pittard-Sears Road.

Robinson stated that the "warning of bike trails" on O'Kelly Chapel Road has been paved over with repairs that were done to the road. She asked that NCDOT be notified of this.

Bock asked if there was anything that the Committee could do to help expedite the removal of the signs.

Horne stated that the letter had been written to Mr. Willett with NCDOT, and it takes time to get the work done. He stated that there would be approximate 20-30 graveled spaces.

IX. Voluntary Annexation Discussion

Bock stated that specifically referring to satellite annexation, they did not want it unless it comes to both Boards.

Robison stated that she doesn't think they do it. She stated that it was her understanding that it only happened once in the case of a school. She asked if the Committee wanted them to put it in writing.

Bock stated that he would like for that to be done, as he realizes it is not part of the practice and from talking with everyone on the Cary Board, he doesn't think there is an appetite for it now; however, his concern is in the five or six years to come. He stated that there may be a future need for a satellite annexation for a school but that it needs to come to the Boards for public input, etc.

Robison stated she fully supported that.

Robinson asked Jeff Ulma about voluntary annexation applications and the requirements for contiguity.

Ulma stated that one of the points that gets presented for an annexation petition is the contiguity and adjacency to corporate limits. State law allows a municipality to have up to 10% of its geographic area in satellite corporate limits. Any annexation is discretionary on behalf of the Board.

Bock stated that his concern is that it now goes to the Town of Cary and does not come to Chatham County for situation such as this.

Ulma stated that was correct.

Bock stated that he was talking about something that leap-frogs across and creates a pocket. He stated that there may be reasons to do that, but he is concerned that it gets done without any input from Chatham County.

Robison stated that she is in favor of finding a way to make it clear that no satellite annexations can be initiated by the Town of Cary.

Robinson stated that they would more than likely be initiated by a property owner.

Robison concurred stating that they would not initiate it; however, if a property owner initiated it, they would have to come to both Boards for an amendment.

Bock stated that it should be a coordinated review and has to come through Chatham County. He referenced the Horil Property, stating that if he was to request annexation by himself, he would want it to come to the Chatham County Board as well as the Cary Town Board.

Robinson recommended that rather than them coming to get permission from Chatham County, that they do a notification process where they would include Chatham's comments in the annexation consideration.

Robison stated that she had no problem laying out a structure that provides for a review and approval of the Chatham County Board of Commissioners on satellite annexation stating this would be above and beyond what is required

Ramage clarified that for areas within the Wake County Extraterritorial Jurisdiction (ETJ), there are satellite annexations that happen with the expectation that since the area is within the ETJ, the intervening areas eventually get filled in.

Stewart stated that the impact on Chatham County Schools is a big issue, especially in this area.

Robinson stated that they need to accommodate that in some way in conjunction with the plan.

Stewart stated that there are schools, parks, libraries and things that fall on Chatham County without receiving any additional taxes to accommodate all the growth.

Bock stated that he didn't want a notification saying that there were 600 new children coming to the area, figure out how to build a schools. He stated that they have to come up with something above a notification that is a compromise.

Robison stated that they have to consider, not just the utility infrastructure, but the other service infrastructure. It is a fair point. She thinks that taking time to look at the issue and how the legal framework might be written to find a way to ensure that the concerns are taken into account.

Bock asked to see how other jurisdictions are handling the same situations.

Howell asked, regarding the voluntary annexation, if the Committee would like for that to be handled outside of the plan or if they want staff to work up language that is part of an implementation step that would be fairly immediate after adoption of the plan regarding process for review of voluntary satellite annexation requests by both jurisdictions.

Robison stated that it is critical and bears value to go ahead and do it on this particular point.

Howell stated that they would work up language and add an implementation step and bring it back to the next Committee meeting.

A member of the public, Cecil Wilson, asked to speak to the Committee on behalf of minority property owners in the area. The Committee agreed.

He thanked the Committee for allowing them the opportunity to address some issues. He stated that a majority of the minority property owners are in attendance. He asked if medium density was four dwellings per acre and low density was one dwelling per five acres.

Howell stated that was correct.

Wilson stated that most of the people in attendance live in the very low density area. He asked if any existing lots could still be built on if they conform to the Land Use Plan.

Howell explained that existing lots would be considered non-conforming, and allowed to be built on.

Wilson asked the definition of "existing lots" and if they had already gone through a process of going through the permitting to have those identified as a lot and not just because it is vacant land.

Jason Sullivan further explained the definition of “existing lots” in relation to Zoning and Subdivision regulations.

Wilson asked if they could go through the process in the future, based on environmental health rules, and the land is suitable to build, then they can build on it regardless of the R-5 approval from this plan.

Sullivan concurred stating that the zoning would not hold up the use of the lot for building purposes.

Wilson asked if they would have to have already gone through the process before it was approved.

Sullivan stated that was correct. That if there are existing lots of record, on the books and plated, if the zoning changes, you can continue to use those but if you wanted to further subdivide the lots, there would be a problem if the zoning changes.

Wilson asked if a half mile from the lake, there is already a five-acre rule.

Howell stated that with this plan, two of the first tenants that were developed to guide the densities shown in this plan, were to provide as low density as possible the closer to the lake you go. The plan has shown a half-mile and one-mile from the lake and from the lake shore. Those lines have been used to guide the low-density designation. This plan shows that the very low density residential designation (approximately five-acre lots) would cover the land within a mile of the lake.

Wilson stated that on the map, there are a lot of property owners that are affected beyond the one-mile corridor and beyond the one-mile corridor, five-acres are still being required.

Howell stated that was done earlier this year with this Committee when staff looked at the Rural Buffer Boundaries further and tried to clean up the Rural Buffer Boundary lines and have them follow roads as much as possible. There is both the distance from the lake as well as the provision of services to guide the density designations on the plan map.

Stewart asked that as a property owner, if she wanted to give each of her three children three acres each, since it was an R- 5 if they could build on it.

Howell stated that with R-5, there is an allowance for family subdivisions which is when a parent divides land to give to his children. The Zoning Ordinance allows lot sizes down to two acres in the R-5 district for family subdivisions as long as the land was owned before a certain point in time.

Wilson stated a lot of property owners wanted to pass their land down to their children and grandchildren. Now that public utilities are coming, they are still not being served.

Wilson asked if there are special considerations with an R-5 for religious institutions.

Howell stated that in the R-5 zoning district as well as in the plan document, they tried to clarify that institutional uses such as churches that are generally allowed in residential zoning districts would continue to be allowed. It would also not stop a new church from being built in the area.

Wilson asked where Caley Wilson Road was located on the map and if the line was running down the center of the road or on the north or south side of it and what residents would be served.

Howell stated currently, the way the map is shown, it would be a utility question they would study if and when sewer lines were to go into the area. From the map, only properties on the north side of the road would be allowed to be served at this time unless properties on the south side would fall under the rescue policy that is in the plan.

X. Future Meeting Date for Committee

By consensus, the Committee scheduled the next meeting for September 27, 2011, 9:30 AM to be held in Cary.

XI. Adjournment

ACTION: Robinson moved, seconded by Stewart, to adjourn the meeting. The Committee approved the motion by unanimous consensus, and the meeting was adjourned at 10:58 AM.