

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**JULY 16, 2007**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Central Carolina Community College Multipurpose Room, 764 West Street, located in Pittsboro, North Carolina, at 2:00 PM on July 16, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck; County Manager, Charlie Horne; County Attorney, Kevin Whiteheart; Assistant County Manager, Renee Paschal; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 2:03 PM.

***Work Session***

- Cool Counties by Judith Ferster
- County Website Presentation
- Rocky River Presentation by Sonny Keisler/Kathleen Hundley
- JOCCA Presentation/Request
- Environmental Review Board Recommendations by Allison Weakley
- Discussion of amending the Chatham County Subdivision Regulations to increase the required minimum lot size from one acre to a size between three and ten acres.
- Discussion of amending the Chatham County Zoning Ordinance to require major subdivision (more than five lots) to follow the zoning process to receive a conditional use permit.

Chairman Thompson stated that the JOCCA presentation would not be heard this afternoon, and that a presentation from Janak Patel and Nick Rai regarding a proposed increase in the occupancy tax would be heard.

**OCCUPANCY TAX**

Janak Patel stated that the lodging industry had many challenges in Chatham County; that room rates were essential in attracting guests; that they had not increased their room rate in five years; that their clientele was budget-minded and an increase of even one or two percent would drive clientele elsewhere; that they would have to lower their room rates to accommodate the occupancy tax hike; that they would likely have to cut jobs to compensate for the tax hike; and that an occupancy tax increase would jeopardize potential new lodging businesses. Mr. Patel requested that the Board carefully consider all factors involved prior to making a decision.

Commissioner Vanderbeck asked if Mr. Patel had spoken to anyone with the Economic Development Commission regarding this. Mr. Patel responded no. Commissioner Vanderbeck encouraged him to do so.

Commissioner Lucier agreed with Commissioner Vanderbeck; adding that a 3% increase in the occupancy tax would add \$1.65 to the cost of a \$55.00 room. He stated that the occupancy tax funded the County’s tourism office with a budget of only \$100,000 per year, and Chatham County ranked close to last of the State’s 100 counties in its support of tourism. Commissioner Lucier stated if the tourism office were better supported, it would help businesses such as Mr. Patel’s.

Mr. Patel agreed, stating they were looking to retain the business they already had and to promote tourism in other ways, but he did not know what kind of improvements, if any, could be implemented with that 3% increase.

Commissioner Vanderbeck restated that Mr. Patel and others should talk with the Economic Development Commission to identify what they could do to improve their businesses.

**EMPOWERMENT, INC.**

Delores Bailey, Executive Director of EmPOWERment, Inc., provided an update on the Chatham County Affordable Housing Task Force, the Briar Chapel community project, and how that related to the County's Compact Community Ordinance. She stated it was their understanding that Newland Properties would designate 2.5% of its total residential development in Briar Chapel to affordable housing, with \$1.1 million dedicated in lieu of going to Habitat for Humanity. Ms. Bailey stated that EmPOWERment would be building affordable houses in the development to be sold to first-time home buyers who had lived or worked in the County for at least 12 months and earned between 50% and 80% of the area median income.

Ms. Bailey proposed that EmPOWERment, Inc. and the County enter into a Memorandum of Understanding that spelled out exactly the formal commitment between the two. She proposed two options: 1) that once the lots were made ready and transferred to the County, that the County could then transfer those lots over to EmPOWERment, Inc., who would be responsible for building the homes, qualify the potential homeowners, and help those potential homeowners identify financial assistance; or 2) that the Board execute a ground lease conveying the lots to EmPOWERment, Inc. to build the affordable homes, with the ground lease addressing long-term affordability, qualifications for first-time home buyers, right of first refusal in favor of EmPOWERment, Inc. and the County, and providing ongoing reporting to the Board of Commissioners.

Commissioner Lucier stated that this was a somewhat complicated issue with the Compact Community Ordinance being a sticking point. He stated that his concern was that the houses remain affordable as market prices rise.

Chairman Thompson said he had met with Ms. Bailey and others several weeks ago, and had asked the County Attorney to look into the best way to proceed.

Kevin Whiteheart, County Attorney, stated that there were a number of ways to restrict the values of the affordable homes from rising. He said when the lots were conveyed to the County, a Memorandum of Understanding would need to spell out any restrictions the Board felt necessary. Mr. Whiteheart offered to prepare a list of such restrictions for the Board's consideration, which would include that the houses remain affordable in perpetuity.

Ms. Bailey stated that having the homes remain affordable was a top priority for EmPOWERment, Inc.

Commissioner Lucier stated that either of those two options could accommodate that concern.

Chairman Thompson asked the County Attorney which of the two options were the most attractive. Mr. Whiteheart stated they would need to think about that.

Ms. Bailey stated they needed more time to study that as well, noting they wanted to use the option that was most suitable for Chatham County.

Commissioner Vanderbeck suggested that the County Attorney be available at the Board's next meeting on August 6, 2007 to continue this discussion.

Commissioner Cross stated that the Affordable Housing Task Force had already worked on a list of restrictions that should be useful, adding that when the Board had chosen Habitat and EmPOWERment to manage the County's affordable housing efforts there was good reason for that. He suggested handling this the same way the County was doing with Habitat, noting they were transferring title to Habitat to manage the construction of those houses and could still add any criteria that became necessary. Commissioner Cross suggested handling both entities in the same manner, adding that the County did not want to handle the administration of the program.

Commissioner Vanderbeck stated that the Task Force was in agreement that it would not be a County-administered program.

Chairman Thompson confirmed that the County Attorney would obtain the list of criteria and be prepared to attend the Board's next meeting to continue the discussion.

## **BREAK**

The Chairman called for a short break.

## **COOL COUNTIES**

Chairman Thompson reconvened the meeting, and introduced Judith Ferster.

Judith Ferster offered information regarding reducing greenhouse gases on the local level, and stated that there was a consensus among the world's leading scientists that global warming caused by human emission of greenhouse gases was among the most significant problems facing the world today; that documented impacts of global warming included increases in occurrences of extreme weather events, adverse impacts on plants and wildlife habitats, and threats to global food and water supplies; that the U.S. was responsible for producing approximately 25 percent of the world's global warming pollutants; and that the U.S. Conference of Mayors had endorsed the U.S. Mayors Climate Protection Agreement, which commits cities to reduction of global warming emissions to seven percent below 1990 levels by the year 2012.

Ms. Ferster stated that counties had a unique role to play in reducing greenhouse gas emissions and preparing for the impacts of climate change through their regional jurisdiction over policy areas such as air quality, land use planning, transportation, zoning, forest preservation, water conservation, and wastewater and solid waste management.

Ms. Ferster asked the Board to consider signing on to the Cool Counties initiatives by adopting the resolution she had provided, entitled U.S. Cool Counties Climate Stabilization Declaration. She explained each facet of the resolution, and stated that accepting the resolution would mean that the County accepted the three declarations listed on the second page of the resolution.

Chairman Thompson stated by adopting the resolution the County would be signing on to this initiative. Ms. Ferster said that was correct, noting that Orange and Mecklenburg Counties and many more nationwide, had already signed on.

Commissioner Vanderbeck asked that David Hughes, Public Works Director, provide an opinion to the Board regarding the proposed resolution.

Mr. Hughes stated he had not studied the particulars of the program, and would like to have a chance to do so.

Ms. Ferster stated she did not expect a decision today, noting that the way an entity carried out whatever reductions were chosen was up to that entity in that there was no particular method mandated, only goals that the entity could choose to reach.

Commissioner Lucier stated that in principle, he agreed with what had been proposed, and believed there would be no problem making such a program more Chatham County specific. Ms. Ferster agreed that was correct.

Commissioner Lucier stated that Chatham County was already working toward some of those goals, noting the efforts of the Home Builders Association and its work with a green building group. He stated it would be important for the County to work with its municipal governments to achieve the stated goals.

Commissioner Vanderbeck stated it appeared that Orange County's local governments had cooperated with that county.

Commissioner Lucier stated that it might be helpful to work with Pittsboro and Siler City to develop something that was really Chatham County specific. He added that the Economic Development Commission should be involved as well, since it was an important economic initiative to urge companies to practice energy conservation.

Commissioner Cross stated that the new hydroelectric plant was permitted by the State last week for Jordan Dam, and there would soon be another electric plant on the Falls Lake Dam.

He said the Jordan Dam plant would generate 4.4 megawatts of electricity which would service 1700 homes and that power would not be as great a pollutant.

Chairman Thompson stated that at one time, the County's school buses had been experimenting with using bio-fuel, and perhaps the Board should encourage that practice.

Commissioner Vanderbeck suggested developing something for consideration by the Board in time for its next meeting.

Commissioner Lucier stated he would appreciate having a draft ahead of time.

Chairman Thompson asked the County Manager to have something ready for the next night meeting of the Board, and to provide a draft ahead of time for the Board to look over.

### **COUNTY WEBSITE PRESENTATION**

Debra Henzey, Special Projects and Grants Director, stated that the County's new and improved website would be available to the public starting tomorrow. She displayed slides to show what the web pages looked like and to explain how the services worked. Ms. Henzey explained some of the features available, including the County calendar and a variety of on-line forms.

Michael Bradley, Database Administrator, stated that their goal was to make the website browser friendly. He said they had wanted the user to have a more pleasant experience, regardless of the resolution being used to view the website. Mr. Bradley said in general, they had chosen functionality over unnecessary features or graphics, and minimized the time it would take for pages to load.

Commissioner Vanderbeck asked if the Environmental Review Board was on the website. Ms. Henzey stated it was, and provided a demonstration of how to access it.

Chairman Thompson thanked Ms. Henzey and Mr. Bradley for their excellent work, as well as all others involved in the project.

John Hammond, a citizen, asked if the GIS would continue to be a separate website. Mr. Bradley responded it was a separate website because of the major differences in functionality and that it ran with a different engine.

Ms. Henzey explained that the Tax Office would soon have available a new method to access tax records on-line, which would make it much easier to search by owner name, by account number, by address, or by parcel number. She stated it would be several weeks before that was available.

Commissioner Vanderbeck asked if Ms. Henzey had made arrangements for a press release to announce the improved website. Ms. Henzey said she had, and it would be sent out to a wide range of contacts.

John Hammond asked if the old site would be available for archival purposes at the old address. Mr. Bradley said the front page would be changed to notify those accessing the old site of the new address, but the old site would still be useable.

Ms. Henzey stated that the new website address was [www.chathamnc.org](http://www.chathamnc.org).

Commissioner Vanderbeck stated that the next time business cards were reprinted, the new address needed to be included. He stated that included not only County Commissioners but County employees as well.

Chairman Thompson again thanked Ms. Henzey for her hard work.

## **ROCKY RIVER PRESENTATION**

### **Water Quality & the Siler City Wastewater Treatment Plant:**

Connie Allred, representing the Friends of the Rocky River, provided a PowerPoint presentation to the Board regarding some of the problems they had been seeing in the Rocky River. She stated that most of the river had been designated as a Natural Heritage Site; that it was a critical habitat for an endangered species; that the Rocky River went through chronic periods of stress due to low flow and the increased presence of nutrients and pollutants; and that the primary cause of the river's stress was the Siler City Wastewater Treatment Plant; that Siler City withdrew an average of 3 million gallons of water a day from the river, and over 50%, 1.6 million gallons, was used by two poultry processors, Townsends and Pilgrims Pride. She went on to describe the minimum water releases from the reservoir, adding it had been said that when the new reservoir went on-line, it would increase the amount of water in there river. Ms. Allred said in dry months, August and September, that would not be the case because of the low flows.

Ms. Allred then described the amount of treated sewage released into a tributary of the river each day and how that affected the river, particularly during dry weather. She said the end result was a tremendous amount of sewage released in the fresh water. Ms. Allred exhibited photos that showed the stress placed on the river, noting that much of that stress was caused by the nutrients that promoted the growth of algae. She stated that during dry weather the nutrient levels were 6 ½ times more than it should be, and the phosphorus levels were 3 times higher. Ms. Allred said much work needed to be done to get those nutrients out of the river.

Ms. Allred explained the problems experienced because of the clogging algae, including the odor, and that it caused reduced oxygen levels and chaotic pH levels which affected the aquatic life. She mentioned the amount of copper, zinc, and mercury going into the river from Siler City, noting mercury was the most worrisome and was 5 times higher than normal levels.

Commissioner Cross asked if a mercury test had ever been conducted at the County line. Ms. Allred responded she did not know.

Ms. Allred stated that the Rocky River was a Class C stream, which was supposed to be useable as a recreation area including fishing. But, she stated, she would not get in the water nor would she eat fish that came from it. She said in order to solve these problems, the Board of Commissioners, the citizens, Siler City, the poultry processors, and the State had to work together to figure out how to recycle the water and decrease water consumption in Siler City, and figure out how to remove the nutrients from the waste stream. Ms. Allred stated that as well, they must designate the Rocky River as nutrient sensitive, which was the first and most important step.

Commissioner Lucier asked if that designation would have to be made by the Division of Water Quality. Ms. Allred responded that actually, it would have to be made by the Environmental Management Commission, but working with the Division of Water Quality. She stated that the Board of Commissioner's recommendation to designate the Rocky River as nutrient sensitive would help tremendously in achieving that goal.

### **Natural Heritage Sites: Rare & Endangered Species:**

Allison Weakley provided a PowerPoint presentation on the Rocky River as a Natural Heritage Site and the rare and endangered species that could be found living in that area. She described the diversity of that critical habitat and the importance of the aquatic ecosystem which depended on the quality of the water. Ms. Weakley said to prevent negative impacts to the river, watershed management was necessary, as well as controlling point and non-point source pollution, limiting impervious surfaces, conserving buffers and planning for growth.

### **Siler City National Pollutant Discharge Elimination System (NPDES) Permit:**

Diana Hales stated that the Friends of the Rocky River were asking the Board to support the resolution designating the Rocky River as nutrient sensitive. She noted the many reasons why the Rocky River was important, including the fact that it was an economic resource for the County. Ms. Hales stated they were asking that the Board contact the Division of Water Quality and apply the necessary political pressure to include the removal of nitrogen and phosphorous

from the waste stream generated by the Siler City Wastewater Treatment Plant. She noted that the NPDES Permit for the Siler City Plant had been on hold for about a year, and believed these issues should be addressed prior to that permit being issued. Ms. Hales asked that the Board insist that the two poultry producers install and use state-of-the-art recycling technology.

**Why the County Commissioner Should Pass the Rocky River Resolution:**

Kathleen Hundley stated that she was a land owner on the Rocky River; that saving the Rocky River from further degradation was an environmental issue; that the citizens of the Rocky River basin and Chatham County wanted a clean river that supported a wide variety of both flora and fauna; that it was also a political issue; that they were on the brink of development that would bring further distress to the Rocky River; that in order to temper it, was imperative to have and enforce laws and regulations that specifically protected the Rocky River; that such limits placed on upcoming growth on the Rocky River would be a magnet for businesses and residents that wanted a clear and useable river.

Ms. Hundley stated that the converse was also true, in that a waterway, particularly during low water season, that was foul, smelled bad, and boasted a green carpet of algae could not support recreation or its own natural wildlife. She said the Rocky River resolution addressed all of these issues, and urged the Board to approve the resolution.

**The Need for County Leadership Now:**

Sonny Keisler pointed out that the Rocky River was at the point that citizens could no longer protect it, and they now needed the help of the County Commissioners. He outlined the four factors that threatened to destroy the current Rocky River ecosystem: 1) the new Lower Rocky River Reservoir and reduced high flows; 2) the increased releases of nitrogen and phosphorus from the Siler City Wastewater Treatment Plant; the County water lines being installed in the Rocky River watershed; and 4) climate changes. Mr. Keisler said because of these threats, citizens efforts alone could not protect the Rocky River, and unless concerted government efforts were initiated now, this part of Chatham County's heritage would soon be lost.

Mr. Keisler stated that the federal government, the State government, and Siler City government would not provide leadership, so it was up to the Chatham County Board of Commissioners to provide that leadership. He asked that the Board step up and take that leadership position.

Commissioner Vanderbeck asked if any staff discussions had been started with Siler City since the first version of the resolution. County Manager Charlie Horne noted they had not formally met with them to discuss that. Commissioner Vanderbeck stated it was a good idea to get a stakeholders group started for a variety of reasons.

Commissioner Lucier said there were two issues, one of which was the development issue, which was more of a prevention step for the Rocky River. He stated they were somewhat ahead of the curve, noting the establishment of the moratorium, the work towards strengthening of the County-wide stream buffer requirements, modifying the subdivision ordinance, and that the Environmental Review Board was working hard to develop criteria regarding when environmental impact assessments were needed. Commissioner Lucier said all of that should be in place before the moratorium was lifted, and in that respect they were doing what they needed to do.

Commissioner Lucier stated the second issue was with Siler City, noting it was not so easy. He stated the speakers had presented a compelling picture that there were issues that needed to be addressed, particularly with the poultry processing plants. Commissioner Lucier said they needed to move forward quickly with Siler City to see what could be done; that they should take advantage of any bond monies that might be available in 2008; that there was no doubt that Siler City would face a huge expense to improve their wastewater treatment plant to reduce the phosphorus, nitrogen, and metals coming from that plant; and that it would take a lot of cooperation between Siler City and the County to accomplish that.

Commissioner Lucier stated the Rocky River was a nutrient sensitive river and should be designated as such. He stated they needed to increase the level of formality and move forward as

quickly as possible, adding that the Siler City Council, the Friends of the Rocky River, the County Board of Commissioners, and the State Division of Water Quality should all be involved in a problem-solving approach to these issues.

Commissioner Vanderbeck suggested adding the Economic Development Commission to that group. Commissioner Lucier agreed.

Mr. B. J. Copeland, a citizen, stated that having the Rocky River declared a nutrient sensitive river should be done right away. He said that would open the door to applying for funds from the Clean Water Trust Fund to assist Siler City in upgrading its wastewater treatment plant.

Chairman Thompson asked if there was already a group formed that included the stakeholders Commissioner Lucier had mentioned. Connie Allred responded there was a task force that met every six months. She added that the task force had been set up to focus on the new reservoir that would soon come on-line, and how to protect the river during that process.

Kathleen Hundley stated that at the task force's last meeting in May, they had agreed to extend their interest and their monitoring from just below the dam to the entire river. She noted that the task force was now named the Rocky River Management Task Force.

Ms. Allred reiterated that the Task Force had been set up to monitor the impact on the river by the new reservoir.

Commissioner Lucier stated that he believed a modified version of that Task Force was needed. Ms. Hundley stated that the Task Force would be meeting again in August, and extended an invitation for Commissioners to attend.

Commissioner Cross stated that B.J. Copeland had recently been appointed to the Planning Board and had much experience in this area, and believed he would have good advice regarding the issues related to the Rocky River. He suggested taking advantage of his good will and asking him to help.

B. J. Copeland stated that it was his experience that when working with the Clean Water Trust Fund and the Environmental Management Commission, you would need a coalition of County Commissioners, Siler City Council members, and others. He said you would need to have more than just a task force to establish a network in order to get the points across regarding the serious issues facing the Rocky River.

Commissioner Lucier stated he agreed with Mr. Copeland's remarks, noting the important first step was to have the Rocky River declared a nutrient sensitive river. Commissioner Vanderbeck agreed, noting if that was a motion, he would be happy to second it.

Chairman Thompson stated there was no doubt the issues facing the Rocky River were real and needed to be addressed. He said the first step should be to think about what the best approach might be by looking at all the overlying issues. Chairman Thompson said it would be better to get the cooperation of the Town of Siler City and work together with them to take some steps towards solving the identified issues. He agreed that initiating some discussion on a higher level might be warranted.

The County Manager stated that he had talked informally with representatives of Siler City, as well as poultry industry members, who wanted to speak to this Board about some of the issues. He said getting those three parties, the County Commissioners, the Siler City Council, and members of the poultry industry, together as an overture conversation might pave the way for better cooperation.

Chairman Thompson said he believed that all concerns should be laid out for discussion, and the first thing to do would be to agree on what the real issues were. He said if those issues could be agreed on, they would move forward, but if not it would be up to the County to take another path.

Commissioner Lucier agreed with Chairman Thompson, but stated he did not believe they would be successful if they piggybacked onto an existing task force.

Commissioner Lucier recommended creating a nine-member task force to include two members of the Board of Commissioners, two members of the Siler City Council, one member of the poultry processing industry, one member of the FORR, one member of DWQ, the County Manager, and the Siler City Town Manager.

Commissioner Barnes suggested that more success might be achieved with a less formal group in the beginning, stating that informal conversations should take place between the County, Siler City, and the poultry processing industry. He stated when a task force was formed, he did not believe it should be as bulky as suggested.

Commissioner Lucier said he understood the point, but that all stakeholders needed to be a part of any group formed to work on these issues.

Commissioner Barnes stated that the smaller the group, the more easily it could be managed. He said the larger the group, the more difficulty you would have in getting everyone together to resolve problems.

Commissioner Lucier said that was true, but if the right people were not in the group the more difficult it would be to arrive at solutions. He said he believed the level of formality needed to be increased to make it ultimately successful.

Chairman Thompson said he had already participated in some discussions with the stakeholders, and would like to continue to be included. He said Commissioner Barnes did have a point, but they needed to decide how best to proceed.

Commissioner Cross stated using smaller groups had worked well in the past. He said they needed to think about what they could do to help Siler City clean up its wastewater treatment plant, to help the poultry industry clean up its operations, and to pinpoint the source of other contaminants, particularly mercury.

Commissioner Cross noted that the mercury, in all likelihood, was coming from the Siler City Wastewater Treatment Plant.

Ms. Allred clarified that the figures she had provided to the Board were taken directly from the Siler City Wastewater Treatment Plant, and those figures had been reported to the State. She said the plant had been fined for the high levels of mercury.

Responding to a question from David Hughes, Ms. Allred stated that the data indicated mercury and other contaminants had been a problem since the 1980's.

Rita Spina said there were different groups of stakeholders who were already talking, as were the Commissioners and others. She said the issue was where they go from here.

Commissioner Vanderbeck stated that they needed to keep this within some kind of timeframe and set some target areas as a milestone. He stated perhaps part of the success of a task force would be to have a facilitator.

Sonny Keisler stated that the Director of the Division of Water Quality had suggested just such a task force, adding that grant money could be applied for that would allow experts from NC State to participate with the task force.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to form a nine-member task force to deal with the Rocky River issues, to be comprised of two Chatham County Commissioners, two Siler City Council members, one member of the poultry processing industry, one member of the Division of Water Quality, proposed to be Alan Clark or his designate, the County Manager or his designate; the Siler City Town Manager or his designate, and one member of the Friends of the Rocky River.

Commissioner Cross asked if a member of the Chatham County Agri-Business Group should be involved with the Task Force, since the number one agricultural business in the County played a big role in the issues. The County Manager said if non-point source was to be discussed, then he would highly recommend that.



Commissioner Vanderbeck suggested a member of the NC State poultry extension group be included.

Commissioner Lucier said they needed to remember that what they were going to focus on was the wastewater treatment plant. He said the other pressures, from development, were already being addressed.

Commissioner Lucier offered a friendly amendment to the motion to include one person from the Agri-Business Council and one person from the NC State Agricultural Extension Division.

Commissioner Vanderbeck seconded the amended motion.

The motion carried five (5) to zero (0).

### **BREAK**

The Chairman called for a short break.

### **ENVIRONMENTAL REVIEW BOARD RECOMMENDATIONS**

Allison Weakley provided an overview of the recommendations offered by the Environmental Review Board (ERB) regarding thresholds for projects requiring environmental assessments and a brief description of what the County's Subdivision and Zoning Ordinance addressed. Ms. Weakley said the ERB recommendations for thresholds criteria were based on language within the current ordinance, with the incorporation of the collective knowledge of and research by ERB members, public and staff input, and many hours of discussion. She stated the ERB had also considered the State Environmental Policy Act (SEPA) guidelines and the thresholds criteria of the Orange County Environmental Impact Ordinance.

Ms. Weakley stated that currently Chatham County's regulations lacked sufficient standards for developments that require adequate environmental protection, noting that standards were needed to minimize the impact of development on the environment. She stated that the Planning Board was currently working on revisions to the regulations to consider such impacts in the development review process, but in the meantime, the ERB had included all major subdivisions in their thresholds criteria.

Ms. Weakley stated that the ERB recommended that minor subdivisions and non-subdivision projects involving two acres or less, per G.S. 113-A, be exempted from any requirements unless they meet one or more of the other threshold criteria, summarized as follows:

- Generator of hazardous waste or as a treatment, storage and disposal facility
- Production or storage of hazardous or toxic waste
- Requires various State or federal environmental permits (e.g., mining, wastewater, impacts to streams and wetlands, etc.)
- Requires an EA or EIS at the federal or State level
- Is located within an area designated as critical area for water supply (including well head protection area)
- Is located within a river corridor
- Contains or is likely to contain natural heritage elements (such as rare species) as defined by the State or federal agencies
- Contains or is likely to contain historical or archaeological heritage elements (such as historic structures or archaeological sites) as defined by the State
- Has steep or otherwise easily erodible slopes likely to result in hydrologic degradation of downstream bodies of water and properties

Ms. Weakley reviewed the types of environmental permits that might be required. She stated that the ERB recommended that EA threshold criteria be applied to Subdivision and Zoning regulations that a process for EA review be established, and that standards and development review process of Subdivision and Zoning regulations be updated to consider aspects important for environmental protection.

Commissioner Lucier stated he was not sure they wanted to include any developments that were less than five lots. Ms. Weakley stated that was how the Subdivision Ordinance was written. She stated that currently they had no way to look at major subdivisions for any kind of environmental review.

Commissioner Lucier stated there was environmental review, and then there was environmental assessment, adding that obviously all subdivisions would have environmental issues. He stated he did not think they wanted to have every subdivision reviewed, noting it would overwork the ERB. Ms. Weakley said if environmental review and environmental protections were worked into the regulations, major subdivisions would be reviewed.

Commissioner Lucier stated that the Planning Board was looking at much of this in preparation of recommending modifications to the Subdivision Ordinance. He said several developers had proposed submitting the environmental assessment prior to the preliminary plat, which would give the ERB a chance to review it early in the process. Commissioner Lucier stated that may not work as well once the Subdivision Ordinance was modified. Ms. Weakley stated currently, it was required at the time a preliminary plat was submitted.

Commissioner Cross stated that the ERB recommendation was that subdivisions of five houses and up would trigger an environmental assessment. Ms. Weakley said houses numbering six and above were considered major subdivisions, noting that if they were on ten acre lots that would be sixty acres.

Commissioner Barnes asked if minor subdivisions would trigger an environmental review or an environmental assessment. Ms. Weakley stated that the ERB felt that including major subdivisions as a threshold criteria now was important because the current subdivision regulations did not allow for more rigorous review.

Commissioner Barnes stated he supported that conclusion, noting that it was time to implement them.

Gerald Totten, a member of the School Board, asked how these recommendations would affect the Jack Bennett school site. Ms. Weakley said she did not believe that site would be affected at all because it was not a subdivision.

Commissioner Lucier asked if they would have to go through a public hearing process to adopt these recommendations. County Attorney Kevin Whiteheart stated that was correct. Commissioner Lucier asked if at the same time they could modify the Subdivision Ordinance to include these requirements. Mr. Whiteheart stated he saw no reason why not, if the Commissioners believed that was the appropriate process. Commissioner Lucier said that was what the ERB was telling them. Mr. Whiteheart said he knew of nothing that would prohibit the Board from doing that.

Sally Kost, a member of the Planning Board, asked if the Board was looking at this as a temporary fix until the entire Subdivision Ordinance was rewritten.

Commissioner Lucier said it would be only temporary, since something different might come out of the Planning Board's deliberations.

Commissioner Cross stated that Buncombe County had a "no build" criteria for a particular area, and suggested that might be something this County would want to consider. Ms. Kost said she believed that "no build" area was in areas with slopes greater than 36%.

Allison Weakley stated that Durham had a "no build" area if an area contained slopes greater than 25%.

Commissioner Cross stated that should be considered for Chatham County.

Commissioner Barnes stated that this Board had created the ERB, and they needed to pay heed to its recommendations.

Commissioner Lucier said he believed they were talking about having a public hearing on the ERB's recommendations.

Chairman Thompson asked what the timeframe was for the Planning Board to complete its recommendations for revisions to the Subdivision Ordinance. Ms. Kost said to do it right, the process called for a small group of Planning Board members to work on this, and then at certain times during that process to reach out to a larger group, and that would take place on July 25, 2007. She said they would then reach out to an even larger group with a public forum. Ms. Kost said once that process was completed, it would optimistically be April, 2008 before they were through.

Commissioner Vanderbeck stated for clarification, these recommendations would be a default mode until these criteria were actually written into the actual ordinance. Ms. Weakley said that was correct.

Commissioner Lucier said the Subdivision Ordinance gave them the right to request an environmental assessment, but the question was what would trigger that.

Commissioner Lucier moved, seconded by Commissioner Barnes, to hold a public hearing at the August 20, 2007 Board of Commissioners' meeting on these recommendations, including the recommendation that the Environmental Impact Assessment be done in sketch design.

Raj Butalia asked when the last time a major subdivision application was received that did not include an environmental impact assessment. He stated as far as establishing guidelines for review, the clearer they were, the easier the process would be.

Keith Megginson, Planning Director, stated that the way the regulations were written, almost everyone, even with two lots, would have to have an environmental assessment. He stated it was important to understand the impacts of that.

The Chairman called the question. The motion carried five (5) to zero (0).

Commissioner Lucier stated that the next item on the agenda would likely take more than ten minutes, and suggested that it be delayed until the next work session.

Chairman Thompson stated there was some sentiment from Board members to try to discuss the last two items on the agenda at the evening's meeting, so they would attempt to do that.

Ms. Weakley stated that her presentation on the delayed item would likely take about fifteen minutes, and that she would be prepared to attend the next work session on August 6, 2007 to make that presentation.

Commissioner Lucier stated that in effect, they had added two additional items to the night's agenda. Chairman Thompson stated that there were actually three items added.

### **ADJOURNMENT**

Commissioner Cross moved, seconded by Commissioner Barnes, to adjourn the Work Session. The motion carried five (5) to zero (0), and the meeting was adjourned at 4:50 PM.

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Carl Thompson, Sr., Chairman

ATTEST:

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Sandra B. Sublett, CMC, Clerk to the Board  
Chatham County Board of Commissioners