

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 17, 2006**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on July 17, 2006.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Morgan invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Barnes delivered the invocation.

- The meeting was called to order by the Chairman at 6:05 PM.

- **AGENDA AND CONSENT AGENDA**

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

Chairman Morgan explained that the following items had been acted upon and approved during the afternoon Work Session:

- #5. **Purchase of Radio Equipment for Telecommunications:** Consideration of a request to award purchase of Orbacom radio equipment for two console positions in Telecommunications
- #6. **Purchase of E911 Phone System:** Consideration of a request to waive County informal solicitation for the purchase of new E911 Lifeline Viper equipment with the current purchase of the E911 phone system from Positron Public Safety Systems Corp
- #9. **Declaring Electronic Property Surplus and Authorizing the Sale or Disposal of Said Property:** Consideration of a request to adopt **Resolution Declaring Electronic Property Surplus and Authorizing the Sale or Disposal of Said Property**
- #23. **Recreation Department Lease Agreement:** Consideration of a request to approve lease agreement with Edward and Donna Rogers for space located at 90 East Street, Pittsboro for use by the Chatham County Recreation Department
- #24. **Project Ordinance for Joint County/Community College Library:** Consideration of a request to approve the project ordinance for the joint county/community college library

The Chairman asked that the following items be removed from the Consent Agenda and placed on

the Regular Agenda after the Public Input Session for discussion:

12. **Preliminary Subdivision Approval of “The Sanctuary at Haw River”:** Consideration of a request by Bynum Ridge, LLC on behalf of Polk-Sullivan, LLC for subdivision preliminary approval of “The Sanctuary at Haw River” Phase One, (f/k/a Williams Pond), consisting of 121 lots, on 376 acres, located off SR #1711, Bynum Ridge Road, Baldwin Township
16. **Subdivision Sketch Design Approval of “Cedar Mountain”:** Consideration of a request by Lewis T. Metty for subdivision sketch design approval of “Cedar Mountain”, consisting of 65 lots on 162 acres, located off SR #1540, Jones Ferry Road, Baldwin Township
17. **Subdivision Sketch Design Approval of “McBane Property Subdivision”:** Consideration of a request by Community Properties, Inc. on behalf of Hilda McBane for subdivision sketch design approval of “McBane Property Subdivision” consisting of 109 lots on 159 acres, located off SR #1520, Old Graham Road, Hadley Township
18. **Subdivision Sketch Design Approval of “Monterrane Phase IV”:** Consideration of a request by Jesse Fearington for subdivision sketch design approval of “Monterrane, Phase IV”, consisting of six (6) lots on 31 acres, located off SR #1700, Mt. Gilead Church Road, Williams Township

Commissioner Emerson moved, seconded by Commissioner Outz, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held June 19, 2006, work session held June 19, 2006
The motion carried five (5) to zero (0).
2. **Department of Social Services Contracts:** Consideration of a request to approve thirteen contracts for the Fiscal Year July 01, 2006 – June 30, 2007 for the Department of Social Services as follows:
 1. Carol J. Holcomb
 2. Chatham County Together
 3. Chatham Transit Network
 4. Chatham Trades, Inc.
 5. Child Care Networks, Inc.
 6. Robert L. Gunn
 7. Gunn & Messick
 8. Jane Malpass
 9. Deep River Mediation
 10. John Malpass
 11. Jane Smith
 12. Chatham County Sheriff’s Department
 13. Family Visitation Center of Chatham County

The motion carried five (5) to zero (0). The contracts are attached hereto and by reference made a part hereof.

3. **Reappointment of Deputy Tax Collectors:** Consideration of a request to reappoint Carolyn Clark and Kimberly Horton as Deputy Tax Collectors

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

4. **Electing or Standard Status Designation:** Consideration of a request to designate Chatham County as a “Standard” status, form attached hereto and by reference made a part hereof.

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

- ~~5. **Purchase of Radio Equipment for Telecommunications:** Consideration of a request to award purchase of Orbaecom radio equipment for two console positions in Telecommunications~~

Action was taken on this item in the afternoon Work Session.

- ~~6. **Purchase of E911 Phone System:** Consideration of a request to waive County informal solicitation for the purchase of new E911 Lifeline Viper equipment with the current purchase of the E911 phone system from Positron Public Safety Systems Corp~~

Action was taken on this item in the afternoon Work Session.

7. **Alternate ETJ Member Appointment to the Siler City Town Planning Board/Board of Adjustment:** Consideration of a request to approve the appointment of Dan McMasters to serve as an alternate ETJ member of the Town of Siler City Town Planning Board/Board of Adjustment

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

8. **Judicial Facility Project Contract:** Consideration of a request to award contract for the judicial facility project to architect firm of Corley/Redfoot/Zack, contract attached hereto and by reference made a part hereof.

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

- ~~9. **Declaring Electronic Property Surplus and Authorizing the Sale or Disposal of Said Property:** Consideration of a request to adopt Resolution Declaring Electronic Property Surplus and Authorizing the Sale or Disposal of Said Property~~

Action was taken on this item in the afternoon Work Session.

10. **Preliminary Subdivision Approval of “Hickory Downs”:** Consideration of a request by Richard Fox for subdivision preliminary approval of “Hickory Downs”, consisting of 41 lots, on 167 acres, located off SR #1506, Bowers Store Road, Hickory Mountain Township

As per the Planning Department and Planning Board recommendation, preliminary plat approval of **Hickory Downs** was approved with the following two (2) conditions:

1. Access to Lot #35 be designed not to impact designated wetlands and shown as such on the final plat.
2. The “60” Dedication For Future Access” shown on the preliminary plat to the adjoining property of Chatham Farms, LLC, 312 acres, be changed on the final plat to read “60 foot wide public dedication of right-of-way” to provide for possible future public interconnecting roadways.

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

11. **Preliminary Subdivision Approval of “Woodlands”:** Consideration of a request by

Darden Development, LLC for subdivision preliminary approval of “Woodlands” (formerly the Page and Grantham subdivisions as well as a portion of Womble subdivision on west side of Old Graham Road), consisting of 173 lots, on 242 acres, located off SR #1520, Old Graham Road, Hadley Township

As per the Planning Department and Planning Board recommendation, approval of the road names (Berry Patch Lane, Crimson Court, Mossy Creek Court, Willow Creek Court, Hidden Creek Court, Fox Trail Court, Teal Trace Court, Widgeon Way, Mallard Bluff Way, Sunset Ridge Court, Colonial Ridge Drive, Rosefield Court, Lynn Stone Court, Spring Hollow Court, Morning Mist Court, Hidden Creek Court, and Shady Court) and approval of **Woodlands** was granted with the following conditions:

1. The final plat shall show that all lots have a minimum of 40,000 square feet of area outside any floodable areas. Flood elevations shall be indicated on the final plat.
2. The water system shall be developed to meet the standards specified for the Chapel Ridge Subdivision.
3. Placement of ABC stone subgrade and pavement shall not begin until either road plan approval has been received from the NC DOT or the County has approved a revision allowing the roads to be private roads constructed to the NC DOT HillStandard.

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

~~12. **Preliminary Subdivision Approval of “The Sanctuary at Haw River”:** Consideration of a request by Bynum Ridge, LLC on behalf of Polk Sullivan, LLC for subdivision preliminary approval of “The Sanctuary at Haw River” Phase One, (f/k/a Williams Pond), consisting of 121 lots, on 376 acres, located off SR #1711, Bynum Ridge Road, Baldwin Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

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13. **Final Subdivision Approval of “Cattail Creek Subdivision”:** Consideration of a request by Michael D. Poe for subdivision final plat approval of “Cattail Creek Subdivision”, Phase 4, Lots 23 – 38, consisting of 16 lots on 32 acres, located off SR #1506, White Smith Road, Hadley Township

As per the Planning Department and Planning Board recommendation, final plat approval of Cattail Creek, Phase 4, Lots 23-38 was granted with the following condition:

- 1 The final plat not be recorded until the financial guarantee has been approved by the County Attorney.

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

14. **Final Subdivision Plat Approval of “Legend Oaks, Phase One”:** Consideration of a request by HBP Properties for final plat approval of “Legend Oaks, Phase One”, consisting of 31 lots on 64 acres, located off US Highway #15-501 North, Williams Township

As per the Planning Department and Planning Board recommendation, final plat approve of **Legend Oaks, Phase One** was granted with the following condition:

1. The plat not be recorded until the County Attorney has approved the financial guarantee.

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

15. **Final Subdivision Plat Approval of “Windfall Creek, Phase II”:** Consideration of a request by Contentnea Creek Development Co. for subdivision final plat approval of “Windfall Creek, Phase II”, consisting of eight (8) lots on 43 acres, located off SR #1716, Big Woods Road, New Hope Township

As per the Planning Department and Planning Board recommendation, final plat approval of “**Windfall Creek, Phase II**” was granted with the following condition:

1. The plat not be recorded until the County Attorney has approved the financial guarantee.

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

- ~~16. **Subdivision Sketch Design Approval of “Cedar Mountain”:** Consideration of a request by Lewis T. Metty for subdivision sketch design approval of “Cedar Mountain”, consisting of 65 lots on 162 acres, located off SR #1540, Jones Ferry Road, Baldwin Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

- ~~17. **Subdivision Sketch Design Approval of “McBane Property Subdivision”:** Consideration of a request by Community Properties, Inc. on behalf of Hilda McBane for subdivision sketch design approval of “McBane Property Subdivision” consisting of 109 lots on 159 acres, located off SR #1520, Old Graham Road, Hadley Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

- ~~18. **Subdivision Sketch Design Approval of “Monterrane Phase IV”:** Consideration of a request by Jesse Fearrington for subdivision sketch design approval of “Monterrane, Phase IV”, consisting of six (6) lots on 31 acres, located off SR #1700, Mt. Gillead Church Road, Williams Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

19. **Sketch, Preliminary, and Final Approval of Non-Residential Subdivision Lot for Pittsboro Volunteer Fire and Rescue Department:** Consideration of a request by Pittsboro Volunteer Fire and Rescue Department, Inc. for sketch, preliminary, and final approval of one (1) non-residential subdivision lot, consisting of one (1) lot on five (5) acres, located off SR #1520, Old Graham Road

As per the Planning Department and Planning Board recommendation, the request for “Pittsboro Fire Station” for the creation of one non-residential lot was granted with the following conditions:

1. Prior to issuance of the building permit, the site plan shall be revised to indicate that the retention pond is sized to accommodate a two-year /24 hour storm.

2. Prior to recording of the final plat, staff shall be provided with a copy of the approved commercial driveway permit.
3. Prior to issuance of the certificate of occupancy of the structure or at the first optimal planting season, all landscaping shown on the site plan shall be completed. All landscaping shall be maintained properly in the future and shall be replaced as needed.
4. All lighting shall conform to the draft Chatham County Lighting Ordinance.
5. Signage shall be noted on the site plan.

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

20. **Realignment of County's Minority Participation Goal:** Consideration of a request to set a public hearing for August 21, 2006 to realign the County's minority participation goal of 15% for formal building construction with the State's requirement of 10%

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

21. **Tax Refunds:** Consideration of a request to approve refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

22. **Public Meeting Request on Purchase of New Pumper Truck:** Consideration of a request to set August 21, 2006 as the date for the Goldston Rural Fire Department to hold a public meeting on their request to purchase a new pumper truck using tax-exempt money in the amount of \$213,938.00

The motion carried five (5) to zero (0). The letter is attached hereto and by reference made a part hereof.

- ~~23. **Recreation Department Lease Agreement:** Consideration of a request to approve lease agreement with Edward and Donna Rogers for space located at 90 East Street, Pittsboro for use by the Chatham County Recreation Department~~

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Action was taken on this item in the afternoon Work Session.

- ~~24. **Project Ordinance for Joint County/Community College Library:** Consideration of a request to approve the project ordinance for the joint county/community college library~~

Action was taken on this item in the afternoon Work Session.

END CONSENT AGENDA

The Chairman explained that due to the lengthy agenda, Items #34-42 will be carried over until Tuesday night; that a continuation of the night's meeting will be held in the District Courtroom beginning at 6:00 PM; and that the afternoon work session will begin at 4:00 PM in the Henry H. Dunlap, Jr. Building Classroom.

PUBLIC INPUT SESSION

Rita Spina, 12 Matchwood, Pittsboro, NC, stated that the night's agenda represents the epitome of "lack of due diligence" on the part of County government to do the right thing for the citizens to whom

they are responsible; that the agenda represents the culmination selling out of the “selling out” of Chatham County; that within its forty-five serious agenda items, there are eleven public hearings, a consent agenda with twenty-four items on development alone, and six planning and zoning items; that the citizens of the County received official notification of all of them three days prior; that they are requesting a continuance of these hearings for as long as it takes for all those who wish to speak on the issues to be heard; that in addition, they are requesting additional time to submit additional, relevant, non-repetitive information where applicable because of the sheer number of proposals and the short lead time given to review all the information in all of the applications; that since the experience the citizens have had with a majority of the Board of Commissioners has evidenced that there has never been a “no, not acceptable” to any development that has ever come before them, it is highly probable that no citizen input could make much of an impact; however, it is their right to determine what is thoroughly satisfactory to their futures as citizens and to have the Board carefully study, review, question, and allot appropriate time for full discussion and disclosure of every issue; that the Board has continually allotted this to all of the developers; that it is also highly unlikely that the Planning Department, which needed and has been given a larger staff in the next budget, has had the necessary time allotted to them to also give due diligence to these issues; that this overburdened staff was still responsible for all the issues that had to be taken into consideration as they rushed to complete all the tasks that have come before them for this agenda; that they were responsible for the details and the Board of Commissioners will be held responsible for making sure that they had the necessary time for what they were required to do; that the Board’s only steady argument has always been that development brings in cost benefits to the County and there are never any negative impacts that result from decision making policies; and that all that has to be done today is to look around at other counties who did little overall strategic planning and observe the consequences that they are now facing, years later, as a result of this type of thinking: long term debt rise, tax increase, lack of funds to build enough schools, rising concerns about the safety of drinking water, wastewater concerns, traffic, along with storm water runoffs from bulldozed land, loss of green space to high density and one of the highest air quality problems in the nation; this will be the Board’s legacy for Chatham.

William Sommers, 27 East Madison, Pittsboro, NC, stated that of long-term interest to Chatham County residents is the proposed implementation of the Western Wake Regional Wastewater Management Facility’s program; that a joint undertaking by the Towns of Cary, Apex, Morrisville, and Holly Springs; that the wastewater treatment plant will be located near US Highway #1, approximately three miles north of the Shearon Harris Nuclear Plant; that a fourth effluent line will run southwest and then due south to the treatment plant and the Cape Fear River where the fully-treated effluent will be deposited near the Buckhorn Dam; that about twelve miles of this line will be in Chatham County; that the total cost of the whole project is estimated at nearly \$270 million; that the first phase is expected to be completed by 2020; that a major reason for this project is to provide wastewater service to fit in with the four towns and their planned regional development; that while the project is no doubt needed, what should concern Chatham County residents near the Wake County border is the increased potential for substantial growth in both Cary and Apex which could spill over into Chatham County; that both counties have adopted aggressive growth and development plans for which the wastewater treatment plant, coupled with their joint water treatment plant will become a dynamic vehicle for long-term growth; that the project kick-off came with the submission of a draft environmental impact statement to a public hearing at the Apex Town Hall on June 15, 2006; and that he attended the hearing and then submitted commentary on the proposal to both DENR and DWQ and the US Corps of Engineers expressing concern on the long-range potential of planned regional development eventually involving Chatham County by a voluntary and involuntary annexation.

Elliot Cramer, 1799 Crawford Dairy Road, stated that he loved Chatham County and fears for its future; that about five years ago, he appeared before the Board of Commissioners when there were predictions of exponential growth and the demand for water; that at that time, he made projections which clearly indicated linear and he has published a report which shows that the predictions made at that time were pretty valid and there was just linear growth; that with the obscene number of developments that have been approved and are now in process, he is concerned about the future; that he believes that the citizens of Chatham County have spoken in the recent election and he hopes that the Board will listen.

Rich Hayes, 612 Oak Island Drive, Chapel Hill, NC thanked the Board for their decision to increase the Soil and Erosion Control staff. He stated that he thinks that this is going to be a great help; that it may not be enough, but two will be better than one; that he hopes the Board will consider the implications to the long-term water quality in Chatham County; that Jordan Lake is the County's future drinking water supply; that there is not a lot of other water to go to; that the Board needs to be very careful when considering what they have to approve and the implications to water quality; that he wants the Board to think about future generations; and that it would be great if grandchildren and great-grandchildren could enjoy the same quality of water that is now enjoyed.

Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC, stated that he was disappointed to learn that Allison Weakley's presentation was delayed; that all of the information presented seems to fall on deaf ears; that he doesn't think that anything he says is going to change the Board's mind; that the County has some lovely signs coming into Chatham County; that the developments the Board are allowing to come into the County are muddying the streams and rivers; that he has a hard time being friends with people that he doesn't respect; and that he cannot respect what the Board is doing.

Hal Winters, 6 Eagle Drive, Chapel Hill, NC, stated that he is concerned that the zoning restrictions in their neighborhood are being violated; that approximately two months ago, he began to notice construction underneath the Duke Energy power line adjacent to State Road #1727, south of Governor's Village; that he soon discovered that the construction was for a road to a "borrow pit" where soil was to be removed which was presently a construction site near the Governor's Village shopping center; that this appeared to be in violation of zoning restrictions for an R-40; that he notified the Planning Department and he was informed that they would look into the matter; that after several days, he received a telephone call that a citation had been issued for operating a contractor yard without a permit; that he checked again after several days and was told that the citation had been withdrawn because the company was a public utility and had a right of access because they operated the Governor's Club sewer system; that he was forwarded documents from the Planning Department which included a Department of Environmental and Natural Resources permit, a letter from the company's attorney, and a public utilities certificate; that document suggest that the company was operating on this site because they had something to do with Governor's Club sewer facility located there; that after checking with the Division of Water Quality (DWQ), he found that there is no sewer system that they are operating and no application for a permit to operate a sewer system there; that he and his neighbors believe that they have, as a public utility, no right to be in this location for the purpose that they have stated to the Planning Department; that they have trucked dirt out of the location for approximately two weeks; that approximately 3/10 of a mile on the road that they live on has been destroyed; that tens of thousands of dollars have already been spent on the road trying to keep it in repair; that this needs to be stopped; that it appears that the Planning Department does not have the proper tools, assuming that they are going to reissue the citation; that he hopes that they are going to do something; that they would like to see something done about the situation, the zoning checked, and things put in order.

Kathleen Hundley, PO Box 1177, Pittsboro, NC, stated that she has been a resident for nearly twenty-one years; that she is a landowner of lower Rocky River frontage; that she must protest the continued approval by the Board of Commissioners of subdivisions within Chatham County; that the approvals seem to ignore basic facts that must be considered when bringing in potentially thousands of individuals to take up residence; that the costs for this new development will certainly require increased taxes for all citizens of the County, not for just those new comers whose homes are being considered at the night's meeting and will be considered in the next four months, increasing a financial burden on citizens who have been vocal in not wanting such development in the first place; that among those considerations that seem to be ignored are the following: 1) Water: Currently there is no adequate water available within areas of the County to provide what a typical family will need; that the water line system that is being laid in particular districts is not yet operative, is reported to be tens of millions of dollars under-funded and even when operating as proposed, will still be inadequate to provide the amount of water needed by the subdivision and commercial facilities already approved, let alone additional subdivisions being considered this evening and will be considered in the next four months. 2) The further impairment of the three rivers that grace the County is inevitable if development continues; that both the

Haw and the Deep Rivers are already impaired to the point of inability to accommodate further sediment and waste discharges; that the upper Rocky River battles pollution from the Siler City Wastewater Treatment Plant (WWTP) and from farm run-off and the lower Rocky River contains federally endangered species; that the river is already fragile and is vulnerable to sediment from development, as well as pollution; that its potential value to the County is as a clean, beautiful place for recreation and as a high value residential area, not as a degraded sewage dump. 3) Sewage: With additional families, and in addition to water needs, are waste treatment needs; that the Siler City WWTP is already stressed and is many times out of compliance with their NPDES permit per public record; that Love's Creek, the point of outfall for the Siler City WWTP, is already greatly impaired; that the Pittsboro WWTP is also beyond its designed capacity; that Robertson's Creek is already impaired; that the technology for spray irrigation is far from perfected; that the potential for malfunction, with resulting smell and seepage both on the surface and down to the water table, is ever present. 4) Infrastructure: The existing smaller state roads within the County will not be adequate to provide routes of transportation for the thousands of homes already approved and being considered for approval at the night's meeting and within the next four months; that this will necessitate either widening existing roads or building new ones, an expense not needed except to accommodate increased population, all at a cost the State may or may not be able to fund. 5) Schools: Schools will also be required, necessitating more tax dollars to be born by the whole County as will health services, commercial center, police and sheriff protection.

Ms. Hundley continued by saying that shadowing the entire movement of development is the loss of the reasons why people have and still want to come to Chatham County in the first place, to live in a quiet, beautiful, sparsely populated, mostly rural setting, with a quality of life that will be lost by the very people who seek it; that as vice president of the Friends of the Rocky River, she urges the Board of Commissioners to think to the future, reassess the perceived value of increased development in Chatham County and balance it with the losses that are inevitable if development continues to be approved, changing the County forever.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated that she was originally confirmed to give a presentation, with a group of colleagues, on the natural heritage areas, wildlife habitat in Chatham County, and how they relate to water quality and conservation planning; that she went on vacation thinking that she was on the early portion of the agenda; that she received a message from her colleague stating that there were eleven public hearing items on the agenda; that she spoke with the County Manager, she was given the opportunity to decide if she would proceed to give the presentation at the end of the agenda or wait until the August meeting; that given the circumstances, she felt it was better to postpone the presentation until the August meeting; that she wanted to make it clear that she was not bumped off of the night's agenda, but rather it was her choice to not speak at the night's meeting and wait until the August meeting to do so; that she wanted to remind the Board that there are planning tools at their disposal to mitigate impact to significant natural heritage areas if they were designated in the 1992 Natural Heritage Inventory that was paid for by the County; that there are other planning documents at the Board's disposal to help mitigate impact to water quality, including stream buffer requirements. She encouraged the Board to seek guidance from the Land Use Plan in their decision making and stated that she looks forward to presenting the information that will hopefully aid the Board in the future at the August 21, 2006 Board of Commissioners' meeting; and that she hopes that the Board, Planning Board members, citizens, and Towns of Pittsboro and Siler City members will all be present to learn about the natural heritage inventory and why it is important in planning in the County and its correlation to water quality and wildlife habitat.

Randy Voller, 21 Randolph Court, Pittsboro, NC, stated that he was addressing the Board on behalf of the citizens of Pittsboro and Chatham County, specifically in their corporate limits and ETJ. He stated that he was concerned about the continued approval of sprayfields managed by Heater Utilities and/or Aqua America; that he urged the Board that before we move forward better data is needed on water quality and chemistry that Pittsboro will be pulling through their water intake on the Haw River; that they currently have conflicting issues of chemistry and it is changing daily; that it is an unpleasant thought that they have to drink what comes out of Burlington, Graham, and Greensboro; that his citizens have constant questions about water quality; and he would like to see the analysis before the approvals come. He urged

that the Board take the time to get the data to work together on this so as to do a better development process and that the folks that build these properties have a good project; and that the citizens of Pittsboro and Chatham County have good water quality referring specifically to the McBane property. He asked if the Town of Pittsboro and the County could consider a small area plan evaluating non-point discharge, runoff, and potential issues from these developments that affect the drinking water. He also mentioned a letter authored by Gene Brooks and passed by his Board, to help residents on Old Sanford Road concerning these residents continuing saga in trying to obtain water over a 20-30-40 year cycle. He urged that if the Board of Commissioners could provide them water from the tank off Highway #15-501, they would allow it to be run into their ETJ and it would be very much appreciated.

Greg Solomon, (address), thanked Commissioner Barnes for his appointment to the Recreation Board. He stated that that he believed that the Board of Commissioners destined the school bond to fail by not making it all inclusive; that one school cannot be built on one side of the County and expect everyone to support it; that the school was needed in Siler City; that J.M. Matthews cafeteria could have waited, along with Northwood's cafeteria; that he didn't see any of the developers at the tour of Northwood; that the subdivisions just keep coming; that it's not who voted for whom or the subdivisions; that it's about "enough is enough"; that the Board has men of character and he is asking that they show it by not approving the subdivisions.

Elaine Chiosso, Executive Director, Haw River Assembly, PO Box 187, Bynum, NC, expressed congratulations on behalf of the Haw River Assembly Board of Directors, staff, and members for the Board's signing of the Memorandum of Understanding for the Haw River Trail Corridor. She stated that this partnership between the five counties, four cities, and the state government will greatly increase efforts underway to create a public land and water trails along this beautiful river; that at the same time, they applaud the shared commitment to protect water quality and to support the conservation of the natural and cultural resources that are part of the river's heritage; that they applaud the goals of the partners to support a "balance of natural resource protection, recreation, water quality, historical and cultural preservation, view shed protection, and economic development", to create a Trail Corridor width for planning purposed of 500' (from the top of the bank on each side) and to leave undisturbed natural vegetation within the Trail Corridor; that they believe the Haw River Trail Public Partnership will provide many opportunities to make better use of all their resources together, including the contributions of private and non-profit entities that enthusiastically support this initiative; that the Haw River Assembly offers its resources to the Partnership to continue the planning and development of the Trail and of paddle trail standards and access; and that they look forward to exploring opportunities with the Board to help with land acquisition, easements and access areas to further the goals of the Haw River Trail Corridor. She expressed their many thanks for the Board's partnership in this new endeavor to bring greater opportunities to the public to enjoy the beautiful Haw River.

(12.) **Preliminary Subdivision Approval of "The Sanctuary at Haw River"**: Consideration of a request by Bynum Ridge, LLC on behalf of Polk-Sullivan, LLC for subdivision preliminary approval of "The Sanctuary at Haw River" Phase One, (f/k/a Williams Pond), consisting of 121 lots, on 376 acres, located off SR #1711, Bynum Ridge Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Chairman Morgan moved, seconded by Commissioner Outz, to approve the road names (Bear Island Trail, Birch Bark Lane, Frontier Woods Trail, Saddle Creek Lane, Haw Bluffs Drive, Mill Pond Place, Indian Point Land, River Refuge Road, Chapel Creek Lane, Drakes Meadow Drive, Herons Ridge Lane, Swift Creek Place, Sanctuary Ridge Road, and Headwater Trail) and grant preliminary plat approval of **"The Sanctuary at Haw River, Phase I"** (formerly Williams Pond) as submitted.

The motion carried four (4) to one (1) with Commissioner Barnes opposing.

(16.) **Subdivision Sketch Design Approval of "Cedar Mountain"**: Consideration of a request by Lewis T. Metty for subdivision sketch design approval of "Cedar Mountain", consisting of 65 lots on 162 acres, located off SR #1540, Jones Ferry Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design approval of “**Cedar Mountain**” with the following conditions:

1. The emergency access easement be widened to a minimum of 50 feet and be labeled as “50 foot wide dedication of public right-of-way and emergency vehicle access”.
2. The emergency vehicle access shall be constructed to a minimum standard of a 16 foot wide, all-weather travel surface. A note shall be placed on the preliminary and final plats detailing the standards to which said access is constructed and future upkeep and maintenance responsibilities.

The motion carried four (4) to one (1) with Commissioner Barnes opposing.

(17.) **Subdivision Sketch Design Approval of “McBane Property Subdivision”:** Consideration of a request by Community Properties, Inc. on behalf of Hilda McBane for subdivision sketch design approval of “McBane Property Subdivision” consisting of 109 lots on 159 acres, located off SR #1520, Old Graham Road, Hadley Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design approval of “**McBane Property**” with the following conditions:

1. Language on the preliminary and final plats shall be changed to read “60 foot dedication of public right-of-way” to the Cheek property.
2. A 60 foot dedication of public right-of-way shall be shown to the adjacent property of Kenneth & Cynthia Crossen.

The motion carried four (4) to one (1) with Commissioner Barnes opposing.

(18.) **Subdivision Sketch Design Approval of “Monterrane Phase IV”:** Consideration of a request by Jesse Fearrington for subdivision sketch design approval of “ Monterrane, Phase IV”, consisting of six (6) lots on 31 acres, located off SR #1700, Mt. Gilead Church Road, Williams Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design approval for “**Monterrane, Phase IV**” with the following two (2) conditions:

1. A 60 foot wide dedication of private right-of-way and utility easement shall be shown on the preliminary and final maps to the properties of Corn, Burnette, and Haywood.
2. A note shall be placed on the preliminary and final plats stating that the old road bed shown on the plat as “Old Raleigh Road”, running along the northern boundary of Lots #50 and #51, is used by the public as access to an existing cemetery.

The motion carried four (4) to one (1) with Commissioner Barnes opposing.

PLANNING AND ZONING

Subdivision Consideration:

Subdivision Sketch Design Approval of “Valley View”: Consideration of a request by Ticon Properties, LLC on behalf of Bryan & Helen Yates for subdivision sketch design approval of “Valley View”, consisting of 22 lots, on 44 acres, located off SR #1526, Andrews Store Road, Baldwin Township

As per the Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design approval of “**Valley View**” with the following condition:

1. The utility crossing of the creek be encased in ductile iron pipe.

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

Zoning and Ordinance Amendments:

Chatham County Moratorium Ordinance: Discussion of an ordinance setting forth the rules and procedures for establishing a moratorium according to state enabling legislation adopted in 2005

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Cross, to approve the revised text of the Moratorium Ordinance as included in attachment 1, attached hereto and by reference made a part hereof. . The motion carried five (5) to zero (0).

Conditional Use B-1 Business District: Consideration of a request by John W. Blair for a Conditional Use B-1 Business District on 10.613 acres, located at the southeast intersection of SR #1700, Mt. Gilead Road and SR #1714, Hatley Road, New Hope Township

After considerable discussion, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Conditional Use Permit for Self-Storage Facility: Consideration of a request by John W. Blair for a Conditional Use Permit for - Self-storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental) and - Uses and structures customarily accessory to any permitted use - specifically for boat, *recreational vehicle and other self-storage and an associated residential use*, on 10.613 acres, located at the southeast intersection of SR #1700, Mt. Gilead Road and SR #1714, Hatley Road, New Hope Township

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-37 Approving an Application for a Conditional Use Permit Requested by John W. Blair**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Conditional Use B-1 Business District: Consideration of a request by Jesse Fearrington, c/o Nicolas P. Robinson, Attorney, for a Conditional Use B-1 Business District on approximately 29.63 acres of a 59.58 acre tract located at the northwest corner of US Highway #15-501 and SR #1527, Morris Road, Baldwin Township

As per the Planning Department recommendation, Commissioner Barnes moved, seconded by Commissioner Cross, to adopt the **Resolution to Deny an Application for a Conditional Use Permit Requested by John W. Blair**. The motion carried failed two (2) to three (3) with Commissioners Morgan, Outz, and Emerson opposing.

Commissioner Outz moved, seconded by Commissioner Emerson, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

Conditional Use Permit for Restricted B-1 Uses: Consideration of a request by Jesse Fearrington, c/o Nicolas P. Robinson, Attorney, for a Conditional Use Permit for a Specialty Retail Center with Out Parcels (i.e. retail food/grocery store, banks, drug stores, eating and drinking establishments, professional and business office use) on approximately 29.63 acres of a 59.58 acre tract located at the northwest corner of US Highway #15-501 North and Morris Road (SR 1527), Baldwin Township

Commissioner Cross asked if Mr. Fearrington would consider removing the out parcel businesses and if needed, the item needed to be deferred until a later date.

Nick Robinson, attorney for Mr. Fearrington, stated that there were all kinds of time implications involving the request and asked that the matter proceed.

Commissioner Cross moved, seconded by Commissioner Barnes, to table the item. The motion failed two (2) to three (3) with Commissioners Morgan, Outz, and Emerson opposing.

After considerable discussion, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt the **Resolution #2006-38 Approving an Application for a Conditional Use Permit Requested by Jesse Fearrington**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Public Hearings:

Public Hearing on Amendment to the Chatham County Zoning Ordinance: Public hearing to receive public comments on a request by William Jeffrey House for a text amendment of the Chatham County Zoning Ordinance, , Section 15.5.B.1 to change the requirement for “public and private recreation camps and grounds” from 20 acres to 10 acres

Loyse Hurley, 16 Matchwood, Pittsboro, NC, stated that this change would set a precedent for all public and private recreation camps and grounds for Chatham County; that while the specific request is for one private family to increase the density on their property and may not, in itself, be a problem, changing the ordinance will affect every campground in the County; that recreational campgrounds are places where families go to experience nature and camping out in rural area; that increasing the density of these rural areas, with a blanket rezoning because of one specific family simply doesn't make any sense and defeats the purpose of the twenty acre requirement in the first place; and that they are requesting that the Board deny this specific request and find another way to accommodate this family.

Cynthia Perry, 179 Hillsboro Street, Pittsboro, NC, attorney representing Jeff House and his family, stated that the House Family is applying for an amendment to the Chatham County Zoning Ordinance to change the requirement for a public and private recreation camp and grounds; and that they are needed for housing in the Moncure area for contract workers needing temporary housing.

The Chairman closed the public hearing.

Public Hearing for a Zoning District Change from Heavy Industrial: Public hearing to receive public comments on a request by Gordon and Vivian W. Parker and Timothy Richard and Christy W. Brown, c/o Nick Robinson, Attorney, to rezone approximately 25 acres from Industrial Heavy (Ind-H) to Residential Agricultural (RA-40)

Nicolas P. Robinson, PO Box 607, Pittsboro, NC, stated that he was representing the Parkers and the Browns who wanted to place homes on their properties for benefit of family members; that when applying for a building permit, Mr. Parker first learned that his property was ineligible for a new residential structure because houses are not allowed uses in a heavy industrial district; that the property referred to is an aggregate of approximately 25 acres located on the west side of Corinth Road in the southeast corner of the County; that the other, eastern side of Corinth Road, the land is zoned RA-40; that

their request is really just to have the Parker/Brown property to be zoned in conformity with the land of their neighbors across the road; that this land was zoned heavy industrial in approximately 1990; that because of existing industrial uses generally in the area, it was perhaps anticipated that more industrial uses would site themselves nearby; that existing residential uses such as those of the Parkers and Browns are grandfathered; that the total acreage of the heavy industrial zone in the area is approximately 3,300 to 3,400 acres; that in the fifteen or more years since the Heavy Industrial zoning was imposed, he has been told by the Planning staff that no new industrial uses have arrived to the area; that folks have continued to live there and to peacefully coexist with the industrial uses such as the brick plant and power plant; that he has brought copies of a letter from General Shale Brick, Inc., an adjoiner, indicating their support of the application as well as a letter from Progress Energy, a neighbor in the form of the Cape Fear Plant, stating no opposition; that the application materials cover the several categories of information necessary for a zoning change of this kind; that most of those are technical requirements all of which are met and well-covered in the application; that one of the categories is the extent to which the requested rezoning will comply with the intent and purpose of the adopted Land Conservation and Development Plan (the Land Use Plan); that one need not look far into the Land Use Plan to encounter repeated references to the combination of rural character and compatible residential zoning; that in the overview of the Land Use Plan, for example, reference is immediately made to “preserving scenic and historic landscapes”; that for decades, the land that is the subject of this application has been used for agricultural and residential purposes; that in fact, directly across Corinth Road, is the historic Brickhaven School; that in the definition of rural character, the Land Use Plan refers to preserving the “traditional function of the rural landscape”; that the current zoning prohibits the landowners from the reasonable, customary, historic and exclusive use of the property, even to the point of preventing the landowners from using the land to construct residences for their family members; that the applicants respectfully request that this zoning amendment reflects the reality and the highest and best use of the property that is subject to this application; that the requested rezoning is reasonably necessary for the promotion for the public health, safety and general welfare; and that the applicants respectfully request that the property referred to herein be rezoned to the RA-40 classification.

Gordon Parker stated that his daughter was getting married in December and that he would like very much for her to be able to live on the same land with him that had been passed down through his family; that they are not wanting to develop the land; and that he would appreciate the Board’s support in this endeavor.

Public Hearing for a Zoning District Change from RA-5 to RA-90: Public hearing to receive public comments on a request by Contentnea Creek Development Company for a zoning district change from RA-5 to RA-90, on property consisting of 130 acres, located off SR #1714, Hatley Road, New Hope Township

Loyse Hurley, 16 Matchwood, Pittsboro, NC, stated that this proposal does not include any specifics; that it is a boiler plate rezoning request and should not be granted without specifics as to what is actually planned to be built on the property; that in effect, they are asking the Board to approve a rezoning blindfolded; that their plans are contingent on the County supplying water to the property and do not contain any plans for sewage treatment; that there is nothing mentioned in the proposal that addresses stormwater; that the more dense zoning would allow for more impervious surface and impact stormwater run off; that if rezoned, it would allow approximately sixty-five homes with the two-acre zoning as opposed to the current allowable twenty-six with five-acre zoning; that the property is in the impaired Jordan Lake watershed and is zoned at RA-5 for a reason, to protect the lake; and that unless and until the Board has a more detailed plan before them, this should not be granted.

Gray Styers, 1117 Hillsborough Street, Raleigh, NC, speaking on behalf of Contentnea Creek Development, stated that the project is 130 acres on the north side of Hatley Road east of Mt. Gilead Church Road which is owned by the Cooper Family; that the property is currently zoned R-5; that it would currently allow twenty-six lots; that with the soils analyzed, they hope to be able to place an additional thirty homes on the parcel; that the County’s utility department has recognized and identified Hatley Road as a key path for the extension of the County water facilities; that where they currently run along Big Woods Road on the east to where there will be future water lines extended down Mt. Gilead

Church Road; that if County intends for that water line to ever be paid with anything other than public tax payer money, there must be sufficient density and a sufficient number of customers along Hatley Road to justify the cost of extending that water line; that density exists along Mt. Gilead Church Road in the RA-40 district that is immediately adjacent to this parcel to the west; that that RA-40 abuts next to R-5 with no transition to consider the distance from Jordan Lake, the elevation, the transition and development policies and patterns from different densities; that what they believe would support the extension of the water line, would be a transition from R-40 to the west to R-90 with a minimum lot size of 90,000 square feet to R-5 to the east; that they are proposing a minimum lot size of 90,000 square feet, more than 38% larger than the Land Use Plan says is appropriate for this low density; that by any measure, 90,000 square feet, minimum lot size, is low density development; that all the lot size requirements of the Land Use Plan have been met; that in addition, the current stream buffer requirements that have been put in place in the last four-five years were not in place at the time that the original zoning classification was enacted; that in addition, Contentnea has a policy to not clear any of the trees, but rather preserve the trees around the houses and would prohibit cutting any trees over a four-inch caliber; that they are also talking about the preservation of a seventy-five foot undisturbed perimeter around the entire parcel; that this is a general use zoning requirement; that approving the request is in the best interest of the County; that it will further the County's goal of having water extension down Hatley Road; that it is consistent with the Land Use Plan; that it would allow the Cooper Family to realize a benefit from the property in a good, positive way; and that it will not be detrimental to the area.

Jonna Birtcher, 8512 Six Forks Road, Raleigh, NC, stated that they have been well-received in the County; that they sent out notices to the adjoining property owners; that a meeting was held on July 12, 2006; that there were a lot of questions; that the final results indicated that everyone was pleased with what they had seen through Windfall and what they had discussed; that they felt that the subdivision would be very acceptable to them; that they were interested in their road being paved, the utilities being extended, and the buffer was surrounding the property; that it is their policy to preserve as much of the natural area as absolutely possible; that they walk every lot with every builder who has to get their permission before they negotiate any trees; that it would be their pleasure to take this subdivision into and onto the Cooper property, extend the water on through Windfall and to Hampton Grove if the Board sees fit to rezone the subdivision.

Allison Weakley, Booth Mountain, Chapel Hill, NC, stated that in her quick review of the map of the development, she noticed that it impacts Parker's Creek; that she is opposed to any zoning that changes RA-5 zoning to anything else because RA-5 is designated as such to protect water quality; that she thinks that the argument to rezone the property RA-90 just to get water piped down the road is insufficient considering that the water that is being pumped comes from Jordan Lake which will be impacted by further density that is already allowed in that area of the watershed; that water quality is significantly declining now due to what is happening in The Homestead; that she has appeared before the Board to voice her concerns regarding the sediment running into Parker's Creek due to The Homestead; that Windfall Creek drew the attention of State regulators when they visited The Homestead to look at the sedimentation problems; that State regulators commented to her that they had noticed Windfall Creek and the sediment coming into creeks from that development and were, at that time, scheduling follow-up visits with the developer to address those concerns; that it is her understanding from the Division of Land Resources, that a Notice of Violation was going to be issued for sedimentation problems coming from Windfall Creek; that Windfall Creek is a large, lot development where there are one home per five acres; that she feels it is reasonable to keep the property RA-5; that the developer can still make a profit and water quality can continue to be more protected in that very critical area of the watershed, it is essentially the only portion of northern Jordan Lake that is now not technically impaired; that she would suggest a one hundred foot buffer on each of the streams; and that she is also opposed to any zoning where there is no plan in place.

Public Hearing for a Revision to an Existing Conditional Use Permit for a Mini-Warehouse:
Public hearing to receive public comments on a request by Warren D. Mitchell for a revision to an existing Conditional Use Permit for a mini-warehouse storage facility to include a stand alone office with accessory apartment and to add an additional commercial driveway entrance off SR #1719, Vickers Road,

on property, 5.43 acres, located at the intersection of US #15-501 North and SR #1719, Vickers Road, Williams Township

The Chairman administered the oath to those in attendance who wished to make public comments.

Warren Mitchell, 193 Amberwood Run, Chapel Hill, NC, stated that they are not asking for more self-storage but are asking to move the office and manager's apartment; that they are very sensitive to the highway in that area; that it will be one-story brick office; that he spoke to the neighbors; and that they are pleased with the work they have done over the last couple of years.

Public Hearing for a B-1 Conditional Use District for a Board, Camper and Recreational Vehicle Storage: Public Hearing request by Jeff Goodwin for rezoning of 4.03 acres located off Martha's Chapel Road from Residential Agricultural (RA-40) to Conditional Use Business District (B1) with a Conditional Use Permit for an RV, boat, and camper storage facility

Cynthia Perry, 179 Hillsboro Street, Pittsboro, NC, stated that she represents Jeff Goodwin; that this land is adjacent to Mr. Goodwin's home; that this family would like to make use of its property for recreation; that this family lost a great deal of land to the Jordan Lake deal; that this proposal is not a large boat storage facility; that it will only hold fifty-two boats; that it would be built in phases; that the category this falls under also includes truck rental and mini-warehouses, but this is not that type of development; that this is for boat and recreational vehicle storage; that this is in the conditions of the proposal; that this project complies with other uses in the area; that it will be in compliance with the draft lighting ordinance; that the owner increased the buffer to include a 30' berm; that there is only one break in the tree buffer; that there is no water and sewer on the property; and that only one acre of four is being used.

Ken Wren, 1910 Sedwick Road, Suite 200C, Durham, NC, stated he is the designer of the Goodwin's land use plan for this site; that the plan was designed in compliance with the applicable sections of the Chatham County ordinance.

The Chairman asked Mr. Wren to hold further comments until later in the meeting.

Dale Horton, John Horton Road, Chapel Hill, NC, stated that she lives across the street from the Wilkie boat storage; that extra traffic is not a problem; that the drivers that come to the facility are very courteous; that there are no disruptions; and that she is in support of the Goodwin request.

Ross Bush, 107 Shady Lane, Chapel Hill, NC, stated that he represents Chapel Hill Farms; that they haven't seen any drawings or presentation about the screening; that there are concerns about traffic; that the sight lines are difficult; that it is a left hand turn toward the lake; that Martha's Chapel has become a short-cut for people to Chapel Hill; that there are a lot of bikes on the road; and that there is the possibility to store five hundred boats on that property. He asked why the Board could not change the zoning and give Mr. Goodwin permission to build the building, asking why it had to be made business.

Patrick O'Neill, 104 Farrell's Creek, Apex, NC, stated that he is an adjoining property owner and that he is opposed to rezoning this land to accommodate this project; that the proposed structure takes advantage of the safety and the serenity of the community; that they live in an area of homes and peaceful surroundings; that their investment in their residences and their neighborhood is at the core of their expectations of Chatham County; that having a storage space adjacent to their property will undoubtedly disrupt the natural beauty and peaceful setting of the area; that the sounds of crickets at night would be replaced with diesel trucks, radios from incoming and outgoing vehicles, smells of exhaust, crunching gravel and voices; that the structures are inordinately close to not only their home, but their backyard pool and outdoor space; that from their second story bedrooms, they would be able to look directly onto the structures even with the proposed buffers, and the lights going on and off twenty-four hours a day with entering and exiting vehicles would create nothing less than an intrusive environment; that the structure would be visible from their main development road and their personal residences; that it is not consistent

with commercial or business zoning in that it is sandwiched among residences and is not near any intersection; that it is a small gravel, one-land driveway off of two-land Martha's Chapel Road which means that is no turning land into the property; that the entrance to the property is at the pinnacle of a blind curve; that when a vehicle with or without a boat is turning left into the property, any vehicle traveling westbound will have to stop or slow while the vehicle enters the proposed storage area; that this fact alone would disrupt traffic flow, create accidents or deaths, and without signage create chaos affecting their development; that since the access road is one lane, it is still unclear how any vehicle would have room to enter if another were exiting at the same time; that there is no soft shoulder and vehicles driving down Martha's Chapel would certainly have inadequate time to react to a vehicle and boat turning left entering the property or exiting the property in any direction; that this means that with a boat in tow, the vehicle and boat will be taking up both lanes, leaving them an unassuming target to vehicles coming fast around the blind curve; that the proposed structure is exploiting their sense of privacy and safety and will decrease their property values and reduce the tax base to the County; that benefits of the approximately thirty boat spaces to the community are far outweighed by the negative impact to the residents of Farrell's Creek, the County, and the people that travel on Martha's Chapel Road; and that he requests that businesses are approved and continue to remain in zones that are conducive to business environments and that Mr. Goodman's request for rezoning be denied based on the negative impact to safety, serenity, property values, and increased wear and tear to Martha's Chapel Road.

Brandin O'Neill, 104 Farrell's Creek, Apex, NC, stated that she is an adjoining property owner who is opposed to rezoning this land for recreational vehicle storage; that she has serious safety concerns about the proposed structure; that they cannot readily control their own neighborhood watch when they have an open commercial business which is not enclosed; that is a concern that customers would even unknowingly walk onto theirs and their neighbor's property because Mr. Goodwin's property and theirs is a continuous pasture; that children also will be playing on the adjoining properties and the space is easily accessible which caters to their curiosity; that children playing in an unregulated environment of moving vehicles and equipment storage is unquestionably dangerous; that the proposed space which would have no fences or enclosures would also be an easy target to deviants who would see unprotected merchandise and homes as an easy target; that even customers with good intentions would see Farrell's Creek as a neighborhood to check out and investigate; that their private road is funded by their homeowners association and is not intended to be a high-use road as any repairs come directly out of their pocket; that not only does this reduce theirs and their neighbor's property values, but it severely limits any increase in future equity; that this nominal proposed increase of \$165 that his property would bring to the County annually would be negated by the thousands lost by decreased property values, the decrease in quality of life, and the uncertainty of his open-ended; and that Mr. Goodwin's benefit to the community is not substantiated and the negatives far outweigh any positives that he may be claiming.

Mairead Lockwood, 480 Farrell's Creek, Apex, NC, stated that she is an adjacent landowner and is opposed to Mr. Goodwin's rezoning request; that she believes that a rezoning to business will have a negative impact on the residential character of their community; that her husband is a Chatham County business owner and they are aware of the importance of small business to the community; that based on the County's Land Use Plan, this is not an appropriate location for this facility and will add very little economic benefit to the County; that her specific concerns relate to the location of the entrance to the proposed facility; that the driveway, which is to be used runs two feet from their property line; that their house sits within close proximity of this line; that any traffic using this driveway will be clearly audible from their home; that trucks towing boats will be entering and leaving the facility twenty-four hours a day, negatively impacting their quality of life and ability to enjoy their residential lot; that the fence they erected to make their backyard safe for their children to play in is not sound proof and will not adequately shelter their house from heavy traffic; that the driveway cannot accommodate traffic leaving and entering the property simultaneously, creating the potential for accidents and damage to their property; that as there is only two feet between the driveway and their property line, if a vehicle pulls off on that side to allow another vehicle to pass, it will be pulling onto their property; that the driveway measures barely ten feet at the point measured; that they would like to ask the Planning Department to research to see if this width is consistent with a commercial usage permit; that they would also like the driveway researched to see if it is in compliance with County ordinances; that the access is provided via an easement on a

residentially zoned lot which is separate from the business zoned lot; that she would like the Planning Board to ask for a legal review of the deed granting right-of-way and easement; that she would like to be provided with a copy of the road maintenance agreement, as she questions the legality of allowing a business to use an entrance which runs through a residentially zoned lot; that she also questions the discrepancy in the enclosed CUD/DUP map prepared by the Chatham County Planning Department and the actual location of the road; that she is concerned about security; that the applicant indicates that no employees will be present at the business and security will be minimal; that this will make it extremely attractive to any criminal element and increase the potential for break-ins in their neighborhood; that when they purchased their home, based on the zoning in place, they believed it would be a safe and tranquil environment to raise their children, not one which would abut a commercial operation, generating noise and increasing the potential for crime in their neighborhood; that she believes that the proposed location of this business will have a negative impact both on her family's quality of life and on any decision a future home buyer might make about purchasing their property. She urged the Board to reject this request.

Connie R. Riddle, 390 Farrell's Creek, Apex, NC, stated that she and her family are longtime residents of Chatham; that she is opposed to the rezoning request; that she thinks that changing the zoning from residential-agricultural to business would go against the County's Land Development Plan as it would change the beautiful rural setting and pose potential traffic and safety problems; that Martha's Chapel Road is a very busy connector between Farrington Road and Jordan Lake to the west and Highway #751 to the east; that on weekends, the road is thick with bicyclists and boaters and people taking loads of trash to the collection center; that the non-asphalt road has a poor surface quality and is prone to potholes and cracks that drivers try to maneuver around; that the posted speed limit is 45 mph, but many people exceed that limit; that the proposed business would include storage for boat/camper/recreational vehicles that would be built in three phases to a total of fifty-two units; that the business traffic would be added to an already overtaxed Martha's Chapel Road; that the proposed business entrance is a single gravel lane; that there is a blind curve in a section of Martha's Chapel Road this is on a no passing, double yellow line; that because this business would not be located at an intersection, it is very difficult to see its entrance and creates potential danger; that vehicles towing boats and recreational vehicles may miss the entrance and cause increased traffic on Farrell's Creek Road; and that a business like Mr. Goodwin's proposed business should follow the County's Land Use Plan and be safely located in an intersection, not with its entrance in a blind curve of a rural road like Martha's Chapel

Phobe Shih, 295 Farrell's Creek Road, Apex, NC, stated that she is opposed to the rezoning request; that according to Chatham County zoning atlas, the entire Martha's Chapel Road is zoned as RA-40; that rezoning to a B-1 commercial in this residential area is not appropriate and inconsistent with County planning; that if this rezoning was allowed to proceed, it would potentially lead to other businesses to follow and thus adversely affect the tranquil setting of this area; that the application repeatedly referred to the proposed storage facility as either a family business or a home-based business; that the applicant's proposed storage facility is planned in a lot separated from the lot of his own residence; that none of the activities associated with this business can be conducted in the applicants' home except perhaps paper work; and that if it was a home-based business, his request for rezoning would not be necessary.

Kevin Durham, 326 Farrell's Creek Road, Apex, NC, stated that he is opposed to this rezoning request; and that it would detract from the rural nature of the community.

Pat LaSala, 274 Farrell's Creek Road, Apex, NC, stated that she is an adjoining property owner; that when she and her husband were looking for a home in the south for their retirement, they did extensive research; that they read about and explored many communities in Virginia, North Carolina, South Carolina, and Florida and decided North Carolina would be ideal for them; that they didn't want a typical retirement community, but did want peace, quiet, safety, and privacy; that they wanted a private subdivision with a covenant in an area that had restricted zoning laws that were residential/agricultural; that after reviewing the zoning laws in Chatham County and Farrell's Creek, they believed that that had found an extremely pleasant place to live and they purchased their home; and that they believe that all the

reasons they chose Chatham County and the Farrell's Creek subdivision as a desirable place to retire to will be seriously impacted by any approval of this request. She also asked that this hearing be held open to allow property owners additional time to review and respond to the proposal due to the fact that there was such short notice provided.

Denise Ward, 1805 Martha's Chapel Road, Apex, NC, stated that she is an adjacent property owner as her property is across Martha's Chapel Road from the entrance to the proposed commercial facility; that she is opposed to this rezoning request because it would place a commercial facility in an area that is residential/agricultural (RA-40); that she proposes two modifications to the application for clarity: 1) Mr. Goodwin states in his application that "the only lighting at the project will be wall-mounted exterior lighting"; that she would like to add to this statement "...and that there will be no lighting at the entrance or along the access road."; 2) The applicant states "there will be no sign at the driveway, as this is not the property of the applicant"; that she would like this modified to read "there will be no sign at the driveway or on any other property zoned residential/agricultural (RA-40)."; that even if the clarifications are made to the proposal, she will still be opposed to this commercial facility being located within a residential neighborhood.

Jennifer Harding, 480 Farrell's Creek Road, Apex, NC, stated that she is opposed to this development; that she and her husband moved to Farrell's Creek to get away from the constant development and commercialism that affects most residential area in Wake and other surrounding counties; that they chose Farrell's Creek because it offers the pleasant privacy of the country coupled with upscale residential living; that their long-term plans included raising a family, adding on to their home, and landscaping their property; that the proposed project has definitely caught their attention and has caused great concern on how this business will affect their long-term investment plans and property value; that when they moved there, they understood that Martha's Chapel Road was zoned for residential and agricultural use, not commercial use; that they also question the actual need for the proposed project; that the approval of John Blair's request located at the intersection of Mt. Gilead and Hatley Road more than meets the needs of the surrounding communities; that this project is under consideration to provide 10.613 acres of storage for boats, campers, and recreational vehicles and is located approximately ten miles from Farrell's Creek; that the Crosswinds marina at Jordan Lake also provides storage spaces for marine equipment and is only 5.6 miles from their neighborhood; that both of these businesses are properly located in areas zoned for commercial use and roads to support such traffic; that the proposed project is not located for commercial use and is in violation of current zoning requirements for this area; and that deterioration of property value, questionable need for a storage facility and obvious zoning requirements should be taken in consideration when voting on this project.

Joe LaSala, 274 Farrell's Creek, Apex, NC, stated that he owns the adjoining property and is opposed to the project; that a member of the Board of Commissioners has a family member who lives in Farrell's Creek who has adjoining property that is impacted by this project; that there is a serious concern among the homeowners affected; and that they respectfully ask that the Chairman recuse himself from participation to avoid the clear appearance of a conflict of interest.

Teresa Kelly, 477 Farrell's Creek Road, Apex, NC, stated that the rezoning of the property is against the Land Development Plan; that there are landowners that are adversely impacted; that the whole community will be adversely impacted; and that a property owner's right to do with their property what they wish ends when it infringes on others.

George Terrone, 180 Chapel View Drive, Chapel View Farms, stated that the real problem is rezoning of residential/agriculture to business; that people want to live in the County because of the rural nature; that that is why the tax base is so great there; that he feels that the Board is squandering the best asset that Chatham County has if they start to rezone these places to commercial.

Ronald Farrell, 1230 Martha's Chapel Road, Apex, NC, stated that he built the road; that the easement is on his land; that he pays taxes on it; that it has already been discussed with the State about the fifty feet at the road; that he doesn't see where it should be a problem; that when these people bought the

land, they knew the road was there; that this road was built before the housing development was ever developed; and that he owns the land.

Quasi-Judicial Evidentiary:

The Chairman previously administered the oath to those in attendance who wished to make public comments.

Ken Wrenn, 1910 Sedwick Road, Suite 200C, Durham, NC, stated that he is a civil engineer and the designer for the project; that the primary elements of the plan meet the Land Use Plan; that the stormwater run-off can handle a twenty-four hour rainfall; that there will be a fifteen foot vegetative buffer and a thirty foot buffer along most of the property; that the minimum building setbacks are more than double the recommended; that the point of access has been authorized by the North Carolina Department of Transportation; and that the facility is 40.7 feet from the closest property line.

Cynthia Perry, 179 Hillsboro Street, Pittsboro, NC, reviewed the five findings. She stated that the survey of storage facilities in Chatham indicated long waiting lists for this type of storage; that many of the subdivisions in the area have restrictive covenants prohibiting boat or recreational vehicle storage in their yards; that this will not be visible to adjacent property owners; that this site abuts the Jordan Lake acquisition line; that with the simple construction that is going to be utilized with the open stalls and green, corrugated metal, there will be very little impact to the integrity or character of the surrounding area; that there is no need for a toilet as the facility will have very infrequent use, coming and going quickly; that Mr. Goodwin's residence is located directly next to the property; that his rules and regulations will provide that there will be no activities on the property other than storage area; that there will be very little traffic; that people will not be coming and going into the property every day; that there are no noise or chemical hazard concerns; that this is the most genteel business that could be established; and that every aspect of the business meets the County regulations.

Ms. Perry presented photographs showing those in violations of the restricted covenants.

Brandin O'Neill, stated that she is representing the Farrell's Creek subdivision; that Finding #1 is not met; that the use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located; that the subject property is not an eligible conditional use in this location; that this property is residential and should remain so; that the project is not consistent with the policies and goals of the Land Use Plan; that the location of the project does not take into account the preservation of rural character and does not fit in with the surrounding residential rural setting; Finding #2: That there are already half a dozen boat storage yards in the immediate area of Jordan Lake; that this proposed use is not essential and it is certainly not desirable to the Farrell's Creek Homeowners with the exception of one family and not needed for the boaters at Jordan Lake; Finding #3: That a boat storage yard and a B-1 Business Use in the middle of a residential rural area are not within the integrity or character of the area; that the portion of Farrell family land lost to Jordan Lake was the small bottom land corner purchased and most was unsuitable for farming; that any four-acre tract covered with tin buildings, boats, campers, and recreational vehicles does not retain rural attractiveness; that they believe the impact of this proposal to property values in the surrounding area is detrimental to the welfare of the community; that the estimated increase in annual property taxes of \$165.00 hardly compares to the potential loss of any future increases in property values of surrounding residential properties which historically have been enjoyed; that in addition, the pollution potential is a safety issue of not only the immediate community, but also on the safety of the already impaired Jordan Lake; that the contamination of the ground and water from leakage of hydrocarbons such as oil, gasoline, transmission oil, etc. are a hazard; that boat yards often involve the repair of boat engines, painting and similar activities, all of which can lead to pollution; Finding #4: That this is not a home-based business, instead it's a commercial enterprise where the applicant mentions the cluster of small family-based business – nuisance conditions, etc.; that none of the activities associated with this business will be conducted in the applicants' residence except perhaps paper work; that all activities and traffic associated with this project will be directed away from the applicants' home and toward the neighbors; that the applicants argue that this is the type of family business that the

Land Use Plan encourages yet it states that the plan should guard against nuisance conditions; that the project does not meet the criteria of the three types of centers in the Land Use Plan dedicated for commercial development; that the applicant referenced five similar storage facilities in the area; that four of these facilities are located in commercial settings; Finding #5: That traffic will be allowed to come out twenty-four hours a day, seven days a week; that the plat is designed so that the traffic does not by the Goodwin's house; that traffic will be redirected off Highway #64 onto Martha's Chapel Road; that the applicants have not proven that the traffic generated by the proposed use is within the capabilities of the road serving the property; that Martha's Chapel Road is a secondary road; that it is not an asphalt-paved road and was not originally designed to handle heavy traffic; that the road is currently in bad condition and rated below average; that an estimate from the NCDOT to pave Martha's Chapel Road indicated that it would cost approximately \$275,000.00; that there will be no sign at the driveway; that entry to the facility is along a forty foot easement serving the properties of applicants off Martha's Chapel Road; and that this proposal not only doesn't comply with the Land Use Plan, it proposes to rezone a residential property as business to be accessed by adjoining property currently zoned residential. She respectfully asked that the hearing be held open to allow property owners additional time to review and respond to the proposal as the proposal affects the value of their major investment, the college education of their children, and their future retirement plans.

Joe LaSala, 274 Farrell's Creek Road, Apex, NC, stated that his property borders the proposed property and that he and his family are clearly interested parties to this proposal; that it has come to his attention that Chairman Morgan is an owner of residential property on Martha's Chapel that is in close proximity from the proposed storage facility; that, like his family, Chairman Morgan has a direct financial interest in property that may be affected thereby in some real, substantial, and concrete way different than that shared by members of the general public at large; that this makes him an interested party to a conditional use permit request as spelled out in the County's officially approved "Conditional Use Hearings Rules of Procedure"; that they would respectfully request that Chairman Morgan recuse himself from any further participation in the deliberations on this rezoning and conditional use request; that they believe there is clearly an appearance of a conflict of interest on his part, given not only the proximity of his own property, but the adjacent location of the property of his son, who lives with his family at 155 Farrell's Creek Road in the same subdivision in which they live; that on July 14, 2006, the members of the Farrell's Creek Homeowners Association voted ten to one to oppose this proposed rezoning and conditional use request; that Chairman Morgan's son cast the lone dissenting vote; that during that meeting, he called his dad on his cell phone twice to obtain technical advice about the process; that he might be wrong about this and should be corrected if he is; that he understands that Chairman Morgan is one or more forms of a business partnership; that he also understands that he is close friends with the Goodwin family; that regardless of these concerns, it is clear that his son is clearly an interested part and has stated his firm views concerning this proposal in public; that under those circumstances, it would be difficult for any father to listen to this request objectively; that he thinks Chairman Morgan would agree that it is critical to the integrity of the planning review process that it be seen by residents of the County as both promoting the public or common good and ensuring that all residents are treated fairly and equally; and this cannot occur when there is an appearance of a conflict of interest or lack of objectivity on the part of one of the Commissioners, particularly the Chairman, who will make the decision on a proposed development request.

Chairman Morgan stated that he does not own property in the Farrell's Creek Subdivision; that his son did call him during the meeting, but it was to ask if the public hearing could be continued; that he was told that the only way it could be continued was if the applicant was willing to do so; and that he could speak only on legislative matters.

Ronald Farrell, 1230 Martha's Chapel Road, Apex, NC, stated that his parents owned the land; that if they were here tonight, they would be for the proposal; that his family is for the proposal; that he doesn't believe that traffic is an issue; and that they think that the land should be used for this type of proposal; that they would like to see it passed.

A question and answer period ensued.

Cynthia Perry, attorney for the applicant stated that she believed that the Board had deviated from its original public hearing format. She urged the Board to conclude the public hearing stating that there had been a tremendous amount of repetition and that she feels that the record should stand on its own.

RECESS

The Chairman recessed the meeting at 11:21 PM until the afternoon Work Session to be held on Tuesday, July 18, 2006 at 4:00 PM in the Henry H. Dunlap, Jr. Building Classroom.

Bunkey Morgan, Chairman

ATTEST:

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