



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, March 7, 2016

6:00 PM

Historic Courthouse Courtroom

Work Session - 3:00 PM - Historic Courthouse Courtroom

Commissioner Petty requested that Item #16-1596, an update on zoning, be moved to a future evening session so that those most affected can attend. Vice Chair Hales asked if moving it to another date would affect the public hearing that needs to be set. Jason Sullivan, Planning Director, stated the item is to set a public hearing for extension of zoning to the unzoned areas and also to talk about a text amendment to the zoning ordinance that is going to need to be made simultaneously. He stated if they moved the item to the next meeting in March it would not affect the timeline. The Board agreed by consensus to move the agenda item to the March 21, 2016 Regular Session.

Present: 5 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Mike Cross, Commissioner Karen Howard and Commissioner Walter Petty

PUBLIC INPUT SESSION

Ted Koenig submitted the following comments:

Thank you all for your service and all you have done for Chatham County. My wife, Marilyn, and I have been living here for thirty-six years. We have seen many changes and many are just beginning. We live in the Bynum area on Moore Mountain Road which serves as a cut through from 15-501 to Hamlet Chapel. Over the years we have noticed a significant increase in litter. Primarily fast food, cups, containers, beer cans, soft drinks and so forth. We are a progressive county and we have embraced the largest development in North Carolina history. We have an opportunity and responsibility to address our litter problem by educating our residents and actively cleaning up the county. We need to instill pride in our county's residents. Road signs threaten fines and appear to do little good. Many states we have traveled in do not appear to have the litter problems we have. They are clean and they are beautiful. What can be done at your level to initiate a cleanup process coupled with educating the public? Programs in our schools can help. Children can serve as models for their parents. We can serve as a model to our state. Children can teach "Don't be a litter bug". After McDonald's opened on 15-501 and 64, we noticed a large increase of litter at that time and a lot of McDonald's wrappers and so forth. We spoke with them about possibly adopting Moore Mountain Road. After a few meetings they said they weren't interested. We don't have the access to inmate crews like we used to. We just need to instill a sense of pride in our residents. How can you help facilitate that? Thank you.

Parker Backstrom submitted the following comments:

Thank you for the opportunity to speak before you today. I live in Bear Creek. In January I noticed a newly posted sign along Old Highway 421 notifying local residents that a permit for a rock quarry had been applied for land right behind our house. Because my wife and I purchased our parcel in large part for the serenity it

offers, it felt like a devastating blow. I subsequently learned that several additional mining permits have been applied for on three other adjacent parcels of land right behind our house. Because this involves unzoned land the ability of the Board of Commissioners to weigh in on the use of that land is greatly limited if not nullified. Rather in this case the sale or the use of the land defaults to the state. I have been counseled by citizens empathetic to our plight to form a coalition of affected land owners to voice our concern at a public hearing before the North Carolina Division of Energy Mineral and Land Resources or DEMLR, the entity responsible for issuing additional mining permits. I met recently at length with the director of that agency and I wish to point out to residents who may not know that issues of significant concern of adjacent land owners, such as truck traffic, operating hours, and the decrease in surrounding property values are not taken into account by the DEMLR as it weighs the granting of a mining permit. Furthermore, as long as a perspective mine operator adheres to legislation governing mining in the state there is nothing the DEMLR can do to halt mining in unzoned areas, even if it wanted to, which it does not. Simply put, a public hearing would do nothing to thwart a project like the one proposed for our location. I stand before you as a representative of our Bear Creek community to offer our experience as a cautionary tale and to emphasize the important responsibility that our local governments have to protect its citizens where it can against the progress at all costs movement. In addition to guiding the growth of our county, we depend upon you to protect the intrinsic value of the noncommercial riches that abound here. As Chatham County continues to develop at an exponential pace the role you play will become more and more critical. I implore the BOC to do everything it can to safeguard our slowly but inexorably dwindling woodlands, fields, lakes and watersheds wherever and whenever possible. Please do not forsake the inherent grace, beauty and character of our rural countryside for the siren's call of a few shiny tax dollars. Contrary to what some would have us believe, progress and protection are not mutually exclusive. Thank you.

BOARD PRIORITIES

16-1601

Lee Worsley, Executive Director of the Triangle J Council of Governments.

Lee Worsley, Executive Director of the Triangle J Council of Governments (TJCOG) introduced himself to the Board. He stated there are seven counties in the TJCOG. The TJCOG has 25 people on staff. The TJCOG serves three major program areas; aging, regional planning, and member services.

Vice Chair Hales stated she understands the County will be working with TJCOG on affordable housing. She is looking forward to working with them on that issue.

Chairman Crawford stated he is mostly concerned with Jordan Lake and the Jordan Lake Partnership. He appreciates the role the TJCOG plays in helping the governments meet with the officials to find a permanent solution to what is happening at the lake.

16-1562

Receive FY 2015 Audit Report

Attachments: [Audit Report 2015 Presentation.pptx](#)

Justin Knight presented the FY 2015 Audit Report. (Presentation Attached)

Vice Chair Hales stated the County appears to be doing quite well. She asked if the County is doing too well.

Mr. Knight stated that is a matter of opinion. He would be happy to set up a meeting to discuss it in more detail.

The County Manager stated there were quite a few unplanned revenues. No one would have estimated a 10% increase in sales tax which also led to the County's Medicaid hold harmless payment being much higher than expected. The same is true for the motor vehicle revenue. There were a lot of reversions on the expenditures side that were one time. It was a very unusual year both from a revenue and an expenditure standpoint.

16-1600

Presentation by Chatham Park on Special Assessment District Request

Attachments: [Chatham Park SAD presentation to County Board February 15, 2016.pdf](#)

The County Manager stated staff gave a presentation to the Board on November 23, 2016 with the background of what a special assessment is. Today Chatham Park is here to present their official request for the County to move forward with doing its due diligence. In no way is the Board approving the special assessment district today. The Board will just be authorizing staff to work with consultants and the developer to do the due diligence so if the County were to recommend a special assessment district all the pieces would be in place so that the County is not harmed by that action.

Tom D'Alesandro, consultant with Chatham Park, gave a PowerPoint presentation. (Presentation Attached). Mr. D'Alesandro stated he would be assisted by Gary Joyner of Kilpatrick Townsend and Keenan Rice of Municap. Also with him were Jim Smith and Vanessa Jenkins from Chatham Park Investors.

Commissioner Petty interrupted and stated it is important to clear up the misconception that this project would put the County at any risk.

Chairman Crawford asked Mr. D'Alesandro to give the Clerk a copy of the UNC Overview of Special Assessment Bond so that it could be distributed to the commissioners.

Vice Chair Hales stated she would like new copy of presentation as the one attached to the agenda was hard to read.

Vice Chair Hales asked how Chatham Park will determine the assessment and will it be a set cost over twenty-five years. Mr. D'Alesandro stated there will be escalations because county administrative costs and other things will go up. One part of the assessment will be based on the improvements made and another part of the assessment will be administrative fees. Vice Chair Hales asked what happens if the fee is not paid? What mechanism will be used to collect? Mr. D'Alesandro stated that is something that will be discussed in the due diligence period.

Vice Chair Hales stated she believes that the Chatham Park Thoroughfare Plan is missing from the Triangle J Comprehensive Transportation Plan. Mr. D'Alesandro stated that should probably be discussed separately. He believes that may be a technical glitch.

Vice Chair Hales asked for clarification on parks and greenways becoming property of the town. Mr. D'Alesandro stated it will vary by who traditionally owns the improvement. Roads could go to the State or the town.

Vice Chair Hales stated Article 9 A, the Special Assessment that has to be moved by legislature, requires the cost and benefits per lot to be detailed. She stated it sounds like legislation will require a detailed scope. Mr. D'Alesandro stated there have to be estimates of the costs. The legislation is assuming someone is hoping to recover 100% of the costs. Chatham Park is not hoping to recover 100% of the costs.

Vice Chair Hales had a final question about the proposed legislation. She stated it looks like there is a possibility to allow the Board of Commissioners to impose more than one assessment. Mr. D'Alesandro stated they are not anticipating more than one assessment. Vice Chair Hales asked if the County would be serving as the contractor. Mr. D'Alesandro stated they would not.

Commissioner Petty stated the current special assessment in place is not designed to fit what is needed with Chatham Park. Chatham Park should only move forward subject to the Board's approval to all the details of the agreement which would be having the legislation to protect the County. That is what the due diligence is for. It is to authorize staff to meet with these people and get the protection the County needs to allow the special assessment to move forward.

Vice Chair Hales stated sometimes what legislation you propose is not what comes out.

Commissioner Howard stated the request in his last paragraph is to provide direction to the County Manager to move forward with the due diligence. However, Mr. D'Alesandro's initial introduction of the request asks the Board for general support of the special assessment district. She does not know that they have had enough conversations at the Board level to come to a consensus of general support. She does not see a problem moving forward with the request to do due diligence.

Commissioner Howard stated she is concerned about how a special assessment district will inform who ends up living in Chatham Park. She believes Chatham Park should be a group of inclusive communities. She would like for teachers to live there and she believes a \$500 assessment could be quite a challenge for them and other employees. She wants to ensure that they are not only putting affordable housing into the community but that they are ensuring that people who need affordable housing can live there. Mr. D'Alesandro stated it will be an average of \$500. More expensive houses will be paying higher rates and less expensive houses will be paying lower rates. The Town of Pittsboro Board made the same point.

A motion was made by Commissioner Petty, seconded by Vice Chair Hales, to authorize county staff to continue negotiations for and study of the special assessment district contingent upon the development and execution of a Memorandum of Understanding with the developer. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1602](#)

Solar Bee Presentation

Attachments: [Presentation to BOC of ERAC SolarBee Report.pptx](#)

Elaine Chiosso, member of the Environmental Review Advisory Committee (ERAC), presented a report on the Solar Bee project at Jordan Lake. (Presentation attached)

Commissioner Petty stated this gives the County support to get something done.

Commissioner Howard asked what the TJCOG conversation was about the lake.

Chairman Crawford stated they heard from Jason Green, Intensive Survey Branch Supervisor, with NCDEQ. He is the person with the state who is in charge of monitoring the experiment and after a year saw no significant change. He explained that part of the problem is that the systems are designed for smaller bodies of water and bodies of water that don't have as much flow through. Essentially the solar bees, while a useful technology, are not being appropriately applied here. The lake is getting worse as these inflows continue to happen. Chairman Crawford recommended the Board hear from Mr. Green.

Vice Chair Hales stated the solar bees are also being considered for Falls Lake because it has similar issues as Jordan Lake. She suggested preparing a resolution and contacting the County's legislative representatives to encourage the Legislature to NOT extend this disastrous pilot. Ms. Chiosso urged that the resolution ask the Legislature to stop the solar bees and to put Jordan Lake Rules back in place.

Ms. Chiosso stated the ERAC would help write the resolution.

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to direct the ERAC to draft a resolution asking the Legislature to stop the solar bees project and asking to re-implement the Jordan Lake Rules. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

16-1603

Vote on a request to reopen the Public Hearing request from Darren Eck dba Villa Giallo for a conditional use permit for a Bed and Breakfast Inn with no more than six rooms for rent and as further defined in the Chatham County Zoning Ordinance. The property is located at 4352 Pea Ridge Road, New Hill, NC, Parcel No. 5772, Cape Fear Township.

Angela Birchett reviewed the specifics of the request. Mr. Eck now wants to remove the event barn from the request. The Planning Board has requested it come back for a public hearing on March 21, 2016.

A motion was made by Commissioner Cross, seconded by Commissioner Howard, to reopen the public hearing on March 21, 2016 at 6:00 PM. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

16-1596

Update the Board of Commissioners on the effort to extend zoning to areas of the county that are currently unzoned and schedule the public hearing date.

This item is moved to March 21, 2016.

[16-1606](#)

Presentation on Emergency Operations

Attachments: [commissioner info on response draft 3.ppt](#)

Janet Scott gave a presentation on Chatham County Emergency Operations. (Presentation Attached)

Vice Chair Hales asked if the County will be working with Lee County. Ms. Scott stated the County would work with Lee and Moore Counties to deal with coal ash spill, or accidents.

Commissioner Petty stated it is very impressive to see how counties work together with the Shearon Harris training.

Commissioner Howard asked if Emergency Operations contemplates multiple emergencies at the same time; like coal ash spill during a tornado. Ms. Scott stated they do. She said multiple emergencies happening at the same time are to be expected.

Vice Chair Hales asked if all of this is handled through Chatham County's Emergency Operations Center. Ms. Scott stated it is.

Commissioner Petty asked if the County has an incident that needs public notification, what is in place to notify heavily populated areas. Ms. Scott stated Emergency Operations uses CodeRED to do notifications. She works closely with the Public Information Officer. CodeRED allows them to notify people within a certain zone, five miles out, or in just one spot.

This Agenda Item was received and filed

CLOSED SESSION[16-1613](#)

Closed Session to discuss matters involving economic development.

A motion was made by Commissioner Petty, seconded by Vice Chair Hales, to go out of the Work Session and convene in Closed Session for the purpose of discussing matters relating to economic development.. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

ADJOURNMENT

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that the meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

Present: 5 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Mike Cross, Commissioner Karen Howard and Commissioner Walter Petty

INVOCATION and PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chairman Crawford welcomed those in attendance and called the meeting to order at 6:05 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that the Agenda and Consent Agenda be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1604](#)

Vote on a request to approve the January 12, 2016 Retreat Minutes, the January 19, 2016 Regular Session Minutes and the February 1, 2016 Regular Session Minutes.

Attachments: [Draft Minutes 01.12.2016.pdf](#)
[Draft Minutes 01.19.2016 Regular Meeting.pdf](#)
[Draft Minutes 02.01.2016.pdf](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that the Minutes be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1563](#)

Vote on a request to approve a reappointment to Community Advisory Committee for Nursing & Adult Care Homes

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Appointment be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1573](#)

Vote on a request to accept \$33,850 Duke Endowment Grant Funds

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1576](#)

Vote on a request to Adopt a Resolution in Support of the Connect NC Bond Act

Attachments: [resolution supporting connect NC.doc](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that Resolution #2016-04 in Support of the Connect NC Bond Act, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1579](#)

Vote on a request to adopt a Resolution in Support of the Healthy Together NC Initiative

Attachments: [resolution honoring prevention partners.doc](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that Resolution #2016-05 in Support of the Healthy Together Initiative, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1599](#)

Vote on a request to adopt A Resolution Approving The Addition Of Streets in the Briar Chapel Subdivision to the North Carolina System of Secondary Roads

Attachments: [Briar Chapel Subdivision Resolution.doc](#)
[Signed Resolution Package.pdf](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that Resolution #2016-06 Approving the Addition of Streets in the Briar Chapel Subdivision to the North Carolina System of Secondary Roads, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1583](#)

Vote on a request to adopt a Resolution Adopting the Cape Fear Regional Hazard Mitigation Plan.

Attachments: [CapeFear_Adoption_Resolution-Chatham.doc](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that Resolution #2016-07 Adopting the Cape Fear Regional Hazard Mitigation Plan, attached hereto and by reference made a part hereof, be

adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross,
Commissioner Howard and Commissioner Petty

[16-1618](#)

Vote on a request to adopt a Joint Resolution Supporting Legislation Giving Siler City Authority to Annex Megasite

Attachments: [joint resolution CAM annexation legislation corrected.pdf](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that Joint Resolution #2016-08 Supporting Legislation Giving Siler City Authority to Annex Megasite, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross,
Commissioner Howard and Commissioner Petty

[16-1619](#)

Vote on a request to adopt a Resolution Seeking Legislative Support on Several Chatham County Issues

Attachments: [resolution on other chatham county issues final feb 2016.pdf](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that Resolution #2016-09 Seeking Legislative Support on Several Chatham County Issues, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross,
Commissioner Howard and Commissioner Petty

[16-1582](#)

Vote on a request to approve the naming of a private road in Chatham County

Attachments: [BRAY FARM LANE PETITION](#)

[BRAY FARM LANE MAP](#)

[OAK SHIRE PETITION](#)

[OAK SHIRE LANE](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross,
Commissioner Howard and Commissioner Petty

[16-1589](#)

Vote on a request to approve the updated Emergency Operations Plan

Attachments: [ChathamCountyEOP2016](#)

[Chatham Checklist 2016](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1585](#)

Vote on a request to approve the Tax Releases and Refunds.

Attachments: [January 2016](#)
[January 2016](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that the Tax Releases and Refunds, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1588](#)

Vote on a request to approve the 2015 Tax Lien Advertisement.

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1586](#)

Vote on a request to approve FY 2015-2016 Budget Amendments

Attachments: [Budget Amendments 2-15-16](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that the Budget Amendments, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1615](#)

Vote on a request to approve an application for the *Investigation and Monitoring for Enhanced Safety Grant Award* which is funded through the Violence Against Women Act (VAWA).

Attachments: [2015 LE Chatham County DV GPS Tracking VAWA](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1617](#)

Vote on a request to approve an application for the *Investigation and Monitoring for Enhanced Safety Grant Award* which is funded through the Justice Assistance Grant (JAG) Program.

Attachments: [2015 LE Chatham County DV GPS Tracking JAG](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the

following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

End of Consent Agenda

PUBLIC INPUT SESSION

Phil Ewing, 560 Valley Lane, Pittsboro, submitted the following comments:

Good evening Commissioners. Thanks for allowing me to speak to you about the Sunset Grove subdivision you have on the agenda tonight. I live in Monterrane which borders a good deal of Sunset Grove.

As a neighbor, we are vitally interested in How Sunset Grove is developed:

- 1. Water- our highest concern: For now and the foreseeable future, Sunset Grove and Monterrane will share county water delivered through a single six inch water line, and at the end of a very long delivery system. There have been times when parts of Monterrane have had extreme water issues. Thus, their water system has been of vital importance to us. We have worked a good deal with the developer, and the Planning and Water Departments to assure Monterrane's water would not be impacted, and indeed, that the promise of a water loop for the end of Valley Lane - put into place years ago with pipes in the ground -would be fulfilled. I am pleased to say Sunset Grove has committed to three water loops to Monterrane, which when completed, will enhance the pressure and reliability of both our developments. I thank Sunset Grove for that commitment. Unfortunately, two of those loops will only be accomplished during Sunset Grove's Phase 2, so we're counting on the Planning and Water Departments to make sure they are held to these commitments over the years.*
- 2. Privacy: Monterrane has covenants providing for a significant undisturbed setback at lot lines, to afford privacy to neighbors both in and outside of the development. Unfortunately, Sunset Grove will adhere only to the Chatham County guidelines, allowing clear cutting up to the lot line. We hope that in their covenants they will try to respect their neighbors and minimize cutting of the trees near neighboring developments and lots.*
- 3. Dark Sky: They share our 'dark sky'. Monterrane is interested in maintaining the natural beauty of a dark sky and has a no street light policy and covenants that restrict upward and outward facing lighting. I am pleased to say that Sunset Grove has committed to a no streetlight policy and we thank them for that. We hope they will also take steps in their covenants to avoid light pollution.*

There were other issues also, but none where Sunset Grove countermanded County rules or regulations. Overall, with the understanding that they will develop their Phase 2 and complete all three committed water loops to Monterrane in a timely fashion, I support Sunset Grove's application.

Thomas Toms, 382 Valley Ln, Pittsboro, submitted the following comments:

Good evening, Commissioners.

My name is Thomas Toms. I am the current president of the Monterrane Property Owners Association. The Monterrane community has a history of low water pressures, particularly the houses at the upper end of Valley Lane. Water pressures at these houses were significantly improved after the installation of a twelve inch water main along a portion of Mt Gilead Church Rd in 2006. Home owners in Monterrane were very concerned that the proposed Sunset Grove development, effectively doubling the water demands on the six inch water main, would only

worsen the situation.

Fortunately, my comments tonight are significantly different than they would have been at the Feb 15th meeting that was cancelled due to icy road conditions. At that meeting I was going to request that the Sunset Grove proposal be sent back to the Planning Committee for a thorough review of the water distribution system and its impact on the water pressure issues in Monterrane.

Since Feb 15th we met with Chatham County personnel and they listened patiently while we explained our concerns. The outcome of the meeting was to test two fire hydrants for pressures during Fire Flow conditions. The testing showed we had sufficient pressure in the Valley Lane water mains -- that our low pressure problems were probably related to the settings on the Pressure Reducing Valves (PRVs) at our homes. We are now confident that the water distribution system planned for Sunset Grove will not adversely affect the water pressures in Monterrane and we will welcome our new neighbors in the Sunset Grove community.

So, I want to thank members of the Chatham County Public Works Dept., the Water Dept., and the Planning Dept., and especially the two gentlemen from the Water Department who tested the fire hydrants and solved the mystery. I would also like to express my appreciation to Rosemary Waldorf and the CE Group for being responsive to our other requests:

1. to add the third interconnection between Sunset Grove and Monterrane water systems, and
2. to comply with the Monterrane's "Dark Skies" policy by eliminating street lights.

Without sounding too poetic, there is something primal about being able walk out on a warm summer night, look up, and see a sky full of stars. Thank you!

Jeffrey Starkweather, submitted the following comments:

I haven't prepared formal remarks because I just heard the presentation this afternoon about the Chatham Park special assessment district. Let me say first of all that this notion that growth pays for growth, there is not a single place in the United States where growth has paid for growth. I challenge you to go to Wake County and show me how growth is paying for growth. Secondly, we're putting the cart before the horse. There is no development of any size that would ask a local government to structure a financing, whether it is future homeowners or future developers, without doing the very first thing which is impact assessments so you actually know what the impacts are. The impacts are more than just costs to the County or costs to homeowners but things like the environment and so forth. My feeling is the County should not be doing this until you look at the actual impact assessment. You require an impact assessment for a residential development of fifty or more units. This is 20,000 units. Third they are relying on an economic growth model which is completely fallacious. They relied completely on Chatham Park's input, nobody vetted that information. They have never presented a marketing study to show there is actually a demand for this economic development. That model assumed a static model but you can't do that over thirty years. Commissioner Howard raised an important point which is \$500 is a lot of money for most homeowners. When we tried to raise a tax one cent, we are talking about ten dollars a year on a hundred thousand dollar home. Think about what the typical working class person, how much that would be. The people that are going to live in Chatham Park, the way they are designing it, are going to be at least middle class. For every one of what you might call teacher jobs, professional jobs, there is going to be two or three service jobs. Where are those people going to live? What are the impacts of that? To rush ahead

with structuring this thing without looking at the larger impacts? I would ask three things. One, we need some kind of public input. Not just on whether this tool works, whether the development itself makes sense. I am an ETJ member. I can't vote in Pittsboro, you are my only commissioners. I have had no voice in this development and no one else has either. Second, this is something we have asked for and I think the County should support this. There should be some kind of stakeholders group that includes town residents, county residents, people with different interests, county commissioners, staff, that meets and has actual deliberation. I have never been able to ask a single question of the developer as a citizen affected by it. Finally, before we do anything we should require impact assessments and a marketing study. Thank you.

Emanuel Diliberto, 586 Valley Lane, Pittsboro, submitted the following comments:

Thank you for allowing me to speak on behalf of the Monterrane Property Owners Association (MPOA). During my three-year term as past President of the MPOA, I was tasked by the MPOA Board of Directors to oversee the development of Monterrane Phase 3 by Jesse Fearington and to monitor the Parker Springs proposed plan for a new adjacent subdivision. I will focus my remarks to address the water main supply to the regional subdivisions.

- The original Parker Springs subdivision plan proposed the installation of a twelve inch waterline along Mt Gilead Church Rd from Bynum Ridge Rd to the entrance of the Parker Springs subdivision.*
- This plan was endorsed and highly recommended by Roy Lowder, Chatham County Utility Director. Please refer to the communication of December 12, 2007 to Matt Collins representing Parker Springs (attached document).*
- Mr. Lowder's enthusiasm for this plan was because of the utility easements within Parker Springs linking Monterrane Phase land 2/3, Cooper, and Windfall subdivisions thus providing a twelve inch loop water main connection between US 15-501 via Mt Gilead Church Rd to Big Woods Rd.*
- This plan was reinforced by the Utility Director requiring Jesse Fearington to provide a water easement and to install a waterline which runs between Monterrane Phase 2 & 3 for future connection to Parker Springs and to the loop water system. This is stated in the attached March 25, 2015 communication between Jesse Fearington and Mark Ashness.*
- After Parker Springs voluntarily relinquished all prior approvals in 2012, a new subdivision, Copper Ridge, resurrected the proposed preliminary plat plan of Parker Springs with some significant changes.*
- The waterline plan was abridged significantly by replacing the twelve inch waterline of the Parker Springs plat design with an eight inch waterline from Bynum Ridge to Valley Lane (the entrance of Monterrane Phase 2 & 3) and another 8-inch waterline segment from Red Gate Rd to the entrance of Copper Ridge, thus leaving a six inch waterline section between Valley Lane and Red Gate Rd. This is seen in the attached Copper Ridge Offsite Waterline map of May 14, 2015.*
- The Copper Ridge subdivision was surrendered approximately one year ago to Sunset Grove, the current developer. The site plan for Sunset Grove reduced the waterline supply further by the elimination of the eight inch waterline from Bynum Ridge to Valley Lane, which is noted in the attached Sunset Grove First Site Plan, November 20, 2015. The question is: Does the Sunset Grove waterline plan, which keeps the old six inch waterline down Mt Gilead Rd., satisfy the original intent to provide a major North Chatham loop water system between US 15-501 via Mt Gilead Church Rd. to Big Woods Rd.?*
- Thank you for your consideration, and I'll take questions either now or later.*

Beth Kricker submitted the following comments:

By now most of you know me because I talk so often. For some newcomers here my name is Beth Kricker and I have lived in Chatham County for more than twenty years. I submit to you that the problems we are facing are so disturbing and frightening that electing a president by gender as the sole criteria will not begin to resolve the issues which are reaching the edge of desperation. I submit which of our candidates will fight the hardest to raise our starvation minimum wage to a living wage, which can feed our hungry children. Who is most likely to call a halt to fracking, which as we speak and trying to respond to my friend Julie Hogan for help as the fracking trucks roll in and dig deep into her small farm, endangering her water and the crops she tries to grow. Who is most likely to work together with Elizabeth Warren to defend and expand our social security and to build a solid wall to hold off the greedy predators waiting to grab it? Which candidate is most likely to get the poor, including the poor and wounded veterans, off the streets and into affordable housing? Finally, who is most likely to keep the peace and refrain from agitating Russia and China into a war which will send our young men and women into death before their time? Thank you.

Rob Munich submitted the following comments:

I want to discuss an agenda item you have later, donating parcel 7910 to Habitat for Humanity. I own the property adjacent to that. I have been trying to buy that particular parcel for over a year and I just haven't been able to make any headway with the Finance Office. That parcel is land locked from what I can tell. There is no access at all if you look at this diagram. The only access is from my property or from (inaudible) on the other side. I don't really see how that is going to benefit the Chatham Habitat. I am all for affordable housing but this doesn't seem like it is going to help them in that regard. I am willing to buy the property and I have been wanting to buy it for a year. I hope you will give me that opportunity. Thank you for your time.

Leroy Kelly submitted the following comments:

Thank you for the opportunity. I am here to speak on behalf of the Sunset Grove project. I am a Deacon at Haw River Baptist Church. We are in between part of the new development and the (inaudible). I am speaking in support of the project. It is going to benefit the church a lot. It is going to enable us to get some property that we own in contiguous space. We have property that is separated. This is going to get us together and we have a problem with parking. People are parking on the other side of the road so it will end a safety hazard as well. We have had two wrecks recently where one car actually went through the church yard and tore up, total loss of another car. That is because we have run out of parking space. This project will fix that as well as give the church its own water supply. I worked with the developer and the Chatham County Planning Board and some of the commissioners. We walked the property to ensure that it met all of the subdivision requirements and the ordinance. I am hoping that everything is in order and this project will get approved. Thank you.

Rich Stickane submitted the following comments:

I am representing the residents at Fieldstone, Pittsboro. This in response to 16-1591, the request to approve Brookside at Fieldstone. I am going to read a statement that

we have already handed out. We have a signed petition. As owners of Fieldstone Lane, Pittsboro we are writing in response to the application to express our deep concern and objection to the proposed development of parcel 80775. For the reasons stated below, we don't have objections per say to the extension of Fieldstone Lane and the construction of thirteen new homes on the parcel. But we have an objection to the establishment of a fifty foot wide public right of way that is going to access Willow Way Road and the little public golf Twin Pines that is behind the property. The likely future construction of a road and a public right of way for access to future development of that parcel will materially alter the character and safety of our neighborhood. Specifically we purchased our homes in Fieldstone Lane and paid extra premiums for those homes based upon the fact it was a cul-de-sac, one way in and one way out. It was safe, it was secure for our children and for everyone. This geographical isolation between us and Willow Lane provides a unique neighborhood significantly minimizing vehicular traffic and other safety concerns that come from public use of a roadway. Occasionally patrons of the public golf course GPS will tell them to come down Fieldstone Lane, and they do, fifty miles per hour. They get to the cul-de-sac, have to turn around and come back out. This is one of the reasons we are objecting. It's our safety, our security, and our future. The creation of a fifty foot wide public right of way for access and eventual construction of a public road will turn our safe road and development into a primary means of egress and ingress for patrons of the public golf course and any future development of that parcel. The net result of creating this new public right of way will materially alter our neighborhood. It will increase the danger to our children and negatively impact the value on our property. Again, per say we have no objections to the thirteen homes being developed. This development should not include the establishment of a public right of way to Willow Way Lane. At the last meeting, one of the Board members was mistaken in saying that the golf course is land locked. It is a public golf course that has been operating for twenty years. They have ingress, egress and they have ways to get to the golf course. We would respectively request that the approval of this be expressly conditioned on ensuring that Fieldstone Lane not be connected to Willow Lane and the public golf course in any way and that the County would help us maintain the safety and the character of our neighborhood. Thank you.

Harvey Harman submitted the following comments:

I work for Chatham Habitat for Humanity at 467 West Street in Pittsboro. I just want to say thank you for your consideration of our request. I appreciate all the ways that everyone is looking at the important issue of affordable housing and how to make Chatham County a place that we all can live in. I brought pictures of our recent houses if there is anyone in the audience or the commissioners that want to see. I know you are familiar with that. I am very proud of the product that we produce. Affordable housing for us, affordable is to be able to get into affordable, to be able to maintain affordable, to live in long term. Our average house is 1100 square feet and three bedrooms, although we are building a five bedroom house now because it is a large family. Typically it is an electric house and a typical electric bill is \$80 a month, which tends to be substantially less, sometimes more than half as much as what people have been paying. Not just getting into the house, being affordable, but being able to live in the house and making it affordable. I just wanted to thank everybody for paying attention to the issue of affordable housing and I am happy to be available to talk to anyone that is interested. Thank you.

Frederick James submitted the following comments:

I am speaking on behalf of the Haw River Missionary Baptist Church in support of the

Sunset Grove development. We are hoping that the water issue can be resolved. Like the first two speakers that got up to talk about the project, it seemed like that was resolved but seems like there may be a challenge still. My family owns twenty acres of land that borders the Monterrane Phase 2. There is a need to come across Parkers Creek with some water and I think we can work that out. It would be really beneficial for the church to have that access to the land where we are land locked and the property that we own being separated. Being able to have those parking spaces would be very beneficial to the church. I have been there all of my life, for almost fifty years now. My father was the pastor there for thirty-five years. This would be a really big benefit to us. My family owns land down the road past the church. We appreciate our neighbors at Monterrane for allowing us to tap into their water but it would be really nice to have our own water supply and also to be able to have that access to the land. I appreciate the black skies myself. I like to be able to see the stars and I thank the developers for Sunset for meeting those requirements. I am hoping that we can work this out together. Thank you.

PUBLIC HEARINGS

[16-1594](#)

Legislative public hearing request from Jim Staples of Opus Financial Advisors for a text amendment to the Chatham County Watershed Protection Ordinance to add the use of Office - Business and Professional no larger than 4,000 sq. ft. gross and Events Center Limited with no more than 4,000 sq. ft. gross to Attachment A of uses permitted.

Attachments: [More Information from Planning Department Website](#)

Jason Sullivan, Planning Director, reviewed the specifics of the item. He stated this item was held over from the January meeting so that Event Center Limited could be added as a possible additional use to Attachment A.

Nina Lloyd with Opus Financial Advisors addressed the Board. They do believe Events Center Limited and Office-Business Professional no larger than 4,000 square feet are within the spirit of the Watershed Ordinance.

Cabell Regan stated he was an attorney representing eighty-four residences on Manns Chapel Road and some side roads as well. He gave a petition to the Clerk signed by all eighty-four people speaking in opposition of the watershed amendment and the rezoning request. He stated the watershed boundary does not run through the middle of the property but about two-thirds of the way over. There are tremendous run-off problems. Noise is and always will be an issue. The purpose of a Neighborhood Business District is to serve that neighborhood. The request is not proposing to serve the neighborhood but to be a general office/commercial area to serve other areas. This is a quality neighborhood in how it is cared for. Opus Financial is a Statesville corporation. They should not be able to come in and adulterate this neighborhood. Mr. Regan asked all the people he was representing to stand and be recognized.

The Chairman Closed the Hearing

The item was referred to the Watershed Review Board.

[16-1556](#)

Legislative public hearing request from Nina Staples Lloyd of Opus Financial Advisors for a conditional district Neighborhood Business for General and Professional Office and Event Center Limited on property located at 4421 Mann's Chapel Road, Baldwin Township.

Attachments: [More Information from Planning Department Website](#)
[Chatham County Opus FA.pdf](#)

Angela Birchett, Zoning Administrator, reviewed the specifics of the request.

Nina Lloyd with Opus Financial Advisors presented a presentation to the Board. (Presentation attached) She stated she is excited about the opportunity to give the neighbors and the community additional details about the project. They do not plan on expanding and acquiring additional parcels. Approving this request does not mean future requests along Mann's Chapel Road are automatically approved. Each request must go through the proper public hearing and planning process. The request is for a maximum of 4,000 square feet so they will not be adding additional structures to the property. No additional lighting or infrastructure is needed. There are two parking areas that are adequate for their parking needs and because the maximum impervious surface allowed of 12% has already been met, there will be no additional parking. They hold client/staff meetings which are usually under ten people. They also do training events, charity events, holiday parties and art shows. The largest event in Statesville was 120 people. The new site's septic allows for 177 people, but because of limited parking they will not hit those numbers.

Vice Chair Hales asked if they anticipated traffic being a problem. Ms. Lloyd stated traffic will be low in nature Monday through Friday. No change should be noticed. Events may create more traffic but the events will be held after commuter hours. Manns Chapel Road would be the only road impacted.

Commissioner Howard asked what the area around the Statesville office is like. Ms. Lloyd stated it is both commercial and residential. It is also a historic district. Commissioner Howard asked why they chose this particular area given that there are considerable business opportunities along the 15-501 corridor. Ms. Lloyd stated most of what is available along 15-501 is retail, not office space. A retail setting is not a fit for their business. Their clients appreciate a family setting. None of the Briar Chapel retail is ready yet and they have an existing client base in the Triangle. They currently have to meet in a client's home or in a restaurant which is not always conducive for speaking about personal finance matters.

Vice Chair Hales asked how close the pavilion is from the back property line. Ms. Lloyd stated 155 feet.

Diane Ponds stated she is a Chatham County resident and she lives within five miles of the project. As a local business owner she thinks it is important to provide local residents access to professional services in county limits. There has been significant population growth in that area and office space is needed to support the growth. The options for independent financial advisors in the county are limited. The proposed plans will be beneficial to the community. Opus will not add any new structures and the low traffic nature of the business is a natural fit for the community. She asked for the Board's support of Opus Financial Advisors.

Cindy Sperry stated she is a Chatham County resident and lives one mile from the property. She has had the privilege of working with Opus over the last three years. They have supported Woods Charter School, where she works, both financially but

more importantly with their time. Nina truly is a philanthropist. She has a deep passion for giving back to the community. She asked the Board to support Opus so that they may continue to do their good work and give back to the community. She believes good things are in store for nonprofits in Chatham County.

Britt Collins stated he is a native Chatham County resident and lives near the proposed project. He is a licensed general contractor, home inspector, and an active custom home builder in Chatham County. He toured the location and he understands the repairs that were required for the property. He also understands the long term implications for the structural state of disrepair at the time of purchase. There was a good deal of damage caused by water infiltration and lack of positive drainage from the pavilion area. The resulting microbial growth had already begun to affect the structure's foundation, floor joist, lower level subfloor, walls, and sheetrock. Opus has invested time and resources into restoring the property. This will ultimately support the surrounding property values. He asked for the Board's support of the Opus Financial request.

Warren Mitchell stated he is the engineer for the property. He is the engineer hired by Opus Financial Advisors. Nina and her husband Wesley are exceptional people. They are the kind of business owners we want in Chatham County and Opus is the kind of business we want here. They have no plans to change property. Many homes in Chatham County are businesses. There will be no increase in traffic. There will be no changes to lighting. There is practically no office space in north Chatham County. The office space in Briar Chapel is not built yet. The watershed impervious surface is 12% and the site meets that which will prohibit any future development of the site. He asked the Board to please support the project.

Cabell Regan stated this is changing a six bedroom bed and breakfast into 4,000 square feet of office space. 4,000 square feet of office space can support twenty to twenty-five employees. It is not what they intend to do, it is what they could do with the property. His client's bedroom is 140 feet from the event center. There is no buffer in the back past the event center. The buffer is to the roadway. There are eighty-four residents here opposing the request. Opus wants to take advantage of buying cheap residential property and rezoning it to business without thinking of the other residents. The residents do not have protection. He asked the Board to deny the request.

Ms. Lloyd stated her concern is that people signed a petition based on information that was not applicable for this property. She has copies of letters that were circulated to the neighboring residents. The claims in these letters are incorrect.

Chairman Crawford asked Ms. Lloyd to submit the letters to the clerk so that they could be part of the record.

Commissioner Howard stated there is a difference between downtown Pittsboro and downtown Hillsboro in terms of converting a house into a business. If you purchase a house in a downtown footprint you generally anticipate businesses will be around you but it is not the same in the suburban areas.

Ms. Lloyd stated there are several other businesses already in this area operating from their homes. There is a commercial farm with an event center. There is a Civic Center going in across the street. However, she wants to maintain the sleepy suburbia feel of the area.

This Agenda Item was referred to the Planning Board.

rezone Parcel No. 5258 being all of 6.74 acres located at 1213 Pea Ridge Road from R-1 Residential to CD-CB Conditional District Community Business for multiple uses. Uses are a golf cart sales, service and rentals, boat, trailer, and other utility vehicle sales and service, and boat and RV storage.

Attachments: [More Information from Planning Department Website](#)

Angela Birchett, Zoning Administrator, reviewed the specifics of the request.

Michael Mansour, applicant, stated he is relocating from Wake County. The property is located on new Hwy US 1 and is next to ST Wooten. It is the ideal location for this type of business. It will bring some jobs. Pittsboro approved golf carts to use in town and they can help make sure they are safe. A soil science and environmental impact assessment were done. The Army Corps of Engineers assessed the property and found no issues. There will be service by public water and the soils are suitable for a septic system. They met with the Appearance Commission and changed a few plantings. They had Duke Energy come up with a lighting plan and they will be using LED efficient lighting. Storm water management has been handled. All guidelines and ordinances have been followed. They had a community meeting and there was no opposition.

Chairman Crawford asked how he felt when he found out the wetlands on the property could not be used.

Mr. Mansour stated he was unhappy, but that is the way it has to be. They can work around it.

Vice Chair Hales asked if they are doing a boat storage and golf cart business. Mr. Mansour stated they are. Providing boat storage will help supplement the business and provide a service for the community.

Chairman Crawford asked if the property would be fenced to protect the carts and the customers' property. Mr. Mansour stated it would.

Commissioner Howard asked if there are any residences nearby. Mr. Mansour stated Ms. Gardner, who is 88 years old, lives several acres back and she had no opposition to the project.

This Agenda Item was referred to the Planning Board.

[16-1593](#)

Quasi-Judicial public hearing request by Diana Hauser and Alisa Woodruff dba Off Leash K9 Training for a conditional use permit on R-1 Residentially zoned property being approximately 14 acres out of 19.07 of Parcel No. 74641 for the facility, all 1 acres of Parcel No. 88057 for driveway access, and approximately 1.5 acres of Parcel No. 88068 for driveway access. Use requested is dog boarding and training facility.

Attachments: [More Information from Planning Department Website](#)

Chairman Crawford administered the oath to everyone signed up to speak.

Angela Birchett, Zoning Administrator, reviewed the specifics of the request.

Ms. Birchett: This is a quasi-judicial hearing for a conditional use permit by Diana Hauser and Alisa Woodruff dba Off Leash K9 Training. They will be utilizing portions of two other properties for access. It does not have road frontage on Horton Pond Road and the Army Corp of Engineers would not give up the strip of land that they own to give them access. The applicants met with the Appearance Commission and they reviewed their site plan. They had questions about security, safety, visibility from adjacent property owners, and visibility from the roadways. After discussions they will have a fence around the entire perimeter of this facility. There will be vegetation on both sides of the fencing. The activity is limited to this area here (pointed on site plan) the 14 acres on this side of Alston Road, it is a split tract. There is a main building and parking. The main office has parking up front. The areas in the back are training yard areas, which are also fenced in as well as the perimeter. They offered some suggestions for landscape materials which the applicant agreed to. They have tried to minimize any adjacent conflicts as the process has gone forward to ensure that they are bringing a product that would meet the Chatham County zoning standards, rules and regulations. They held the community meeting and one person was in opposition and they are not an adjacent property owner. They may or may not be here to give testimony, that would be something your attorney would have to advise you about. The applicant is here. She wants to give a presentation on her project and show you what they are all about. She is available for questions.

Diana Hauser and Alisa Woodruff addressed the Board.

Ms. Hauser: I am one of the owners of Off Leash K9. Alisa Woodruff is one of the other owners. We are pretty much family. We started working with dogs ten years ago. We opened Off Leash K9 Training in 2013. We see about sixty clients a week. We only do private lessons. We are pretty much the Cadillac of dog training in the area. We started looking for a home but we wanted a home that we could have our families and raise our families and do our business at the same time. Chatham County was a natural fit. I am a native North Carolinian. Alisa is an import from Arizona.

Ms. Woodruff: I have been here twelve years so this is my home.

Ms. Hauser: We picked this particular property and found it has been logged so the soils are in major disrepair. It is going to take a lot of work to make sure septic systems are put in. We have our engineer here as well. We wanted to find something that we could fix and we could make better and make a little natural paradise for our clients. The other thing is we wanted to make sure we kept Alston Road purely residential because Alston Road is residential today. We worked really hard in finding and getting contracts on property to come in from Horton Pond Road so that Alston Road is residential and there is a very clean and clear cut split. Our houses are going to be in the pretty colored blue area (pointed to map). Our business in the yellow. Mainly we put that much space as a conditional use to create that separation. We are not going to be running down Alston Road for any kind of situation. We are going to make that whole back part grass and trees and some very natural walking trails. This is a different view of our plan (displayed new map). We do want to put a buffer around the entire property for multiple reasons. We are going to put up a fence and we want twenty feet of plantings on each side of the fence so no one will even have to see the fence. If they don't want to look at the fence they won't have to see anything on the property. We wanted to make something that was very beautiful to look at when you are driving down a road. Our closest neighbor by distance from a house is over 600 feet away. Our other closest neighbor to the south is the Army Corp of Engineers. I don't think anybody is ever going to be on their property. It is this little strip to the south of us. That is the Corp of Engineers so

nobody's house is ever going to be built there. This little one acre piece is where our road is going to come in; our driveway. We are going to line it with trees and keep it as natural as possible so even if you see it from the road it still looks beautiful. This is a slightly more up close view (displayed a new map). All of these little play yards, the things in orange, are grass. They are not paved surfaces or anything like that. It is just a fence around grass. Our containment methods are really layered. Everything is monitored and supervised. There is small group play for dogs who are boarding in our facility. We will not be doing day care.

Ms. Woodruff: This is more training. I think there are two things people are probably most concerned about. First is going to be containment. That is something that people have shown an interest in. I had a phone call from one individual in particular that really wanted some information on containment. Really the truth of the matter is, again, we are fencing the entire property and the entire property itself isn't something where you are going to see a bunch of dogs running around. That is not really how it works. We don't even do doggie day care, which I think is what some people think this is going to be. But on top of that, having that containment there is twenty foot buffers on each side of the secondary containment, everything that is going to line the entire perimeter of our property. But on the inside, all of the play yards have separate containment, obviously. I think the second piece that goes along with this is really going to be noise. Everyone is concerned about noise. I completely understand that. It makes perfect sense to me. I think what it really comes down to, again, is it is not going to be crowds of dogs and, also, I need to go back to the containment. On those play yards, when we have fencing around there, we also have noise barriers that are going to go up. The things that we are looking at to contain noise, I think the ordinance for the County right now is fifty decibels at night. What we are trying to do is keep everything always at forty decibels or under. That is our goal, what we are looking at. The good thing about the containment on the play yards is the dogs can't climb the acoustic barriers that are going in play on those play yards. No dogs are housed outside at night. Also, again, we are talking maybe small groups of three or more with supervision. Our lessons, let me go back to how we teach. We don't even do group classes. We do one client at a time. When you are a business and traffic flow coming in and out these are group classes, you are going to see one car coming and going for probably eight hours a day which is about what we train. Maybe twelve if we split a shift. Lessons would run from eight in the morning until five, six, or seven in the evening. But it is one client at a time coming with one dog. We are doing boarding but is going to be privatized for our clients. We are not a quintessential boarding facility, per se. It is mostly, again, for clients with dogs who have already been trained, which makes us a little bit unique. I want to point out that we are also building our personal homes on this property. To us noise is just as important as it is to everyone else because our homes are going to be parallel to this facility. It is the same thing for us. Again, this is our dream in raising our families. We want to be on this land for the rest of our lives. I have a child as well so I wouldn't like to lose any sleep from dogs barking or things of that nature. The point I am trying to get across is that we have containment in place so it is not just a bunch of wild dogs running loose. Even if you did see dogs on the property it would be a couple at a time here and there. It is not large groups of dogs and noise.

Ms. Hauser: This is what we want our facility to look like (displayed picture). It doesn't really look like a weird building. It has windows and lights. The chain link fence gives you an idea, I'll pull up the look of the acoustical look on a different plan. This is our landscaping plan (displayed picture). The blue line is the fence and trees on both sides creating a twenty foot buffer on either side. Apparently one of the Cyprus we picked out originally the deer eat. Let me go back to the site plan and blow it up. That is what our sign looks like. This is the black layered acoustical fence. If a dog barks outside it will drop the noise. A normal dog barks at

seventy-five decibels so it automatically brings it down to below the fifty decibels at night, but there will be no dogs outside at night. It is another layer where it will help prevent that noise from ever escaping the play yard. For dogs who we find are too barksy, we have an indoor sound proofed play yard. They would not get play outside with other dogs, they would play indoors so that we keep quiet dogs outside and if they are noisy we bring them in and they still get the mental exercise. Part of the reasons we want to do the small play groups for dogs for boarding is because we want to make sure our dogs are getting mental stimulation. Boredom causes barking.

Ms. Woodruff: Dogs bark from anxiety and boredom. A lot of what we are doing, we are getting well trained dogs that are coming in and a lot of those dogs don't have those issues.

Ms. Hauser: The lights we are using outside are dark sky approved. They will be set on timers so that they won't come on at weird hours. They have been approved by Angela. We picked those specifically because we did not want to mess up the stars because that is one of my favorite past times. Do you have questions for us?

Vice Chair Hales: The dogs will not be outside at night, ever?

Ms. Hauser: No. All boarding is done inside for multiple reasons. One for security. I would never want to put one of my client's dogs and trust one of my client's dogs outside. Our boarding is \$2,800 for two weeks. Our clients treat their dogs as family. They are not dog owners, they are pet parents. The inside of our kennel won't have chain link kennels. There will be suites with doors and windows so that it feels like home away from home. It is very much a resort style paradise for four legged friends.

Ms. Woodruff: Certainly the people that pay \$2,800 expect a certain level of care for their animals and outside isn't really an option.

Vice Chair Hales: \$2800 for how long?

Ms. Hauser: For two weeks.

Ms. Woodruff: We do have a YouTube channel with over 200 videos showing what we do. So when Diana says we are the Cadillac of training, we are. We have a great product. That is what sets us apart. We are incredibly passionate about what we do. Community wise we are very active and engaged in our community. One of the things that led us to Off Leash K9 Training, just a little bit more about us, we co-founded southeast German Shepard rescue. That nonprofit has gone on to span three states. Our rescue organization sees around 300 dogs a year. That gives you an idea of the different things that we did that inspired us and now we have foster homes and people all over the three states that work and help us to promote adoption. Rehabilitating dogs is a job because those dogs are a part of people's families and we are here to create relationships and fix things that are broken in order to keep dogs in homes.

Chairman Crawford: Do you have a street number yet.

Ms. Hauser: No. It is zero zero Alston Road but our address will be Horton Pond Road.

Chairman Crawford: Because that is where your driveway is going to go. You are both going to have residences.

Ms. Woodruff: Yes

Chairman Crawford: Those are two separate parcels.

Ms. Woodruff: No, it is part of the same parcel. We may look at purchasing the land above the parcel. We are on the opposite side of Alston Road. That is another reason we want to keep Alston Road completely residential. We are looking at the property above that as well.

Chairman Crawford: You both want to have a house.

Ms. Hauser: If we need to, we will purchase a separate parcel.

Chairman Crawford: Will you share a drive with the facility?

Ms. Hauser: Alston Road will be our house driveway. That is another reason we want Alston Road to remain residential because our residential homes are right off Alston Road.

Chairman Crawford: Your driveways will come in from the North.

Ms. Hauser: No one should ever have to go on Alston Road. A client could not magically somehow miss the facility and find Alston Road. They are two different ways to get in. Horton Pond Road and Alston Road do not connect.

Chairman Crawford: I was just trying to figure out how the residences fit into the project but they are actually kind of separate.

Ms. Hauser: That is one reason we like the whole section of the land. I know that is something that Alston Road residents wanted was that Alston Road remain residential. I think it plays very nicely for Horton Pond Road being an entrance for the business and Alston Road is still an entrance for residential.

Vice Chair Hales: I have a question about if you are getting a Conditional Use Permit on R-1, how does that also accommodate two residences.

Ms. Hauser: The blue tract is four and a half acres.

Vice Chair Hales: Are you talking about the dark blue or the light blue?

Ms. Hauser: The dark blue is a pond on the property. This is a four and a half acre tract. From my understanding two houses could fit on that but if for some reason they can't we will knock it down to one. We can't submit for the building permit.

Vice Chair Hales: It is how many acres?

Ms. Hauser: Four and a half acres.

Ms. Birchett: They could have a primary and an accessory dwelling. An accessory dwelling is limited to 1,500 square feet. They could have one house that is 3,000 square feet and one that is 1,500 square feet and count it as an accessory. There might be some subdivision issues. We will talk with them about this separately later on down the road. Or they will just drop it down to one home.

Holly Hach submitted the following comments:

This Conditional Use Permit Application is for a non-residential development. It is for the franchise business "Off Leash K9 Training, LLC" which already has 89 franchisees and 21 locations in the US and offers dog/cat boarding, training, and grooming. The Appearance Commission Submission and the Site Plan clearly indicates the construction of a kennel, covered areas, and parking lot .74 acres in size (32,234 sq ft.) In addition, at the Community Meeting, the owner indicated that the intent was to build a 55 dog kennel and training area.

According to the January, 2016 Watershed District Map prepared by the Chatham County Planning Department, the land area proposed for the non-residential development is in the WS-IV Critical Area. And according to the Chatham County Watershed Protection Ordinance, only "breeding kennels with a minimum lot area of three acres" is a permitted use in the Critical Area per Attachment A.

In addition, there are five (5) findings that must be met for Conditional Use Permit approval. Finding #3 requires that "The requested conditional use permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community." Finding #5 requires "Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities are being provided." This application insufficiently addresses noise, biological waste, and property value impact.

The surrounding community is predominantly agricultural. An increase in traffic, odors, noise, and waste water run off/well water contamination is of great concern to the community. The application does not address how the biological waste will be handled. The Reconnaissance Soil & Site Evaluation performed by Thompson Environmental Consulting was summarized as follows: "The site is dominated by soils exhibiting unsuitable soil characteristics within 12 inches of the surface. As such, a surface drip disposal system is likely the only feasible waste water application option for this site. Additional work will need to be performed to determine the exact soil area required to support the proposed number of homes and commercial facility."

The lack of a clear description of an approved waste management process and the location of the property in the WS-IV Critical Area dictates that an application for a properly sized waste disposal system be submitted and approved by NC DENR before any Conditional Use Permit is approved.

The Conditional Use Permit also needs to address odor and safety issues associated with escaped animals. And while the permit did address noise coming from the development, it did not address noise resulting from neighboring dogs responding to noise from the kennel. Lastly, the issue of property value impacts as a result of a large scale kennel and training facility in the proposed location was not addressed. Multiple professional realtors should be consulted to provide an impact statement on properties if this business were implemented in the proposed location.

In summary, the Conditional Use Permit application does not meet the finding requirements nor does the property qualify for a dog/cat kennel/training facility per the Chatham County Watershed Protection Ordinance. Until such time as all the concerns have been addressed, this conditional use permit should not be approved.

Alice Alston Noell submitted the following comments:

My family owns a majority of the land that will be affected by this training kennel. If

anyone is concerned or will be concerned it will be us. We actually sold the nineteen plus acres to the current owner. The owners of the training center want to put a training center there. We also currently own twenty-five other acres adjacent to this training center. We also have approved to give them one third, well I am one third owner of the 1.5 acreage that will be used for the road entrance into this business. So if there is anybody concerned it would be my family on Alston Road. We also own other residential property on Alston Road. When this was presented to us, what we found and we asked the same questions about noise control. From our understanding of this they have a well designed system that will control noise within the training center. Also we asked the same questions about the water system. They will have their own water treatment system. They also plan to upgrade the soil from our discussions with them. They also plan to have a walking trail developed there on the land. They also plan to have lights and signage that will be there as well. We asked about the septic tank concerns. They have their own septic system that will be used for the business. I believe again that the business will raise the value of the property in that area. As I have already stated, my family owns a substantial amount of property in that area that will be most affected by this if anybody. I believe it will increase the tax base for Chatham County regarding the proposed business as well as plans to put two residential houses there. In terms of this type of business, it is not an SPCA or dog pound but it is an upscale training facility. Traffic control will not be a problem from our estimation of what is currently in that area. I believe this project will not impair, but it will actually build the integrity and character of the surrounding area which is needed. We approve the dog boarding training facility conditional use permit for those reasons. I hope the Board will take them into consideration and approve this.

James Woodward submitted the following comments:

I am passionately against the approval of building a commercial dog kennel, boarding, training facility with an onsite retail store. Currently five employees, add eight for a total of thirteen.

Off leash K9 is not a home business. Off leash K9 is a nationwide franchise with national advertising. There are approximately 90 franchises nationwide. To obtain a franchise it costs \$48,000 with a monthly payment of \$350 or 15% of gross sales. With 2 weeks training you will become a "certified" trainer -boarder" That does not sound safe to me. On their web pages 95% of the dogs are large disobedient dogs such as German Shepherds, Rottweilers and Pit Bulls.

I feel the proposed franchise does not preserve the rural character of the area, nor does it belong in a residential zoned area that has children and state forest and wildlife. Not all neighbors surrounding this property were invited to the meeting Ms. Hauser held in November. It has been reported that she has been in business since 2013 and already has forty to sixty clients and expects well over a hundred in the first year of opening with a gross of over one million dollars and growing to two million in the next two years. Once again, this is not a home business and does not belong in a residential area and adjoining Jordan Lake recreational area.

This commercial business will have daily visits from its customers (40 -100) as well as deliveries that will increase traffic ten fold on Horton Pond Road. Both ends of Horton Pond Road at 751 and Farrington Road have no traffic lights so there is a large safety concern about the increase of traffic.

This commercial business also wants to put up a twenty-four square foot retail sign on a residential road. This does not fit in to the residential area or preserve the rural

character of the area and will be an eye sore to everyone. The application also states a commercial entrance on Horton Pond Road.

Next I would like to address the working hours of this commercial business. Due to the boarding of so many dogs, it will be 24 hours a day 7 days of week NOT an 8 -5 or weekend home business. We can expect barking dogs every day all day and throughout the night, seven days a week.

Another item of concern is the lack of concern and respect to both public and private property and concerns for public safety that this company has posted on their web page and social media. I have enclosed just a few pictures from videos of dogs. Large dogs and unruly dogs without leashes in public parks with trainers with their backs turned to these dogs and at fifty yards or more from the dogs. There are pictures and videos of trainers having dogs climb up on and sit on public water fountains that children in the park drink from, using picnic tables as training platforms, public benches where trainers have placed stairs for dogs to climb up, sit and lay on these benches and I did not see one picture from the hundreds of pictures on their face book page that showed any signs of trainers with bags to pick up and dispose of animal waste. With absolutely no respect for public property, public safety I believe this trend will go unchecked in our residential neighborhood. This causes a severe safety concern for the children and wildlife in the area.

This commercial Business will impair the integrity character and safety and peace of our neighborhood! I feel the proposed use is neither essential nor desirable for the public welfare of the community. My family and I feel it does not promote public health safety and general welfare of the people represented by the signatures on the submitted petition or the people that use the Jordan Lake recreational area. For all these reasons and more I ask that you do not approve this Conditional Use Permit.

Billy Gilbert submitted the following comments:

Dear Chatham Officials:

Re: Public Hearing on the Proposed 16-1593 request by Diana Hauser and Alisa Woodruff dba Off Leash K9 Training for a conditional use permit on R-1 Residentially zoned property.

My name is Billy Gilbert and I own property at 979 Hortons Pond Road. Although I am not an "adjoining" owner, my property sits within 300 feet of the property line as I am directly between Glen Holt and Elaine who are adjoining property owners. I can easily see the property standing at my house. As a residential community my family lives on the property and opposes a residential community turned business.

Training and boarding services are all client driven. Forty clients per week is the present customer base with their current income of \$500,000. With a projected income of \$1,000,000 the client base could grow to eighty plus by year two. This will double the amount of traffic on Hortons Pond Road. With the additional services that they are talking about of retail and grooming we could see an even larger traffic volume. Hortons Pond Road is in need of repaving now which is not slated to be repaved for another three years. We do not need any additional traffic on the road. The increase in traffic could bring crime to our area that otherwise would not happen. Our road is a scenic road for cyclist, walkers and we have children playing in the yards. Our road is also used for an annual cyclist event and an annual memorial walk for one of our residents who lost their son to cancer.

Lighting will be another concern for our rural area. Right now I can walk out and see the stars at night and it is quiet and peaceful. The proposed facility will change all that. They plan to install two flood lights for their parking lot and will have lighted walking trails. This will change when they expand their business which they have plans to do already. Plans for expansion, as well as evening and weekend events planned, will require more lighting around the property. Spill over light is a concern for residents, particularly between the hours of 6pm to 6am. With their operating hours this will be seven days per week. Due to the elevation of our house I can look out my kitchen window and see a large portion of the land proposed for this kennel. I will be able to see the building they are planning to build and would be able to see the lighted areas which would disturb the darkness of rural life.

The proposed use is not essential nor desirable for the public convenience or welfare. It does not promote public health, safety and general welfare of the people. We respectfully ask that you consider the living conditions of the surrounding property owners and not allow a dog training facility on this property. A facility of this type would be better suited on a business highway such as US 64. My final comment would be to you is (would you want this type of facility in your back yard).

Glenda Gilbert submitted the following comments:

Regarding the Public Hearing on the Proposed 16-1593 request by Diana Hauser and Alisa Woodruff dba Off Leash K9 Training for a conditional use permit on R-1 Residentially zoned property.

My name is Glenda Gilbert and I own the property at 979 Hortons Pond Road. We've all experienced it: Dog barking is unhealthy and a nuisance. According to an internet resource using statistics from OSHA and the World Health Organization, "dog barking can cause psychological and physical harm." The application highlights two noise decible levels: "a" barking dog at "75" and street noise at "70." I don't feel we have a lot of street noise since it is a road in the country, not a busy city street. Nonetheless, it really doesn't matter when you compare it to a quiet room, which is only 20 dbs. But, per the source, "The difference from "ambient noise in a quiet room (20 db) to the noise of a large dog bark (100 db) is 80 db", not a lot of difference than the ONE barking dog. However, it says "the live sound of the bark is actually over 10,000 times stronger!" And that's why we are startled when reading a book and a loud noise abruptly scares us!

Source confirms, "Dog barking is even more annoying than another source at the same db level. You cannot completely measure nuisance from dogs in decibles because it does not reflect the reality and intensity of the real problem." Source says "Barking generates a physiological reaction in our body because we have been conditioned for thousands of years to relate the sound of some animals as dangerous (lions)." "This is proven in scientific research," according to this source.

Locating a commercial business in the middle of residences is not good. Call it home business, but I feel commercial is written all over it according to the franchise website: (nationwide, franchised, retail sales, clients coming and going, has an assigned franchise territory determined by the franchise owners to protect each other, and franchisee pays a monthly license fees or % of gross sales to the franchise owner, marketing is provided nationwide.)

Sound barriers or no, sound travels. With no limitation on the number of customers or dogs- 50 now, 100 next year . . . what are the means to gauge the amount of unhealthy noise we will be subjected to? Is it fair to subject us to this health risk by

changing our residential environment to a business environment that brings customers onto the property? This is not a small in-home business that only affects the owners.

The Chatham County Noise Ordinance defines that "noise that is perceived by a person ... as interrupting the normal peace and calm of daily life. We believe this facility will do just that. We should not have to give up our peaceful outdoor living space. Sound panels will not allay the real problem of noise pollution to all neighboring residences. Even the applicant agrees with that since at the community meeting when asked why she was placing the commercial activity in one corner she said because she didn't want to hear the dogs either.

Events, competitions. There are no limits- there is no way to address the volume of dogs or barking noise there will be in the future. This initial plan is all you will see. Hours of operation Monday-Sunday, 8 a.m. to 8 p.m., but the Noise Ordinance permits, with permit, up to 11:00 p.m. Sundays are a day of rest for our family, a business operating from 8 a.m. to 8 p.m. on Sunday is not in the general welfare of my family.

What is our recourse after this facility is approved? Complaints to the proper authorities? I feel it is easier to not permit the undesired use than to permit it with so many concerns going in. The petitions to be presented indicate this type of business is not desired in this location. I feel the proposed use is not essential, nor desirable for the public health or welfare of the people. In fact, detrimental to our health, safety, peace, comfort and general welfare. Thank you for your time.

Glen Holt submitted the following comments:

My name is Glen Holt - I am an adjoining property owner. In fact, my home is about 100 feet from the property line. I have lived there for thirty-five years. We have many reasons for opposing this type of facility in our community, one being safety. As you know dogs have a tendency to escape their confines by digging under, climbing over, or simply walking through gates being left open. I once had a lab at six months climbing up and jumping off a five foot fence. Fencing is not guaranteed to keep us safe. Many of these dogs will be aggressive breeds, where shock collars cannot be trusted to contain. Shock collars have a reach range and are not always effective. The statistics on deaths by dog attacks is frightening. This business, in a residential community, is especially dangerous for our great grandchildren playing in the yard, us as seniors, and the community as a whole. Business of this nature should be in an area where residences are not. My wife and I are not able to move quickly and fearful that we cannot get outside, relax, and enjoy the community we live in, if this permit is granted. If permitted, this business facility will be changing the residential environment of the community and does not promote the well-being of our family or the neighborhood. We don't want to hinder someone from using their property as a residence, but we ask for a decision to be made that benefits the existing whole community rather than a new request for one business. We ask to live on our property in the manner in which we desired to live when we purchased it; therefore we respectfully ask that you NOT grant this request for this property. The proposed use is not essential nor desirable for the public welfare. It does not promote public health, safety and general welfare of the people represented by the petitions. For all these reasons we are against allowing this property to be developed as a K9 off-leash training facility. Thank you.

Bob Davenport submitted the following comments:

My name is Bob Davenport - My wife, Betty, and I live on Hollands Chapel Road. We oppose this permit because it allows housing and training of certain breeds of dogs that are known to be aggressive. We don't feel the fencing proposed is adequate for anyone's protection. A five foot horse fence shown in the picture we saw is not adequate fencing. I think you should consider what type of fence is going to be built to control the dogs. It should be a fence that they cannot dig under or climb over. A fence should be put around the entire area where the dogs will be kept, whether in training, play time, or otherwise. Sooner or later the dogs will get out of a fence if it is not built properly. One way to ensure a safe fence is to dig down twelve inches below the top of the ground, go up six feet above the ground with the fence, and then place the roll type of wire across the top so the dogs cannot climb or jump over the fence. It was just reported in the news that 74% of all the deaths caused by dogs were caused by pit bulls. This is a residential community and this permit should not be approved as all the residents must be guaranteed safety. The proposed use is neither essential nor desirable for the welfare for this community. As it stands, it certainly does not promote public safety of the people. And for all these reasons discussed, we are against allowing this property to being developed as a dog training facility.

Andy Petesch submitted the following comments:

I practice law in Raleigh, North Carolina. I do spend a fair amount of time in Chatham County. My parents' farm is near Silk Hope. I am here on behalf Mr. Stan Williams who resides directly across Hortons Pond Road at 624 Hortons Pond Road. He intends, I will say, he intends to reside there. He is currently building a single family home there. He purchased that property in August of 2015 and immediately went forward with plans and getting permitting and started construction in December, which is the same month that the community meeting was held for this project. He has three children, ages eight, nine and eleven, that will live there with him. His entrance and the property are just directly across the road from where this project entrance and exit will be for the commercial part, not the Alston Road residential part of it. It directly impacts him. Of course the neighbors are obviously very well prepared and have done a lot of work. I don't want to belabor any of the points they made. I do want to focus in on the two conditional use permit standards, whether this proposed use is detrimental to the community health and welfare and secondly whether it is consistent with the land use plan. I am going to organize those, first talking about the nature of the use and then secondly the use of the surrounding nature. To do that I want to hand up a few exhibits, if you will bear with me for one moment. This is not a mom and pop operation. This is a big business. Ms. Hauser and Ms. Woodruff seem like lovely women and have put a lot into this. Unfortunately, this is just not the location for this type of use. In the materials and exhibit A it indicates that they, that this operation, that is based out of D.C., there are approximately ninety franchises around the country, estimates the pet industry to be about fifty-four billion in the coming years. They also included retail. I don't believe this has been discussed as a retail component to see if their business is going to be housed within the kennel further underscoring its commercial nature. Second, Exhibit B discusses noise. I understand that they included in their materials a chart that showed that dog barks are roughly at 75 decibels. The world record is actually 113 decibels, a golden retriever. In the last page of that, the last section there is an article by a veterinarian indicating that many dogs are capable of barking in the 100 decibel range. Most importantly here is the use of nature. This is, as was noted early on I believe, within the critical zone of the Jordan Lake watershed. That is Exhibit D in the yellow. You can see there my client's property, roughly where his home is, in the orange circle. Then where the kennel operation is planned for the southwest corner of this property, which is closest to his and that entrance you see coming right across

his property. Exhibit C shows where there are blue dotted lines. There is an intermittent stream running to Jordan Lake that runs into a wetlands area, it runs into the state park area owned by the Corps of Engineers. They are going to have to put that entrance across, through the wetlands and across those intermittent streams. The concern here when we are talking about the critical zone of the watershed and wetlands and intermittent streams is that it is not consistent with the land use plan. Page fifty-nine, the State Division of Water Quality has classified Jordan Lake as threatened and noted that it's nutrient sensitive. On Page twenty-two, one of the goals of the land use plan is to protect sensitive land such as wetlands and stream corridors. Page four discourages commercial development in sensitive resource areas. Page two ensures long term quality for surface water resources. Going back again to the potential noise issue that we are looking at here, Page eleven of the land use plan specifically says that the goal of this County's policy is to preserve the form and function of rural character. It goes on to specifically state that the County should emphasize placing business in rural portions of the County which improve environmental quality, tranquility and wildlife habitats. I would note that this is, this section of the Jordan Lake state park is an Audubon Important bird area, has been designated as an important bird area. Of those things, wildlife, habitat, tranquility, even if the dog barking is minimized to the extent possible through acoustic barriers. If that is going to reduce the potential decibel levels by twenty-eight decibels, which is I believe what the applicant stated, still if you are talking about decibel levels that start at seventy-five to one hundred, maybe even over one hundred you are only getting it down into what would be the annoying range in a normally quiet community. There are significant problems here with this application in terms of its consistency, in terms of its detriment to the community, its health, welfare and safety. In closing, I am concerned about them pursuing this application given that as was stated very early on, they are in a critical area for the watershed. Under the permitted uses in Addendum A of the Watershed Ordinance, it does indicate that breeding kennels are not allowed. But this use is clearly a boarding and training kennel. That is a distinction that is made in the zoning ordinance because breeding kennels are not allowed in R1. Boarding kennels are allowed in R1. In closing, there is a clear distinction between those uses and boarding kennels are not allowed in the critical zone. They are potentially running into a problem running down the road and they have already made investments. I request that this Board deny their application. Thank you.

Elaine Oleson submitted the following comments:

I live at 997 Hortons Pond Road. I am an adjoining property owner. I brought visual aids. What I brought here is the contour data. It was generated by DENR when they redid the 100 foot floodplain levels. This is the eighty foot contour. The point I am trying to make here is that their kennel is higher than this. Their fence is lower. Any kind of sound barrier they are going to put down here isn't going to work, because they are up higher than we are. Also, down here you can see how the water drains straight into Jordan Lake. It will disrupt the wildlife as I see, the woodpeckers, the ospreys. I am against this. Thank you.

Michael Smith submitted the following comments:

I am a direct adjoining neighbor to the proposed business. I will be discussing my concerns for Item #2 for the conditional use permit. I feel this business does not meet item #2 for the conditional use permit stating that "The requested conditional

use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare." The residents I have spoken with near this proposed business do not find this business to be essential or desirable as we can clearly see by the amount of support that we have this evening. While it may provide convenience for someone who doesn't live here, it is an inconvenience for the residents of this neighborhood as a currently quiet peaceful neighborhood will soon turn into a loud, commercial business. As far as the neighborhood welfare, we will be affected by the noise and light pollution this will bring to our area as well as the fear for the lives of our grandchildren and children if one of the aggressive breeds of dogs happens to get loose. No matter how many safety mechanisms you try to put into place, dogs can jump or dig under fences, ignore the inhumane shock collars that will be used, and could injure bicyclers, children, our elderly neighbors, and our livestock. Our roads are already damaged enough without the need for extra traffic, and the lighting will also add another dimension of city life to a currently rural area. This business is not desired or wanted in this area as it creates concerns for health/safety/crime/waste/odor/noise/lighting/traffic/privacy, and resale of property. I ask that the board take my concerns into consideration as well as all those that have spoken and will speak this evening. For the record I oppose this action and do not want this business within our community.

Lena Hurst submitted the following comments:

I am an adjoining landowner. Not long after moving out to Chatham County in 1994, we were faced with the possibility of a concrete plant being built directly across the street from our home ruining our quality of life and the value of our home. Instead, we now have Holly and her horse farm which couldn't be a more perfect fit for the area.

I attended every single meeting for the creation of the Joint Land-use plan with Chatham County Board of Commissioners and the Cary Town Council. We fought and fought to keep the area East of Jordan Lake, in the critical watershed, rural, to protect the lake. We wanted to maintain our current peaceful and quiet lifestyle. We did not want to allow businesses and dense housing in such a sensitive area. This proposed zoning change does not meet the majority of the Guiding

Principles in the Joint Land-use Plan.

1) AVOID all nonresidential development within one mile of the mean pool elevation of Jordan Lake.

*This proposed kennel is within the half mile boundary on the map in this critical watershed and it is definitely nonresidential development.

2) This commercial kennel is not desirable to the residents in this rural area and I feel it does not preserve the rural character of the bulk of this area.

3) This would not protect the property rights of residents and landowners as it would lower our property values and quality of life.

4) Ensure public involvement in the development and implementation of the Joint Land Use Plan.

*We are adamantly speaking out against this proposal. I submit to you a petition with over 95 signatures to turn in for public record.

5) Use the future availability of public utility services to guide and direct growth to minimize water quality impacts on Jordan Lake Reservoir.

*Public utilities will not be provided to this area. This kind of proposal should be located in the commercial corridors.

6) Focus the most intense land uses close to the eastern boundary of the plan area and the major transportation facilities, and maintain very low intensity and very low density uses westward towards Jordan Lake Reservoir.

7) Encourage limited economic development in the planned mixed-use areas that

capitalize on its geographic location relative to major employment and population centers.

8) Balance the amount of future development with the capacity of the transportation system by utilizing the highway corridors.

9) Create a sense of place that is distinct, attractive, and of high quality -an area recognized within the Triangle region for its high quality of life.

**Many of the Chatham County documents repeatedly say that this area should remain rural in character and have no more than one dwelling per 3-5 acres.*

***For public record, I am also submitting a document noting inconsistencies between the community meeting with Ms. Hauser on Dec. 9th and the application submitted, local community meeting attendees, real estate research, franchise information and NC laws.*

My land and home is an investment that I have had for over twenty years; perhaps the largest investment that I will ever make. I would do nothing intentionally, or knowingly, to decrease its value or my quality of life. Nor would I willingly consent to having a boarding kennel built on adjoining property for that very reason. With that in mind, I implore the Chatham County Board of Commissioners to reject this proposed Conditional Use Permit and do not allow this business to operate in any rural residential neighborhood.

Executive Summary Vision for Chatham County

• create residential development patterns that retain the form of "ruralness" through large-lot zoning, open space subdivisions, village clusters, or other design approaches.

Additional Concerns:

Social Media, extreme fear of dogs, weekend events, her additional business of dog rescue, future expansion, lighting, area precedence of commercial business, and additional property up for sale.

Gloria Alston Davis submitted the following comments:

I am also an owner of some of the property on Alston Road. My sister is Alice Noell. I am actually speaking on the back tip of what she said as she has said most of the things I was going to discuss. However, in us talking about dogs keeping noise in the area, I think we have that problem already as far as I am concerned because there are dogs that are constantly on our road and in my yard that I don't even know. I am scared of them just like you said you would be scared of them. But I think this facility that we're talking about are dogs that are going to be trained. They are not dogs that are coming there to fight someone or to bite someone or kill someone. I feel they are dogs that families want to have in their families, to be with their children and to be just like a family dog. What I've heard tonight is that we are talking about dogs killing people and all of this. I don't know where all of that got started or why someone would even think of that because we've had problems around that area already. Nothing has been said about it. Alston Road is used like any other road with transporting things that no one says anything about. Therefore I personally am for this and personally I can attest to the joy of having a trained dog. I was taught with a trained dog and learned how to direct with the different commands and the life saving techniques. It took a lot of patience and these were good trainings. They were not like forceful people trying to direct the dog to kill someone. I didn't regret the training process because the dog I had became an obedient, trustworthy and compassionate family dog. I am for the dog boarding training facility. Thank you for hearing and prayerfully considering my approval concerns for the dog boarding training facility.

Patsy Hancock submitted the following comments:

I am passionate about the Joint-Land use plan adopted June 2012 between the Chatham County Board of Commissioners and Cary Town Council with input from residents residing east of Jordan Lake. Why, because many hours were spent negotiating for a rural, non-commercial, very low density, residential community which greatly impacts my property. The purpose of the Joint Land Use Plan is to guide future development so that it conforms to the pattern of uses, intensities and densities as stipulated by the plan. We should still be guided by this Plan.

I feel the proposed franchise does not preserve the rural character of the area, nor do I feel that it complies with the Joint Land Use Plan Guiding Principles 3.2 in regards to conforming with very low density residential no commercial entity west of the rural buffer boundary, and one acre per single family dwelling. According to the Joint Land Use Plan, commercial development should have been zoned commercial, prior to the creation of the Plan, "Commercial/Retail classification includes shopping/retail uses, dining, entertainment, banking, personal services, and related." The application summary leaves me questioning the scope of this business as it promotes to be a high end business, with retail space and expanding to what limits? On the application, Finding 4, Ms. Hauser states she chose this particular site because she could place the commercial entrance along Horton Pond Road, ensuring Alston Road remains purely a residential road".

I conclude the proposed commercial franchise is better suited in another part of Chatham County. I understand this Quasi-Judicial public hearing forever changes the zoning for the three listed parcels. Tell me, how can this business not impair the integrity and character of our neighborhood? I feel the proposed use is neither essential nor desirable for the public welfare of the community. I feel it does not promote public health safety and general welfare of the people represented by the signatures on the submitted petition. For all these reasons and more I ask that you do not approve this Conditional Use Permit.

Kay Roberts submitted the following comments:

I am here to express my concerns about the proposed nature resort pet boarding and training facility to be located on Horton Pond Road. Pet waste is an environmental toxin that can also kill wildlife, pass parasites and even infect drinking water in wells and reservoirs. The CDC warns that a single dog dropping can contain 3 million fecal bacteria and viruses which can be passed to humans as well as other pets. The parasites (hookworm, ringworm, tapeworm, and Salmonella) found in dog or cat feces can contaminate soil with parasite eggs for month or years. Bacteria and viruses (E. coli and fecal coliform) found in pet waste can contaminate both the soil and water supplies. Studies have found that 20% of the bacteria contaminating some waterways can be traced back to dog waste.

Water from washing down the outdoor potty yards will also attract a variety of flies that carry diseases and bacteria into homes, onto human skin, food and other areas that can cause people to become sick. Water that remains after wash down will also become a breeding ground for mosquitoes. The issue of animal waste has not been addressed with regards to the outdoor play yards, walking trails or outdoor potty yards. When the outdoor potty yards are hosed down where shall the wash water be directed? Will the grounds also be disinfected at regular intervals to minimize the potential health risks?

The potential contamination of private wells from the massive amounts of animal

waste in water that will be generated at such a facility has not been addressed. Placing such a facility at this site has the potential to be detrimental to the health of residents and their pets living in the area. Although not required because the total undisturbed area will be less than 2 acres I feel an Environmental Impact Assessment should be completed prior to any further consideration because of the proximity of the site to Jordan Lake and the potential for ground water contamination.

Other issues that need to be addressed prior to any Conditional Use Permit being issued should include the following:

- The septic system proposed is vague and designed for human waste, not animal waste. More details should be provided for review
- Emergency Plan for the animals in the event of a natural disaster
- Ground water monitoring

Such a facility has the potential to impact the water quality of Jordan Lake Reservoir therefore the Conditional Use Permit should not be allowed.

Tom Brewer submitted the following comments:

I am a resident of Chatham County but not in the vicinity of this project. I am, however, a current client of K9 dog training and I have been working with them extensively with two of my dogs for the last six months. I can really only offer a few points associated with that. The immediate control that a dog demonstrates when they get working with these two girls is absolutely amazing. A lot of the concerns that I've heard tonight are about safety and interaction with dogs and the people around them. All of the training that I have done with these folks has been in a public park surrounded by lots of other dogs, families with children. I've seen at any given time there would be two or three training sessions going on. I've never seen any dog come close to anywhere out of control around any of the public. I do feel like a lot of the concerns that have been expressed today were expressed to them during their public meetings. As I have been working with them on my weekly sessions they have told me a little bit about the process and what their plans for the facility were. I think they have done a really good job of addressing a lot of the concerns if not most of the concerns that have been expressed tonight. If the application is reviewed in detail the plans that have been submitted in detail, I think you can see they have been very responsive to the concerns of the community. I know the amount of pride that they take in the work they do, the way they work with their animals. The fact that they want this to be a place where they have their business and raise their families; this will be a benefit to the area. I would ask that you grant this application.

Mile Lash submitted the following comments:

I am neither a resident nor a client. I am their engineer. I thought I would take this opportunity to address some of the concerns. First I would like to address the wastewater the lady just brought up. The wastewater system we are proposing is a very top of the line system. It is integrated with the building. It is integrated with those fenced in areas. The system will be designed for dog waste and human waste. We met with the State, Corey Larson. We talked to him on the phone several times and met with him today. The soil scientists, I know the lady was addressing and is working with us as well, need to do some more work with those soils to determine the type of treatment system we are doing but we are basically using anaerobic digestion and aerobic digestion along with an ultraviolet light. There won't be any pathogens that would cause any harm. The soil is not disinfected but the effluent is. The soil is actually used as an absorbent that is permeable. We are just like the regular septic

system. Because the soils aren't as good as normal you have to treat it to a higher standard. That is what we are working with and we will be working with the State and getting a State permit for that. Concerning the watershed, we've got an impervious area for this site that is less than 5%. That is an extremely low number. It would work within the guidelines of the watershed. We would need to get permits and we would be working with the permitting agency to do that. The Corps of Engineers, also on that driveway crossing, just like the gentleman before, they had a little utility crossing with the two inch line. There are nationwide permits for that. There are also nationwide permits for driveway access. You have to be perpendicular, you have to provide for the drainage, you have to do certain guidelines to get those nationwide permits but they are available. We would be doing that. As far as the odor goes concerning the wastewater, with the aerobic treatment digestion that takes place there is no odor. People normally are familiar with septic systems where there is an anaerobic digestion. That is the brown murky water that smells bad. This goes through an additional, actually two more additional processes, with the aerobic digestion and all of that is taken out.

Vice Chair Hales: Did you say it is anaerobic or not? The system you are going to use.

Mr. Lash: It is using both. We will have a septic tank in the front. A septic tank is the anaerobic digestion which does not use oxygen. That creates the brown murky smelly stuff. The effluent from the septic tank then flows into a different tank which is aerobic. It does use oxygen. A stormwater permit would have to be acquired. The wastewater is designed for dogs and people. It is monitored and censored. All that would be completely accessible to anybody and they could access it. Do you have any questions?

Chairman Crawford: When you cross the two streams for the driveway are you going to use a culvert?

Mr. Lash: I don't know if we'll end up with a culvert or an inverted U where you would have the ground open underneath it. Many times the Corps of Engineers in the nationwide permits would want you to design it not really for the drainage flow but for critter crossing. We would have to conform to those guidelines.

Vice Chair Hales: About the wash down of animal waste, how are you going to direct that into a septic?

Mr. Lash: It is collected and then is funneled into drains.

Commissioner Howard: That is for the interior space, is that what you are talking about?

Mr. Lash: The interior space where the kennels are.

Commissioner Howard: What about the exterior spaces?

Ms. Hauser: The interior space will have drains that are specific to funnel in and the potty yards will also be collected and funneled down into the septic system. Any urine waste will go through gravel and will be washed out into the septic. Dog waste will be collected and flushed.

Chairman Crawford asked the Board to close the hearing and refer it to the Planning Board. Ms. Hauser stated she still wished to speak.

Ms. Hauser: I wanted to address some of the points like the fence containment and the land use plan. We are not zoning change. It is a conditional use permit that was approved with the joint land use in Cary and Chatham County. We thought that was very important because it was already said that we could be there and that is one of the things we wanted to make sure of. We don't use shock collars. We use a modern day tenz unit. I don't really understand the inhumane thing but you can go look at our videos. They really do speak for themselves. The retail component that people mentioned, retail and grooming is a service of the boarding it is not a service for other people to come into. By retail, essentially little dog cookies and things for bedtime snacks. We have to call it retail because it is technically a sale. Or antlers for the dogs to chew on. It is not a huge space, the entire office space is 8,000 square feet for that main enclosed office. From the fencing we intend to bury the fence so dogs cannot dig out of any of our fences. We'll make sure it is solid and contained so I am not really sure why they talk about dogs escaping because every time I have been out there, I am like them I have seen loose dogs. Obviously containment is not a priority with any of the neighbors. Whereas containment for us, we can't afford to lose someone's dog. We don't lose people's dogs.

Ms. Woodruff: I think there was some confusion too on containment itself. They were talking about just horse fencing. That is secondary containment and that is the fencing that is going to line the entire perimeter. Then we are actually putting barriers under the horse fencing that is going to be buried a foot down. That would be if they are able to scale six foot privacy fences that were supervised and these dogs are trained. There in such, most of those dogs are not trying to climb fences with us standing right there. They would need to get out of that, run however many acres or however far to get through the brush to the fence, and then dig or jump another fence. For us we feel like we have plenty of containment in place. To us and maybe not to you guys, this is our livelihood. This is our business. This is who we are. As far as this being a franchise, actually it is not a franchise. We purchased a licensing agreement from Nick White in 2013 before there were eighty-nine other companies. Ours is number two only to Woodbridge. We are not a franchise, we are us and it is our life so whether we have Off Leash K9 on our walls or Start Smart Dog Training on our walls we are still a small business in the area. I am not really sure why that seems to be something, but we are not hiding the fact that is who we are. It is in fact not a franchise, it is a licensing agreement. We didn't pay \$48,000 for our business and we don't pay them 15% of all the business that we do. That is what Nick has in place now. If you look at Off Leash K9's growth as a whole, you would need to speak more to Nick White. I can only speak to our company but I can say those are things he has in place now. The business we are doing is ours and ours alone, not Nick White's.

Ms. Hauser: The other point I should make is somebody brought up dog fatalities and dog attacks. From a numbers standpoint there were thirty-four in 2015 whereas almost 900 people are unintentionally killed by cars. 1,500 kids are killed from child abuse and neglect. So thirty-four dog attacks per year versus 1,500 from child abuse and those are not trained dogs for obedience who are part of families. In a lot of cases those are dogs that have probably never seen training or got the wrong type of training. Training could have saved those thirty-four people if someone had brought their dog before it became a problem which is what we do.

Ms. Woodruff: So people are saying that we don't add any value to the community and we are not here for any sort of welfare. I disagree completely. I think we add a huge service to the community. We teach dogs like Tom's dogs from taking off and running around. How do you think Tom has control of his dogs and he has a nice big property, those dogs are trained. If you go look at our videos, I think somebody called out something like we have all these dogs off leash and we are doing all these

inappropriate things. Actually we are within guidelines. In Durham we are allowed to be there. We have not broken any laws and if you look at everything all of our dogs are controlled and very well disciplined, probably better than most dogs that you see out there. Those are kind of the dogs that we work with. I think we do bring something to the community and that is helping people avoid situations where there is just random dogs running loose and doing things like that.

Commissioner Howard: I don't want you all to diminish what the people in the community are saying. We are listening to you and we are giving you an opportunity to present what you believe in as a business but I do respect the concerns of the community. They are bringing legitimate...

Ms. Hauser: And we want to make sure they are addressed correctly and talked about because we don't want fear to be a leading guideline. We want it to be a logical discussion with facts and figures. I understand fear is something a lot of people can't control or work with and people don't necessarily know who we are because we are new. If we don't talk about it here where do we talk about it.

Commissioner Howard: And the same for them. They have to bring the issues that would affect their land values and their interests and I would say that one child being bitten is probably way too many.

Ms. Hauser: Well any child. And that is what we help prevent. It does help safety.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

[16-1581](#)

Recognize Lindsay K. Ray for Earning North Carolina County Clerk Certification

Lindsay K. Ray, Clerk to the Board of Commissioners, was recognized for earning her North Carolina County Clerk Certification.

[16-1597](#)

Vote on a request to adopt a resolution, declaring surplus of certain real properties and conveying said properties to the nonprofit organization, Chatham Habitat for Humanity, for the purpose of advocating and building affordable housing in Chatham County.

Attachments: [Habitat Request](#)

[DEED TO HABITAT FOR PARCEL NOS 0006928 AND 7910 2.2016](#)

[RESOLUTION Habitat for Humanity 3.7.2016](#)

The County Manager reviewed the specifics of the request. A few weeks ago Habitat for Humanity contacted the county about two parcels of property that had gone through the tax foreclosure sale process and had not been sold. The County is authorized to convey properties to nonprofits. The County has a lot of discretion to convey property for affordable housing. Habitat for Humanity would like parcel 6928 conveyed immediately. Parcel 7910, which was spoken about earlier, Habitat is not ready to have conveyed yet. That parcel will need to be removed from the resolution if the desire is to approve the resolution. Staff recommends approval of the request to convey Parcel 6928. Staff would also like the Board to consider allowing the County to offer all tax foreclosed properties to Habitat first. The Board has an interest in affordable housing and this is a good way to convey lots to Habitat for that purpose.

A motion was made by Commissioner Cross, seconded by Commissioner Howard, to give Habitat first right of refusal on tax foreclosed property. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

Commissioner Cross asked if the property could be conveyed to Habitat for Habitat to sell and use the money for affordable housing or did the property have to be used for affordable housing?

The County Attorney stated the deed is currently written with the restriction that the property must be used for affordable housing but that could be changed.

The County Manger stated staff would need to take a look at that before they could give a recommendation.

A motion was made by Commissioner Cross, seconded by Commissioner Petty, that Resolution #2016-10 conveying Parcel 6928 to Habitat for Humanity for the purpose of Affordable Housing, attached hereto and by reference made a part hereof be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1580](#)

Vote on a request to approve Stinking Creek Conservation Easement and Supplemental Indemnity Agreement.

Attachments: [Stinking Creek Permanent Conservation Easement](#)
[Supp Indemnity Agree to Stinking Creek Perm Con Easement](#)

County Attorney Jep Rose reviewed the specifics of the request. This is a request from Chatham Park Investors that the County serve as grantee and hold a permanent conservation easement over Stinking Creek. The property must be kept in its natural condition. People may hunt, fish and hike on the property but no structures, trails or roads can be constructed on the property. In addition to this easement there is an indemnity agreement where if the County elects to or is required to take enforcement action that Chatham Park will indemnify the County for any costs to enforce this easement.

Vice Chair Hales asked what the County's obligation is in regards to maintenance.

Ken Eagle, attorney for Chatham Park Investors, stated there really is no maintenance because the property is supposed to be left undisturbed and in its natural state. The County could monitor the property to ensure nothing is being disturbed.

A motion was made by Commissioner Cross, seconded by Commissioner Petty, that the Stinking Creek Conservation Easement, attached hereto and by reference made a part hereof, and the Supplemental Indemnity Agreement, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1591](#)

Vote on a request to approve Sheryl-Mar Company, LLC for subdivision First Plat approval of **Brookside at Fieldstone**, consisting

of 13 lots on 20 acres, located off Mann's Chapel Road, SR-1532 and Fieldstone Lane, Baldwin Township, parcel #80775.

Attachments: [More Information from Planning Department Website](#)

Lynn Richardson, Land Use Administrator, reviewed the specifics of the request. The minimum lot size is .9 acres with the average size of 1.0 acres. This is a four step process, concept, first plat, construction plan and final plat approval. Approval by the Board of Commissioners of the first plat sets the design of the project. After that staff can then review the construction plan and approve the final plat as long as the design stays the same. A public hearing was held. The applicant had a community meeting and the main concern of the residents was the fifty foot right of way adjoining the golf course property. Based on Section 7.23 of the Subdivision Regulations, where necessary to provide public street access to adjoining landlocked property or connectivity to large tracts with future development potential proposed public streets shall be extended by dedication of right of way to the boundary of such property. The developer has complied with this requirement. The purpose of staff recommending this dedication of right of way is for future development of this property. It would provide for emergency vehicle access, water line connectivity and road connectivity.

Ms. Richardson stated the road name Fieldstone Lane has been approved by the Emergency Operations Office to be extended. Soil evaluations have been done. Thomas Boyce with Chatham County has reviewed the report and said it is adequate. County Water will be utilized. A stormwater pond is proposed. The wetlands have been evaluated not only by Chatham County but by soil and environmental consultants and the Army Corps of Engineers. The school system has been notified of the development. There is a historical 1850's cabin on the property. It is to be removed and restored by a company from Virginia, Blue Ridge Timber Rights. There were two site visits. The technical review committee reviewed the project.

Ms. Richardson stated a public hearing was held during the Planning Board meeting and many Fieldstone Residents were in attendance and they expressed their concerns about the dedication of right of way. They are very concerned about the safety of their neighborhood and the safety of their children. They do not want thru traffic on their cul-de-sac. They would like the dedication of right of way removed from the first plat. They are ok with the thirteen lots. The property owner requests that the approval of the development be conditioned upon the removal of the dedication of public right of way to parcels 2612 and 2613. The Planning Board made a motion to remove the public right of way stub out. The motion passed 8-3. The Planning Department recommends that the fifty foot wide dedication of public right of way to the adjoining parcels 2612 and 2613 remain to provide for future connectivity to large tracts with future development potential and to provide increased access for law enforcement and emergency vehicles as required by the Subdivision Regulations. Staff also recommends approval of the extension of the road name Fieldstone Lane and recommends granting approval of the first plat as submitted. The Planning Board recommended by a vote of 8-3 to remove the fifty foot wide dedication of right of way to parcels 2612 and 2613. The Planning Board recommended by a vote of 10-1 to approve the extension of the road name Fieldstone Lane and approve the first plat.

The Board discussed the pros and cons of keeping the dedication of public right of way.

A motion was made by Commissioner Cross, seconded by Commissioner Petty, that the First Plat be approved as submitted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

16-1592

Vote on a request to approve Chatham Capital, LLC for subdivision First Plat review and approval of **Sunset Grove**, consisting of 55 lots on 107.82 acres, located off Mt Gilead Church Road, SR-1700, parcel #'s 17425, 17440, & 17441.

Attachments: [More Information from Planning Department Website](#)

Jason Sullivan, Planning Director, reviewed the specifics of the request. The Haw River Baptist Church also signed the application. A community meeting was held and twenty-eight residents attended and they had several questions. The developer included the responses to those questions in the application. Some issues raised were that there were no additional buffers planned beyond what the County currently requires for setback standards, questions about road stubs being removed or relocated, whether or not soils were evaluated by a licensed professional, limits on buffers and whether or not they had been confirmed by the County, cross-connections of water lines between Monterrane Subdivision and this subdivision, questions about NCDOT approval of the new intersection of the subdivision with Mt. Gilead Church Road, questions about home sizes within the subdivision, whether or not lighting would meet County standards, and questions about whether or not walking trails would be provided.

Mr. Sullivan stated the development will have state NCDOT roads. Emergency Operations staff have reviewed the road names and are recommending approval. The lots will be served by septic systems. A soil evaluation from the developer was provided to the County. Thomas Boyce with Chatham County Environmental Health reviewed the report and found it adequate. County water is proposed for the subdivision. On Mt. Gilead Church Road there is a twelve inch water line that drops down to a six inch water line. The developer is proposing to extend that portion of the six inch line with an eight inch line. The eight inch line will go into Sunset Grove. There were two interconnections with Monterrane Subdivision that were included in this layout. There have been ongoing discussions about the possibility of a third interconnection. There are three stormwater ponds proposed. There were questions about the maintenance and who would be responsible. It was indicated the Home Owners Association will be responsible for maintenance of the ponds. This subdivision has more than fifty lots and they were required to submit an environmental impact assessment. The assessment was peer reviewed by a consulting firm that the County contracted with. The Environmental Review Advisory Committee also reviewed the assessment. The environmental impact assessment is not a regulatory tool but does provide additional information about the impacts of the project and ways to mitigate those impacts.

Mr. Sullivan stated there were questions about the classifications of water features in the development. The Army Corps of Engineers worked with County Staff and the environmental consultant to make the final determinations on what those stream classifications were. The schools were notified about the development. There is a cemetery on the site. TRC Solutions was hired by the developer to review the cemetery and perform a delineation and it was determined there were twelve graves in the cemetery. The developer plans for the cemetery to be part of lot 39. They will leave it in its natural state and will protect it with a recorded easement. The Historical Association says the cemetery is a family cemetery of the Ellington and Knight families and has at least one civil war soldier's grave, George Farrington Ellington.

Mr. Sullivan stated there were two site visits. There was a public hearing by the

Planning Board. There were several residents from the Monteranne Subdivision. There were concerns about water pressure. Some of those concerns have been addressed. There were also concerns about lighting, tree protection, setbacks from property lines, possible flooding due to the proposed roadway crossing Parker's Creek, drainage onto adjoining properties, monitoring septic systems and not receiving any answers from the developer posed at the community meeting. The Planning Board tabled the request at the December meeting to get more information. The Planning Board met again in January and had their questions answered. Members of the Haw River Baptist Church spoke in favor of the request.

Mr. Sullivan stated the Planning Board voted 8-3 to recommend approval of the proposal for first plat submittal. The Planning Department also recommends first plat approval. There have been ongoing discussions about the water system about a third interconnection to the Monteranne Subdivision; however, the notes prepared were based on the two water connections submitted with the application. If the Board is inclined to vote to recommend approval, Planning staff recommends the Board include a condition that the third interconnection be provided as part of the construction plan.

Vice Chair Hales asked for information about the third water interconnection.

Sara O'Brien stated she is an owner of the project and an employee of Brian Properties who will act as the developer. She stated they initially proposed two connections but in the work on the modeling engineer Mark Ashness did they decided to add that third connection. It improves things to one section of Monteranne and marginally improves some of Sunset Grove.

Vice Chair Hales asked what is going on with the six inch pipe.

Mark Ashness, engineer with the CE Group, stated there has been a lot of discussion about the water pressures at the site. The requirement for Sunset Grove is to have adequate fire flow conditions and adequate normal operating conditions. They modeled the system from the intersection of Mt. Gilead and Bynum Ridge Road. There is a section that is an existing six inch line. When Monteranne was developed they didn't extend the water line all the way across their frontage. The system today for Monteranne is not a looped system. There are dead end lines. When they do water modeling they get data from the County's water department. Staff did two more samples last week. They found the three monitoring points corroborated what Ashness originally suggested. The two projects together are about 110 homes. By looping the lines together they significantly improve the way the water moves through that area. Even though there is a section of six inch line that comes down from Bynum Ridge, once it hits Valley Lane it will automatically loop. They will end up creating three loops. The third loop the applicant has agreed to doesn't really advantage Sunset Grove but it does help the upper reaches of Monteranne. The found fire flows could improve as much as seventy gallons per minute.

Vice Chair Hales stated she would like for the cemetery maintenance to be a responsibility of the Home Owners Association.

Ms. O'Brien stated the easement would be given to the Home Owner's Association, however, they do plan to leave the cemetery in a natural state and it is their understanding that is the preferred state of the cemetery. They are undecided about a fence for the cemetery at this point.

Vice Chair Hales stated she would still like to see the Home Owner's Association responsible for the maintenance of the cemetery.

Emanuel Diliberto stated he is concerned they are connecting to a six inch line. He is concerned that the connections cannot be constructed properly.

Mr. Ashness stated all of the modeling shows the connections will work properly.

Dan LaMontagne, Assistant County Manager and Public Works Director, stated there have been some system improvements since the 12 inch line was initially proposed for Parker Springs. One of the most significant was another million gallons in the area of Briar Chapel. The County policy doesn't require them to upsize the line. The County would have to cover the cost of that.

Ms. O'Brien explained the projects phasing plan.

A motion was made by Commissioner Petty, seconded by Commissioner Cross, that the First Plat be approved subject to the third water interconnection being provided as part of the construction plan. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

MANAGER' S REPORTS

The County Manager reminded the Board of the Joint Elected Officials Meeting with the Town of Pittsboro and the Board of Education on Wednesday, March 9th at 6:00 PM at Horton Middle School's multipurpose room.

The Orange County Manager would like to revive the Orange-Chatham Work Group. The Board gave unanimous consent to move forward with the Work Group.

Siler City is interested in a joint meeting with the Board. They are willing to meet with the full boards or with sub-committees from each board. They have proposed April 28th, April 26th, and April 12th. The Board agreed to April 26th with the full boards. The time and location are to be determined.

COMMISSIONERS' REPORTS

Vice Chair Hales stated the Department of Environmental Quality is holding a public hearing on the coal ash ponds at the Cape Fear site. The Chatham County hearing is March 10th at 6pm in the CCCC multipurpose room.

Chairman Crawford stated the State has reduced spending to the health departments by 27%. The Hispanic Liaison has been reconstituted under a new Board and they have new leadership.

Commissioner Howard stated the County has had meetings with Cardinal and OPC and we will be reassessing how we receive information from them and how they receive information from the County.

ADJOURNMENT

A motion was made by Commissioner Cross, seconded by Commissioner Howard, that the meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross,
Commissioner Howard and Commissioner Petty