



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, June 6, 2016

5:30 PM

Historic Courthouse Courtroom

Regular Session - 5:30 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 5:30 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Vice Chair Hales, 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

[16-1697](#)

Vote on a request to approve \$5,000 Ebola Preparedness and Response Funds Reduction

Attachments: [\\$5,000 Ebola Preparedness and Response Fund Reduction](#)

A motion was made by Vice Chair Hales, 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

[16-1707](#)

Vote on a request to Approve Appointments to the Cardinal Innovations Healthcare OPC Community Board.

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

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

[16-1710](#)

Vote on a request to approve \$5,735 ASPCA Grant Funds

Attachments: [\\$5,735 ASPCA Grant Funds](#)

A motion was made by Vice Chair Hales, 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

[16-1712](#)

Vote on a request to accept additional Department of Justice Juvenile Crime Prevention Council (JCPC) discretionary funds for El Futuro

Attachments: [Revised grid with El Futuro discretionary award](#)

A motion was made by Vice Chair Hales, 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

CLOSED SESSION

[16-1700](#)

Closed Session to discuss matters relating to attorney-client privilege.

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to approve going out of the Regular Session and convening in Closed Session to discuss matters relating to attorney-client privilege. The motion carried by the following vote:

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

PUBLIC INPUT SESSION

Charles Ritter submitted the following comments:

I am a resident of Chatham County. I want to tell you about a personal experience. Before coming to North Carolina I lived for decades in Long Island. The County population grew by 400% from 1955 through 1985. The growth was much faster than zoning could keep up with. I see a lot of parallels here in Chatham County. It has the second fastest growth rate in North Carolina. In the past fifteen years the population has grown 30% and projected to grow 100% in the next forty years, mostly due to Chatham Park and other proposed megasites. Next to residential housing on Long Island were cell towers, polluting factories, landfills, quarries and the fireworks factory. The fireworks company had a whole complex. One day one building exploded, triggered the next one to explode and it wiped out a whole block of houses across the street, not even close to where the buildings were. That was due to lack of proper zoning. Property values went down, infrastructure on Long Island was added too late with respect to city water and sewer lines. Roads were extremely over

capacity. The whole country knows about the Long Island Expressway being a disaster. It would take an hour and a half to go twenty-five miles in good weather during rush hour. In bad weather it would take longer. There is potential for Chatham County to go in this direction. Less than half of Chatham is zoned. Seven out of eight counties surrounding Chatham are fully zoned. Undesirable activities not allowed there will come here. Without zoning there could be no notice, no public hearings, no opportunity to object to unwanted activities. Zoning now protects everyone and eliminates a hodgepodge of growth in the future. Zoning protects resources such as drinking water and the environment. Nobody should object to this here. Agricultural and timbering related activities are exempt by state law. It will cost significantly more to do the zoning later on than to do it now. I urge and encourage the Board to zone all of Chatham County. It protects the citizens, promotes controlled growth, encourages economic development, minimizes long term infrastructure costs, lowers taxes, and increases property values. Zoning hurts nobody. Maybe the coal ash fiasco could have been discouraged or controlled through better zoning. Failing to plan is planning to fail. Thank you.

PUBLIC HEARINGS

[16-1713](#)

Legislative public hearing request by the Chatham County Board of Commissioners to apply R-1 and R-5, Residential zoning, to approximately 388 square miles of the county that are currently unzoned.

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

Jason Sullivan, Planning Director, gave a presentation to the Board. (Presentation Attached).

Commissioner Petty stated a lot of people complained to him that it was hard to navigate the website. He asked if it would have been possible to put a link there that would take people directly to the zoning page. He stated he also had complaints that there were no definitions of R1 and R5 in the letter that was mailed. He also received complaints about people not being able to get in touch with staff. Mr. Sullivan stated they worked with the Public Information Officer on how to get the information on the website. They were able to include this item on the main homepage. It has been up since the public hearing signs started being posted in the western part of the county. The link on the homepage would take people to the press release which included the link to the county zoning information. He stated they didn't feel like defining R1 and R5 would adequately address the potential uses that are allowed in those districts. There are also some nuances in the regulations. R1 does not always mean one dwelling unit per 40,000 square feet. He stated staff probably received around 500 phone calls. They have called everyone back within at least two days. Today they had a series of phone calls that they have not been able to respond to because of the call volume. Staff has also been responding to emails within a day or two. Commissioner Petty asked how many emails had been received. Mr. Sullivan stated 50 to 100. He added that staff is trying to spend as much time with people as they can when they call to make sure their questions are answered.

Vice Chair Hales thanked Mr. Sullivan for the work that has been done. She stated she also would have liked to have seen more about R1 and R5 in the letter. She believes an amazing amount of work went into making this happen.

Commissioner Petty asked about nonconforming uses. He stated he currently has a business on his farm. His farm is also adjoined by another piece of land that is only separated by a forty or fifty foot piece of property. If he has a nonconforming application on one side of that fifty feet and he needs to expand his business to the other property, what happens? Mr. Sullivan stated the nonconforming provisions of the Zoning Ordinance say that a nonconforming use cannot be expanded to additional property. Commissioner Petty asked if he would have to move it he wanted to expand his business. Mr. Sullivan stated he would have to request a rezoning or look for other properties unless he can fall under the home occupation standards. Chairman Crawford stated Commissioner Petty's rezoning request would be based on its merits, like for all citizens.

The Chairman opened up the hearing.

Bruce Davis submitted the following comments:

I live in rural western Chatham County. My wife Catherine and I have raised our children and we live on sixteen acres of land. I am speaking in support of the commissioners' continuing action that will eventually establish a comprehensive land use plan for the whole county. I am in support of the zoning. Thank you.

Paul White submitted the following comments:

I live in the Silk Hope community. I am opposed to the rezoning plan without a county wide referendum, which probably should have been done before your first attempt at this. My reasons for feeling this way are as follows: The County Commissioners initially tried to back door this rezoning effort without public input. The state legislature told you that was not going to happen. This leads me to believe that the commissioners may not have the public's interest at heart. I am a property owner and I believe my property is sacred. Everyone's property probably is. After I retire I would like to start a business. I am concerned about the amount of red tape I will have to go through in order to establish this business. This is an anti-business policy. I believe this is another example of government overreach in our lives. Why can't we let the people of Chatham County decide how this land should be used? Again, a referendum. If you are not afraid of the outcome of the referendum that shouldn't be a problem if you think your policies are so succinct and in order. I would like to hear how this would be beneficial for the general property owners in Chatham County.

Nick Robinson submitted the following comments:

I am an attorney and am here on behalf of my client General Shale, Inc. and General Shale Brick, Inc. They have some specific concerns they wanted me to address by reading this letter into the record.

"Dear Honorable Commissioners, This letter is to request that the parcels owned by General Shale, Inc. (AKPAR Parcel # 10156) and General Shale Brick, Inc. (AKPAR Parcel# 67072) (collectively, the "General Shale Parcels"), if they are to be zoned at all, be zoned as Heavy Industrial rather than the proposed R-1 designation. Both of these properties have been and are currently in use as shale mining sites (mining by surface removal method). See enclosed Business Listing Forms for each property. Zoning them to a residential classification (R-1) would be discordant with their current actual use and their likely use for the foreseeable future. We do not agree that designating these properties as "non-conforming uses" is appropriate or fair under the circumstances. In 2007, the County undertook a similar zoning process for

certain highway corridors in Chatham County, seeking to apply residential zoning to these corridors. Two of those parcels were owned by affiliates of General Shale. As part of that process, the County initiated a process by which affected land owners with existing businesses could have their land zoned to a corresponding zoning classification matching the existing use. In both cases, the General Shale affiliate chose to have their affected land be zoned as Heavy Industrial. If the County does determine to zone these two properties, General Shale respectfully requests that their land be accorded the same treatment and that General Shale be given the option to agree to Heavy Industrial zoning for these two parcels. As a significant employer and tax payer in Chatham County, we appreciate your consideration and seek your approval of this request. Sincerely, Gregory A. Bowles”

I would just ask that as a Board, and also the Planning Board, that you take up this concept of giving the existing business owner an opportunity to request. That they not be shunted into some category of residential when they are already business and not be stuck with vagaries of not knowing whether their nonconforming use will be allowed or not. Thank you for your time.

Jeff Beavers submitted the following comments:

I am the Director of Live Operations for Mountaire Farms in North Carolina. I represent Mountaire Farms, the property owner. In response to the three notices of rezoning received by Mountaire Farms Inc. ("Mountaire"), Mountaire filed written comments. We appreciate the county advising it has determined hatcheries can be considered as bona fide farm uses and therefore exempt from zoning regulations which should cover our Siler City and Mt. Vernon hatcheries. We understand this classification does not include any uses involved in the processing, packaging, or other such activities not associated directly with the hatchery side of the business. Properties 82280 and 82281 are improved as support for the contiguous Siler City hatchery and contain a large subsurface wastewater system supporting the hatchery, and we believe are exempt as an integral part of the bona fide hatchery farm 's use. We are concerned the contiguous sites if placed in residential R-1 could create challenges and uncertainty for expansion or alteration over these contiguous acres. Thank you.

Gary Moon submitted the following comments:

My name is Gary Moon, 3665 Moon-Lindley Road, Albright Township. Our family has been making a living off our farm in northwest Chatham County for almost seventy-five years. I am not opposed to zoning where needed, but am opposed to having it forced on me, without hearing from the people that it affects. You (BOC) were elected to represent the people of Chatham County, not to force your opinions and desires on us. Ms. Hales and Ms. Howard stated at the last hearing that they campaigned on zoning the county and that they were going to force zoning on us whether we want it or not. The BOC also stated early on that they would do what the Planning Board recommended which was no further zoning at this time. However, you did not do what you said.

Ronald Dameron submitted the following comments:

I live in Hickory Mountain Township. We have state laws here and we have ordinances and regulations in Chatham County that stop just about everything. Chatham Park is also under the zoning of Pittsboro. I don't think that should ever be brought up again. The first \$100 I make every week goes to taxes for Chatham

County, which I think y'all are misusing. You hire a company and you assign a steering committee to them at a toll of \$300,000. I really don't think a company can give an unbiased opinion or a fully educated opinion with a steering committee in tow. If you hire somebody to do a job let them do it. I was told by a commissioner that if this zoning was in place that certain people could have been kept out. All this time I thought zoning was for the best land use. I think that y'all may misuse zoning as it is intended. I'm not against zoning, I just think that you need to think things out and do it the best way. Right now it doesn't look like you have anything but a shotgun start on it. The Planning Board was asked by the commissioners to come up with whether they thought zoning was something that needed to be put in place. There were committees, there were sub-committees and sub-committees of the sub-committees. I went to all those meetings except for one. Y'all did something that I just couldn't believe, you asked for a minority time. You went with them instead of what they spent a year on trying to get brought up in front of you. I just don't think that y'all followed due process. If that is thrown out this is called a dictatorship. Thank you.

Cynthia Dameron submitted the following comments:

I had to re-write a little bit because what I heard tonight was a little bit different than what I understood the zoning to be. The main thing I think Jason said was this is the zoning that he and his department have worked very hard on, their planning is going on congruently with what the Comprehensive Land Plan is doing. I don't understand why you have two plans going at one time. It seems anti-productive to me. I am worried about the origin of this. You say this is what the voters want. I know you received over 250 names on a petition against zoning that you chose to ignore. Over 100 land owners were at the last commissioners meeting, which you never acknowledged. You also got postcards to ask you to slow down that you completely disregarded. How can you sit there and say this is what the voters want. Show me the petitions for zoning. Show me the postcards for zoning. Show me that when you have a packed courtroom and two or three rows are for it and the rest are against it, show me where that is the majority and this is what the people want. I never saw that you ever got any petitions from them or that this is what the people want. You were elected to serve and to listen. Put your personal agendas aside, listen to the land owners, plan for your zoning. I cannot believe R-1 and R-5 fits all that territory. It is not a one plan fits all. Listen to your comprehensive land people that you are spending money on. Listen to them. You didn't listen to your planning board at least listen to these people. Give them a chance before you decide what is best for us. Thank you.

Tony Tucker submitted the following comments:

Some of you may recognize me because I worked for the County for thirty years. I worked with a lot of departments and a lot of Boards and I know a little bit about what it takes to keep the County running. I want to say thank you to you and all the staff that is here for all the work. Now, as far as zoning goes, I am totally 100% against zoning the remainder of the county. I don't see how it benefits the people of the county that pay their taxes. To me it just makes more hoops you have to jump through if you want to bring a business in. I am recently retired and next year I may want to open a woodworking shop behind my house. I don't know if I will be able to or not and I live on twenty-five acres. I don't see the purpose for it. It has always been my belief that whether elected official or county employee or state employee you work for the people. They don't work for you, you work for the people. All I ask is that you listen to the people and vote against zoning the rest of the county. Thank you.

Debra Haiduven submitted the following comments:

My name is Debra Haiduven and I live on Old Country Rd. in the unzoned area of Chatham County. I am here to voice strong support for zoning. My family moved to Chatham County from the metro DC area six years ago, and we have fallen in love with it. We deliberately chose an area of the county that was sparsely populated, and predominately a farming community. The quality of our lives has improved dramatically since moving here, especially by getting to know our neighbors who make their living from farming. We understand that growth is inevitable and that others like us will seek to locate in the rural areas. We are not against that, but fear that without appropriate zoning protection, our area will be vulnerable to sprawl in the coming years. We know that could mean the end of the farming traditions and the rural character of our community, as happens in many parts of the country. It is our understanding that R-1 is a placeholder zoning and hope that in the future the board will consider zoning designations that provide greater protections for rural lands. I was brought up in a working class family, the youngest of three children. I generally do not like to be told what I can and cannot do. However, I have to believe that common sense regulations will go a long way to preserving what is best about Chatham County while we are facing unprecedented growth. Thank you for your consideration of this matter. We appreciate the Board of Commissioners and staff being willing to tackle such a complex issue in a thoughtful and careful manner.

Vickie Russell submitted the following comments:

I have to admit I have never met any of you but maybe one. My question is you were voted in, so why can't you let us vote. You let us vote for you why can't you let us vote for what we want in Chatham County. I have two questions. For those of you who moved into Chatham County did you check the zoning first? If you did and you didn't like it, why did you move here? We moved here, we like it, we leave it alone. For those who lived in Chatham County many years, if you are unhappy with the zoning why stay? It is your choice. Why are you trying to change our county now? Is it that you just want to have power over us or to make a name for yourself? I have heard some people want to make a name for themselves. That is wrong. If you really care about Chatham County leave us alone. If you don't like Chatham County move. We don't care. Everybody has been doing a great job and been getting along before you came up with this zoning thing. It has caused a lot of conflict. It has put neighbors against neighbors and friends against friends. You should have let the people choose, not you. That sounds like a win-win situation to me. If you don't like it then leave. Thank you.

Jerry Gaines stated he agrees with everything Vickie Russell said.

William Lane submitted the following comments:

With respect to the rezoning: Why does the rezoning apply to game lands, to Corps of Engineers property, and to land covered by the Chatham County -Town of Cary Joint Land Use Plan? Moreover, it also would apply to lands that lie primarily within the 100-year flood plain for Jordan Lake. The lake has enough pollution now; the development of even low-density housing can only make it worse. There does not appear to be a zoning category appropriate for these lands. Please create a new category if you zone.

Emily Moose submitted the following comments:

I live in Hickory Mountain Township. I am speaking today as a property owner in the district slated to be zoned R-1. My husband raises and sells produce at the local farmers market and we both work full time and pay taxes here. I am 100% in favor of zoning. I actually wish our property was zoned R-5. We live in an agricultural part of the county that is under extreme development pressure. After doing a lot of research and talking to a lot of people we feel that zoning is our best chance for ensuring agriculture has a place in this county going forward. Zoning is the only democratic tool that we have as citizens to have a say in how our county grows. Without it, growth planning goes to the highest bidder. When that happens you end up like every other poster county for urban sprawl, whether it is Charlotte, Atlanta or Cary. To me zoning represents a plan. You can tweak a plan if you need to but at least you have one. To me this is our chance to make a plan for our county where we set the terms, not a developer in New Jersey. We can make a plan that protects the rural parts of our community, safeguards agriculture and ensures we keep our air and water clean. These are all things that I hope I can expect as a tax payer. Thank you for having the foresight to look at this and I fully support the zoning proposal.

Billie Shambley submitted the following comments:

I'm for protecting the agricultural and the rural part of our county. Out on Jay Shambley Road, which I also own property on, we have had a development move in with acre and a half lots. The gentleman has developed it twice now on small acreage. He comes to the Planning Board with smaller acreage when he owns a larger number of acres around. He is not held to the rules of the large development that he could do with his property. I would like protection from him, or not from him, from developers so that we are not living seven miles out in the country where everybody lives on an acre and a half lot, has a septic system, a repair field and well water and does not care when the farmers next door run out of water and have to drill new wells in order to support their farming. If you can protect the farmland from that kind of development then that is what I want. Thank you.

Brenda McPherson submitted the following comments:

Thank you for opening in prayer and thank you for letting us talk with you today. I am concerned because I bought 7.99 acres at a good price for my grandchildren for the future. I have been a realtor for twenty-nine years. I have seen what zoning does. You can say it is zone one now but zone one will change as you get the power. I am surrounded by cows and fields. I want you to just leave us alone. Let us be agricultural. Let us do what we want to. Several people have said they want to do businesses in the future. This land is for my grandkids. They may want to have a little fix it shop or wood shop. We don't want to be zoned. That is why I bought the property because it was unrestricted. Once you are zoned folks, it will change. It will get more and more restrictive. The government will have more hands on you. Thank you for listening to me and thank you for all the people that have already spoken against zoning. I appreciate all your thoughts. Please listen to the people. What do the people want? Most of us here do not want zoning. We want to be at peace with our farms, our land and be able to do what we want to with our property. We pay you our taxes, please let us enjoy our land. Thank you.

Martha Girolami submitted the following comments:

I live in northeast Chatham County. We are mostly R-1 in northeast Chatham because of the Cary-Chatham Joint Land Use Plan. I started out with some thoughts

tonight but I think I want to say a few things. We have huge population and development pressures here. Some of them are really not in our best interests. You can have a neighbor who is just from heck, who will do just what they want on that property. It will offend you, it will ruin your quality of life and it will damage your property value. You will want to leave. Then you say you buy land for your grandkids. Those grandkids are going to make all kinds of decisions, you don't know what kind of economic decisions they are going to make. They could do terrible things and they could be right in a community where their beloved grandparents did great things with farming but the grandkids come in and do something high density and the rest of the county has no input on that. You have to look ahead. We are really in a bind. Chatham looks like some place we could really mess up if you are an outside developer with a little bit of money. I really support the efforts of the Chatham Board of Commissioners to put in this zoning as a starting point and to do the land use plan. We have working land use plans and zoning in counties all around us. It favors growth, it favors the value of your property. It will make this county. We can avoid such terrible preventable damages to both our natural environment, our peace of mind, our businesses and all kinds of things with planning. I want to encourage you to do more than to designate the unzoned areas of the county as R-1 and R-5. We have already heard that there are some specific uses but I am particularly thinking about the Army Corps land and other wild places like that. Are we really optimized by saying they are R-1. Under R-1 you can have all kinds of things. You can have R-1 zoning under a planned residential development and you can have an apartment complex. Not every one of those acres has the apartment complex but some of it does. Do we want that in our lands that are adjacent to the Army Corps lands? The Army Corps is not going to sell of its land anytime soon but we can't really look in the future. That needs to be optimized and it is not right now. We really have to protect Jordan Lake which is a damaged lake and it is getting worse. We need to do our part in protecting it. Chatham County is all around it. Thank you.

Robin Holmes submitted the following comments:

I love this county. I love to pay my taxes to this county because I believe that those taxes are going to the guys that are in the Food Lion line with me. I love the people in this room because I know that they all care about this too. I came here to get information. I think all of us are concerned about keeping our rural nature. I also come from the D.C. area. I have raised two adult daughters, both born in Siler City. The old library had an old book in the reference section. It was written back in the 1930's or 40's. It had one hundred counties of North Carolina. I turned right to Chatham County. What it said about Chatham County, I can paraphrase, this is a county where people think outside the box. Everybody in this county thinks of some innovative way that they can survive in this county. Silk Hope was built because we thought maybe silk worms, we have mulberry trees. The guy that built the hospital in Siler City was someone who had gone off and learned about the poultry industry and decided he could give pullets to all the small families that needed a way to make a living and they could give back and be able to survive through some hard times. We have all kinds of things in this county. I want to make sure that is available. I have never heard the word referendum before today. I think that sounds like a great idea. The people lead, the leaders can just follow. Everybody, I think, is afraid of the Chatham Park. I am a landscaper so I am not as afraid because I think water is going to be what zones this county. If they don't have the water they can't have the development. Thank you.

Maja Kricker submitted the following comments:

I live in north Chatham County right next to the Army Corps of Engineer land but actually what I want to do is speak generally in favor of zoning. The idea that our county will not change or that the rural nature and the agricultural nature of our county will not change is certainly unclear. My primary concern is about water quality. With population density comes a lot of construction. We have a severe problem with sediment in our streams and waterways, certainly along the Haw River. I am a volunteer with Haw River Assembly. I do a lot of citizen monitoring of streams and the Haw River. I can tell you that the water quality is deteriorating. We need some kind of control over that. I would agree with the speakers who have said that R-1 is inappropriate for the wetlands areas. We have concerns that our current legislature is delaying on Jordan Lake Rules and probably will never pass them. There is also a concern that the legislature is going to determine our riparian buffers. We need additional control over the areas surrounding streams and rivers and lakes. I am sure you are aware that most of our streams, Jordan Lake, Haw River are impaired. What I found in the streams and in the Haw River is that it is absolutely not what it was ten years and certainly not what it was five years ago. Some of this may be caused by the development way upstream in other counties to the north. We need to protect this community. Thank you.

Wesley Seawell submitted the following comments:

I am from Goldston. I just want to say listening to other people, I just want to emphasize federal, state and county laws protect land owners from each other and from hurting the environment. There are dumping and burning laws. There are land use ordinances that protect us from each other. Zoning isn't necessary. There are specific county ordinances that will do the job just fine, they just need to continue to be enforced. Benjamin Franklin said people who give us freedom for security deserve neither. I would argue the people in the west want their freedom and want you to keep your security. Conditional Use Permits take away the choice of the owner and gives it to the county. There are three rights to a property owner, ownership, choice of use and choice to buy or sell. Already, nobody in the U.S. owns property, we rent it. Property taxes, if we don't pay it, our land gets taken away. We rent. Already one of those three rights is taken away from us. With zoning what you are doing if this is not done properly is taking away the choice of use. The third one would limit how we could sell it and for how much. Zoning takes away the right to choose what and where you can buy depending on if you are residential or a business. Businesses can be grandfathered in and expansion is subject to review. New businesses have to go through a lot of red tape. In front of you are several examples. The first one being from Michigan State University. It is showing that bad zoning or arbitrary zoning is detrimental to the economy. The second article is from the Washington Post saying that segregation occurs. There is a separation between the poor and the wealthy. The third article is on urban sprawl. The zoning that you want to do is going to cause a dependency on carbon emissions, more so on our vehicles and limiting the choice for the poor on where they can work. That article is from George Mason University. Urban sprawl is a consequence of unplanned zoning or bad zoning. The first thing I gave you, there is a whole list of things you need to do to be educated before you can make a decision on zoning. There is a hope. There is smart growth. That still takes away the right of the individual but if you use deliberative democracy that can be the solution. Everyone has a voice and everyone has a vote. Thank you.

John Graybeal submitted the following comments:

I live on a farm in the unzoned part of the county. The paper I'm handing out is

basically a paper that was prepared for the Planning Board when they were deciding what recommendation to make to you. I have been a little bit confused about what the agenda is here tonight. My understanding and impression based on attending a meeting that you had last November was that you had voted on this issue of whether you were going to proceed with zoning the unzoned parts of the county. I thought that decision had been made. This paper makes about ten points. Basically it reports about a study that was made in Georgia and I haven't seen any repudiation of this study. It was a study of fifty-seven counties in Georgia that had zoning and sixty-three counties that didn't. Georgia has a total of 159 counties. The conclusions of the study were that zoning appears to improve the rural communities competitive advantage for economic development. Zoned counties have larger economic bases than non zoned counties. The average property values for counties with a zoning policy was more than double that of counties without such a policy. Rural counties with zoning have a higher per capita income and average manufacturing wage rate. The average employment for counties with a zoning policy was more than double that of counties without such a policy. In short, zoning helps to create jobs. The Georgia study also interviewed economic developers in both the zoned and unzoned counties. These counties were picked as basically rural counties that were comparable. The study found that three fourths of those in zoned counties view zoning as an economic development asset. The majority said their communities had experienced problems as a result of the zoning process. 56.8% of those in the unzoned counties viewed the lack of zoning to be an economic development liability. Point number two is a reminder that what happened here once before when the Board of Commissioners was considering asking the Planning Board to develop some kind of a plan. Joe Glasson, the then chair of the EDC said that Chatham gets a lot of requests from potential businesses that ask them to show the aspect of the future of the county. They would like to see it visually. If they don't have that they would like to be able to show a business the three areas that basically have been allocated for industrial, light industrial and heavy industrial, etc. They are asking for a road map of the county before looking here. As a result of those arguments the commissioners authorized the EDC to prepare this conceptual land use plan. Now of course you are doing a lot more than that by preparing a real land use plan. The experience in North Carolina favors zoning. Eighty of North Carolina's 100 counties are zoned. Apparently no county that ever adopted zoning has rescinded it. Those facts alone speak to the merits of zoning. Finally, the arguments against zoning aren't persuasive. One is that zoning is an intrusion on property rights and is an excessive exercise of government power. The other is that zoning will cost a decrease in property values. As for the decrease in property values, the Georgia study clearly refutes that. For zoning itself, the United States Supreme Court in its 1926 decision held that zoning was constitutional and obviously is authorized by State law.

Jerry Bourdeaux submitted the following comments:

My family has owned land in Chatham County since 1890. We have a timber farm in Gulf and a historic home. We also own quite a bit of land along Deep River, which I learned tonight is in the Critical Zone. We have decades, almost a century, of experience with what happens when you do not have zoning. It is not a pretty picture. You can see what it looks like in the Gulf and Goldston communities. Over the years certain neighbors have treated the land and abused it with total disregard for our community, the farmers and land owners and families who live there. The attitude of these so called neighbors is we own the land and therefore we can do what we want to do with it. Stay out of our business. I am going to give you a few case studies just in case your land happens to be next to something like this. For decades a creasolt plant across from our farm polluted the soil with deadly chemicals. The plant closed leaving toxic waste. A new owner was forced to restore the soil but today no trees grow there, there are no birds. The new owners refuse to

tell us what they intend to do with this unzoned land in the heart of the Gulf community. Also around our land mining companies dug pits to mine clay for the brick industry in Chatham and Lee Counties. The mining companies dug deep pits around our land. The pits are still there, the land is abandoned but the pits are full of water. Stagnate water. This kind of abandoned land exists throughout Gulf and Goldston communities. I'd be glad to take you on a walk. Then there is our land along Deep River. The river has traditionally been polluted by hard farms and small companies that let a little bit of sewer go into the water. The Deep River supplies the drinking water for residents in south Chatham County. It is purified in Sanford and sent back to Chatham County. The land we own is in a major floodplain. I hope that you will take a very close look at that critical zone because you may want to rethink the R-5 and R-1 zoning. In short, we have had a bitter experience with unzoned land and I commend you for trying to correct this error. Thank you.

Peyton Holland submitted the following comments:

Thank you to Jason and his team for sharing some information that helped us understand a lot more about what is going on. I realize that we are entering an unprecedented time of growth in this county. There are a lot of tough decisions that are going to have to be made in the coming months and years especially about how we preserve the rural aspect. It sounds like people on both sides of this issue agree it is important to the county but also prepare for the future that is in front of us. In order to do that effectively I think it is absolutely critical that we spend more time meeting our residents in the communities where they are and getting that input from them. I noticed in the land use study there are three community meetings planned but I don't know that that is sufficient, especially if the Board makes a decision prior to that community meeting and prior to that land use study coming back. I think it is critical that we spend more time in our districts learning exactly what it is our residents want and need and working with our Planning Board to educate on some opportunities and challenges that come along with that. Concerning the Jordan Lake land, I've been a lifelong resident of this county. My family has been here for generations. Part of Jordan Lake was my grandfather's land. It was purchased for him at a little less than \$100 an acre. While I understand that the Army Corps of Engineers currently has no plan to sell or release that land, if it is zoned as R-1, given our current political climate, national debt, my mom always taught me never say never. I am concerned that zoning as R-1, and just because the Army Corps of Engineers says it will never be released, doesn't really mean never. I think R-1 would make those lands more valuable and more profitable if there was a decision to be made about letting it go. When the decision to build that lake was made the residents were promised that those lands that were taken were going to be used as a buffer for the lake, wildlife and recreational facilities. I would like to make sure that we are putting measures into place that ensure that promise is kept and that we look to zoning other than R-1 for those lake areas to ensure that no matter what happens that land is preserved and the word that was given to our residents is kept as a part of that. I appreciate your time and I appreciate your work.

Janet Abreu submitted the following comments:

My name is Janet Abreu and I live at 2068 Otis Johnson Road, Pittsboro, in the currently unzoned area. I support the planning initiative to zone my part of the county. I retired to rural NC from southern California 11 years ago to be near family. Rural Chatham with its natural beauty and farming traditions is located on the fringe of a fast growing urban area and if we have any hope of maintaining some semblance of country we must implement wise planning policies at this time. The R1 zoning offers property owners a protection from commercial and industrial uses that would be incompatible in their communities. However it is not enough protection from

suburban style housing developments that are incompatible with farming operations. I hope that as the land use plan is developed there will be enactment of planning policies and zoning that will specifically protect and preserve farmland. Having lived in Southern California many years I have seen first hand how an area becomes densely urbanized and agricultural land is gobbled up. Chatham has an opportunity to guide and manage growth in such a way that reflects the values of the community. I believe those values support preservation. Thank you.

Jeffrey Starkweather submitted the following comments:

During your initial public hearing to authorize interim countywide zoning, I testified this was way past due.

Unlike some who will say you are going too far in this proposal to zone the remainder of the county, I say that this proposed zoning does not go far enough to prevent sprawl development and to preserve our rural character, agriculture, and natural resources.

Fifteen years ago the county adopted our current Comprehensive Land Development Plan, whose principle goal was to promote smart growth by concentrating new development in our towns and compact community centers along our highways while preserving our rural character by keeping major residential and commercial development out of agricultural and environmentally sensitive rural areas. The community plan map that was unfortunately never formally adopted called for protecting nearly 80% of the land outside of our Town's and their ETJ as mostly rural agricultural land, along smaller natural conservation and resource protection areas. Unfortunately, some subsequent county board majorities ignored that plan and allowed significant rural sprawl development, primarily east of Highway 87 North.

I was a member of the Chatham EDC strategic plan committee that utilized a form scenario planning to develop a combined conservation/farmland preservation and targeted employment conceptual land use plan. That plan was approved by the county commissioners on July 15, 2013. It essentially recommitted to county to protecting the rural character and agriculture areas of the county, particularly the unzoned rural areas west of Highway 87 North, essentially the same recommendation for these areas that the 2001 land use plan called for.

I understand the current proposed zoning is a form of interim zoning designed to protect rural areas until the land use plan has been approved and implemented in a new zoning ordinance.

Unfortunately, what has been proposed – R-1 or one acre minimum zoning – is the essence of rural sprawl zoning. Two acre zoning would be better, but even that would not provide the interim protection we need from residential sprawl.

I would prefer a form of rural agriculture zoning that would protect existing agricultural uses, allow for farm related business and a small number of residential lots on farms and limit residential development to conservation subdivisions. However, I understand our planning department indicated this was not feasible because it would take them too long to map all the current agricultural uses.

Thus, I recommend implementing R-5 as interim zoning all unzoned rural areas, where subdivision lots can be as small as 3 acres but subdivision lots must average 5 acres. All current uses and lots would be grandfathered and anybody wanting to locate a commercial business or a large residential in these could request a rezoning or approval of a conditional use permit, respectively. This would give neighbors and surrounding farmers greater control over their rural neighborhoods they have now or

would get with R-1 interim zoning. This could be done now without requiring a text amendment or the mapping of existing agricultural uses. Moreover, it would be much easier to make a transition from this R-5 interim zoning to rural agricultural zoning because there could be no objection that folks' are having their land down-zoned.

So again, I support interim zoning of these unzoned rural areas, but I do not feel this proposal goes far enough to provide the protection these rural agricultural areas need now.

I have also heard folks this evening say we should have a county-wide referendum on this interim zoning proposal. That is not allowed under North Carolina state law. Moreover, we already had a referendum on this issue in November 2014 when the three county commissioners who promised to implement countywide zoning defeated three incumbents who opposed it. And we will have another referendum on this issue this November. You will have an opportunity to vote on county commissioner candidates who differ sharply on this issue.

John Justice submitted the following comments:

I live in New Hope Township. I want you to count me amongst the people who aren't convinced by the explanations advanced so far that the cost of what we are doing, both in money and political capital and loss of focus on what we really need to accomplish, is worth what we are doing now. I want you to show me the burning platform, make it in the western part of our county, make it real, then maybe we will all be able to agree that this is worth doing. Thank you.

Roland Siverson submitted the following comments:

I am a homeowner and landowner in Hadley, an unzoned part of the County. It is a tricky issue for the citizens of Chatham. You have heard over a number of months the pros and the cons. Underlying a lot of our feelings about it is our anxiety about what is coming down the line. On the one hand you have a lot of anxiety of loss. We are very risk averse, our legacy is in our property for our son and we don't want to risk losing what we have worked hard to build. I think that is what you are hearing from most everyone here tonight. It is on two sides of the philosophical coin. On the one hand it sounds like a lot of folks are concerned about industry coming in and deteriorating our land values. On the other hand a lot of folks are concerned of government overreach. It is the horns of a dilemma. I think it is timely that this issue has come before the County. I love this county. This is a wonderful group of people. Everyone wants the best for our neighbors, our churches and our families. I pray to God that you all have the wisdom to negotiate the shoals of conflict that have been so powerful. I pray that we might come together. We are a very divided nation and it is disheartening to see it manifesting in our community. I hope the expression the whole being greater than the sum of the parts. That is what Chatham can be and I pray that will be the case moving forward. I think there are going to be protections. I'm for zoning. We are unzoned. I would like protection for our son. We have great neighbors now but you never know, but I can also understand y'all want opportunity. You don't want to cut the ground out of any opportunity that might open up for you and your children. Makes sense. This is just a first step. If we truly communicate with each other and elect those who have been granted and blessed with the wisdom to lead us and to make the decisions for the best of all possible people then we will be in great shape going forward. Thank you so much. God speed and let's hope for the best going forward.

Sharon Day submitted the following comments:

I live in the western part of the county and make my living with agriculture. Thank you commissioners and staff for your hard work. There isn't much that hasn't already been said so I won't make this long. Please do proceed with very careful zoning and planning to keep agriculture alive and well and the rural character of the county. I think it is going to take a lot of work and a lot of thought. I don't pretend to know all the answers but keep going.

Bob Schmidt submitted the following comments:

I live in the western section of the town. I heard someone say earlier that they wanted zoning because they thought it would protect the farms. I disagree. I don't think that the zoning is going to protect the farms and in fact in twenty years when this zoning goes through I don't think there will be any farms left. The only reason for blanket zoning like this is to guarantee that the land is a safe investment for speculators. I think that real estate investment trusts need insurances for their investors and this zoning is going to wrap this county up and put a bow on it so that it can be marketed to outside investors. R-1 is all farmland. I live in R-1 and every time a farm goes up for sale now the first thing they are going to do is divide that farm up into one acre lots and they are going to rezone it and they are going to hold on to it until it makes sense to sell it. Building right now is regulated by perk tests. Where I live you can't do R-1. There is no way you are going to get one house per acre. People live in Bobcat Point and their septic systems have already stopped working for fifteen years and that is R-10. The only way that you are going to get R-1 is if you are talking about huge infrastructure changes. You are talking about public water and sewer and huge increases in our tax base so that all those people that speculate on that land and are sitting on that R-1 can wait for us to pay for all the infrastructure to go in there so that we can widen the roads and allow them to develop that land so that they can build their one acre mc mansions on it. Right now the zoning ordinances are sufficient to prevent a fireworks factory from going in or anything else that might cause a problem with existing concerns about zoning. The house next door to me just got sold a couple of weeks ago. It was a single ranch on a two acre lot. It was bought by a corporation, not by a person. Whoever is going to be living there now is going to be renting that house until they own all the land and start renting to everybody. I don't know who the zoning is for. If the population wanted it they wouldn't be so vehemently against it. I've heard before that zoning is going to bring Pittsboro into the future. Well I say whose future is that because it is not our children's future. Our children won't be able to afford to live in Pittsboro if this zoning goes through.

Larry Russell submitted the following comments:

I think 1776 was about freedom. I think farmers don't need to be digital. They need a chance to do what they do and enjoy life. I don't believe that zones are absolutely necessary because they have lived with them for many years. I have lived in foreign countries, I've been in foreign countries and they have a lot of laws that you can't do anything. You feel like you are bound up. I believe that if you enact more and more rules and regulations then you lose the freedom of enjoying what you are doing. Thank you.

Leigh Dobson submitted the following comments:

I live in Chatham County in the eastern part of the county. I am not opposed to the land use plan per se but I believe that the way it has gone about is ill conceived. I think there are so many people here tonight because you are considering zoning things like farms and unzoned areas as R-1, areas that are being used currently as industrial areas as R-1. One plan does not fit all lands. The land behind our property, we live near the Tobacco Trail and the game lands. Right now with all the rain there is a good foot of water up there. All of that land is being considered to be rezoned R-1. I think as you look forward to trying to meet the needs of our county and our citizens we need to really think about what is being used, how it will be used and how it is going to impact the citizens of our community. You can't just put everything as an R-1 and think we're done. It will come back and hurt the community. Thank you for allowing me to speak.

Chairman Crawford closed the hearing and referred the item to the Planning Board.

Commissioner Petty stated the Planning Board brought the recommendation to the Board a couple of months ago not to zone west of Hwy 87.

Chairman Crawford stated the Board then gave the Planning Board additional instructions.

Commissioner Petty stated it is obviously very important to the people in the room to have this addressed. It is evident by the turnout. When the Board has a regular meeting it is lucky to have four or five people attend. The fact that the room is full means they are on to something people are interested in. He believes there are a lot of people not fully aware of what is going on in the county. People received the letters but they didn't know how to respond. He still believes the Board is going about this the wrong way. To find common ground they should go back to open use districts because it will address the concerns people have. There wasn't one concern brought up tonight or in the last year and a half that could not be addressed with open use zoning. The other issues can be handled through ordinances. It is obvious that the majority of the Board is going to see this through because the community meetings were removed because the Board majority wanted to put the decision in the hands of the Planning Board because it was staffed by people chosen by the Board majority. It also put a cushion layer between the Board and the citizens. He believes they should have tried to have had this meeting with fifteen or twenty people in Bonlee, Harpers Crossroads, Goldston, etc. This Board told him at the November meeting that it wasn't going to blanket zone the county. But that is what the Board has done. He told them then if they didn't have the community meetings they would be going to the public with what the Board chose and the citizens would be left to comment on what the Board chose, not what the citizens chose. He knows how these people feel because he is one of them. Things can be addressed through open use zoning.

Commissioner Howard stated then they are always in reactive mode.

Chairman Crawford stated by that time you have any number of problems that haven't been planned for and they will always be fighting the same battle. They are trying to establish a common set of rules for the county that are predictable and will allow for the land use plan public input to stick.

Commissioner Petty stated he knows the Board has passed this point with what has been done already but they haven't gone too far to make it right with the citizens. People feel like this is being forced on them.

Vice Chair Hales stated she attended all the Planning Board meetings and

sub-committee meetings. She sees many people in the audience who spoke up many times at those meetings. The process the Board is undertaking at this point is to look at whether R-1 is appropriate. The planning staff came up with the recommendation for R-1 and R-5. The open use districts had its own set of problems and it also puts the County in reactive mode. The process right now goes back to the Planning Board for further work and deliberation and the public is always invited. She heard about some industrial uses with General Shale and Mountaire. She believes maybe those are uses that should be addressed now. This is an interim measure. The Comprehensive Land Use Plan has three meetings in June but there are going to be a lot more than that and a lot more outreach. She stated Commissioner Petty is asking to stop a process and go back two years.

Commissioner Petty stated they would not be going back two years. The process would have been completed by now if they had stayed on track. It doesn't make a lot of sense to go ahead with zoning while running a parallel track of land use planning. It is doubling work and very inefficient. It is not cheaper to zone now, it is more expensive. He asked where the media was for all of this. If this many people had shown up about Chatham Park it would have been on the front page. People showed up to comment on something the Board has already decided.

Commissioner Howard stated Commissioner Petty is asking the Board to back track. The Board has already rejected that proposal.

Commissioner Petty stated it is tough when they've made a mistake and they know it.

Commissioner Howard stated the Board has discussed this multiple times and it rejected that proposal. She believes the Board's responsibility is to continue to move forward.

Commissioner Cross stated he is bothered by the fact the County sent out 12,000 letters to property owners and he stated the Board probably hasn't seen a twentieth of the people involved in the zoning process. When the Board did the corridor zoning several years back they went to meet with the people in the community. He doesn't understand the need to zone and do the comprehensive land use plan at the same time.

Commissioner Petty stated he doesn't think the people here tonight are totally against zoning. He believes the problem is the way the Board has gone about it. He believes there is more common ground than they realize. If they want to make people on both sides of this issue happy they should go back to open use zoning and address the concerns people have. He doesn't believe R-1 and R-5 protects the farms. He also believes sprawl will be worse.

Vice Chair Hales stated that comes through the subdivision ordinance.

Commissioner Petty stated they can do things through ordinances to address the subdivisions and developments. All they would have to do to control a development is tell them they can't use county water.

Vice Chair Hales stated the Planning Board rejected open use zoning.

Commissioner Petty stated they were instructed that they didn't want open use zoning. He stated Vice Chair Hales stated she would zone the county even if it means she is a one term commissioner. That tells him she knew there would be opposition and she pushed for it any way. She was willing to take that risk.

Vice Chair Hales stated she is willing to take that risk. She is also unzoned in the western part of the county. She believes they followed the process and this will go back to the Planning Board. She understands his opposition.

Commissioner Petty stated he is just asking them to reconsider.

Commissioner Howard stated Commissioner Petty is saying two different things. On the one hand he is saying they are not rejecting zoning outright. Then on the other hand he is saying stay away from our property. She agrees with the middle ground that he took that there is a conversation that has to be had where they can find a happy medium. She stated they received very little input on R-1 and R-5 which is what was actually being discussed tonight. Commissioner Petty keeps going back to something that has already been decided.

Commissioner Petty stated the only way they will hear from everyone is to have smaller community meetings.

Commissioner Howard stated even those who spoke did not give meaningful input on what was being discussed.

Commissioner Petty stated he knows the process will have to play out. People are willing to consider zoning if they are involved in the process.

Chairman Crawford stated clearly they don't live in a county where people don't care about what is being decided at the local level. He stated it often falls to him to decide what the Board majority thinks. It is a difficult position. He does like what he is hearing about the process. The county now has a comprehensive land use plan process and has hired a company to guide us through facilitation to come up ourselves with what the county plan will be going forward. The land use plan is an opportunity for everyone that has a concern about their land or their neighbor's land to get heard. He reversed course and went away from open use districts. If anyone is in trouble for jamming up the County's gear it is him. He takes full responsibility. They are moving forward on the zoning as a method of getting rid of unzoned. After that everyone can set aside the bad feelings they have and decide what they want to have. He appreciates everyone in attendance respecting everyone's opinions.

This Agenda Item was referred to the Planning Board.

[16-1714](#)

Legislative public hearing request by the Chatham County Board of Commissioners to repeal the Chatham County Lighting Ordinance. The purpose of this Ordinance is to provide outdoor lighting regulations for the unzoned portions of the County.

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

Jason Sullivan, Planning Director, reviewed the specifics of the request.

Chairman Crawford opened the hearing.

No one signed up to speak.

Chairman Crawford closed the hearing.

This Agenda Item was referred to the Planning Board.

[16-1715](#)

Legislative public hearing request by the Chatham County Board of

Commissioners to amend Sections 7.2, Definitions; 10.13, Table of Permitted Uses; and 17.8, Standards for Sexually Oriented Businesses (new section) to add standards for Sexually Oriented Businesses.

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

Jason Sullivan, Planning Director, reviewed the specifics of the request.

Vice Chair Hales asked if there is a particular category for the zoning of these businesses. Mr. Sullivan stated heavy industrial zoning.

Commissioner Howard asked if there is any leeway with the 1,000 feet. Mr. Sullivan stated there is leeway. They would need to work with the County Attorney to figure out what is legally accepted.

Commissioner Cross asked if these businesses come under a conditional use permit. Mr. Sullivan stated the way it is currently drafted those businesses would only be allowed as a permitted use in heavy industrial districts. They can work with the County Attorney to see if the conditional use permit option is legally defensible.

Commissioner Howard asked if any schools were in heavy industrial districts. Mr. Sullivan believes most of the county schools, if not all of them, are in residentially zoned districts.

Commissioner Cross stated the county does have housing in heavy industrial areas. Mr. Sullivan stated with any zoning district there is always going to be a boundary adjoining another district and often they join residentially zoned districts.

Chairman Crawford opened the hearing.

Wesley Sewell stated he is a veteran of the military. He served six years active duty and pulled two years at Fort Bragg. He stated if there is any way the Board can regulate and limit these businesses he would appreciate it. Sexually oriented businesses prey on the poor. A poor single mother will find this line of work. He doesn't want the county to end up like Fayetteville and Bragg Street.

Chairman Crawford closed the hearing.

This Agenda Item was referred to the Planning Board.

MANAGER' S REPORTS

The County Manger stated in the weekly update there was a proposed letter to Sustainable Prosperity. Staff met with them and is recommending following an RFP process. Commissioner Petty asked if the County moves forward with this project will it delay anything they can do with Henry Siler School. The County Manager stated the North Carolina Housing Finance Agency only permits one project per county for tax credits. The developer of Henry Siler School is interested in getting those tax credits. There would be an RFP process for that project as well. She has talked to the developer and they are willing to wait a year.

COMMISSIONERS' REPORTS

Commissioner Cross stated he does not think he should be the County representative and voting member at the NCACC Annual conference in August

because he will be retiring in November. The commissioners agreed to look at their schedules and make a decision at the next meeting.

Chairman Crawford met with Mr. Boras, owner of the megasite in Siler City. Mr. Boras is interested in meeting with each member of the Board and having a joint meeting with Siler City.

Commissioner Howard encouraged the Board to attend one of the High School graduations. She stated Pitch Please has been asked to perform at Carnegie Hall.

Vice Chair Hales stated the Chatham Arts Council had their opening at 118 West Street in Pittsboro and it was well attended.

ADJOURNMENT

A motion was made by Vice Chair Hales, seconded by Commissioner Cross, 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