**November 17, 2025 Public Comment Sign up – 2:00pm**

| Number | Name | Comments |
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| 1 | none | |

**November 17, 2025 Public Comment Sign up - 6:00pm**

| Number | Name | Comments |
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| 1 | Yh Patt | My name is Dr. Y.H. Pat. I'm a resident of Chatham County, seeking significant changes to the way housing is being developed here. While this county has an affordable housing crisis. Large, expensive houses are built by destroying existing ecosystems. There are many people and entities involved in this process. The riverbend developers, Swain et al, are an archetypical example of disrespectful developers and the processes that make destruction possible. Commissioners, I urge you to use your critical thinking powers to deny or modify the Riverbend proposal. The proposal disregards and disrespects the will of numerous adjacent neighbors, Chatham County voters, Mother Nature, and the Rights of Nature. Moreover, the proposal violates our indigenous neighbors, who have legal rights to be involved in the development of the land that Riverbend seeks to develop. See last month's oral and written testimony by Dr. Crystal Cavalier. Beyond that, and young, Climate activist Greta Thunberg has not been alone in urging us to live differently in order to stop the burning of this planet, and to save more life here. This week, indigenous peoples from around the world have been in Brazil at COP30, reminding us that humans are destroying life on this planet. And that is, certain human beings are more responsible. They work in corporations, developers, government functionaries, and staff. Elected officials and others are part of those systems, destroying the planet. There is no Planet B. The Earth's trees, animals, and rivers. And other beings are essential for life. Those of us here tonight are not likely climate refugees. At the planning board before you, and before this body, the developer and their attorneys and agents relentlessly argued that the Riverbend proposal meets all the legal requirements. And you commissioners have no discretionary power in that matter. Is that true? Historically, it is not true. |
| 2 | Elaine Chiosso | Well, good evening, my name is Elaine Chioso. I've lived at 1076 Rockrest Road since 1974. Section 1.6 of the subdivision regulations says that the interpretation shall be the minimum requirements for the promotion of public health, safety, and general welfare. Section 5 specifically gives the Board of Commissioners the right to approve, disapprove, or approve with modifications. I ask you to approve Riverbend with the modification that Phase 6 is removed from the first plat. Or to postpone this decision until your December 15th meeting, asking the developers to modify their first plat to eliminate any use of private Rockrest Road. Over 50 years ago, people came together and bought land along Rockrest Road. They revived one of Chatham's oldest communities that had been a flourishing village in the 1800s, with a girls' academy, schoolhouse, post office, dairy, and one of the first bridges across the Haw River that connected the community to Pace's Grist Mill. The loss of the bridge and the mill in a tornado in the 1920s, and hard times for farmers meant that the community was mostly abandoned by the 1960s. From this emerged the new Rockerrest community in the 1970s, with neighbors growing food, building an amphitheater for plays and music, raising families, and offering help to the older farmers who still worked their lands in the surrounding neighborhood. And being kindly helped by them in return. These are artists, market gardeners, builders, helping each other restore the old houses and building new ones. They were also active in civic affairs, helping shape the life of the new Chatham County that was emerging, and as strong advocates for the protection of the Haw River and Dry Creek. Land surrounding the Rockrest community was owned or leased to paper and timber companies, and by the 1990s, they were selling it off in the big land rush. Rockrest residents came together to save 182 acres of land near the |

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| | | river at the end of Rockrest Road from becoming a large subdivision. An agreement gave right of access to only 4 homes with a conservation easement. These new neighbors became part of our community, too, sharing potlucks, road maintenance, and mutual aid during disasters like Hurricane Fran. I share this history hoping to give a better understanding of what it would mean to Rockrest if Riverbend is approved, as it is. Paving inclusion of a section of the private part of Rockrest Road into Riverbend will essentially serve connections in the Rockrest community. It's been suggested a gate could protect us from Riverbend traffic, but we do not want to be a gated community. And though this development is being assured that it'll be built out over 25 to 30 years, there's nothing to stop them from selling it to a company that could do it faster. You hear a lot from developers and their lawyers about the rights and costs of development. But what about the cost to the community that's been such a rich part of Chatham County's history? What will be lost? Thank you. |
| 3 | Aidan Paul | All right, well, hello again, Commissioners. I believe I was here last time we were discussing this issue. So, I have a few remarks I want to make here on the Riverbend Estates development. First, I want to briefly recap the issues I have with this archaeologically. Once again, we only have a reconnaissance survey. We cannot be certain based off of reconnaissance surveys at all, that we are not, that there are no potentially eligible sites under the National Historic Preservation Act in this tract. There are multiple burial sites in the vicinity, and if the development goes ahead as planned, we could have a very unfortunate and controversial situation on our hands if burials are found, so I think that we should be respectful and proactive here. So, besides my concern, regarding the archaeology and my alignment with the Indigenous people who have expressed serious concerns about the impacts to the land and any potential ancestral sites here, I also think that developments like this are generally the wrong direction for our society. Now listen, I don't live in Chatham County, but I do live very close by in Durham, where I grew up, and I have seen firsthand what the long-term overdevelopment of wealthy suburban sprawl does to communities and to nature. As a society, we desperately need a new approach to development that puts the well-being of local people and nature above ceaseless aggregate growth. We need to be in more of a healing relationship with the land, and recognize that sometimes the best move, if we want a thriving planet for generations to come, is to leave the land alone. So, I respectfully petition you to show leadership on this, and to not go ahead as planned, at least to do a sufficient, you know, survey and any, follow-up archaeological assessments that are required. For the sake of future generations and a world that is already severely out of balance, I don't think that we need another wealthy suburb. This would be a small, but powerful, wise, and courageous step in the right direction if we were able to change the trajectory here. Thank you. |
| 4 | Daniel Amero | Good evening, Commissioners. My name is Daniel Amero, and tonight I need to address what has become the most consistently misunderstood or conveniently ignored document in this entire subdivision review. The recorded de-easement in Book 505, page 18 through 20, and that is for the section of road they're turning into part of their development. This is not vague, and it is not a debate. It is absolutely not something that can be stretched to fit a subdivision plan. Let me explain a bit. The deed spells out in one sentence, the easement exists solely for ingress and egress to premises B, while this plan adds more dwellings and more accesses to premises A. And access, of course, by the easement. That is not in the deed. Here's what it is. It is not for future lots. It is not for dozens of new houses. It is not for alternate emergency access severing an entire neighborhood. And certainly not for a developer trying to push a project through by treating private property rights, and historically, as we all know, property lines as optional. The deed goes further and says these restrictions are covenants running with the land, binding every current and future owner both of premises' A and premises B. That includes the developer. They bought |

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| | | that land subject to these restrictions, meaning they inherited the limitations, not the right to rewrite them. And we know these limitations were taken seriously by prior owners. A previous developer laid out his subdivision, he did not connect these roads and made no attempt to treat this easement as a subdivision road. Why? Because even the original party of the deed understood exactly what the easement was and what it was not. Meanwhile, the current developer has already repeated violations of the county, bulldozing riparian buffers, unauthorized clearings, and now we see this, an attempt to take a private easement, twist its meaning, and turn it into a subdivision access point it was never meant to be. Trying to convert this private easement into a subdivision access is not a modification, it is a total transformation of use. You cannot take a single private easement and turn it into a traffic corridor for a neighborhood. The burden, the traffic, the construction, the emergency vehicles, none of it matches the purpose of which it was granted. And North Carolina is unambiguous on this point. A purpose-limited easement cannot be expanded in scope, intensity, burden without the consent of the dominant estate owners. And those owners, the homeowners at the end of Rock Rest. Do not give that consent. So here is the legal reality the county must confront. You can approve this subdivision on paper, but the developer cannot legally use this easement to access it. Not without permission they do not have, not without violating the deed, not without violating North Carolina easement law. And that means the project failed, not because of public opinion, not because of emotion, because the developer does not possess the rights they're claiming to have. So tonight, I'm asking the county to do the simplest thing possible, read the deed, and understand it. Do not approve a subdivision whose access point is legally prohibited by the very document that created the easement. Thank you. |
| 5 | John Wagner | Good evening and thank you for your attention to the issues around the Riverbend development. I'm going to jump back 9 years and discuss a major event that, although on a very different scale, does bear some similarities to what may be soon happening in Chatham County. On September 2nd, 2016, at Standing Rock, members of the Lakota and Dakota tribes notified the federal courts of known tribal burial sites that were in the path of the Dakota Access Pipeline. The very next day, on a Labor Day weekend. The pipeline company sent bulldozers to that exact site. And began destroying the whole area around those graves. This was the day that the North Carolina-based Tiger Swan security forces used dogs and pepper spray to attack the protesters that attempted to stop the bulldozers. As documented by Democracy Now film crews. We are facing a very different situation in Chatham County. We do not know of specific burial sites surrounding the Mitchum site. However, a site of a Haw River Sisipawa village for hundreds of years, with evidence of at least intermittent habitation going back 8,000 to 10,000 years. Must have had more than two burial sites. That were found in that limited area excavated by the UNC archaeologists. There are no pipeline bulldozers going through the riverbend development. However, construction bulldozers would do similar damage to burial sites. Once again, sacred cultural and indigenous ancestral burial sites are at risk of permanent destruction. Forever. Tonight, I'm asking you, the county commissioners, to take an unusual step. You may have no authority to require that the riverbend development do an archaeological survey. However, I'm asking you to formally request that the developer carry out a properly executed Phase 1 archaeological survey in full consultation with the tribal representatives from the Okinichi Band of the Saponee Tribe the descendants of the inhabitants of the Sisipaha Village by the Mitchum site. You can, and you should, make this request to the developer. Thank you. |
| 6 | Jerry Markatos | My name is Jerry Markatos, as I live at 180 Hawtree Lane, in the middle of this controversy that we're facing. First, I want to thank you for the charge you gave to neighbors and developers to do whatever we could to resolve a mess to resolve Contradictory claims of right away. As my wife and I reviewed the notes that we've taken over a period of years. Of |

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| | | course, a letter, from Attorney Wade Barber declaring there was no right-of-way that could be exercised in this situation and related situations, and also we found that, there's a plant that was recorded by Worth Durham Banner, and I've, left a copy at each of y'all's sites, and it has highlighted the, what is considered a right… you know, is being called a right-of-way that comes into the picture with this development. You'll notice that there is an internal road. Set up within that area that was offered for sale. Now, a seller of attractive land would want to… would want to show all assets and show what benefits could be claimed by a new owner, and that was not the case. You will see that the internal road that we're seeing in the Riverbend plant, In this case, respects. In this case, limitations that are, that go with the deed, and that and respected. Also, the situation has now emerged. So, I just want to urge that you all exercise maximum discretion as you deal with the consequences of, first of all, this kind of development, and we're hearing… we have Native people here who are descendants of this area that was populated not for, you know, a few decades or a hundred years, but for thousands of years. I want to say neighbors have attempted to follow your recommendation to resolve this. And at least one neighbor has directly asked to buy a tract that is central in this controversy and remove it from contention. He was told it's not for sale, it's not for sale before this passed. Completely, and it would not be for sale for 25 or 30 years. After you have charged us to get this solved, my neighbor is told. Fine, come back, we'll talk about it in 30 years. |
| 7 | Hadley Kirkland | Commissioners. My name is Hadley Kirkland, and I live in Pittsboro. My family and I own the property of future Riverbend. I've sat through multiple input sessions where things have been said about me and my family, many of which are untrue and unfounded. In this situation, I think it is important for you to see and hear from the family who will be developing this property. My sister Caroline, my father Robbie, and I are all Chatham County residents, along with our families. Caron and I live adjacent to Riverbend, and my 76-year-old father lives in the middle of the planned Phase 6. Which is one of the reasons it is the last phase. Caroline and I are especially embedded in this community. When we aren't working in the family business of land management, we are carpooling, parenting, and volunteering right here in Pittsboro. Between my sister and I, we are proud to have 6 children in Chatham County Schools. Over at Pittsboro Elementary, George Moses Horton, and Northwood. We truly understand how lucky we are to be able to raise our families with the people of this community. I believe Commissioner Kenlan mentioned in the last meeting, that we are also neighbors and friends with the Rockrest and Paces Mill community. I think it is fair to say that no one enjoys having to go up and have differing views and opinions from your neighbors and friends. Especially in a public setting. But I do also believe that everyone should be entitled to make the best decision for their families. This is our family land to develop within the ordinances set forth by Chatham County. My family and I have worked hard to structure this development in a way that continues at a slow and steady pace over time. We hope by doing so, it will not only minimize the impact on our neighbors. But we also hope that it will continue to provide a livelihood for my sister, and me, and our families over the next 25 years. Thank you for your time. |
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| Written | Shelley Colbert | I am unable to appear before you today, but I want to again express my concerns regarding the County's waiver process and the inequitable access and denial of public input in the current approach to waivers in general. I will be watching the planning department presentation, and I will submit additional comments to the commissioners after I have an opportunity to view it. I am also attaching my earlier public comments as a reminder of my prior appearance before the Board of Commissioners in August, with respect to the issues already noted in the planning departments posted agenda summary (Briar Chapel SD East car wash buffer waiver, and the use interpretation |

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| | | regarding the infrastructure and permit requirements). The two most significant procedural issues in the waiver processes concern inadequate public disclosures and opportunities for public input. This aspect absolutely needs a better remedy than the status quo, which is inequitable, and gives inadequate priority to the public interest in the context of prior public consensus and approvals. There is an important policy concern that the board also needs to address. Many of the general objections, including my own, concern the lopsided and inequitable access, information and assistance the planning department provides to developers but not to citizens. Some of the email exchanges, notably one dated July 25, 2025 obtained under a public records request, to the planning director and the county attorney from the SXCW applicant's attorney, were, in my view, inappropriate and procedurally irregular, and deeply troubling to me. Currently there are too few administrative safeguards for ensuring that the planning department procedures accord Chatham citizens and the public interest the same level of customer service, consideration, analysis and responsiveness as developers and their attorneys receive. I hope that the commissioners will not only consider necessary procedural changes but will also consider adopting a customer service policy that requires consistency in treating citizens' concerns on an equal footing with developers on these after-the-fact waiver situations. The foreseeable negative implications <u>for any waiver process</u> goes far beyond the most recent SD East controversy. We need better definitions of what should be considered major changes, post-approval, that would require additional public input and BOC approval for waivers. Administrative waivers conducted behind closed doors, with no opportunity for public input and inequitable access to information and staff, should be discouraged procedurally and as a matter of policy. Requiring additional public notice, input and BOC approval for major subdivision waivers should be a no-brainer. One of the questions that I think the BOC ought to be asking is how these requests have been *controlled, analyzed and approved/denied* since 2010. Offering "approximate" numbers suggests that this parallel administrative process ends up, de facto, as an unwarranted delegation of policy determinations. When a series of approvals from the planning department- without meaningful oversight from the commissioners or the opportunity for public input- establishes a behind-closed doors pattern of approval (or denial) - we need better analysis than imprecise numerical identification of items submitted to the commissioners. I remind the commissioners that there's no meaningful way for the public to even obtain such information through a public records request, because there's (apparently) no actual planning department requirement to index or control such waiver requests in a searchable or accessible index- not that I can see. (I would be happy to be wrong about this, but I can't find any.) That's contrary to the requirements and spirit of the explicit public process for prior plat approvals of the subdivisions and other special uses. It's a recipe for abuse; in fact, I think we already have ample recent evidence that it's a deeply flawed process that has been abused from a procedural as well as a policy standpoint. The current "process" of unfettered, non-public developer access and influence in requesting waivers does not serve the public interest- it is inequitable and wrong. The waiver process needs to be fixed. It would be helpful if the planning board looked at this issue and directly presented recommendations to the BOC. I plan to provide more specific, constructive suggestions after I have an opportunity to view the presentation from planning staff. |

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| Wrttten | Nathaniel Smith | STATEMENT BY COUNSEL FOR JERRY AND CATHY MARKATOS<br>180 Haw Tree Lane, Pittsboro, NC<br>Nathaniel C. Smith, attorney for Jerry and Cathy Markatos, states as follows:<br>1. Reiteration of the Procedural Problems set out on 10/20:<br>As (briefly) stated at the public hearing on 10/20/25 – the Subdivision Regulations mandate not only that there be a meeting with Neighbors/Community; its purpose is for the developer to use that meeting to revise the concept for the subdivision. Section B(1)(d) of the Subdivision Regulations provides the following with respect to the community meeting: d. Mandatory Meeting with Neighbors/Community - This is to offer an open dialogue between applicant and neighbors/community for better communication, to share goals of the development and gather information from neighbors about any concerns about the land, the goal being to achieve a balance for the environment, neighborhood/community and applicant. The result is a better overall plan up front that is, as much as possible, embraced by the community and county and also saves applicant from spending money on multiple plans, surveying and engineering. It was clear from the report of the neighborhood meeting that the plan as submitted was not "embraced by the community." There were 38 registered members of the community present, and they raised 38 recorded issues. The Subdivision Regulations do not allow the community's input to be ignored by the developer. The diagram on p. 27 of the Subdivision Regulations provides that Step 4 of the Subdivision approval process is "MANDATORY MEETING WITH NEIGHBORS/COMMUNITY." Step 5 is "USE MEETING INPUT TO REVISE DRAFT CONCEPT." The document in the record suggests that the 38 issues raised by the community did not result in any revisions to the draft concept. It is possible, I suppose, that there eventually WERE revisions to the draft concept based on that community meeting; however, the relevant page in the record does not reflect any change in the plan resulting from the community meeting. This appears to be a violation of the subdivision regulations. Ignoring community input. 2. Concerns related to lots 26, 27, 28 and access via Rock Rest Rd. There are two issues here. It is my understanding that the developer is in discussions with one (or more) of the neighbors regarding the possible sale of some lots – particularly lots 26, 27 and 28. The plan – so far as I understand it – would be to not develop or build upon those lots. This would have a couple of positive results for everyone. First – by eliminating the need for cars to be driving on that portion of Rock Rest Road, it would lower the chances of people (residents, contractors, etc.) using the private easement portion of Rock Rest without permission. Second – this would at least partially address the community widely held – and emphatically presented on October 20 – concerns about the impact of this development on the local fauna. And probably flora as well. Development would stay on the "river" side of Rock Rest Rd., providing an uninterrupted path for wildlife on the other side of the road and preserving that field. It seems that one way to both encourage this transaction to take place AND to minimize the chances of such a sale not coming to pass would be for the Board to make any approval of Phase 6 contingent upon lots 26, 27 and 28 not being built upon, and being subject to a permanent conservation easement. The Markatoses would ask the Board for such a mandate. There are other issues with respect to whether the subdivision can be approved with only one road large enough for fire and emergency vehicles to pass through; the likelihood of contractors ignoring signs and using the private part of Rock Rest Rd. as a "cut through" to Phase 6, etc. I leave those issues for others to cover. 3. The Board of Commissioners have discretion here Subsection 5.2(C)(5)(b) of the Subdivision Regulations provides that the Board of Commissioners can "approve, approve with modifications or disapprove" the First Plat. The Markatoses would ask the Board to either disapprove the First Plat or approve it with modifications – those modifications being: 1. Removal of Phase 6. There is no rush (30 years to build this phase) and that's where most of the problems are; or 2. Approve with the added condition that lots 26, 27, and 28 in Phase 6 are designated not to be built upon – they shall be protected by a permanent conservation easement; or 3. Otherwise ensure that the small strip of Rock Rest Rd. that has an easement |

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| | | for the owners of the properties that are the successors of Banks and Viola Durham (the area in front of lots 26, 27 and 28) is NOT made a part of Riverbend subdivision. Thank you. |
| Written | James Huey | Thank you for the opportunity to provide comments on behalf of 7 Directions of Service, an Indigenous-led organization rooted in environmental justice and grassroots power, operating on the ancestral homelands of the Occaneechi-Saponi in rural North Carolina. Swain Group, LLC's request for approval of a First Plat to develop a massive 600+ acre subdivision ("the subdivision") adjacent to the Haw River raises severe concerns. The Mitchum site—an area of historical and cultural significance to indigenous peoples based on Sissipahaw occupation of the Haw River Valley in the 17th-Century—is located, at most, a mere 1000ft from the northern boundary of the proposed subdivision,1 although the true boundaries of the site have never been fully determined. Irreplaceable historical artifacts and even burials nearby could be destroyed by the construction of the subdivision. Relatedly, 7 Directions of Service is concerned about the environmental impacts of the project, including but not limited to flooding, clear-cutting, and habitat displacement. The Board should therefore use this opportunity to mitigate any adverse effects of the proposed development on the Mitchum site and the environment. N.C. Gen. Stat. § 160D-803(c) states that final decisions on preliminary plats may be made by a governing body, such as the Chatham County Board of Commissioners. N.C. Gen. Stat. § 160D-801 allows a locality to adopt regulations for approval of preliminary plats (in this circumstance, the "First Plat"), and decisions on the plat shall be based on standards in the locality's subdivision regulations. N.C. Gen. Stat. §§ 160D-801, 803(a). Here, the Chatham County Subdivision Regulations ("C.C.S.R.") offer guidance. C.C.S.R. § 5.2(A) requires four sequential submissions for major subdivision approval: (1) Concept Plan, (2) First Plat, (3) Construction Plan, and (4) Final Plat. "The overriding consideration in having a four step procedure is to assure that subdivisions develop soundly." Id. Other objectives include the "sound, environmentally appropriate, and economic development" of property, informed community engagement, and, critically, that "environmental concerns are adequately and completely addressed." Id. (emphasis added). The Board's ultimate decision on this preliminary plat therefore must be based upon these standards. Id.; N.C. Gen. Stat. § 160D801. The numerous concerns raised therefore require the Board's complete attention before the preliminary plat may be approved, approved with modifications, or denied. C.C.S.R. § 5.2(C)(5)(b). These concerns include, but are not limited to: Mitchum site impacts and related uncovering of historical artifacts and human remains, floodplain concerns, displacement of habitat, and discussion of forestry methods and best management practices for lot development. The Mitchum site is a historical indigenous settlement located in the Haw River valley, approximately 1000 feet north of the proposed subdivision. Previous excavation of the 1.5-acre stockaded village has identified a Sissipahaw occupation of the Mitchum site in the mid-17th Century. Excavation efforts made in the summer of 1983 uncovered an oval structure at the Mitchum site, likely a domed roof home similar to a wigwam, consisting of bark or hides. A human burial was also discovered at the site, as well as glass trade beads and other items of historical and cultural significance.4 While this excavation yielded important information for the Early Contact period, this excavation was limited to the oval structure and small area surrounding it. In the fall of 1986, areas adjacent to the oval structure were excavated to learn more about the Mitchum site. Systematic auger testing at 2.5-ft intervals yielded invaluable discoveries, including an additional burial plot and additional items of historical and culture significance. The second set of human remains at the Mitchum site was previously disturbed by pothunters, highlighting the necessity of respectful and careful treatment of the surrounding area.8 An additional cranium was present at the burial site, indicating the presence of another set of human remains that have not yet been uncovered. A wide variety of pottery fragments and artifacts— lithic, clay, bone and shell were uncovered as well. Ceramic evidence even indicates the presence of an earlier Haw River phase occupation, but the excavations did not conclusively sample this component, leaving much to be discovered. Because historical |

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| | | excavation of the Mitchum site is limited, the true expansiveness of the Mitchum site (and associated artifacts and burial grounds) is unknown. Great care should therefore be taken during all phases of construction to preserve items of historical and cultural significance and ensure respectful treatment of the surrounding land. An Environmental Impact Assessment ("E.I.A.") of the proposed subdivision was submitted on December 4, 2024, pursuant to C.C.S.R. § 5.2(C)(2)(b), with an updated version submitted on April 21, 2025. A peer review of the E.I.A. was completed on May 28, 2025 ("Peer Review"), and the Chatham County Environmental Review Advisory Committee submitted comments on the E.I.A. ("E.R.A.C. Comments"). Both reviews highlighted multiple concerns that must be addressed. The E.I.A. fails to mention the Mitchum site even once. In Section 5.6, "Areas of Historical or Archaeological Value," the applicant notes that the Chatham County Historical Association ("CCHA") was consulted regarding historical structures and areas of archaeological value. However, the Mitchum site is not mentioned in the E.I.A., and only one concrete plan is proposed: "Once construction drawings are underway, a demolition plan can be provided to CCHA and be given the opportunity to examine structures for additional documentation and to potentially salvage any materials." This is not a respectful or remotely sufficient way to handle the uncovering of culturally significant artifacts or human remains. As the E.R.A.C. Comments state: "There is a rich history to this land, and historical artifacts (including old mill stones and Indigenous artifacts) that may not have been documented yet by SHPO. A thorough archeology survey on the ground should be conducted before any further land disturbance occurs."14 An archeology survey would proactively ensure artifacts from the Mitchum site are handled with appropriate care and attention. The proposed subdivision also threatens to inundate nearby waters and aquatic life with pollutants. The northern end of the proposed subdivision is located within a 100-yr floodplain and, as the E.R.A.C. Comments note, a major flood could wipe out infrastructure, potentially causing harm to the surrounding area (including the Mitchum site) and the Haw River. The applicant also failed to provide a survey for fish/aquatic organisms. To protect the surrounding waters and natural resources, greater riparian buffers should absolutely be imposed as a condition upon this development, in alignment with the recommendations from Natural Heritage Program that the developer maintain a riparian buffer of 300' along the Haw River and 200' along tributaries to maintain water quality and protect rare aquatic species. This development fails to align with Chatham County's long-term planning goals. In fact, the proposed subdivision area is marked in Chatham County's Future Land Use and Conservation Plan as a "conservation" area. The Future Land Use and Conservation Plan map indicates areas that are "valued for their natural and cultural assets, and should therefore be the subject of future conservation efforts."19 Areas are marked as "conservation" areas to ensure "[d]evelopment, which is predominantly residential, is sensitively integrated into the landscape."20 Developing a massive subdivision fails to meaningfully protect the area and, in fact, contravenes the entire vision for this area's future. If this development proceeds, Chatham County residents will not meaningfully be able to rely on the Future Land Use and Conservation Plan to serve its core purpose. This is likely the final opportunity for the Board to address the concerns raised herein. If the First Plat is approved (with or without conditions), the applicant must then submit a Construction Plan to the Planning Department; if the Planning Department determines the Construction Plan does not have significant changes from the First Plat, the Board will not have an opportunity to opine on the construction plan. C.C.S.R. § 5.2(D). Similarly, the Board will only review the Final Plat if the Planning Board denies the Final Plat. C.C.S.R. § 5.2(E). Accordingly, the time to address the comments herein is now. C.C.S.R. § 5.2(C)(5) states that the Board of Commissioners may approve, approve with conditions, or disapprove the First Plat. We hope the Board will either deny or approve this First Plat with conditions that address the concerns raised above, as required by C.C.S.R. § 5.2(A) and N.C. Gen. Stat. § 160D-801. |

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| Written | Laura Kiefer | Thank you for the opportunity to comment on amending the effective date of the already adopted UDO from Dec 31, 2025 to Dec 31, 2026. I am writing as a Chatham county resident and the President of the Tri-County Conservationists, which is a local volunteer Chapter of the NC Wildlife Federation that covers Orange, Chatham, and Alamance counties. Our Chapter works to improve and protect wildlife habitat through invasive removals, native plantings, and educational programs. The Chapter has hosted numerous events in Chatham County since our inception about 2 years ago. Specifically, we have partnered with the Friends of the Lower Haw River to work on their pollinator garden and to remove invasive plants along the river trail near the Bynum Mill Access site. We have a chapter leader who regularly leads invasive removal events for Triangle Land Conservancy on their lands in Chatham County. We continue to grow our membership in Chatham County and are looking for more ways to partner with local community organizations to improve and restore wildlife habitat. We regularly have 5-15 community members show up to our invasive removal/native planting events who are willing to spend their free time removing invasive plants that are becoming a bigger and bigger scourge on our roadways, rivers, and community parks. Thus, we are asking for your help by immediately implementing the portions of the UDO code relating to native and invasive plants that are not impacted by the zoning issues. Specifically, section 4.4 Landscaping and Screening could be immediately implemented with the updated planting lists as approved by the Chatham Appearance Board in their June 25, 2025 meeting. Landscaping occurs at all new developments, and the inclusion of native plants is vital to our pollinators and other insects that are at the base of the food chain. Furthermore, the current list include known invasive plants, which is a form of plant pollution in the county. Given that we and others are removing invasive plants along streams, parks, and other open spaces in our free time, shouldn't we require more and better from new landscapes? Thank you for considering implementation of Section 4.4 of the Chatham UDO as soon as possible. |
| Written | Barbara Driscoll | Thank you for the opportunity to comment on amending the effective date of the already adopted Unified Development Ordinance from December 31, 2025 to December 31, 2026. New Hope Bird Alliance is the local Audubon Chapter which covers Durham, Orange and Chatham counties. The NHBA strives to protect birds, wildlife, and their local habitats through conservation, education, advocacy, and outdoor enjoyment. The NHBA appreciates the issues surrounding the NC legislative zoning code and their impact on planning departments across the state, however, there are portions of the UDO code which should not be impacted by the zoning issues. In particular, we advocate that section 4.4 Landscaping and Screening could be immediately implemented with the updated planting lists as approved by the Chatham Appearance Board in their June 25, 2025 meeting. The rationale is that landscaping occurs at all new development and with the increased loss of biodiversity and food available for wildlife, the inclusion of native plants is vital to our ecosystems. Each new development landscaped with the existing standards means a poorer future for our birds, insects and other wildlife and the people who live in this community. In addition, a number of known invasive plants are incorporated in the current lists which is a form of plant pollution in the county. There are already a number of groups who are removing invasive plants along streams, parks and other open spaces, shouldn't we require more and better from new landscapes? We strongly advocate that some portions of the UDO can currently be implemented and are outside of the zoning issues. Thank you for considering implementation of Section 4.4 of the Chatham UDO as soon as possible. |
| Written | Austin Lybrand | The Paces Mill is legally landlocked unless it obtains an easement over the private roads of Riverbend to connect to the public road system. My recollection is that on Monday, October 20, 2025, during the Board's questioning of attorney Nick Robinson about the First Plat submission for Riverbend Estates, Commissioner Delaney asked whether the owners of the four lots at Paces Mill would be able to use Riverbend's roads for access to and from the public road system. Although the courtroom sound system was challenging, I believe Mr. Robinson |

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| | | responded that the Paces Mill owners would need to negotiate that with the Riverbend developer. If that is correct, then unless such negotiations succeed which experience with this developer suggests is highly unlikely—the Paces Mill owners will remain legally landlocked.<br>In 1990, the predecessors in interest of the four Paces Mill lots received easements (Book 552, Pages 547–586, Chatham County Registry) across the portion of Rock Rest Road running through the Rock Rest Community. These easements allowed use of that portion of Rock Rest Road but were subject to conditions, including: No roadway shall connect the existing roadway located within the easement conveyed herein in such a way as to make the existing roadway part of a loop road. For the purposes of this document, the existing roadway will be considered part of a loop road if any state road may ultimately be reached on any continuous roadway or series of roadways from the easternmost terminus of the easement conveyed herein without re-entering the easement conveyed herein; and this is to be determined without regard to eventual imposition of a one-way travel rule along any portion of a roadway and without regard to the existence or nonexistence of easements or licenses permitting such travel. This condition was absolute and not dependent on any action or fault by the Paces Mill owners. It was intended to prevent exactly the situation now created by the Riverbend developer, protecting the Rock Rest Community from unwanted traffic. Those easements became invalid when the applicant constructed roads through the Riverbend property that bypass Rock Rest Community lands and connect (1) the public paved portion of Rock Rest Road to (2) the extension of Rock Rest Road within Riverbend. This network of roads exists, is visible from the air, and has been used as a “loop road” by dump trucks delivering gravel to Riverbend roads entering from the paved portion of Rock Rest Road and exiting through Rock Rest Community without permission.<br>Although the First Plat acknowledges a second, permanent easement benefiting Paces Mill lots (from the eastern line of Rock Rest Community to Paces Mill), that easement does not confer rights to travel across Rock Rest Community lands. Under the clear terms of the original easements, they became void upon creation of any physical roadway or network connecting Paces Mill to another means of ingress and egress even if the Paces Mill owners have no legal right to use that loop road. Therefore, the Paces Mill landowners no longer have valid easements across Rock Rest Community. Unless they obtain easements appurtenant over Riverbend’s private roads, their property will be legally landlocked and essentially valueless what the law calls “unmarketable.” A mere permissive use (a “license”) does not cure unmarketability. I urge the Board to prevent this outcome, which would conflict with the purposes of the Subdivision Regulations. The Paces Mill owners should not be forced into a futile negotiation with an intractable developer. Representations by the developer about granting an easement in the future are unenforceable and unreliable. The solution: Require a notation on the plat showing an easement appurtenant to the four Paces Mill tracts for ingress, egress, and regress along Riverbend’s private roads to the public road system, accompanied by an executed, notarized, and recorded deed of easement. Additionally, the representations in Exhibit 1 of the Applicant’s Supplemental Information for Planning Board Review (dated August 18, 2025) are incorrect. The Paces Mill lots no longer have legal access to what that exhibit described as Section C of Rock Rest Road. Use of the Name “Rock Rest Road” Using the name “Rock Rest Road” within Riverbend will create more traffic, dust, and noise on the graveled lane running through Rock Rest Community. The First Plat considered by the Planning Board renamed the portion of Rock Rest Road within Riverbend as “Stonepine Trail.” However, following a comment by County Planner Jason Sullivan during the Planning Board’s review (to the effect that “I don’t think a developer can simply rename an existing road”), the applicant submitted a revised plat restoring the name “Rock Rest Road” to the portion within Riverbend. The latest revised First Plat also indicates that, instead of paving, the portions of Rock Rest Road within Riverbend that are not needed to serve Riverbend lots will remain undisturbed (i.e., graveled, as they are now). As the applicant’s attorney presented this revised plat to the Board of Commissioners, I believe I heard again, straining to hear through the inadequate sound |

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| | | system—a commitment to install prominent signage: Where the new Riverbend asphalt road system joins the existing gravel portion of Rock Rest Road within Riverbend; and Where the existing paved public portion of Rock Rest Road transitions to the private gravel road entering the Rock Rest community from the west. The signage would indicate that the gravel roads are private and not to be used by Riverbend residents or others traveling to and from Riverbend lots. While this is a positive gesture, it is likely to be ineffective in addressing the concerns of the Rock Rest community. As the applicant's attorney once cautioned, the Board should be mindful of unintended consequences. There will be unintended and undesirable consequences for the Rock Rest community and others navigating these roads if any portion of Rock Rest Road located on Riverbend lands retains the name "Rock Rest Road." The latest revised First Plat shows the southbound, to-be-asphalted "Bluffpine Drive" in Riverbend curving smoothly leftward and then, still on asphalt, becoming eastbound "Rock Rest Road." This asphalt portion aligns directly west with an unpaved length of Rock Rest Road, which itself connects to the eastern end of the historic Rock Rest Road running through the Rock Rest community. Rock Rest Road is a narrow, dusty, peaceful lane as it passes through the community. Several homes are close to the road and already contend with traffic noise and dust. Based on extensive experience with drivers mistakenly entering our road—whether relying on GPS, improvising navigation, or ignoring signage the renaming of any portion of a Riverbend road as "Rock Rest Road" will lead to more unwanted, unpermitted, and repeated dust-raising traffic through the Rock Rest community. Recent examples include large dump trucks delivering gravel for Riverbend road construction and tradesmen's vehicles speeding down private driveways while searching for a nonexistent bridge across Dry Creek to the applicant's nearby Laurel Ridge subdivision. The measures proposed by the developer to discourage unpermitted traffic will likely prove inadequate, forcing the Rock Rest community at great expense and inconvenience to install gates to preserve its environmental ethos. This likelihood will increase if two discontinuous "Rock Rest" roads exist on adjoining tracts, confusing GPS systems and drivers. Therefore, I believe the Riverbend applicant should be required to eliminate any use of the name "Rock Rest Road" within Riverbend, thereby removing the burden their plan would impose on current users of Rock Rest Road. The applicant has been unwilling to work with Rock Rest community members on these issues, even rejecting interest in purchasing the 13.36-acre tract (proposed future lots 26, 27, and 28, south of Section D of the current Rock Rest Road as shown on the attachment) to designate it as unbuildable and reroute Rock Rest Road around Riverbend. Would the Board of Commissioners consider tabling this matter again and strongly encourage the applicant to use the time before the next scheduled meeting to propose genuine solutions? If the applicant remains unwilling to take a proactive approach, it is important to remember that approval of a First Plat with modifications is contemplated by the Subdivision Regulations. The stated purposes of these Regulations would be served by modifications addressing these two related issues. Section 1.3 of the current Chatham County Subdivision Regulations lists among its purposes: To protect and provide for the public health, safety, and general welfare of Chatham County. Section 1.3 Purposes of the Subdivision Regulations: To provide for the orderly growth and efficient development of the County. To provide for the coordination of subdivision streets with existing and/or planned streets. To ensure an adequately planned street system. To provide for the orderly and safe flow of traffic and to avoid congestion and traffic hazards. Section 5.2(C)(5)(b) of the Subdivision Regulations provides: The Board of Commissioners shall have a maximum of sixty-five (65) days from the official submission date to approve, approve with modifications, or disapprove the First Plat. In light of these provisions, if the applicant does not present good-faith solutions and the Board of Commissioners determines that it cannot or should not mandate the isolation of the new Riverbend road network from Rock Rest Road (either on its current route or on an alternate route through Riverbend, perhaps in conjunction with eliminating lots 26, 27, and 28 on the south side of Rock Rest Road), then I respectfully request that the Board of Commissioners |

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| | | either: Disapprove outright the First Plat for Riverbend; or Approve the First Plat with modifications requiring that a revised plat: Show an easement appurtenant to the four Paces Mill tracts along the planned Riverbend private roads to the public road system, accompanied by an executed, notarized, and recorded deed of easement to that effect; Note the location and language of the special road signage the applicant's attorney has committed to; Indicate that the continuous asphalted road beginning as Bluffpine Drive simply continues as Bluffpine Drive after curving smoothly to the east; and Rename the vestigial gravel portion of the current Rock Rest Road between the Rock Rest community and the proposed paved Bluffpine Drive to emphasize that Rock Rest Road henceforth ends at the eastern boundary of the Rock Rest community. (This portion would be vestigial because (a) it would be private, (b) it would no longer connect Paces Mill to an easement across the Rock Rest community, and (c) it would no longer be needed to serve adjoining Riverbend lots, since none of those lots would require an address on this gravel road. The likely future addition of a gate at the boundary with Rock Rest lands would only reinforce its vestigial nature.) For completeness, I note that previous well-reasoned public and expert comments would justify additional modifications to any approval. Finally, clear articulation of the reasons for your decision including perceived legal factors may help identify ways in which the Board of Commissioners want to amend the current Subdivision Regulations and the in-Rimbo UDO. If the Board determines that it does not have the power to make binding modifications despite (or because of) the language of the Subdivision Regulations, I request that it publicly state—or have the County Attorney publicly state—the precise legal grounds for that determination. Does this hinge on a single misused modal verb, or is there other language in the Regulations or relevant law that compels this result? Such a clear statement can serve as a starting point for identifying necessary changes to ensure that the Board of Commissioners can play a meaningful and dynamic role in the subdivision approval process and weigh evidence and expertise currently excluded by the "check-the-box" process referenced by the County Attorney on October 20. I am grateful for your dedication to Chatham County and thank you for taking the time to read and consider these comments. |
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**November 17, 2025** Hold a public hearing on the Recommended FY2027-2033 Capital Improvements Plan (CIP)

| Number | Name | Comments |
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| 1 | none | |

**November 17, 2025** Hold a legislative public hearing requested for a text amendment to the Chatham County Zoning Ordinance by Gregory Smith to have the use of Recreational Facilities (gyms, yoga studios, et cetera) as a "P" Permitted use in the Industrial Light (Ind-L) zoning districts

| Number | Name | Comments |
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| 1 | none | |

**November 17, 2025** Hold a legislative public hearing requested to rezone Parcel 5350 being approximately 66.017 acres, located at 3378 Christian Chapel Church Rd., from R-1 Residential to CD-RB Conditional District Regional Business for a recreation facility, Cape Fear Township.

| Number | Name | Comments |
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| 1 | None | |