



NEW HOPE AUDUBON SOCIETY

PO Box 2693 • Chapel Hill, North Carolina 27515 • www.newhopeaudubon.org

February 9, 2009

Mayor and Council

Although we have already sent a letter to you concerning this matter, we feel very strongly that approving a rezoning in this case would set a very bad precedent that the Town Comprehensive Plan does not support in any manner. The New Hope Audubon Society, serving Chatham, Durham, and Orange Counties, formally opposes the rezoning of Aydan Court property. We believe the potential rezoning would allow too much density on one of the most sensitive parcels in Chapel Hill. We urge the Council to reject the Rezoning Application and Special Use Permit for the Aydan Court development for the following reasons:

- 1) the high density development lies directly adjacent to the Upper Little Creek Impoundment (that has been declared impaired by the NC DENR) with the Resource Conservation District buffering on part of the tract;
- 2) the tract is in the Lake Jordan Watershed that has also been declared impaired by the NC DENR, in part from nutrient loading and sediment runoff from Chapel Hill
- 3) the tract is also designated as a State Natural Heritage area; and
- 4) the specific characteristics of this property would require a massive grading of steep slopes, resulting in extensive runoff and pollution of the watershed.
- 5) The North Carolina Legislature is currently considering the Jordan Lake Rules, brought about largely because of the excessive sedimentation of the streams flowing into Jordan Lake. Projects such as this one are one of the reasons Jordan Lake is in such an impaired condition.

Using a denser zone is not appropriate for this environmentally sensitive tract. The Land Use Management Ordinance (LUMO) sets strict guidelines for allowable disturbance of steep slopes. We ask the Council not to rezone nor grant exceptions to the steep slope standards or the RCD in the LUMO for this special area. Making arguments for granting exceptions may have a place for an over-riding public purpose, but not for this special area. A denser zone should not be allowed adjacent to impaired bodies of water; instead, we in Chapel Hill should be enacting more stringent rules to improve impaired bodies of water (especially those bodies of water that we plan to use as drinking water).

There is no necessity to rezone this property. As we know Chapel Hill's Comprehensive Land Use Plan offers us a framework and goals for development. One key goal in the plan to identify, protect, and preserve open spaces and critical natural areas. This goal clearly does not support this kind of rezoning.

Thank you for your consideration.

Sincerely yours,

Robert Howes, President
New Hope Audubon Society