

**MINUTES
ORANGE COUNTY PLANNING BOARD
AUGUST 3, 2016
REGULAR MEETING**

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MEMBERS PRESENT: Lydia Wegman (Chair), Cheeks Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake (Vice-Chair), Bingham Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Laura Nicholson, Eno Township Representative; Kim Piracci, At-Large;

MEMBERS ABSENT: Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Patrick Mallett, Planner II; Rachel McCook, Planner I; Molly Boyle, Planning Technician; Meredith Pucci, Administrative Assistant II.

OTHERS PRESENT: Sharon Mace; Dan Way; Austin Seifts; Annie Seifts; Nathan Robinson; Chris Cole; Franklin Garland; Jimmy Garland; Javier Latre Gorge; George Horton; Jim Parker.

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Tony Blake called the meeting to order.

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for August and September

Lydia Wegman arrived and assumed chair duties.

**AGENDA ITEM 3: APPROVAL OF MINUTES
MAY 4, 2016 REGULAR MEETING
JULY 6, 2016 ORC NOTES**

MOTION by Lisa Stuckey to approve the May 4, 2016 Planning Board minutes and July 6, 2016 ORC notes, seconded by Laura Nicholson.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its citizens and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB

will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

PUBLIC CHARGE

The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

AGENDA ITEM 6: CHAIR COMMENTS

Agenda Item 7: Application For A Class A Special Use Permit: To make a recommendation to the Board of County Commissioners on a Special Use Permit application seeking to develop a solar array/public utility station on a 52 acre parcel of property (PIN 9835-02-9137, no address assigned yet) which is accessed via an easement from 6519 U.S. Highway 70 West within the Cheeks Township. This item is scheduled for the September 12, 2016 quarterly public hearing
Presenter: Patrick Mallett, Planner II

Patrick Mallett reviewed abstract.

Javier Gorbe (Oakwood Solar Farm) gave presentation.

Michael Harvey reviewed attachments and packet contents.

Lydia Wegman: On page 167-168 are your recommended additional conditions. Can you walk through those?

Michael Harvey: I would suggest we review the conditions at the end of the presentation once we walk the Board through the required findings.

Tony Blake: How many megawatts is this?

Javier Gorbe: 5 megawatts.

Tony Blake: I noticed that this is a Mebane address. There are no plans to have this annexed into Mebane?

Michael Harvey: No, sir, it's just in the Mebane zip code for postal service.

Tony Blake: I noticed on one of the plats that pointed out some waste is going to be cleaned up?

Patrick Mallett: The portions I believe that are being currently used the Mace commercial operations will be removed, cleared out, and dealt with.

Patricia Roberts: Why don't we put solar panels on top of buildings? We have a big storage building facility, why not put those on top

Javier Gorbe: In some states it's more favorable to do those types of installations. Those states have the possibility of use... electricity. When you have states that the utility has too much control then the utilities ban anybody else to sell electricity so they don't have competition. So in the state of North Carolina you cannot sell electricity.

109
110 Patricia Roberts: So what do you do with this electricity?
111
112 Javier Gorbe: You have to give it back to the grid... You cannot sell to a customer. You cannot sell to commercial
113 building. You cannot sell to a farmer. You have to sell it back to the grid and the rules to do that are in the state
114 rules and regulations.
115
116 Patrick Mallett: Those are typically used to power the building they're on, or the near area versus this type of facility
117 that throws the power in with the grid system.
118
119 Patricia Roberts: I have solar panels on my house and Duke Power does not... It's all in their favor, and
120 summertime we do okay. The wintertime, they may even charge you money to have to come read your meter.
121
122 Patrick Mallett: From a legal perspective, I believe, your power goes to the grid and you get a credit.
123
124 Kim Piracci: It's my understanding that if you've put a solar array on the ground you can put it on the optimal space.
125 If it's on the building it might be sub-optimal.
126
127 Javier Gorbe: You have some other problems to put them on the building, so if the building is from the 1990's or
128 earlier there are regulations that are less strict than now. So the buildings don't meet the actual code so you cannot
129 put anything on the roof because they don't meet the local standards anyway. And you can still do solar, but the
130 way you do solar is more complicated.
131
132 Kim Piracci: 5 megawatts; can you put that in terms of how many houses it could run?
133
134 Javier Gorbe: Depending on the power of the house I can't say. But, we will generate, here, 1,450 kilowatt hours
135 each kilowatt that we stow.
136
137 Michael Harvey: I just wanted to state the our ordinance doesn't preclude the placement of solar panels on top of
138 building roofs, but again it has to handle load. We would encourage it but the building has to be able to handle the
139 load of panels.
140
141 Patricia Roberts: So there's rows in between these, why not have them plant grapes or something?
142
143 Javier Gorbe: It's about liability. You can really do anything between the panels, and again, North Carolina is one of
144 the best places to have a good layer of grass between the panels. Normally this is an investment so to plant
145 anything there, normally we don't go that route because it's a liability issue.
146
147 Lisa Stuckey: Chapel Hill just recently had a big push to get solar panels on top of peoples houses and several
148 hundred people did.
149
150 Paul Guthrie: Where is the connection going to be to the grid?
151
152 Javier Gorbe: There is an existing line here, running through 70 and this is the entrance to the site and the line is
153 parallel to the road.
154
155 Paul Guthrie: What extent will there need to be construction activity in making that connection?
156
157 Javier Gorbe: The line comes up to here and then goes this way, up to the site. We will have to do a new line. But,
158 from here to the road is up to Duke to decide how they want to refurbish the line, if they have to or put any new
159 equipment.
160
161 Paul Guthrie: Will there need to be any extensive use of land that's not in that drawing, it's a different ownership is
162 the reason I'm asking?

163
164 Javier Gorbe: No, the connection has fuses and protection equipment like you can have in your house. But, it's not
165 extensive.

166
167 Michael Harvey: Paul, let me just add that we asked a similar question that Duke indicated to us that they would not
168 have to alter their existing utility lines in the area to accommodate this project. It would be a higher gauge utility line
169 but it would be just a utility line like you see a regular power line.

170
171 Lydia Wegman: I have a couple of questions. Have any of the neighbors or nearby residences expressed concern
172 about this?

173
174 Javier Gorbe: We had a community meeting last week and what they were wanting to know was the noise level,
175 and I think we addressed that. We had another call from somebody that didn't want to give a name, and it was the
176 question so we talked and addressed that.

177
178 Patrick Mallett: In addition to material Rachel and Molly spent a lot effort putting together a neighborhood
179 informational meeting. It's 4 pages sort of outlining the general discussion. I would say the vast majority of the
180 discussion was, "Can I see it? Can I hear it?". The general principle, once you go 150 feet away and the distance
181 here is over 500 feet, roughly. The residences are thousands of feet away. The closest residence here called and
182 asked. Once I walked the gentleman through the mechanics and understanding that it's on the other side of the
183 pond, I think he was satisfied with concerns about noise and sight. There was another residence over in this
184 general area here that had some questions about some earthwork that was being done over here; I explained that it
185 had nothing to do with the request from the solar facility. They all seemed to be satisfied. And these Minutes will be
186 entered into the record at the public hearing, along with all the application materials.

187
188 Lydia Wegman: And Javier, you mentioned that a site-specific assessment was going to be done, appraisal. Was
189 that the Kirkland one?

190
191 Javier Gorbe: Yes, that's already done.

192
193 Lydia Wegman: And can you just explain to me again, what your North Carolina experience is. Are you actually
194 running solar arrays now in this state?

195
196 Javier Gorbe: Yes, so, ESA came here in 2010 and we are a U.S. company. We just met a farmer that wanted to do
197 solar in North Carolina and we established doing solar in North Carolina in 2010, there were no companies doing
198 solar at the time. Since then we have build around 10 sites in North Carolina, and have been operating for many
199 years. Now, we have around 35 sites that we are developing that haven't been built yet.

200
201 Lydia Wegman: And you work with ESA? Is that an independent company or is that owned by another company?

202
203 Javier Gorbe: Yes, ma'am. And it's an independent private company. It's independent but the stakeholders are
204 Spanish and American.

205
206 Craig Benedict: My understanding, there's an ESA USA and an ESA Spain.

207
208 Lydia Wegman: Is ESA USA a subsidiary of ESA Spain. Is ESA Spain the stakeholder who own ESA USA?

209
210 Javier Gorbe: ESA Renewables is owned by ESA USA, it's an American company. And ESA Spain, I, and another
211 stakeholder own that company.

212
213 Tony Blake: I have one more question, this is a lease arrangement and it's a 15-year lease on this land, and is
214 there an automatic renewal?

215
216 Javier Gorbe: Correct... It's not automatic; it's a 5-year renewal after that.

217
218 Lydia Wegman: I saw in your slides that you're planning to do maintenance between May and September. And I'll
219 just note that in North Carolina you might need to do maintenance between March and November. There's a lot of
220 growth that occurs in early spring around here.
221
222 Javier Gorbe: Right. Normally we modify that per site but we tend not to do the maintenance in the winter just
223 because the temperatures and sometimes it's less productive than doing it in the summer. We tend to cut the grass
224 during the summer and between those we do the maintenance to make sure that everything works correctly.
225
226 Craig Benedict: Earlier slides you mentioned for every dollar invested there's \$1.93 that comes back in revenue. Is
227 there any more information in your packet somewhere that shows where that came from?
228
229 Javier Gorbe: I'm not the best person to talk about financial numbers but I can certainly address that in the future
230 and send you the information, if that's okay.
231
232 Craig Benedict: I know that for a certain period they're not taxed fully. So, it would just be interesting to see the stuff
233 that's behind that.
234
235 Patricia Roberts: I do think they get a break on Orange County Property Taxes too.
236
237 Javier Gorbe: The difference is that when you produce electricity from a conventional point of view the .. drop from
238 outside the country or outside the state. In this case the solar panels; the only thing they do is produce energy and
239 they are here providing it so they tax them; they have a grade but their revenue between conventional power and
240 renewables is much bigger.
241
242 Patricia Roberts: Where are the solar panels made?
243
244 Javier Gorbe: They are made everywhere. One of the companies that was American made was bought by a
245 Chinese company. There is only one company that if you really want to buy American that meets all the criteria. I
246 believe it's called BAA, By American Act. And there is only one company in the whole of the U.S. and that company
247 has 400 workers. If you buy those panels you are not able to do solar in North Carolina. The difference in pricing
248 doesn't allow you to do solar. So those panels are made for residents because they are high end, they can get
249 more radiation when they are not in the optimal angle and they have more power per square foot to allow
250 residences that don't have a big roof.
251
252 Lydia Wegman: Any other questions? I think that's all we have right now Javier, thank you.
253
254 *Patrick Mallett went over attachment 4.*
255
256 Kim Piracci: I have a question about the sign, or more of a statement. There's too much information on the sign.
257 You're driving by and you can't really read what the sign says. So I didn't know if there's any way of making...
258
259 Patrick Mallett: The sign has to contain what, why, and where.
260
261 *Patrick Mallett continued reviewing attachment 4.*
262
263 Tony Blake: And this would still apply at the end of the 15 years or whenever the lease is terminated?
264
265 Patrick Mallett: As long as it's there.
266
267 *Michael Harvey went over recommendations and conditions that are included in the packet.*
268
269 Patrick Mallett: Just two quick notes. So as we pointed out in the neighborhood information meeting this is the SUP
270 part of the process, which has 3 subparts to it. If approved the applicant would then move on to the next step. The

271 next step is they have to submit a site plan that's reviewed for zoning compliance and then used with construction
272 drawings that are reviewed for submittal of a storm water permit and erosion control permits. In this case, the
273 erosion control and storm water folks have looked at this site and said, "Because of the amount of area they're
274 using and the potential protection of environmental features, the site could probably qualify for a low impact design.
275 Which means they can take care of runoff nutrient removal without injecting manmade ponds, temporary driveways.

276
277 Lydia Wegman: Michael, is there any cutting down of existing trees?

278
279 Michael Harvey: Other than what is already logged, no.

280
281 *Patrick Mallett showed where the trees would be preserved.*

282
283 *Michael Harvey went over the rest of the conditions.*

284
285 Lydia Wegman: Thank you. Any further questions?

286
287 Laura Nicholson: Is there anybody else here for this that wants to speak up?

288
289 *No one came forward.*

290
291 **MOTION** by Tony Blake to recommend approval of the Class A SUP to promote the development of the solar array in
292 accordance with the section 2.7 SUP and section 5.9.6 Solar Array Public Utility of the Orange County UDO with
293 conditions 1-11. Seconded by Patricia Roberts.

294 **VOTE: UNANIMOUS**
295

296 **MOTION** by Tony Blake that the use will maintain or promote public health safety and general welfare if located where
297 proposed and developed and operated according to the plan as submitted. Seconded by Laura Nicholson.

298 **VOTE: UNANIMOUS**
299

300 **MOTION** by Tony Blake the use will maintain or enhance the value of contiguous property, unless the use is in a public
301 necessity in which case the use need not maintain or enhance the value of contiguous properties. Seconded by
302 Patricia Roberts.

303 **VOTE: UNANIMOUS**
304

305 **MOTION** by Tony Blake that the location in character for the use being developed according to the plan will be in
306 harmony with the area in which it is being located, and the use is in compliance with the plan for the physical
307 development of the County as embodied in these regulations in the comprehensive plan or portion thereof adopted
308 by the BOCC. Seconded by Patricia Roberts.

309 **VOTE: UNANIMOUS**
310
311

312 **Agenda Item 8: Town of Hillsborough/ Orange County Central Orange Coordinated Area Land Use**
313 **Plan Amendment To** make a recommendation to the BOCC on a Land Use Plan
314 amendment involving five parcels south of Interstate 40 in the vicinity of Old Highway 86.

- 315 • Four parcels totaling approximately 166.2 acres are proposed to be changed from
- 316 "Suburban Office Complex" to "Employment".
- 317 • One parcel totaling 34.58 acres is proposed to be changed from "Mixed
- 318 Residential Neighborhood" to "Suburban Office Complex".

319 This item is scheduled for the September 12, 2016 quarterly public hearing.
320 **Presenter: Perdita Holtz, Planning Systems Coordinator**

321
322 *Perdita Holtz presented.*

323
324 Lisa Stuckey: What is on these parcels now?

325
326 Perdita Holtz: They're undeveloped.
327
328 Patricia Roberts: As an interstate exit, is there any plan for gas stations?
329
330 Perdita Holtz: That's not really envisioned with these parcels. That's not to say in the future something couldn't
331 happen on other parcels.
332
333 Craig Benedict: If you could show the map, there's some areas that were not effecting change that would allow
334 those types is uses.
335
336 Patricia Roberts: What is the pink on the map?
337
338 Perdita Holtz: It's neighborhood mixed use.
339
340 Patricia Roberts: So if somebody wanted to put a gas station they would have to get a SUP?
341
342 Perdita Holtz: It would depend on the zoning and the zoning of those parcels are EDH-2. So I would need to look up
343 and see.
344
345 Lisa Stuckey: Would it be allowed in employment?
346
347 Perdita Holtz: Well the land use classification is just the general thing; it's the zoning that's going to allow or
348 disallow a particular use.
349
350 Paul Guthrie: Where is the water line going?
351
352 Perdita Holtz: The sewer line is currently in the vicinity of Cornwallis Hills and it would be coming down through
353 here, under the interstate where the sewer line is. The water line actually exists on Old 86 right now.
354
355 Paul Guthrie: And the sewer line, I assume, will be using the outflow structure that serves the hospital as well?
356
357 Craig Benedict: That's correct. When the hospital was built the sewer came closer to the parcels to the south. Part
358 of our capital improvement initiative is to assist in economic development in this area by bringing it underneath the
359 interstate, which is a high-end effort. We want to ensure that before we bring utilities to the south we'll be in
360 agreement with Hillsborough that says we provide these economic development infrastructure incentives that we
361 will have primarily non-residential uses that have tax based employment.
362
363 Paul Guthrie: And if I remember correct, the elevations are such that at least until you get to Old 86 you would have
364 flow into the Hillsborough system for sewers, correct?
365
366 Craig Benedict: That's correct. The sewer shed is where it flows downhill and there's a ridgeline roughly at Davis
367 Road that flows north all the way into their system. So there's a water and sewer boundary map that guides a lot of
368 our decisions about where you can more easily put public water/sewer versus not, and it shows this area as going
369 towards Hillsborough.
370
371 Paul Guthrie: I assume that Hillsborough has the water pumping capacity for drinking water to also go to that same
372 area?
373
374 Craig Benedict: Yes, they do. And part of the inter-local agreement will be somewhat of a reservation of water and
375 sewer capacity for this area, to ensure that if we escorted economic development and they'll say "how much water
376 does the water and sewer purveyor treatment operate?" and we have to have a good idea of what it is. Even with
377 Hillsborough there are limitations. There's sometimes users that have a very large amount of water usage and
378 sewage and we have to gauge. So we do have that in mind, that there is capacity for treatment and water.

379

380 Paul Guthrie: One last question. Existing owners of residential properties- when and if those water systems are in
381 place would they be eligible to connect?

382

383 Craig Benedict: They would be able to. The design for the system to bring it south of the interstate would be enough
384 to accommodate all the growth in that area.

385

386 Lydia Wegman: Okay, let me turn to the public.

387

388 Chris Cole (member of the public): My name's Chris Cole, I live right about there. A couple of things; First of all, I
389 wanted to make you aware that according to the town officials there is no plan to extend water and sewer south of
390 40 at this point. Of course, everything's subject to change but there is no plan in place. Second, if you could back
391 up one slide... Employment, and this is in your packets, includes manufacturing. I just wanted to point out a couple
392 of items that would be considered permissible, if this were zoned for manufacturing. Rendering a new by-product
393 processing, poultry processing, seafood product, preparation and packaging, leather and hide tanning and finishing,
394 asphalt paving mixture and block manufacturing, chemical manufacturing, explosives manufacturing, fertilizer
395 manufacturing. That's all the kinds of things that would be permissible changing this zoning to employment. And, a
396 lot of stuff that would be really good but, as a person who lives here I'm worried about my water and I'm worried
397 about my air. Thank you.

398

399 Franklin Garland - Garland Truffles (member of the public): I pretty much expressed my opinion last week when I
400 was here. I have a worse problem than him. I received a letter from you guys that said that I wasn't going to be
401 affected somehow. And I was told that's a legal term. How am I not going to be affected? Now, when Cedar Ridge
402 High School went in there I was told I'm not going to be affected. I'm affected. You should see the traffic on Orange
403 Grove now. When I-40 was put in there, I was told I'm not going to be affected. I have trucks rolling down there all
404 night long, motorcycles and everything. So there's not such thing as not being affected. It's a legal term, so I don't
405 understand how I'm not going to be affected in this. I don't particularly want --- plant down there. I mean someone
406 can do that. Who exactly wants this property? There's wet lines down there. A good portion of this is in a flood
407 plain. So somebody's influencing somebody in this planning commission out here, to say we want to put something
408 in that place. Somebody has something in mind. I don't know who it is. I know when the transfer facility was being
409 placed out there the study that was done at the time said the number one prime location for the transfer facility,
410 right here, that was the number one site until we spoke up and said that's in the flood plain. I mean how can
411 somebody who got paid 5 million dollars to do research on this and find this a number one site for this. That's
412 possibly the worst environmental site to put a garbage facility. Because somebody put a garbage dump next to my
413 property. On top of it, it's in the flood plain. That's the first thing I want to say, is this even suitable? So someone
414 obviously wants this property for commercial development. Now, let me clarify something; I have mixed feelings
415 about this. I live next door. I'm a farmer. I have an orchard, a successful nursery out there. I'm a resident. It's going
416 to affect this residence, a lot. At the same time you guys decide to approve this, my land value goes up. I'm on
417 prime land. The whole property... if I want to get out of here. I've built my own house, I live there, I put up the whole
418 farm and a whole industry in this country. That gets affected by turning this into a manufacturing facility. Which is
419 exactly where it's going, it's not offices that are going to go there. There's somebody that wants to put
420 manufacturing in there. Otherwise, they wouldn't change it. And I would really like to know who it is. I find it very
421 disturbing. That's going to change my taxes, there's going to be water and sewer there, which I could care less. I
422 don't want city water. There are a lot of people on the opposite side of this out here. And again, mixed feelings.
423 You're going to run a water line there because it's going to have to go up I-40 and I'm going to have to be paying
424 city taxes, which you guys want that. I'm on the outskirts of the city; I don't want to do that. That's why I live there to
425 begin with. That's why I bought rural property when I did, back in 1975. I like my privacy. I don't want some plant or
426 some office building next to me. Now, offer me the right amount of money then go right to it. So, I'm not saying
427 but... this is something you guys need to take into consideration. Somebody is pushing for this, and who is that?
428 This doesn't just happen. It's not a convenient place to develop. It doesn't have water, it doesn't have sewer, it has
429 to go through the interstate to do that, it's limited capacity to get to that point, it's not going to come for free, and on
430 top of that a good deal of it is wetland. It's on a flood plain. To me that's saying something else is going on around
431 here. And somebody has self-interest in this. There's really no need for it out there. There's better use to it. Make it

432 protected wilderness. Because that's what it is right now. There could be a better application. Or a little park or
433 something. And I know that there's good economic development out there but it's really poor land.

434
435 Nathan Robinson- (member of the public): My name's Nathan Robinson, and we have a property that's located just
436 here on the south, right by Davis Road. So it's about a 13-acre parcel and I understand the purpose of what this
437 proposed amendment is intended to do if they extend the sewer and water down there. I recognize that the bigger
438 picture is really to make these southern quadrants on the south of 40 generate more capacity and make sure
439 there's a water tap. I think it's a good idea. I don't know if you have a map anywhere where the rural buffer zone is;
440 do you have that map?... So if you come off of 40, obviously those are the parcels you're talking about, this is the
441 Davis Road and, I think you two gentlemen were speaking back and forth, the flow of the watershed this way goes
442 south and this way goes north. These properties right here. The conversations about the gas stations were relevant
443 because I think it seems if there was a 10-year transition zone the use of these properties is intended not to be
444 residential anymore. I think that was said in the beginning, that there are parts of this area that are envisioned to be
445 non-residential. As a result what's going to happen, and what I would really encourage you guys to participate in, is
446 you're going to be left with some orphaned properties along the bottom here. And these orphaned properties,
447 currently, are zoned R1. And those R1 properties have water coming already and it makes sense to fill out this
448 quadrant to encompass those types of uses. It makes sense from the watershed area to include those into the
449 zoning amendment. If that was to be the purpose... I did a little bit of learning about this and the learning I
450 understood is it typically when you have these type of zonings and bunt up against a rural buffer zone that they are
451 all included in one same use that was your solution for --- otherwise you'd have a manufacturing type usage that
452 bunts in --- residential, and it just messes up uses of property. So, I think my objective is to make sure that the uses
453 of these properties down here, I know that we have other neighbors who are along here and I know they've been
454 approached for their property to be purchased for a large roadway to come through here. So I know there is the
455 development of these properties and it isn't going to be without some flow of traffic for commercial uses. I think if
456 you do look down the road 10 years from now, I think then you guys are thinking right but this area and these
457 quadrants are going to be commercial and so I request to you guys to include these properties here and don't
458 orphan these off. Particularly as they naturally flow into the economic development zone that you guys are
459 intending to create here.

460
461 Lydia Wegman: So you're asking for an expansion?

462
463 Nathan Robinson: I would say to extend it down here, naturally. So that as the rural buffer doesn't end, that the use
464 of this property flows through without creating these little R1's right in the middle.

465
466 Lydia Wegman: Ok, thank you.

467
468 Perdita Holtz: Including the area between the EDD and Rural Buffer wouldn't be possible with this amendment
469 because the Water and Sewer Planning, Boundary, and Management Agreement would have to be amended to
470 designate the area as primary service area, but it's something we can keep in mind for the future.

471
472 Craig Benedict: Chair, just what we can do for the audience and for the Board, all these questions are being written
473 down and we'll have our thoughts moving forward to both the Commissioners for something such as suggested we
474 would engage Hillsborough. It's part of their growth area. And as Perdita mentioned, the transition area that we are
475 talking about; the transition means going from a rural to an urban transition. Where the public water and sewer go
476 and where it cannot go. So, we'll make recommendations as we are starting to see the growth potential with the
477 hospital, bringing sewer closer to this area. Maybe it is time to re-engage with Hillsborough again. It's been 12 plus
478 years since we designated development to say what's happening to the south and our uses and areas. So we will
479 be answering all the questions that are coming up tonight.... We can give some brief answers tonight but as an
480 outcome of what we're hearing tonight if it directly affects the amendments we'll of course make some
481 recommendations. Some may come back to you; some may be for future projects.

482
483 Lydia Wegman: Well, that's what I'm wondering. In light of what we've heard, you're still asking for us to make a
484 recommendation to the BOCC tonight even though we won't have the answers to some of these questions?

485

486 Craig Benedict: Once we've gone through all of them I can give you the ones that we can answer now.
487
488 Lydia Wegman: Does anyone else from the public want to speak this evening?
489
490 Tony Blake: I have some more questions... Who is driving the rezoning here? Is this a joint effort by Hillsborough
491 and the County?
492
493 Perdita Holtz: The Land Use plan is a joint Hillsborough-Orange County plan.
494
495 Tony Blake: But there's no specific property owner that's saying, I want this re-zoning?
496
497 Perdita Holtz: Right, this is a County initiated rezoning.
498
499 Tony Blake: And Brantley doesn't have anybody in the hopper for development or anything like that?
500
501 Perdita Holtz: We have been talking about rezoning these parcels for many months. As you know this isn't
502 something that just happens in a month in Orange County. And I do believe that once people found out that land is
503 available and the County might be interested that that has generated interest among people. And people are going
504 out and seeing what's possible.
505
506 Tony Blake: I agree, I just wanted to clear the air and make sure there wasn't a horse or a cart that was out of place
507 here. I just wanted to make sure that we fully understood from the Planning Board perspective.
508
509 Perdita Holtz: Our Economic Development staff has interest in marketing this property.
510
511 Franklin Garland: It's a really odd place.. Like, why this? I can't understand it. I'm just curious what initiated this
512 particular parcel?
513
514 Tony Blake: Well I spoke to Steve Brantley about this sort of thing a year or two ago, back when the tax was put in
515 for economic development and asked him what were the attractive places, and he mentioned these places, a while
516 ago. I just wanted to make sure that my understanding hadn't changed.
517
518 Chris Cole: So no one has expressed interest in having these rezoned, outside the County? Has anyone expressed
519 an interest in having these rezoned outside the County staff?
520
521 Perdita Holtz: Not that I'm aware of.
522
523 Lisa Stuckey: I have a question. Would you take the little light and show us where the Hillsborough EDD is, and it's
524 my understanding it's been there since at least the early 80's. I mean this is not a new initiative, this is something
525 that's been designated for a while.
526
527 Perdita Holtz: The Hillsborough EDD, it's kind of a scattered thing. It's not as cohesive as the other two that are all
528 contiguous but it's along Old 86 here, it's all the purple lands. Waterstone used to be County EDD land, and then
529 Hillsborough annexed it so now it's part of Hillsborough and it's shown as gray. And then there's some parcels up
530 here near the Wal-Mart, and there's a couple parcels here zoned EDH2 and then also along New 86, in the vicinity
531 of Waterstone.
532
533 Lisa Stuckey: So since at least 1994 this has been clearly identified as economic development land, prior to that it
534 was Commercial Transition.
535
536 Perdita Holtz: Yes, there have been no changes in the boundaries of the EDDs.
537
538 Lisa Stuckey: So if people had investigated they would have known that Hillsborough and the County have been
539 envisioning this land for economic development sometime in the future.

540
541 Perdita Holtz: That would be correct.
542

543 Franklin Garland: The question here is if people had investigated, not if they would have been notified. No one was
544 notified. I've been there since 1975. No one was notified. And that would make more sense. Let me explain
545 something, you say I'm not affected because --- and I got notified because I'm within 1,000 feet. Well 1,000 feet I
546 can walk back and forth ten times in this room and that's 1,000 feet. So I am affected. But I wasn't notified.
547

548 Lisa Stuckey: My question was simply whether this land had been identified for Economic Development for many
549 decades.
550

551 Craig Benedict: On both the Orange County land use map and on our zoning map and also on the Hillsborough-
552 County joint land use map we do note where there are flood zones and we restrict development in there. So you
553 can see that, so yes, part of that 160 acres is encumbered by a flood plain and we recognize that and no
554 development can occur there. But there are other lands that would be available.
555

556 Perdita Holtz: I'm wondering if it might be helpful since these 3 items are inter-related to go on and do the
557 presentation on the second and third items because it might answer some of the questions and then we'll wait to
558 act on each of them until after the presentations. Would that be helpful?
559

560 Lydia Wegman: Yes, I do. Thank you.
561

562 **MOTION** [later in the evening, after all three related items had been presented] by Lydia Wegman. Seconded by Lisa
563 Stuckey.

564 **VOTE: 7-1 OPPOSED- GUTHRIE**
565

566 Paul Guthrie: I am uncertain, which is why I voted no.
567

568 Lydia Wegman: I am voting in favor because I think there is a benefit to diversify land use.
569
570

571 **Agenda Item 9: Unified Development Ordinance (UDO) Text Amendment:** To make a recommendation to
572 the BOCC on government-initiated amendments to the text of the UDO that would modify
573 existing regulations that pertain to the Hillsborough Economic Development District. This
574 item is scheduled for the September 12, 2016 quarterly public hearing
575 **Presenter:** Perdita Holtz, Planning Systems Coordinator
576

577 *Perdita Holtz presented item.*
578

579 Lisa Stuckey: So you're going to allow apartments but not single family or duplexes? Why?
580

581 Perdita Holtz: Well because the purpose of the EDDs is to promote non-residential uses. Multi family, although it is
582 residential, it is actually taxed differently than single family residential. It's considered more of a commercial use so
583 there is some diversification of the tax base that occurs with multi family.
584

585 Lisa Stuckey: I think I read some place that there is a worry that if you permit single family that the land will actually
586 get eaten up by that. That there's a tendency for subdivisions.
587

588 Craig Benedict: Part of the Waterstone development, it's called planned development, part of the County plan was
589 more non-residential and over the years the market, because of the recession, the non-residential component was
590 more muted and after the recession faster residential growth comes back so some conversions were made there.
591 So residential is easier and so it's good that these areas were preserved. EDH3 now allows single family. We had a
592 proposal, some of the Board members may remember, that some of these lands were going to be part of
593 Hillsborough's extra territorial jurisdiction. Mainly the ones north of I-40. And they were going to afix their zoning

594 category to it and they were going to consciously say which areas were going to be residential and non-residential.
595 They didn't do that because part of the cooperative agreement didn't go forward. That's why we're here 2 years
596 later saying, well we need to put a zoning category on it that fits exactly, as close to possible, what the intent of our
597 Economic Development District. Mixed use as we mentioned is supportive of non-residential, jobs, employment,
598 multi-family does have a good mix. But it's true, single family chews up more land and creates more fiscal impacts
599 and costs than the non-residential.

600
601 Lisa Stuckey: And I think the sort of philosophical thing about this sort of siloing residential versus non, that people
602 are separated from their jobs and they have to commute and that has a bad impact on our quality of life when you
603 pull things apart like that. That comes with it's own set of problems.

604
605 Craig Benedict: One other thing that was mentioned a little bit earlier was how these categories and things evolve
606 over time about how you use zoning. And zoning 10, 20, 30 years ago was very siloed. This is manufacturing. This
607 is retail. This is office. And you saw from our amendments that went through the last 3 or 4 months that we have
608 these categories such as office, research, and manufacturing. They put them all in one building. This EDH4 and
609 EDH5 that we're looking at is one of those combined districts where somebody can come in and do office and some
610 assembly and some R&D and we're also suggesting some retail so that if you have the jobs they don't have to go
611 too far to go to a restaurant or bank. And really even thought this will probably be developed in these little zones,
612 this whole area of all 4 quadrants of the interchange is going to be mixed use. We don't need to mix it completely
613 on every parcel but somebody living in a multi family on the south side can easily get over to the hospital if they
614 were working there.

615
616 Tony Blake: This is why RTP's putting in all the residential.

617
618 Craig Benedict: That's correct.

619
620 Lisa Stuckey: That's the flip of it.

621
622 Craig Benedict: That's the conventional zoning ideas back in the 60s.

623
624 Tony Blake: So just to talk directly to the first gentleman's concerns, this would not preclude a Gorilla Manufacturing
625 or an asphalt plant or anything like that. There are other components to the UDO that would address those. But this
626 particular zone would not prevent it.

627
628 Perdita Holtz: You mean the EDH5 zone?

629
630 Tony Blake: Yes.

631
632 Perdita Holtz: They could theoretically be located in EDH5, but practically, with all the development standards that
633 the UDO contains, it's not likely.

634
635 Craig Benedict: This isn't in the UDO but this is in the practice that all cities and counties are doing in the region.
636 There's demand for quality growth and our Commissioners and Economic Development Department targets
637 industries and if it's the appropriate industries that give us the tax base and the high paying jobs, there's incentives.
638 Jobs or businesses that are not fulfilling that targeted market are not likely to get incentives and therefore the
639 pressure for them to locate here is lessened. Meaning that some of those higher intensity uses that are listed in that
640 manufacturing category, we're not going to be escorting those in with incentive packages.

641
642 Lisa Stuckey: There's also small businesses that it seems to me that some of what you were just talking about
643 would really... that there's not much land that's available right now to do this kind of construction in Orange County,
644 really.

645
646 Craig Benedict: That's correct. There are not too many interchanges and everyone that we have, besides the one in
647 North Chapel Hill, New Hope Church interchange- nothing can happen there. And this is within proximity of our

648 University even. And there are other Economic Development zones in Efland and Buckhorn. Very prime. The
649 developers and businesses that are looking for properties in Orange County, they are surprised that there's still
650 available land at some of these interchanges. Why hasn't it developed in the past? There hasn't been good zoning
651 there or infrastructure. And so we are trying to prepare the appropriate places where there's good transportation
652 access also.

653
654 Chris Cole: Can I make one comment? Lisa... She raises the fact that there are not many opportunities to put a
655 manufacturing facility in Orange County, and that's true. And I'd like to point out that businesses are aware of that
656 too and sometimes they go out and pay a premium... 12 years ago, maybe, next to Euro Sport, someone
657 purchased an option on land to put an asphalt plant next door to them. It cost the town of Hillsborough \$300,000 to
658 make them go away. They supposedly weren't allowed to do that there either.

659
660 Craig Benedict: We're familiar with the lawsuit.

661
662 Tony Blake: But that, I believe, was addressed in the zoning. There was a hole in the zoning that allowed that to
663 happen. If my understanding... But I believe that's been closed since.

664
665 *Perdita Holtz continued presentation.*

666
667 **MOTION** [later in the evening, after all three related items had been presented] by Buddy Hartley to approve the
668 Statement of Consistency. Seconded by Tony Blake.

669 **VOTE: 7-1 OPPOSED- GUTHRIE**

670
671 **MOTION** [later in the evening, after all three related items had been presented] by Buddy Hartley to approve the
672 amendment package. Seconded by Laura Nicholson.

673 **VOTE: 7-1 OPPOSED- GUTHRIE**

674
675 *Paul Guthrie opposed because he is uncertain.*

676
677 **Agenda Item 10: Zoning Atlas Amendment-** To make a recommendation to the BOCC on government-
678 initiated amendments to the Zoning Atlas that would rezone:

679 • Four parcels totaling approximately 166.2 acres and 17.05 acres of Interstate right-of-way
680 from EDH-3 (Economic Development Hillsborough Limited Office with Residential [current
681 name]) to EDH-5 (Economic Development Hillsborough Research and manufacturing
682 [proposed name]). The parcels are located immediately south of Interstate 40 and west of
683 Old Highway 86.

684 • One parcel totaling 34.58 acres and 8.92 acres of Interstate right-of-way from EDH-2
685 (Economic Development Hillsborough Limited Office) to EDH-4 (Economic Development
686 Hillsborough Office / Retail [proposed name]). The parcel is located immediately south of
687 Interstate 40 and east of Old Highway 86.

688 This item is scheduled for the September 12, 2016 quarterly public hearing.

689 **Presenter:** Perdita Holtz, Planning Systems Coordinator

690
691 Perdita Holtz presented.

692
693 Nathan Robinson (member of the public): In terms of the recognition that's coming for those areas, they're existing
694 residential now, they come down just south on Old 86; would there be a way to include the zoning that needs to be
695 consistent with this action so that this process doesn't have to be repeated in the future?

696
697 Perdita Holtz: There is not a way to include it at this time. And we've mentioned to you about the water and sewer
698 boundary agreement that in order to be 10 year transition area the water and sewer boundary agreement would
699 need to be revised, the County's land use plan would need to be revised, and then ultimately zoning would need to
700 be applied. And the thing that would need to happen first would be water and sewer management boundary
701 agreement adjustments. And that requires the approval of the five signatory parties.

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Craig Benedict: And what we do if there's comments that come from the public, in the future public hearing on September 12th the Commissioners can say, " Craig and Staff, can you provide a report about how this would be accomplished". It doesn't mean they'd want us to proceed or not, and to come up with what departments are involved, what maps have to change, and we give that back to them on what we call a future amendment outline. An outline of how'd we'd get it done and that we involved Hillsborough, etcetera. And then we bring that back to them and the public's available to talk at those meetings, also. And they say please proceed or not proceed. It is an overlapping, multi layer process, as Perdita said.

Perdita Holtz: What happens here does get presented at the public hearing, and the Minutes for this meeting are included, so the BOCC will be aware that that's something that you brought up.

Nathan Robinson: Okay, because we literally just bought the property 6 months ago. We literally were playing with the plans to put single-family residences here. And just for the sake of everyone else, we have spoken with Perdita and Craig. So we had to modify our plans based on what the wave of the future is. We get that, and that's cool but as we modify we don't want to get stuck between a hard decisions if say this is going to stay R1 forever. Because then we feel like we're going to get stuck with our only use being our one usage, but that's not what the whole quadrant is tending toward.

Lydia Wegman: Thank you.

Franklin Garland: I have a quick question. How hard is it to get land use changed? I mean, my farm is for sale. But I've been approached by people that want it for commercial property.

Perdita Holtz: It requires the same type of process that we're going through now. If you wanted to do it as an individual...

Franklin Garland: But the same thing as Nathan's, it's like being between a rock and a hard place.

Perdita Holtz: Any property owner can apply to amend any of these documents. The land use plan, the zoning map, the UDO. In order to have the County do a County initiated action it's something that we can potentially talk about. I can tell you that a County initiated amendment will take more than a year.

Lydia Wegman: Thank you. Do you have any discussion?

Paul Guthrie: I'm still unsure exactly. I would comment that I think if we can avoid stacking so many of these things on a meeting at one time, I understand there were reasons for that, it would be helpful. After 200 pages of material of which was changed at least twice and reading it, coming here and then having 2 hours of discussion, I still feel uncomfortable. And I'm not sure exactly, when you ask for my vote, I'm not sure what I'm going to do. It's not that I'm for or against, I'm just not sure in my own mind exactly what the best option is given all of the variables that are involved. So I just want to state that.

Kim Piracci: I'm just clarifying a question, all these changes are being driven by the desire to increase the tax base; is that correct?

Perdita Holtz: They're being pursued to diversify the tax base, not necessarily increase it.

Tony Blake: In other words, to have the County less reliant on residential housing taxes, and have a little more diversity in the base. In case there's changes in the economy you have less of an impact.

Craig Benedict: And the underlying analysis is non-residential property pays more taxes than it costs in services. So there's a little bonus there. And residential, in most cases, costs more than what we get in tax, unless it's a real expensive house. So Orange County is overly reliant on their residential property owners to provide those services that everybody loves. And that's for schools, that's for social services and health services. So our comprehensive

756 plan which is how to promote growth in the right areas and match the uses to their locations. This has been for 40
757 years, an area at an interchange. We knew that it was coming that we needed to preserve and promote it for
758 primarily non-residential uses. That's why one of the recommendations here was to bring down the single family
759 potential since it's happening everywhere else, that there are limited areas that are prime, and interest from the
760 non-residential development sector that they're looking for. And they've looked at interchanges. They look at
761 visibility on the interstate and interchange and infrastructure. It wasn't until we got that quarter sales tax, part of it
762 going to schools, part of it going to promote economic development, that we start putting infrastructure out there, so
763 what prompts this whole process is there's been a lot of work done from Efland back to Mebane with infrastructure,
764 we have something on the edge of Durham that's underway, and this has been the last area. And what has slowed
765 us down a little bit was not wanting to put a million dollars of infrastructure in and have it turn to residential.
766 Residential now is in EDH3 is by right. There's been some interest in the development community to do something
767 out there. They may use EDH3 or 4 or 5, or they may come in with a master plan development which would be an
768 additional zoning and they might have to go through this process again. But at least this will be a guide of what can
769 be done out there. And if they go through that conditional zoning district process there's public meetings, what uses
770 exactly go out there, so the 41 pages that Perdita listed will be there.

771
772 Lydia Wegman: Are there comments? I'll just say with Paul, I'm a little uncertain about how exactly to proceed, as
773 well but you're recommendation is important.

774
775 **MOTION** by Lisa Stuckey to approve the Statement of Consistency. Seconded by Tony Blake.

776 **VOTE: 7-1 OPPOSED- GUTHRIE**

777
778 **MOTION** by Laura Nicholson to recommend approval of the amendments to the Orange County zoning atlas.
779 Seconded by Buddy Hartley.

780 **VOTE: 7-1 OPPOSED- GUTHRIE**

781
782 *Paul Guthrie opposed because he was uncertain.*

783
784
785 **Agenda Item 11: Unified Development Ordinance (UDO) Text Amendment:** To make a recommendation to
786 the BOCC on government-initiated amendments to the text of the UDO that would establish
787 use standards to allow certain principal uses to include a small component of other specific
788 uses in the O/RM (Office/Research and Manufacturing) zoning district. This item is
789 scheduled for the September 12, 2016 quarterly public hearing.

790 **Presenter:** Ashley Moncado, Special Projects Planner

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792
793 *Ashley Moncado reviewed abstract.*

794
795 **MOTION** by Laura Nicholson to approve the Statement of Consistency. Seconded by Lisa Stuckey.

796 **VOTE: UNANIMOUS**

797
798 **MOTION** by Laura Nicholson to recommend approval of the proposed text amendment. Seconded by Lisa Stuckey.

799 **VOTE: UNANIMOUS**

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802 **AGENDA ITEM 12: COMMITTEE/ADVISORY BOARD REPORTS**

- 803
804 a) Board of Adjustment
805 b) Orange Unified Transportation
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808 **AGENDA ITEM 13: ADJOURNMENT**

809

810 Planning Board meeting was adjourned by consensus.
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812

Lydia N Wegman, Chair