



**Orange County
Board of Commissioners**

Agenda

Regular Meeting

February 5, 2013

7:00 p.m.

Department of Social Services

Hillsborough Commons

113 Mayo Street

Hillsborough, NC 27278

Note: Background Material
on all abstracts
available in the
Clerk's Office

Compliance with the "Americans with Disabilities Act" - Interpreter services and/or special sound equipment are available on request. Call the County Clerk's Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager's Office at (919) 245-2300 or TDD# 644-3045.

1. Additions or Changes to the Agenda

PUBLIC CHARGE

The Board of Commissioners pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending person 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. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

2. Public Comments (Limited to One Hour)

(We would appreciate you signing the pad ahead of time so that you are not overlooked.)

- a. Matters not on the Printed Agenda (Limited to One Hour – THREE MINUTE LIMIT PER SPEAKER – Written comments may be submitted to the Clerk to the Board.)

Petitions/Resolutions/Proclamations and other similar requests submitted by the public will not be acted upon by the Board of Commissioners at the time presented. All such requests will be referred for Chair/Vice Chair/Manager review and for recommendations to the full Board at a later date regarding a) consideration of the request at a future regular Board meeting; or b) receipt of the request as information only. Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement, or consent.

- b. Matters on the Printed Agenda

(These matters will be considered when the Board addresses that item on the agenda below.)

3. Petitions by Board Members (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/ Special Presentations

- a. Orange County Arts Grant Recipients
b. OWASA Annual Update Presentation



5. Consent Agenda

- Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
- a. Minutes
 - b. Motor Vehicle Property Tax Releases/Refunds
 - c. Property Tax Releases/Refunds
 - d. Advertisement of Tax Liens on Real Property
 - e. Notice of Public Hearing on Orange County's 2013 Legislative Agenda
 - f. Orange County Arts Commission Annual DCP Renewal with NC Arts Council
 - g. Request for Three Time-Limited Staff Positions at DSS
 - h. Legal Advertisement for Quarterly Public Hearing – February 25, 2013
 - i. Change in BOCC Regular Meeting Schedule for 2013
 - j. Boards and Commissions-Commissioner Assignments

6. Public Hearings

- a. Orange County Consolidated Housing Plan Update
- b. Comprehensive Plan and Unified Development Ordinance Text Amendments and Zoning Atlas Amendments to Establish Two New Zoning Overlay Districts in the Efland Area - Public Hearing Closure and Action (No Additional Comments Accepted)

7. Regular Agenda

- a. Comprehensive Plan and Zoning Atlas Amendment Outline and Schedule for Upcoming Item – Orange-Alamance County Line Adjustment
- b. Follow-up Discussion on the Continuation of the Historic Rogers Road Neighborhood Task Force

8. Reports

- a. Changes in Taxation for Motor Vehicles

9. County Manager's Report

10. County Attorney's Report

11. Appointments

12. Board Comments (Three Minute Limit Per Commissioner)

13. Information Items

- January 24, 2013 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis

14. Closed Session



15. Adjournment

A summary of the Board's actions from this meeting will be available on the County's website the day after the meeting.

Note: Access the agenda through the County's web site, www.orangecountync.gov

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No.** 4-a

SUBJECT: Orange County Arts Grant Recipients

DEPARTMENT: Orange County Arts
Commission

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Copy of Awards to be Distributed
"Specific Attendee List to Follow"

INFORMATION CONTACT:
Martha Shannon, 968-2011

PURPOSE: To present checks to local artists and arts organizations receiving Fall 2012 Orange County Arts Grants.

BACKGROUND: The Orange County Arts Commission grants monies to local artists and arts organizations from funds received from the state and Orange County government for this purpose. These funds are distributed for arts programming in all disciplines. Each grant recipient must match the grant amount in order to receive funding.

FINANCIAL IMPACT: A total of \$26,749 will be awarded in this cycle. This amount is awarded from FY 2012-13 Orange County funds already approved by the BOCC for this purpose.

RECOMMENDATION(S): The Manager recommends the Board acknowledge local recipients of the awards during the February 5, 2013 meeting with the presentation of checks by the Board Chair.

Arts Grant Recipients
Orange County Arts Commission

February 5, 2013

Grant Recipient:

ArtsCenter

Botanical Garden Foundation, Inc./North Carolina Botanical Garden

Extraordinary Ventures

Cedar Ridge High School

Chapel Hill High School/Carrboro High School/Phoenix Academy Coalition

Estes Hills Elementary School PTA

Franklin Street Arts Collective dba FRANK Gallery

Friends of the Carrboro Branch Library

Hillsborough Arts Council

Michael Roy Layne dba Legacyworks

McDougle Elementary School PTA

McDougle Middle School PTA

One Song Productions

Phillips Middle School PTSA

SECU Family House at UNC Hospitals

St. Joseph's Historic Foundation (fiscal agent for Sacrificial Poets)

Mary Carter Taub

Town of Carrboro Arts Committee

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No.** 4-b

SUBJECT: OWASA Annual Update Presentation

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

ATTACHMENT(S):

January 17, 2013 Letter from OWASA
Board Chair Alan Rimer

INFORMATION CONTACT:

Donna Baker, Clerk to the Board, 245-2130
Frank Clifton, County Manager, 245-2300
Ed Kerwin, OWASA Executive Director, 968-4421
Alan Rimer, OWASA Board Chair, 968-4421

PURPOSE: To receive a presentation and information from the Orange Water and Sewer Authority (OWASA) on the recent activities.

BACKGROUND: OWASA Board of Directors' Chair Alan Rimer will make a presentation to the Board of Commissioners on recent OWASA activities and specifically addressing the topics outlined in the attachment. OWASA Executive Director Ed Kerwin will be at the meeting, and Orange County's appointees to the OWASA Board, Terri Buckner and Michael Hughes, have also been invited to attend.

FINANCIAL IMPACT: There is no financial impact associated with receiving the presentation.

RECOMMENDATION(S): The Manager recommends that the Board receive the presentation as information and provide any feedback as necessary.



ORANGE WATER AND SEWER AUTHORITY

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*A public, non-profit agency providing water, sewer and reclaimed water services
to the Carrboro-Chapel Hill community.*

January 17, 2013

Chair Barry Jacobs
Orange County Board of Commissioners
Post Office Box 8181
Hillsborough, NC 27278

Dear Chair Jacobs, *Barry*

We appreciate the opportunity to make our annual presentation to the Board of Commissioners on key items of mutual interest at your February 5, 2013 meeting. I will make brief comments and then be available to answer any questions the Commissioners may have. I will not have any visual aids (PowerPoint presentation) unless you think that would be useful.

OWASA'S Water Supply – Jordan Lake

Background

OWASA's locally protected water supplies (Cane Creek, University Lake, Quarry Reservoir) can meet most, but not all, expected needs for the next 50 years, assuming rainfall patterns remain within the historical record for the last 85 years. The expanded Quarry Reservoir is the most cost-effective option for additional water supply, but it will not be available until around 2035. Jordan Lake – especially until the expanded Quarry Reservoir is online – will become an increasingly important "insurance policy" during severe drought or operational emergencies.

OWASA's water system is connected to the Town of Hillsborough, City of Durham, and Chatham County water systems through existing pipelines that allow us to send or receive treated drinking water. Durham is similarly connected to the Town of Cary, which withdraws all of its drinking water from Jordan Lake. Because OWASA has no direct access to Jordan Lake, the only economically feasible way for OWASA to obtain water from its Jordan Lake allocation at this time is through partnership arrangements with Cary and Durham. Existing mutual aid agreements allow the exchange of water during relatively short periods of need, but those agreements must be modified, or new ones negotiated, to secure the ability to obtain water during an extended drought. OWASA staff is currently having discussions with Durham and Cary staff regarding the need for modified or new water agreements.

Recent and Future Actions

At our December 13, 2012 meeting, the OWASA Board of Directors approved a resolution (Attachment #1) authorizing staff to request that the North Carolina Environmental Management

Commission (EMC) convert OWASA's existing Level II (future use) Jordan Lake allocation to Level I (current use when needed). We expect the EMC to act on our request later this spring.

At our January 10, 2013 meeting, the OWASA Board approved a resolution (Attachment #2) to approve a Drought Response Operating Protocol (DROP). The DROP describes the procedures and criteria that OWASA will use in making water supply and demand management decisions during extended droughts, including provisions for notifying the public about possible Water Supply Shortage declarations, water purchases, and/or the use of OWASA's Jordan Lake allocation.

Later this year we expect to submit our application to retain our existing Jordan Lake allocation (currently equivalent to approximately 5 million gallons per day) as part of the State's Round 4 allocation process. The EMC is expected to make its allocation decisions in 2014.

Water And Sewer Management, Planning And Boundary Agreement

The OWASA Board did not take any action during the past year regarding our 2010 request to clarify certain language in the Water and Sewer Management, Planning and Boundary Agreement (WSMPBA). The OWASA Board has not yet discussed what additional actions, if any, may be taken regarding the WSMPBA.

Below is an excerpt from our January 9, 2012 letter to the Orange County Commissioners which may put this in context.

On December 9, 2010, the OWASA Board adopted a resolution to clarify certain language in the 2001 WSMPBA so that the Agreement cannot be interpreted as constraining OWASA's access to its Jordan Lake allocation for use by OWASA customers. Hillsborough and Orange County adopted resolutions on March 14, 2011 and March 15, 2011, respectively, that would apply OWASA's requested language clarifications to their jurisdictions as well. The Carrboro Board of Aldermen approved the proposed change for Hillsborough and Orange County on March 1, 2011, but not for OWASA. The Chapel Hill Town Council had originally approved OWASA's request on February 28, 2011, but on April 25, 2011 reconsidered its previous action and rejected the language change. On June 9, 2011, the OWASA Board resolved to adopt and maintain a policy to purchase water from other communities or obtain water from its Jordan Lake allocation only after first declaring a Stage 1 Water Supply Shortage – provided that Carrboro and Chapel Hill approve the previously requested clarification to the WSMPBA.

At our October 20, 2011 meeting, the OWASA Board discussed its June 9, 2011 policy resolution regarding water purchases during a drought and the importance of securing permanent access to our Jordan Lake allocation without the constraints of language presently contained in the WSMPBA. The Board was in agreement to modify its June 9th position and adopted a resolution stating that:

“OWASA shall only purchase water from other communities or obtain water from its Jordan Lake storage allocation during periods of increased drought risk

after it has declared a Stage 1 Water Supply Shortage per OWASA's State-approved Water Shortage Response Plan and OWASA's Water Conservation Standards as incorporated therein."

Historic Rogers Road (Water/Sewer)

OWASA staff has provided technical information on water/sewer issues as requested by County staff. Working within the parameters of the State Statutes, our policies and founding agreements, we will continue to support this important initiative as requested by County staff..

Mountains-To-Sea Trail

In response to the County's inquiry, the OWASA Board expressed support (Attachment #3) for this County-led initiative. Our position remains unchanged and we think the benefits to the citizens of the County and State exceed the manageable security and water quality risks that OWASA will assume if the initiative goes forward.

Forestry Management

Pursuant to the North Carolina Wildlife Resources Commission's (WRC) forestry management plan for OWASA's 490-acre Cane Creek Wildlife Mitigation Tract, 25 acres of declining quality Virginia pine were clear-cut, and 25 acres of hardwood forest were thinned during the fall of 2010. The 25-acre clear-cut was replanted with loblolly pines in January 2011. All management activities were conducted according to forestry management best practices; however, we left substantially larger (and completely undisturbed) water quality buffer areas than required by current regulations. We will continue the phased implementation of the WRC's plan on this property in the coming years in compliance with conditions of the U.S. Army Corps of Engineers 404 Permit that allowed construction of the Cane Creek Reservoir.

Upon the recommendation and guidance of the WRC and North Carolina Forest Service, OWASA also commissioned development of a draft plan for sustainable management of our remaining forest lands (about 1,900 acres). We hosted a community meeting in November 2010 to present and receive comments on the draft plan prepared by our consulting forester, and we received extensive comments from citizens, local elected boards, and several State agencies. We have deferred action on the draft plan to address higher priority matters.

Communications

We are very pleased that newly elected Commissioners Dorosin, Price and Rich met with us on January 11, 2013 for an overview of our operation and to discuss items of mutual interest.

We welcome the opportunity to meet with the Commissioners to keep you informed about our work and to receive your feedback. Please let us know if you would like additional information on any of the above topics or information regarding other issues or aspects of our operation.

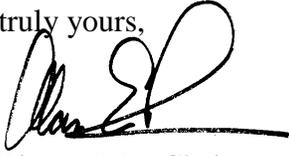
Chair Barry Jacobs

January 17, 2013

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Very truly yours,

A handwritten signature in black ink, appearing to read "Alan Rimer", with a long horizontal line extending to the right.

Alan Rimer, P.E., Chair
OWASA Board of Directors

Attachments

c: Mayor Mark Chilton, Town of Carrboro
Mayor Mark Kleinschmidt, Town of Chapel Hill
Mayor Tom Stevens, Town of Hillsborough
Mr. Frank Clifton, Orange County Manager
Mr. Roger L. Stancil, Chapel Hill Town Manager
Mr. David Andrews, Carrboro Town Manager
Mr. Eric Peterson, Hillsborough Town Manager
OWASA Board of Directors
Ed Kerwin, OWASA Executive Director

**RESOLUTION AUTHORIZING A REQUEST TO THE NC ENVIRONMENTAL
MANAGEMENT COMMISSION TO CONVERT OWASA'S EXISTING JORDAN
LAKE LEVEL II WATER SUPPLY STORAGE ALLOCATION TO LEVEL I**

WHEREAS, OWASA is responsible for providing current and future customers with a reliable, sustainable, and cost-effective supply of high quality drinking water at all times, and is committed to making the highest and best use of our local water resources; and

WHEREAS, OWASA's water conservation and reclaimed water programs, which are key components of our sustainable resource management strategy, have successfully and consistently reduced water consumption during the past ten years among all customer groups; and

WHEREAS, as a result of these efforts by all customers, OWASA's Cane Creek, University Lake, and Quarry Reservoirs are able to meet the community's expected water supply needs through 2060 under most circumstances; and

WHEREAS, notwithstanding these significant achievements, we will become increasingly susceptible to extended periods of extreme drought, especially until the expanded Quarry Reservoir is available in the mid 2030s; and

WHEREAS, it is prudent for OWASA to proactively plan and prepare for extreme droughts as well as operational emergencies; and

WHEREAS, the B. Everett Jordan Reservoir (Jordan Lake)' has been recognized as an element of OWASA's long-range water supply planning since the NC Environmental Management Commission first approved a Level II water supply storage allocation for OWASA in 1988; and

WHEREAS, OWASA's current *Long-Range Water Supply Plan (as Revised through April 20, 2012)* identifies Jordan Lake as a necessary "insurance policy" for use during future periods of extended drought or operational emergencies, especially until OWASA's expanded Quarry Reservoir is available in the mid-2030s; and

WHEREAS, staff of the NC Division of Water Resources (DWR) has advised OWASA that any use of Jordan Lake water, even for temporary or emergency use, must come from a Level I allocation; and the staffs of the Town of Cary and City of Durham have stated that OWASA must have its own Level I allocation as a prerequisite for any new or modified transfer agreements that would guarantee water to OWASA under specified conditions; and

WHEREAS, it is now apparent that OWASA must have a Level I allocation to use Jordan Lake under any short or long-term circumstances, including the existing Mutual Aid agreements with Cary and Durham; and

WHEREAS, DWR staff has expressed the opinion that OWASA's intended use of Jordan Lake as part of its strategy to minimize the risks of reservoir depletion during severe droughts or water supply emergencies is a sound and valid approach to water supply contingency planning and not inconsistent with 15A NCAC 02G.0504(b) of the Jordan Lake water supply

allocation rules, which states that *"the Commission will assign Level I allocations of Jordan Lake water supply storage based on an intent to begin withdrawing water within five years of the effective date of allocation."*

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ORANGE WATER AND SEWER AUTHORITY THAT:

1. The Executive Director is hereby directed to send a letter to the NC Environmental Management Commission that includes the following elements:

- A request to immediately convert OWASA's existing Level II Jordan Lake water supply storage allocation to Level I, and
- A statement of OWASA's intended use of Jordan Lake to supplement the supply of water available in OWASA's primary supply sources (University Lake, Cane Creek Reservoir, and Quarry Reservoir) during infrequent periods of extended drought or operational emergencies.

2. The Board hereby reaffirms that OWASA shall only purchase water from other communities or obtain water from its Jordan Lake storage allocation during periods of increased drought risk after it has declared a Stage 1 Water Supply Shortage per OWASA's State-approved Water Shortage Response Plan and OWASA's Conservation Standards as incorporated therein.

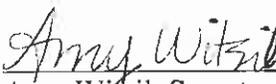
3. Any decision to invest OWASA funds in capital facilities needed to fully access its Jordan Lake allocation and/or to make periodic payments to Durham and/or Cary under the terms of new or modified water sales agreements will be based on an objective assessment of the likely risks and benefits of the proposed investment or expenditure; and, such an assessment will include the consideration of the costs and benefits of alternative approaches.

Adopted this 13th day of December 2012.



Alan E. Rimer, P.E., Chair

ATTEST:



Amy Witsil, Secretary

RESOLUTION ADOPTING A DROUGHT RESPONSE OPERATING PROTOCOL

WHEREAS, OWASA is responsible for providing current and future customers with a reliable, sustainable, and cost-effective supply of high quality drinking water at all times and is committed to making the highest and best use of our local water resources; and

WHEREAS, OWASA's role with respect to growth is explicitly addressed in its *Mission Statement*: "We will manage our responsibilities in a manner consistent and compatible with the adopted growth management policies and land use plans of the Town of Carrboro, the Town of Chapel Hill, and Orange County"; and

WHEREAS, OWASA's water use efficiency, conservation, and reclaimed water programs, which are key components of its sustainable resource management strategy, have successfully and consistently reduced water consumption during the past ten years among all customer groups; and

WHEREAS, notwithstanding these significant community-wide achievements in water use reduction, OWASA's University Lake, Cane Creek, and Quarry Reservoir supplies will be increasingly susceptible to shortages during extended periods of severe drought, especially until the expanded Quarry Reservoir is available in the mid 2030s; and

WHEREAS, it is OWASA's duty to proactively plan and prepare for water supply shortages due to extended periods of severe drought; and

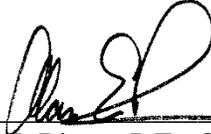
WHEREAS, OWASA's *Water Shortage Response Plan* (November 11, 2010), as approved by the North Carolina Division of Water Resources, includes Response Triggers for a range of supply and demand conditions and describes the actions that OWASA will take during periods of water shortages; and

WHEREAS, community members and elected officials from Carrboro and Chapel Hill have requested clarification of the procedures and criteria that OWASA will use for making water supply and demand management decisions during extended periods of severe drought, including provisions to assure prompt and complete public notice of potential Water Supply Shortage declarations, water purchases, and/or the use of OWASA's Jordan Lake water supply storage allocation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF ORANGE WATER AND SEWER AUTHORITY THAT:

OWASA shall use the *Drought Response Operating Protocol* text and graph attached hereto as its procedures and criteria for making water supply and demand management decisions during periods of extended drought, including provisions for public notice of potential Water Supply Shortage declarations, water purchases, and/or use of OWASA's Jordan Lake water supply storage allocation.

Adopted this 10th day of January 2013.


 Alan E. Rimer, P.E., Chair

ATTEST:


 Amy Witsil, Secretary

DROUGHT RESPONSE OPERATING PROTOCOL

JANUARY 10, 2013

Purpose

To describe the procedures and criteria that OWASA will use for making water supply and demand management decisions during an extended drought, including provisions for public notice of potential Water Supply Shortage declarations, water purchases, and/or use of OWASA's Jordan Lake water supply storage allocation. The protocol outlined below will provide OWASA's customers, local elected boards, and the overall Carrboro-Chapel Hill-UNC community with timely notice of a potential water shortage due to extended drought and the opportunity to reduce water consumption in order to avoid and/or minimize the need for more severe water use restrictions or emergency actions.

The statistically derived drought responses described below were based on the risk of depleting OWASA's existing Cane Creek/University Lake/Quarry Reservoir system to the Emergency Storage level. Those risks do not assume that Jordan Lake is part of OWASA's existing or primary water supply portfolio (University Lake, Cane Creek Reservoir, and Quarry Reservoir); instead, Jordan Lake is only an "insurance policy" for use during extended drought or operational emergencies.

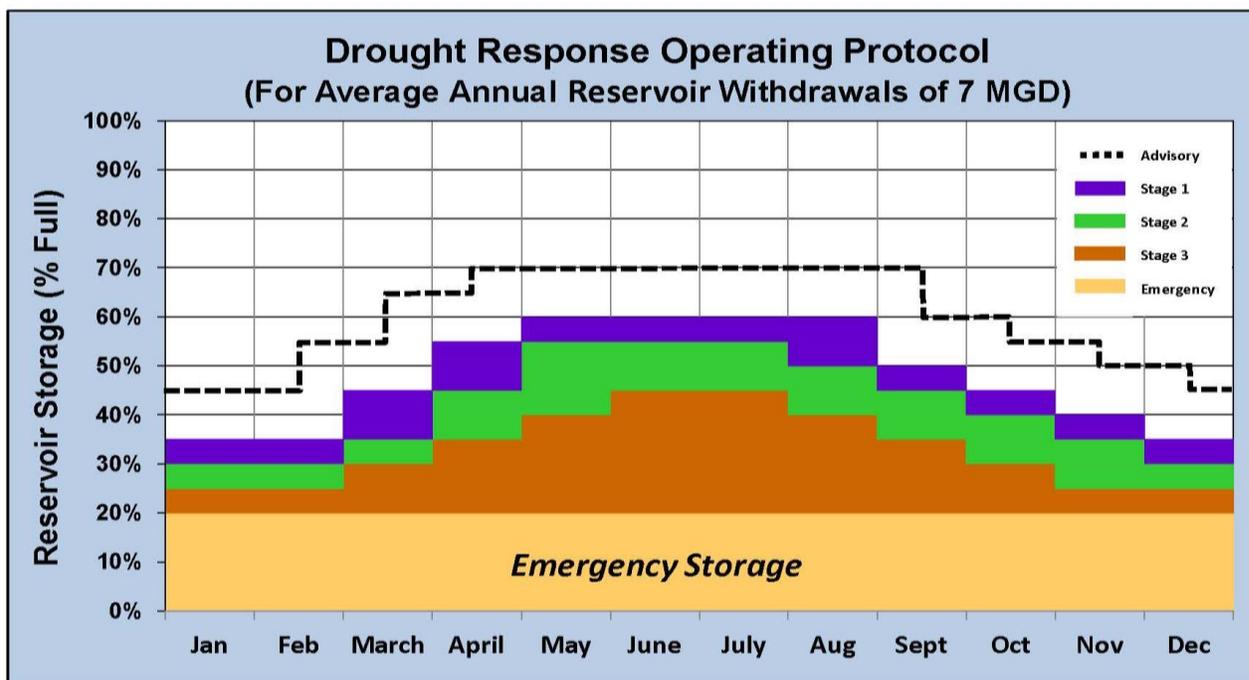
Protocol

1. OWASA shall monitor OWASA's water supply and demand conditions, short-and long-term weather forecasts, regional water supply conditions, and other factors which may affect the risk of a water supply shortage due to drought.
2. The attached graph, which is a modified version of the 7 million gallon per day (mgd) "trigger table"* in OWASA's State-approved *Water Shortage Response Plan*, shall guide OWASA's drought response decisions when raw water demands are at an annual average of 7 mgd. (When annual average demands are greater than 7 mgd, the corresponding trigger table graphs from the *Water Shortage Response Plan* shall be used.) Any drought-related Water Supply Shortage declaration at storage levels above those indicated on the trigger table, and/or any decision to purchase water from a neighboring jurisdiction (and/or to use OWASA's Jordan Lake allocation) during a drought, shall be made only upon approval by the OWASA Board of Directors.
3. OWASA shall declare a Water Shortage Advisory no later than when the total water stored in the reservoirs drops to within 10% of the mandatory Stage 1 trigger. (This Advisory stage is represented by the black dashed line on the attached graph). At or around that time, OWASA will initiate communications with the Carrboro Board of Aldermen, Chapel Hill Town Council, Orange County Board of Commissioners, and the University of North Carolina at Chapel Hill – and shall give public notice to customers and other stakeholders – regarding the likelihood that Stage 1 water use restrictions will go into effect, and that it may be necessary to begin purchasing water from the City of Durham and/or Town of Cary if current drought conditions continue or worsen. OWASA will carefully consider the advice and feedback from the elected boards. The OWASA Board of Directors will continue to exercise its sole responsibility and authority for decisions about water shortage declarations and water purchases, consistent with this Protocol. As in the past, OWASA will expand its standard conservation messaging before declaring the Water Shortage Advisory in order to encourage

* *The graph is based on an average daily raw water demand of 7 mgd. Trigger levels for greater or lesser demands will be correspondingly higher or lower than those depicted here.*

and to give the community as much opportunity as possible to intensify its water saving practices.

4. When total water storage in OWASA's reservoirs system declines to the purple block on the attached graph, OWASA must declare a Stage 1 Shortage as required by its State-approved *Water Shortage Response Plan*. OWASA may, at its own discretion, initiate Stage 1 use restrictions – with or without corresponding drought rate surcharges – earlier than indicated on the graph, but not later. The OWASA Board may authorize purchases from other utilities and/or obtain water through its Jordan Lake allocation only when total water storage in University Lake, Cane Creek Reservoir, and the Quarry Reservoir is below the Mandatory Stage 1 Shortage trigger, but no sooner. Board approval for such a declaration or purchase decision shall not be required, however, during an operational emergency as determined by OWASA's Executive Director per OWASA's *Water Shortage Response Plan*. Operational emergencies are typically characterized by the need for rapid response and may require the curtailment of water use and/or purchases in a short period of time. Examples of such emergencies include, but are not limited to:
 - Production problems at the Jones Ferry Road Water Treatment Plant
 - Failure of pumps, storage tanks, or pipelines
 - Raw or treated drinking water quality problems
 - Planned or unplanned maintenance events
 - Natural disasters.
5. During an extended drought, OWASA staff will initiate discussions with the Board of Directors regarding the need and timing of commencing water purchases or other prudent actions as total water in storage approaches the mandatory Stage 1 trigger levels shown on the attached graph; however, no purchase or use of OWASA's Jordan Lake allocation shall be made without explicit approval by the Board of Directors (except during Operational Emergencies as described above in Paragraph 4). Restrictions shall, and purchases may, continue until storage returns to levels above the mandatory Stage 1 trigger. Water use restrictions shall continue until storage returns to the "rescission" levels specified in the *Water Supply Shortage Response Plan*.
6. OWASA shall provide regular updates to the community and to the local elected boards throughout the drought as described in Paragraph 3 above. The OWASA Board and staff shall be available to attend meetings of the local governments to provide information about supply and demand conditions and to provide any information or answer questions elected officials may have.
7. The OWASA Board shall review this protocol (a) concurrently with its review of OWASA's State-approved *Water Shortage Response Plan* (as required in conjunction with Local Water Supply Plan updates that must be submitted to the NC Division of Water Resources at least once every five years); (b) following any drought during which mandatory water use restrictions were implemented; and/or (c) at any time deemed necessary to reflect changes in water supply and demand conditions or other new information, such as when the expanded Quarry Reservoir comes on line.



These responses are based on the risk of depleting OWASA's existing Cane Creek/ University Lake/Quarry Reservoir system to the Emergency Storage level and are consistent with the Response Triggers of OWASA's State-approved Water Shortage Response Plan. Those risks do not consider Jordan Lake to be part of OWASA's existing or primary water supply (University Lake, Cane Creek, and Quarry Reservoirs), but only as an "insurance policy" for use during extended drought or emergency conditions.

Water Shortage Advisory: Aggressive public awareness/education effort, including direct communication with the Carrboro, Chapel Hill, and Orange County elected boards and the University of North Carolina at Chapel Hill. A Water Shortage Advisory may be initiated earlier at OWASA's discretion.

Stage 1 Shortage: Mandatory use restrictions -- with or without rate surcharges -- may be initiated earlier at OWASA's discretion, but not later. The OWASA Board may authorize purchases of water from other utilities and/or obtain water through its Jordan Lake allocation only when total water storage in University Lake, Cane Creek Reservoir, and the Quarry Reservoir is below this Mandatory Stage 1 trigger, but not sooner. Board approval for such a declaration or purchase decision shall not be required, however, during an operational emergency as determined by the Executive Director per OWASA's *Water Shortage Response Plan*.

Stage 2 Shortage: May be initiated earlier at OWASA's discretion, but not later.

Stage 3 Shortage: May be initiated earlier at OWASA's discretion, but not later.

Water Supply Emergency: Emergency actions will be taken to obtain supplemental water to ensure the protection of public health, safety and welfare. If Cane Creek/University Lake/Quarry Reservoir storage declines to this level, such actions would likely include the installation of temporary facilities to pump water from the Haw River to the Cane Creek Reservoir.



ORANGE WATER AND SEWER AUTHORITY

*A public, non-profit agency providing water, sewer and reclaimed water services
to the Carrboro-Chapel Hill community.*

December 10, 2009

Valarie Foushee, Chair
Orange County Board of Commissioners
Post Office Box 8181
Hillsborough, NC 27278

SUBJECT: MOUNTAINS-TO-SEA TRAIL

Dear Chair Foushee:

I'm writing to express OWASA's support for the Mountains-to-Sea Trail (MST) initiative. We have met with Kate Dixon, Executive Director of the Friends of the MST, and we are confident that we can make the necessary arrangements that will allow use of OWASA's property in the vicinity of the Cane Creek Reservoir, consistent with our primary mission of providing safe and reliable drinking water for our customers. As such, conditional upon the Orange County Board of County Commissioner' approval of the initiative, our Board has directed OWASA staff to immediately begin working with Orange County Staff and the Friends of the MST to develop the necessary agreements and arrangements that will allow use of our property providing there is no compromise of water quality, no expenditure of OWASA funds and we are able to make the arrangements necessary to minimize any additional security risks associated with inviting hikers to use the property around the reservoir.

Additionally, although it is not a condition of our support for the trail, OWASA has a long history of notifying and receiving feedback from the public before finalizing any changes to recreational activities at the Cane Creek Reservoir, and we are hopeful that the County's process would include some level of public involvement prior to finalizing the plans for the trail.

We look forward to participating in this initiative and believe the MST will be a tremendous asset for all citizens of Orange County.

Best regards,

Randy Kabrick, P.E., Chair

c: Mr. Frank Clifton, Manager, Orange County
Mr. Roger L. Stancil, Manager, Town of Chapel Hill
Mr. Steven Stewart, Manager, Town of Carrboro
OWASA Board of Directors
Ed Kerwin, Executive Director

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

Action Agenda

Item No. 5-a

SUBJECT: MINUTES

DEPARTMENT: Board of Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Draft Minutes

INFORMATION CONTACT:

Donna Baker, 245-2130

PURPOSE: To correct and/or approve the minutes as submitted by the Clerk to the Board as listed below:

Attachment 1	November 8, 2012	BOCC Regular Meeting
Attachment 2	December 6, 2012	Assembly of Governments Meeting

BACKGROUND: In accordance with 153A-42 of the General Statutes, the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

FINANCIAL IMPACT: NONE

RECOMMENDATION(S): The Manager recommends the Board approve minutes as presented or as amended.

1 DRAFT

Attachment 1

2 **MINUTES**
 3 **BOARD OF COMMISSIONERS**
 4 **REGULAR MEETING**
 5 **November 8, 2012**
 6 **7:00 p.m.**

7
 8 The Orange County Board of Commissioners met in regular session on Thursday,
 9 November 8, 2012 at 7:00 p.m. at the Central Orange Senior Center in Hillsborough, NC.

10
 11 **COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier and Commissioners
 12 Valerie Foushee, Alice M. Gordon, Barry Jacobs, Pam Hemminger, Earl McKee, and Steve
 13 Yuhasz

14 **COUNTY COMMISSIONERS ABSENT:**

15 **COUNTY ATTORNEYS PRESENT:** John Roberts

16 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Assistant County Managers
 17 Gwen Harvey, Michael Talbert, Clarence Grier and Clerk to the Board Donna Baker (All other
 18 staff members will be identified appropriately below)

19
 20 **NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT**
 21 **AGENDA FILE IN THE CLERK'S OFFICE.**

22
 23 **1. Additions or Changes to the Agenda**

24 Chair Pelissier went through the items at the County Commissioners' places.

- 25 - Pink sheet - proposed changes to item 5-g, Burlington-Graham Metropolitan
- 26 Planning Organization Memorandum of Understanding Adding Orange County as a
- 27 Voting Member; and 5-h, Specific Policies for Board of County Commissioner
- 28 Advisory Boards
- 29 - White sheet – PowerPoint for item 7-a regarding the Northern Human Services
- 30 Center
- 31 - Yellow sheet – revised resolution for item 7-e, the Orange County Code of
- 32 Ordinances Regarding Personnel

33
 34 **PUBLIC CHARGE**

35
 36 *The Board of Commissioners pledges to the residents of Orange County its respect.*
 37 *The Board asks its residents to conduct themselves in a respectful, courteous*
 38 *manner, both with the Board and with fellow residents. At any time should any*
 39 *member of the Board or any resident fail to observe this public charge, the Chair will*
 40 *ask the offending person to leave the meeting until that individual regains personal*
 41 *control. Should decorum fail to be restored, the Chair will recess the meeting until*
 42 *such time that a genuine commitment to this public charge is observed. All electronic*
 43 *devices such as cell phones, pagers, and computers should please be turned off or*
 44 *set to silent/vibrate.*

45
 46 **2. Public Comments**

- 47 **a. Matters not on the Printed Agenda** (Limited to One Hour – THREE MINUTE LIMIT
 48 PER SPEAKER – Written comments may be submitted to the Clerk to the Board.)

49

1 Don O' Leary said that word on the street says that the County Commissioners do not
 2 look forward to his contributions but he will get over it. He spoke about the County
 3 Commissioners' association with ICLEI angers him. He said that he is not alone. He made
 4 reference to Agenda 21, which intends to erode the rights through regulation and taxation and
 5 eliminates ownership and property rights and phases out the Constitution. Agenda 21 states
 6 clearly that it intends to eliminate 80% of the population and clearly states that there must be
 7 regulation on human reproduction. He quoted Maurice Strong, Founder of the U. N.
 8 Environment Program and a backer of ICLEI, "isn't the only hope for the planet that the
 9 industrialized civilization collapse," and "a massive campaign must be launched to de-develop
 10 the United States," and "it is clear that the current lifestyles and consumption patterns of the
 11 affluent middle class can cause a high meat intake, consumption of large amount of frozen and
 12 convenience foods, use of fossil fuel, appliances, home and workplace air conditioning, and
 13 suburban housing are not sustainable." He said that this is all implemented in Agenda 21 and
 14 would be carried out through ICLEI. He made reference to his website, which has the pdf file of
 15 Agenda 21: www.ocnc.weebly.com.

16
 17 **b. Matters on the Printed Agenda**

18 (These matters were considered when the Board addressed that item on the agenda
 19 below.)

20
 21 **3. Petitions by Board Members (Three Minute Limit Per Commissioner)**

22 Commissioner Jacobs said that he would like to have a report/special presentation from
 23 the Elections Director on how the elections went.

24 Commissioner Jacobs said that he is not aware if Orange County is doing anything in
 25 reference to Veteran's Day. He said that there used to be an event that recognized the
 26 veterans in Orange County. He would like to make this a part of the position that is being
 27 advertised in Orange County.

28
 29 **4. Proclamations/ Resolutions/ Special Presentations-NONE**

30
 31 **5. Consent Agenda**

- 32
- 33 • **Removal of Any Items from Consent Agenda**
- 34 Items f, g, h, and i were removed.
- 35
- 36 • **Approval of Remaining Consent Agenda**
- 37

38 A motion was made by Commissioner Hemminger, seconded by Commissioner
 39 Foushee to approve the remaining items on the consent agenda as stated below:

40 VOTE: UNANIMOUS

- 41
- 42 • **Discussion and Approval of the Items Removed from the Consent Agenda**
- 43

44 **f. Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendment**
 45 **Schedule for February 2013 Joint Quarterly Public Hearing – Site Plan Submittal for**
 46 **Projects Requiring Stormwater Review**

47 The Board considered approving the process components and schedule for a Planning
 48 Director initiated Unified Development Ordinance (UDO) text amendment for the February 25,
 49 2013 Quarterly Public Hearing concerning submission of formal site plans for projects requiring
 50 stormwater plan approval.

1 Commissioner Gordon said that she had a question about this and she had asked
 2 Michael Harvey if they could add on page 6, item b, Advisory Boards, Commission for the
 3 Environment at the January 2013 meeting. Michael Harvey said that this would be feasible, so
 4 she wanted to let the Board know about this addition.

5 A motion was made by Commissioner Gordon seconded by Commissioner Jacobs to
 6 approve the Amendment Outline form contained within Attachment 1 and direct staff to proceed
 7 accordingly, with the addition on page 6 as stated above.

8 VOTE: UNANIMOUS
 9

10 **g. Burlington-Graham Metropolitan Planning Organization Memorandum of**
 11 **Understanding Adding Orange County as a Voting Member**

12 The Board considered approval of a resolution adding Orange County as a voting
 13 member of the Burlington-Graham Metropolitan Planning Organization (BG MPO) to the
 14 Memorandum of Understanding (MOU) and authorizing the Chair and County Clerk to execute
 15 the MOU.

16 Commissioner Gordon said that she had submitted some editorial changes on the pink
 17 sheet at their places and they are acceptable to the BG-MPO.

18 The changes are below:
 19

20 In the Memorandum of Understanding (Attachment 2), use gender neutral language, and
 21 correct the sub-section numbers, as follows:
 22

- 23 1. Page 6 - 5-d: Change "his alternate" to "his/her alternate"
- 24 2. Page 6 - 7: Change "Chairman and Vice Chairman" to "Chair and Vice Chair."
- 25 3. Page 9 - second paragraph (after 3 bullets): Change "Chairman and Vice Chairman" to
 26 "Chair and Vice Chair."
- 27 4. Pages 7 and 9. It appears that there are two sub-sections with the number 10. Correct
 28 the numbers for these sub-sections, and the ones that follow them.
 29

30 A motion was made by Commissioner Gordon, seconded by Commissioner Foushee to
 31 approve a resolution adding Orange County as a voting member of the Burlington-Graham
 32 Metropolitan Planning Organization (BG MPO) to the Memorandum of Understanding (MOU)
 33 and authorize the Chair and County Clerk to execute the MOU, with the editorial changes
 34 shown above.
 35

36 VOTE: UNANIMOUS
 37
 38

39 **h. Specific Policies for Board of County Commissioner Advisory Boards**

40 The Board considered approving the resolution approving the board-specific policies for
 41 the advisory boards referenced and approving two amendments to the Orange County Board of
 42 County Commissioners' Advisory Board Policy and authorizing the Chair to sign the attached
 43 resolution.
 44

45 Commissioner Gordon said that she had submitted some editorial changes to this
 46 document and they are below:
 47

48 Section III-B Composition - Change the wording to the following:
 49

- 50 1. The OUT Board is composed of thirteen (13) voting members
 51

1 2. The OUT Board does not have alternate members.

2
3 3. Members shall represent demographic, geographic, cultural and
4 professional characteristics, as follows:

5 a. Seven members, one from each township in Orange County.

6 b. Six at-large members, with expertise or specific interests in the following areas:

7 (The six bullets are fine as written.)
8

9 A motion was made by Commissioner Gordon, seconded by Commissioner McKee to
10 approve the resolution, with the editorial changes, approving the board-specific policies for the
11 advisory boards referenced and approving two amendments to the Orange County Board of
12 County Commissioners' Advisory Board Policy and authorize the Chair to sign the attached
13 resolution.

14 VOTE: UNANIMOUS
15

16 **i. Report on Library Interoperability**

17 The Board considered the Library Interoperability Report from the Town and County
18 Managers and Library Staff for Orange County and the Town of Chapel Hill, and authorizing
19 staff to proceed with implementation of the first four (4) short term objectives.

20 Commissioner Jacobs said that he asked to have this pulled in order for the public to
21 hear a presentation about the steps the County is taking to work on interoperability of Library
22 Services. He asked Library Services Director Lucinda Munger to give a brief report.

23 Library Services Director Lucinda Munger said that this past fall the staff of the Chapel
24 Hill Public Library and the Orange County Public Library held several meetings to go over the
25 issue of interoperability. This was part of a signed interlocal agreement between both parties.
26 The discussions were very cooperative. The report is the outcome of those sessions. The goal
27 is to improve access for all Orange County residents and to continue to provide high quality
28 library services throughout the County. These are the two primary goals. These were divided
29 into short-term objectives. She thanked the Chapel Hill Library staff who worked on this very
30 cooperatively.

31 Commissioner Jacobs asked about the contribution to the Chapel Hill Library system
32 and Lucinda Munger said that it would be \$460,000 for the next fiscal year, which is a 3%
33 increase over the current year.

34 A motion was made by Commissioner Jacobs, seconded Commissioner Hemminger to
35 approve the Library Interoperability Report from the Town and County Managers and Library
36 Staff for Orange County and the Town of Chapel Hill, and authorize staff to proceed with
37 implementation of the first four (4) short term objectives.

38 VOTE: UNANIMOUS
39

40 **a. Minutes**

41 The Board approved the minutes from September 6 and 13, 2012 as submitted by the
42 Clerk to the Board.

43 **b. Motor Vehicle Property Tax Release/Refunds**

44 The Board adopted a release/refund resolution, which is incorporated by reference, related
45 to 53 requests for motor vehicle property tax releases or refunds in accordance with
46 NCGS.

47 **c. Property Tax Releases**

48 The Board adopted a resolution, which is incorporated by reference, to release property
49 values for seventy-three (73) taxpayer requests that will result in a reduction of revenue in
50 accordance with North Carolina General Statute 105-381.

1 **d. Applications for Property Tax Exemption/Exclusion**

2 The Board approved thirteen (13) untimely applications for exemption/exclusion from ad
3 valorem taxation for the 2012 tax year.

4 **e. Request for Proposals (RFP) Awards – Library Automation**

5 The Board awarded two RFP's for the following Radio Frequency Identification System
6 (RFID) from Bibliotheca, Inc. of Norcross, Georgia at a cost of \$58,220.69; and Integrated
7 Library System (ILS) from Innovative Interfaces, Inc. of Emeryville, California at a cost of
8 \$138,505 and authorize the Manager to sign the contracts on behalf of the Board subject
9 to final review by staff and the County Attorney.

10 **f. Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendment**
11 **Schedule for February 2013 Joint Quarterly Public Hearing – Site Plan Submittal for**
12 **Projects Requiring Stormwater Review**

13 This item was removed and placed at the end of the consent agenda for separate
14 consideration.

15 **g. Burlington-Graham Metropolitan Planning Organization Memorandum of**
16 **Understanding Adding Orange County as a Voting Member**

17 This item was removed and placed at the end of the consent agenda for separate
18 consideration.

19 **h. Specific Policies for Board of County Commissioner Advisory Boards**

20 This item was removed and placed at the end of the consent agenda for separate
21 consideration.

22 **i. Report on Library Interoperability**

23 This item was removed and placed at the end of the consent agenda for separate
24 consideration.

25 **j. Change in BOCC Regular Meeting Schedule for 2013**

26 The Board changed the location of the BOCC Annual Retreat, which is scheduled for
27 Friday, February 1, 2013 **FROM** Southern Human Services Center, 2501 Homestead
28 Road, Chapel Hill **TO** the Solid Waste Administrative Offices, 1207 Eubanks Road, Chapel
29 Hill.

30
31 **6. Public Hearings**

32
33 **a. Unified Development Ordinance Text Amendments (Closure & Action**
34 **Hearing) – Solar Arrays**

35 The Board received the Planning Board's recommendation, closed the public hearing,
36 and considered a decision on Planning Director initiated text amendments to the Unified
37 Development Ordinance (UDO) regarding the review and permitting of solar arrays.

38 Planner Michael Harvey reviewed this item. Attachment 2 establishes the standards for
39 the array. The accessory use of the solar array is limited to 20 kilowatts. Anything over this
40 would be reviewed by the Board of Adjustment as a Class B Special Use Permit. Anything over
41 100 kilowatts will be reviewed by the County Commissioners as a Class A Special Use Permit
42 with a public utility. The Planning Board recommended unanimous approval with minor
43 modifications, which are in the packet.

44 Commissioner Gordon asked Michael Harvey to summarize the reasoning behind doing
45 10 kilowatts. Michael Harvey said that this is based on NC Green Power and Piedmont
46 Electric's standard for what is allowed. They decided to go with the Planning Board
47 recommendation of 20 kilowatts because that is what Duke Energy allows.

48 Clarifying questions of County Commissioners were answered by Michael Harvey.

49 Chair Pelissier said that it might be a good idea to re-label items like this because when
50 people see "public hearing" they think it is actually a public hearing.

1 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz
2 to close the public hearing.

3 VOTE: UNANIMOUS

4
5 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz
6 to adopt the ordinance with the initiated text amendments to the Unified Development
7 Ordinance (UDO) regarding the review and permitting of solar arrays (Attachment 2).

8 VOTE: UNANIMOUS

9
10 **7. Regular Agenda**

11
12 **a. Northern Human Services Center Project – Next Steps**

13 The Board provided specific direction to staff on efforts related to the Northern Human
14 Services Center (NHSC) by Approving “Option 2” as the development path for the project; and
15 Authorizing the Manager to engage a professional design firm for the project through a request
16 for qualifications (“RFQ”) process.

17 Department of Environment, Agriculture, Parks and Recreation Director Dave Stancil
18 said that this was presented on October 25th. He did not go through the PowerPoint
19 presentation again. The PowerPoint is included in the packet for reference. There are two
20 options. The first option is to deconstruct the entire facility and building a new 10,000 square
21 foot community center. The second option is to use the center section of the building. Either of
22 those options would include Triangle J High Performance Building Standards throughout the
23 project. The cost estimate is around \$2 million for either of the options. This funding is
24 reflected in the Capital Investment Plan this spring. Attachment 3 has a summary of the
25 comments made at the September 25th community meeting. There was very strong consensus
26 that Option 2 would be preferable. The design process will begin in the spring during the capital
27 budget season. Staff is prepared to continue on the path of Option 2 with the Board’s approval.

28 Commissioner Hemminger asked about the asbestos situation. Jeff Thompson said that
29 the asbestos is encapsulated and it is in a safe condition. It will be completely cleared out and
30 it will be safe.

31 Frank Clifton said that the internal workings of the building will be removed and only the
32 structure will be retained.

33 Commissioner Hemminger asked if there would be storage for equipment for the park
34 and Jeff Thompson said yes.

35 Commissioner Jacobs asked if sustainable elements would be incorporated and Jeff
36 Thompson said yes. Commissioner Jacobs asked that this be added into the document so that
37 it is part of the understanding going forward. He said that for the people that may not be
38 around in 2015 or whenever this building opens, he would like to request that the Historic
39 Preservation Commission and/or the Orange County School System get together and try and
40 capture some of the history of the Northern Human Services Center.

41 Dave Stancil said that this is already in the works.

42 A motion was made by Commissioner Foushee, seconded by Commissioner
43 Hemminger to approve Option 2” as the development path for the project which includes:
44 removal of classroom wings, adaptive re-use of 10,000 square foot center portion; new roof and
45 building systems; standard interior upfit; and authorize the Manager to engage a professional
46 design firm for the project through a request for qualifications (“RFQ”) process.

47 VOTE: UNANIMOUS

48
49 **b. Strategic Information Technology Plan**

1 The Board reviewed and provided input on the latest draft of the Strategic Information
2 Technology Plan and considered approval based on the Board discussion.

3 Frank Clifton said that Chief Information Officer Todd Jones is out on extended medical
4 leave and Jim Northup is standing in for him. He said that the document before the Board is in
5 its final stages.

6 Jim Northup introduced Dr. Shannon Tufts from the UNC Center for Public Technology.
7 He said that this document will serve as a guide to technology and capital investment planning.

8 Dr. Shannon Tufts congratulated Orange County on the tremendous effort put into
9 technology services and said that it is one with the highest number of online services in the
10 state compared to other counties of similar size. She said that Orange County is down 6-18
11 staff compared to where it should be with a similar sized organization. She said that there are
12 many low-cost recommendations such as Information Technology governance, which is where
13 the managers can offer input about technology investments as strategies are being formulated.
14 In terms of external priorities, she stated that the highest priorities should be website upgrades;
15 moving toward paperless agendas; and creating a comprehensive licensing, inspection, and
16 permitting system. One of the County Commissioners' areas of interest was reporting all
17 meetings and that the public should have a right to have access to all meetings. This is a
18 substantial investment.

19 Commissioner Gordon clarified that the Board is only adopting a framework tonight and
20 not making any financial obligations.

21 Commissioner Gordon made reference to page 25 and the recommendation for the
22 County to choose one location for all Board of County Commissioners meetings. She would
23 like to add, "or at most two locations." Shannon Tufts said that this is fine.

24 Shannon Tufts said that there are other options to look at than webstreaming and most
25 of them are low cost. She can document these as well.

26 Commissioner Yuhasz said that he would like to see all of the meetings webstreamed
27 and videotaped.

28 Commissioner Hemminger asked that the IT Governance Committee get started.

29 A motion was made by Commissioner Hemminger, seconded by Commissioner McKee
30 to adopt the Strategic Information Technology Plan and to move forward right away on the
31 Information Technology Governance Committee.

32 VOTE: UNANIMOUS

33
34 **c. Bid Award – Buckhorn Mebane Phase 2 Water and Sanitary Sewer, and**
35 **Approval of Budget Amendment #3-C**

36 The Board considered awarding the bid and approving a construction contract to J.F.
37 Wilkerson Contracting of Morrisville, NC in the amount of \$4,016,545.74 for the installation of
38 Buckhorn Mebane Phase 2 water and sanitary sewer system; approving Budget Amendment
39 #3-C for \$1,016,546 (last year's Capital Investment Plan (CIP) cost estimate did not include
40 some cost efficient water and sewer scope additions that can be completed in this phase rather
41 than during later phases); authorizing the Chair to sign the contract on behalf of the Board of
42 County Commissioners, subject to final review by the County Attorney; and authorizing the
43 Manager to execute individual change orders within the limit of the Manager's authority
44 (\$250,000) up to the extent of the project budget.

45 Planning Director Craig Benedict made a PowerPoint presentation. The funds for this
46 were made available by the November election of 2011 which approved the ¼ cent sales tax

47
48 **Bid Award**
49 **Buckhorn Mebane Phase 2 Water and Sanitary Sewer and Approval of Budget**
50 **Amendment #3-C**
51

Purpose

- Awarding the Bid to J.F. Wilkerson Contracting
- Approve Budget Amendment #3-C
- Authorize the Chair to Sign the Contract
- Authorize the Manager to Execute Individual Change Orders, As Necessary

Project Vicinity

- Part of 3,000 acre Efland/ Buckhorn/ Mebane Utility Planning Area
- 800 acres of Economic Development Land Use
- 3-mile Corridor South of I-85/I-40 and West of Efland

Project Scope

- Gravity Sewer 'Backbone' System Linked to the City of Mebane (15,000 LF)
- 16" Water Mains Support an *Additional* 900 acres (14,000 LF)

Economic Development Initiatives

- Funding ¼ Cent Sales Tax Initiative from the November 2011 Voter Referendum
- Succeeded in Two Major Interlocal Utility Agreements with Mebane and Durham
- Invest in Infrastructure
- Diversify the Economic Tax Base

Recommendations

- Award the bid and approve a construction contract to J.F. Wilkerson Contracting of Morrisville, NC, in the amount of \$4,016,545.74 for the installation of Buckhorn Mebane Utilities Phase 2 water and sanitary sewer system;
- Approve Budget Amendment #3-C for \$1,016,546;
- Authorize the financing of the project and payment of debt service using the ¼ cent sales tax revenue;
- Authorize the Chair to sign the contract on behalf of the Board of County Commissioners, subject to final review by the County Attorney;
- Authorize the Manager to execute individual change orders within the limit of his authority (\$250,000) up to the extent of the project budget.

Economic Development Director Steve Brantley said that the installation of this water and sewer will further distinguish Orange County for sustainable industries and other economic development opportunities. He thinks that there will be an increase in interest and visits. He is excited to market this area with news of these utilities.

Chair Pelissier asked that this be marketed right away.

Steve Brantley said that he could forward a press release statewide and to the North Carolina Department of Commerce.

A motion was made by Commissioner McKee, seconded by Commissioner Foushee to award the bid and approve a construction contract to J.F. Wilkerson Contracting of Morrisville, NC in the amount of \$4,016,545.74 for the installation of Buckhorn Mebane Phase 2 water and sanitary sewer system; approve Budget Amendment #3-C for \$1,016,546 (last year's Capital Investment Plan (CIP) cost estimate did not include some cost efficient water and sewer scope additions that can be completed in this phase rather than during later phases); authorize the Chair to sign the contract on behalf of the Board of County Commissioners, subject to final review by the County Attorney; and authorize the Manager to execute individual change orders within the limit of the Manager's authority (\$250,000) up to the extent of the project budget.

VOTE: UNANIMOUS

1
2 Commissioner Jacobs said that the public passed the ¼-cent sales tax and the transit tax.
3 He said that the residents of Orange County by instituting the sales tax are improving economic
4 development and technology in schools to improve the quality of life for those that live and work
5 and play in Orange County.

6 Commissioner Gordon said that Orange County is now in an enviable position because it
7 has large tracts of land on the interstate for economic development.

8 Craig Benedict introduced the contractors for this project.
9

10 **d. Historic Rogers Road Neighborhood – Managers’ Recommendations & Rogers**
11 **Eubanks Neighborhood Association (RENA) Neighborhood Center Business**
12 **Plan**

13 The Board reviewed and provided comments, concerns, and suggestions to the Historic
14 Rogers Road Neighborhood Task Force on the Managers’ Recommendations dated October 16,
15 2012 and the RENA Neighborhood Center Business Plan.

16 Assistant County Manager Michael Talbert introduced this item. The last time this task
17 force met they asked that this document be presented to each of the local governing boards for
18 feedback. The task force meets again on November 14th, which is the last scheduled meeting.
19 A final report is due to the Assembly of Governments on December 6th. There is no immediate
20 financial impact for action taken to discuss this issue.
21

22 Attachment 2 is the first item to be considered:

23 First Phase:

- 24 1. A new Rogers Road Neighborhood Community Center to be constructed on the 2 lots in
25 the Phoenix Place subdivision, a site graciously provided by Habitat for Humanity. (The
26 Board of County Commissioners approved a capital project of \$500,000 to advance
27 funding for a Rogers Road Community Center on October 16, 2012.)
28

29 a. That County staff will work with Habitat to investigate a contractual agreement with Habitat to
30 construct a Community Center that would serve the residents of the Rogers Road
31 Neighborhood. The Managers will approve the design of the facility, initially funded by Orange
32 County, with the intent of a long-term master lease agreement that would cover operating and
33 maintenance of the Center, with the detail to be worked out later, including a second lease with
34 Rogers Eubanks Neighborhood Association (RENA) for \$1 per year, to operate some
35 community based programs.
36

37 b. Authorize the Managers to negotiate an Interlocal cost sharing agreement for the Community
38 Center that will commit the County and the Towns to the same costs sharing percentages as
39 outlined in the 1972 Landfill Agreement 43% for Orange County, 43% for the Town of Chapel
40 Hill and 14% for the Town of Carrboro. Funding to reimburse the County will begin in Fiscal
41 2013/14.
42

43 c. That the details of the construction of a Community Center will be referred back to the
44 Managers for coordination and a report to the Task Force and/or the governing bodies.
45

46 **Second Phase**
47

48 2. That the Managers continue to work on a solution to provide Sewer Infrastructure to the
49 Rogers Road Neighborhood including priority and funding options. At this time discussions are
50 continuing as to how to advance and fund that effort.

1
2 a. That the County and the Town of Chapel Hill recommend that Orange County will petition the
3 Town of Chapel Hill to annex all County owned property (that is located in Chapel Hill's ETJ) in
4 the Rogers Road Neighborhood, including the jointly owned Greene Tract, This action would
5 alleviate legal concerns from the Town of Chapel Hill attorney.
6

7 b. The Managers recommend that Habitat petition the Town of Chapel Hill to annex the 2 lots in
8 the Phoenix Place subdivision, provided by Habitat for the construction of a Rogers Road
9 Neighborhood Community Center.
10

11 c. That the 104 acre jointly owned Greene Tract be considered for development, that would
12 include a future school site (10 to 12 acres), and the remainder of the site be considered for
13 workforce/affordable housing, with all proceeds from the sale or lease of the land for
14 development, including funding from the County for a future school site, to be used to fund
15 sewer in the Rogers Road Neighborhood. Such development of workforce housing is
16 consistent with the Chapel Hill 2020 Comprehensive Plan. While there is no formal agreement
17 on how the Greene Tract will be used, a concept plan was introduced in 2002.
18 Collectively all governing boards will have to approve any future plans for the Greene Tract.
19

20 3. That the Task Force investigate the creation of County Sewer District for all property owners
21 in the Rogers Road Neighborhood and adjoining neighborhoods that are not currently served by
22 a municipal sewer system and would benefit from the installation of sewer infrastructure to
23 serve the Rogers Road Neighborhood.
24

25 a. Territory lying within the corporate limits of a city or town may not be included in the district
26 unless the governing body of the city or town agrees by resolution to such inclusion.
27

28 b. The County would propose to contract with OWASA for the actual operation of the sewer
29 system, which would provide an opportunity for a different rate structure for this district.
30

31 c. A County Sewer District could make special assessments against benefited property within
32 the district to cover the costs of constructing, extending or improving sewage disposal system.
33 The basis of any special assessment would be determined at a later date after investigating
34 development potential and the number of possible dwelling units (the Managers of Chapel Hill
35 and Carrboro are instructing the planning staff to begin this evaluation). A special assessment
36 would share the costs of the sewer system with current benefited property (homeowners) and
37 undeveloped land for future development.
38

39 d. Consideration could be made to offset the cost of connecting sewer system for some group
40 of residents to be defined. One example could be the owners of owner-occupied housing units
41 in place at the time the sited (1972). There were estimated 40 +/- housing units in place at that
42 time. Other definitions of those who would receive an offset can be developed.
43

44 e. To investigate the use of approximately \$900,000 of Orange County Solid Waste Rogers
45 Road Reserves for sewer improvements.
46

47 f. The County Sewer District will be eliminated when the debt is retired and the system would be
48 given to OWASA.
49
50

1 Frank Clifton said that the sewer issues have caused the most hurdles. There are still a
2 lot of issues to be dealt with. The Town of Carrboro has taken affirmative action at this time.

3 Commissioner Hemminger thanked the managers for finding a mechanism with a
4 funding opportunity for this proposal. She said when they are thinking about the cost of sewer
5 that everyone should remember that this is a long-term project. The task force is interested in
6 different options and the sewer district conversation was very positive. There are still many
7 things to be worked out, but everyone is ready to move forward to make it work.

8 Michael Talbert said that the neighborhood association held a meeting at the
9 Tabernacle Church on November 3rd. There were 22-25 people there. The intent was to see
10 which members of the community wanted sewer. Rev. Campbell and Mr. Caldwell had already
11 gone door to door and had a list of 42 names of people that were interested in getting sewer.
12 Eleven were inside the Town limits of Carrboro, two were outside of the Rogers Road
13 neighborhood and nine were inside. In the Chapel Hill Planning side, a total of 31 were
14 interested in sewer.

15 John Roberts said that the attorneys did discuss these manager's recommendations
16 and came out in agreement that all can be accomplished, but may not be in the manner
17 recommended. The details need to be reviewed more.

18 Commissioner Gordon made reference to page 8, item 2-a, and asked about the pros
19 and cons of annexation. She would like to have this information.

20 John Roberts said that the concerns are that the towns feel that they cannot spend
21 money outside of their jurisdictions. Annexation has been suggested to extend the jurisdictions
22 to allow them to spend money within these areas.

23 Commissioner Gordon made reference to item 2-c and the jointly owned Greene Tract
24 of 104 acres. She said that there was quite a process the Board of Commissioners went
25 through when they came up with the plans for the 104 acres. She said that the entities need to
26 engage in some sort of process to decide what all three jurisdictions can agree upon. She said
27 that it needs to be a collaborative process.

28 Commissioner Jacobs said that it would be useful to see what was discussed at AOG
29 meetings in the past about the Greene Tract. It was very spirited because people were arguing
30 about how much acreage should go for affordable housing, whether there should be active
31 recreation, etc. He said that he appreciated that there is a Historic Rogers Road area and that
32 these residents need to be served first. He said that it would be nice to come to the AOG with a
33 description of OWASA's tap-on policy. He thinks that the policy is that if a house is in that area,
34 then it has to hook up.

35 Frank Clifton agreed that the elected bodies need to have a discussion with the OWASA
36 board about this issue. When the landfill closes next summer, there will be discussions about
37 what happens in the neighborhoods around it.

38 Commissioner Yuhasz made reference to the Greene Tract and said that it is important
39 to look at the discussions from the past, but he would not want it to hamstring the process. He
40 said that it is also important to have a discussion about divestiture of the Greene Tract.

41 Chair Pelissier suggested that the task force ask OWASA to look at its policy related to
42 sewer gravity for this specific project. She thinks that the board might be willing to consider
43 this.

44 Commissioner Hemminger said that the community center discussion came up again
45 and it was thought that \$500,000 was not going to be enough, and that \$650,000 would be
46 more realistic to add to the advancement project (an additional \$150,000). She asked the
47 Board to consider additional funding.

48 Commissioner Hemminger said that the business plan from RENA is a dream and a
49 listing of all kinds of possibilities. She asked the Board to view this as goals and a dream only
50 at this time.

1 Commissioner McKee asked about the driver for the increased costs for the community
2 center.

3 Michael Talbert said that staff had talked to Chapel Hill about what size facility could be
4 built on the site and he said the size of the facility has been increased because they want a
5 commercial kitchen and a green building, and more room for other projects.

6 Commissioner Gordon said that they need to figure out what they need in the building
7 first and then figure out the cost.

8 Michael Talbert said that RENA is currently working with an architect, but the goal is to
9 get this funded now so that there is assurance that it will be built. The plan will come back for
10 refinement.

11 Commissioner Jacobs suggested inviting OWASA officers, Attorney, and Executive
12 Director to the AOG meeting to hear the conversations.

13 Commissioner McKee said that he would support this increase in costs but he does not
14 want to chase a moving target.

15 Commissioner Foushee said that there was discussion about having enough money for
16 flexibility for the future and it is less expensive to do it now rather than later. She said that
17 Habitat is not going to be the agency that constructs the building and the County will need to
18 contract with someone to do that.

19 Commissioner Hemminger said that Habitat wanted a figure they could work with and a
20 range.

21 Michael Talbert agreed that Habitat will contract this out, which limits volunteer help.
22 This is what caused some of the increase in costs.

23 Michael Talbert went over the Business Plan briefly. He reiterated that this is a dream
24 and what they want to do for the next 10 years. Several new initiatives include day care,
25 fostering economic development through a catering business, and a business incubator to
26 promote businesses. The budget includes \$208,000 in year one, which would start after the
27 building is complete. By year three, the budget will be \$345,000. Much of the revenues in the
28 beginning will come from grants - \$129,000 out of \$208,000. The income from new initiatives
29 would kick in starting in years two and three.

30 Commissioner Yuhasz asked where the grants would come from and Michael Talbert
31 said that this was not specified. He thinks that they would explore all opportunities.

32 Commissioner Yuhasz said that his concern is that this facility will be built and then the
33 neighborhood will look to the Board of County Commissioners to manage and maintain it from
34 now on. He would feel more comfortable if he knew where this money would come from.

35 Commissioner Foushee said that a lot of this goes back to dreams. She said that this
36 group has operated without the County's help for many years. The goals and expectations are
37 that they will continue to operate with little or no help from the local governments. She said that
38 the operational funding needs to be more clear. She said that if this center gets built, the
39 neighborhood will be able to sustain it.

40 Commissioner Yuhasz said that he believed that this would be the intent, but the
41 approval of this center will have attached to it conditions from the Town of Chapel Hill and may
42 make it difficult to operate on a shoestring.

43 Commissioner Hemminger said that it would be very appropriate to put in that the
44 County Commissioners are excited about the plan but the County will not be providing
45 operational funds.

46 A motion was made by Commissioner Hemminger, seconded by Commissioner
47 Foushee to send the message that the Board of County Commissioners is pleased with the
48 recommendations and with the RENA plan and to direct staff to find an additional \$150,000 for
49 the upfront startup costs of the community center, and to provide comments back to the task
50 force.

1 VOTE: UNANIMOUS
2

3 A motion was made by Commissioner Yuhasz, seconded by Commissioner Foushee to
4 enter into discussions about divestiture of the Greene Tract with the other involved
5 governmental bodies.

6 VOTE: Ayes, 6; Nay, 1 (Commissioner Gordon)

7 Commissioner Hemminger said that she would like to signal the intent to discuss with
8 OWASA to look at the policy for a pump station in this particular situation.

9 Chair Pelissier made a friendly amendment that she writes a letter to the OWASA Chair
10 declaring the Board's intent and copy Chapel Hill and Carrboro.

11 Commissioner Jacobs said that he would like the boards to have the conversation about
12 the Greene Tract just like he would like the boards have the conversation with OWASA.

13 VOTE: UNANIMOUS
14

15 **e. Amendment to the Orange County Code of Ordinances Regarding Personnel**

16 The Board considered reviewing and approving a proposed amendment to Chapter 28
17 of the Orange County Code of Ordinances by approving the attached resolution.

18 John Roberts said that this is coming out of the October 25th work session and one of
19 those boards was the Personnel Hearing Board. This is an appeal board and has only met one
20 time in 20 years. The changes he recommended are to select three members from among five
21 senior County employees including elected officials that do not report to the Manager. Another
22 change would be to amend the portion that says there would have to be an attorney because
23 this is not a judicial hearing.

24 Commissioner Hemminger asked if the employee was allowed to have another person
25 with them other than an attorney and John Roberts said yes.

26 John Roberts said to add a sentence that the employee may be accompanied by an
27 individual for support only of the employee's choosing who is not an attorney.

28 Commissioner Gordon asked who would choose the committee.

29 John Roberts said that the Human Resources Director would contact the five people
30 that the Board of County Commissioners chooses.

31 Commissioner Gordon would like to have a more defined process. The other County
32 Commissioners are ok with choosing the first three that are available.

33 Frank Clifton suggested having the five people decide who would serve. Commissioner
34 Gordon agreed with this.
35

36 **RESOLUTION OF AMENDMENT**

37
38 **A RESOLUTION AMENDING CHAPTER 28, ARTICLE VIII OF THE ORANGE**
39 **COUNTY CODE OF ORDINANCES**
40

41 Be it Resolved by the Board of Commissioners of Orange County, North Carolina:

42
43 WHEREAS, Orange County, through ordinance, has provided for employee appeals to the
44 Personnel Hearing Board of Step 3 decisions by the County Manager regarding demotion,
45 suspension, or dismissal of employees; and
46

47 WHEREAS, the Personnel Hearing Board last met in 2008 and this infrequency of meetings
48 creates a difficult situation for members and staff; and
49

1 WHEREAS, the integrity of the appeal hearing process may be maintained by having available
 2 to serve as members senior Orange County Officials who do not report to the County Manager;
 3 and
 4

5 WHEREAS, the Orange County Board of Commissioners, believing it to be in the best interest
 6 of employees and to maintain the integrity of the appeal process, wishes to amend Chapter 28,
 7 Article VIII of the Code of Ordinances as is reflected in the attachment hereto, Exhibit 1.
 8

9 NOW THEREFORE, the Orange County Board of Commissioners hereby amends Chapter 28,
 10 Article VIII, Sections 28-87 and 28-88 of the Orange County Code of Ordinances to provide for
 11 the procedures of Step 3 appeals and to provide for the membership of the Personnel Hearing
 12 Board.
 13

14 This Amendment shall become effective upon adoption.
 15

16 A motion was made by Commissioner Hemminger, seconded by Commissioner
 17 Foushee to approve the proposed amendment with the suggested changes to Chapter 28 by
 18 the County Attorney of the Orange County Code of Ordinance and the revised resolution.
 19

20 VOTE: UNANIMOUS
 21

22 **8. Reports-NONE**

23 **9. County Manager's Report**

24 Frank Clifton said that the employees' United Way campaign donated more than they
 25 ever have before and more participants than have ever participated. Over \$30,000 was
 26 donated by employees.
 27

28 **10. County Attorney's Report**

29 John Roberts said that there was a court case that invalidated the SAPFO for Cabarrus
 30 County. The majority decision said that adequate public facilities ordinances are not zoning
 31 ordinances and therefore the County cannot enforce them. He said that he met with the local
 32 Attorneys and they think that they can maintain Orange County's ordinance in place with some
 33 amendments. He will be presenting this to each of the boards shortly.
 34

35 **11. Appointments**

36 **a. Orange County Arts Commission – Appointment**

37 The Board considered an appointment to the Orange County Arts Commission.

38 A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to
 39 appoint Geoffrey Hathaway to the At-Large position with a term expiring March 31, 2014.
 40

41 VOTE: UNANIMOUS
 42

43 **b. Orange County Commission for the Environment – Appointments**

44 The Board considered appointments to the Orange County Commission for the
 45 Environment.

46 A motion was made by Commissioner Gordon, seconded by Commissioner Hemminger to
 47 appoint Samual Yellen to the Land Resources position with a first full term expiring December
 48 31, 2014; and Terri Buckner to an At-Large position with a first partial term expiring December
 49 31, 2013.
 50

VOTE: UNANIMOUS

1
2 **c. Historic Preservation Commission – Appointment**

3 The Board considered an appointment to the Historic Preservation Commission.

4 A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to
5 appoint Todd Dickinson to an At-Large position with a second full term expiring March 31, 2015.

6 VOTE: UNANIMOUS
7

8 **d. Human Relations Commission – Appointments**

9 The Board considered appointments to the Human Relations Commission.

10 A motion was made by Commissioner Hemminger, seconded by Commissioner Jacobs to
11 appoint the following:

- 12 - Tiki Windley to an At-Large position with a first full term expiring September 30,
13 2015
- 14 - Robert Ireland to an At-Large position with a first full term expiring September 30,
15 2015
- 16 - Dr. Li-Chen Chin to the Town of Hillsborough position with a first full term expiring
17 June 30, 2015
- 18 - Gerald Ponder to the Town of Hillsborough position with a first partial term expiring
19 June 30, 2014
- 20 - Joseph Polich to an At-Large position with a first full term expiring September 30,
21 2015

22 VOTE: UNANIMOUS
23

24 **e. Orange County Planning Board – Appointment**

25 The Board considered an appointment to the Orange County Planning Board.

26 A motion was made by Commissioner Gordon, seconded by Commissioner Jacobs to
27 appoint Dr. Herman Staats to an At-Large position with a first partial term ending March 31,
28 2013.

29 VOTE: UNANIMOUS
30

31 **f. Orange Unified Transportation Board – Appointments**

32 The Board considered appointments to the Orange Unified Transportation Board.

33 A motion was made by Commissioner Gordon, seconded by Commissioner McKee to
34 appoint the following:

- 35 - CDR Alexander Castro, Jr. to the Bingham Township position with a first term
36 expiring September 30, 2015
- 37 - Rev. Susie Enoch to the Cheeks Township position with a first partial term expiring
38 September 30, 2013
- 39 - Sam Lasris to the Cedar Grove Township position with a first full term expiring
40 September 30, 2014
- 41 - Paul Guthrie to the Chapel Hill Township position with a second term expiring
42 September 30, 2015
- 43 - Bryan Warren to the Hillsborough Township position with a first partial term expiring
44 September 30, 2014
- 45 - Ted Triebel to the Little River Township position with a first term expiring September
46 30, 2015
- 47 - Jeff Miles to the Pedestrian Access Advocate position with a first term expiring
48 September 30, 2015

49 VOTE: UNANIMOUS
50

1 **12. Board Comments**

2 Commissioner Gordon said that there was a joint meeting of the DCHC-MPO and
3 CAMPO Transportation Advisory Committees. The two MPOs did a joint Long-Range
4 Transportation Plan (LRTP) for the first time when they completed the 2035 LRTP. The long
5 range plan for 2040 will be called the Metropolitan Transportation Plan (MTP) and the two
6 groups will again work together to produce a joint 2040 MTP. She said that a report was
7 received on the RTP Master Plan and there are some transit-friendly features included.

8 Commissioner McKee said that the election took place last week and everyone should
9 keep in mind that the United States has the best governmental system in the world.

10 Commissioner Hemminger said that she met with Orange County staff about the Upper
11 Neuse River Basin Authority rules about Falls Lake Watershed area. They set up a system of
12 working together and meeting regularly to talk about these things. There will be an update from
13 staff regarding the new additional rules that will come into effect within the next year. The
14 things affecting Orange County are the septic tank situations. The County has to prepare an
15 inventory of all septic tanks in the County.

16 Commissioner Yuhasz said that on October 24th the Board of Health adopted the
17 Smoke-Free Public Places Ordinance. There will be a public hearing on that for this Board on
18 November 20th, with consideration for adoption.

19 Commissioner Jacobs congratulated Commissioner Foushee for being elected to the
20 General Assembly and the three new Board of County Commissioners Elect and Chair Pelissier
21 for being re-elected.

22 Commissioner Foushee thanked the residents of Orange County for participating in the
23 election process.

24 Commissioner Foushee said that she attended the DSS Institute and Orange County's
25 DSS was recognized for one of their customer service projects. Also, there was a
26 groundbreaking for the Orange County unit of the Boys and Girls Club on Sunday at 4:00. She
27 thanked the contributors of this project.

28 Chair Pelissier congratulated Commissioner Foushee and the other new members of
29 the Board of County Commissioners.

30 Chair Pelissier said that there is information about the Partnership to End
31 Homelessness Project Connect. This year there were a total of 268 people either homeless or
32 at risk for homelessness being served. There were almost 2,700 different services provided.
33 The highest number of services was health at 1,037. She also participated in the Piedmont
34 Crescent Partnership for Transportation event. Those invited were given feedback on what
35 kind of policies the State should have for funding for transportation for the Piedmont Crescent
36 area, which is Orange County all the way to Charlotte.

37 Chair Pelissier said that at the Triangle Transit Authority Board meeting it was noted that
38 the Federal Transportation Administration sent several people here to look at the transit routes
39 in respect to the New Starts application for the light rail plan.

40 Commissioner Jacobs acknowledged that the voters of Orange County approved the 1/2-
41 cent sales tax for transit.

42 Commissioner Gordon congratulated the four commissioners who were just elected or
43 re-elected to the Board of County Commissioners and also congratulated Commissioner
44 Foushee for being elected to the General Assembly.

45 **13. Information Items**

- 46
- 47 • October 16, 2012 BOCC Meeting Follow-up Actions List
 - 48 • Tax Collector's Report for Period Ending October 19, 2012
- 49

50 **14. Closed Session**

1 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz
2 to go into closed session at 9:35 PM for the purpose of:
3 “To consider the qualifications, competence, performance, character, fitness, conditions of
4 appointment, or conditions of initial employment of an individual public officer or employee or
5 prospective public officer or employee;” NCGS § 143-318.11(a)(6).

6
7 VOTE: UNANIMOUS

8
9 **RECONVENE INTO OPEN SESSION**

10
11 A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to go into open
12 session at 11:25 p.m.

13
14 VOTE: UNANIMOUS

15
16 **15. ADJOURNMENT**

17
18 A motion was made by Commissioner McKee seconded by Commissioner Hemminger to adjourn the
19 meeting at 11:25 p.m.

20
21 VOTE: UNANIMOUS

22
23
24
25
26
27
28
29
30
Bernadette Pelissier, Chair
Board of County Commissioners

Donna S. Baker, CMC
Clerk to the Board

1 DRAFT

Attachment 2

2
3
4
5
6
7
8
9
10

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
HILLSBOROUGH BOARD OF COMMISSIONERS
CARRBORO BOARD OF ALDERMEN
December 6, 2012
ASSEMBLY OF GOVERNMENTS

11 The Orange County Board of Commissioners met with the Towns of Chapel Hill, Carrboro and
12 Hillsborough for an Assembly of Governments meeting on Thursday, December 6, 2012 at 7:00
13 p.m. at the Southern Human Services Center in Chapel Hill. N.C.

14
15 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners Mark
16 Dorosin, Alice M. Gordon, Earl McKee, Bernadette Pelissier, Renee Price, and Penny Rich.

17 **COUNTY COMMISSIONERS ABSENT:**

18 **COUNTY ATTORNEYS PRESENT:** Staff Attorney Jennifer Galassi

19 **COUNTY STAFF PRESENT:** County Manager Frank Clifton, Clerk to the Board, Assistant
20 County Manager Michael Talbert, and Clerk to the Board Donna Baker (All other staff members
21 will be identified appropriately below)

22 **CHAPEL HILL TOWN COUNCIL MEMBERS/STAFF PRESENT:** Mayor Mark Kleinschmidt, Ed
23 Harrison, Jim Ward, Lee Storrow, Gene Pease, and Town Manager Roger Stancil

24 **CHAPEL HILLTOWN COUNCIL MEMBERS ABSENT:** Matt Czajkowski, Donna Bell, and
25 Lauren Easthom

26 **CARRBORO BOARD OF ALDERMEN MEMBERS PRESENT/STAFF:** Mayor Mark Chilton
27 and Aldermen Randee Haven-O'Donnell, Lydia Lavelle, Michelle Johnson, Jacquelyn Gist,
28 Sammy Slade, and Town Manager David Andrews.

29 **CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT:** Dan Coleman

30 **TOWN OF HILLSBOROUGH COMMISSIONERS/STAFF:** Mayor Tom Stevens and Town
31 Commissioners Eric Hallman, Frances Dancy, Brian Lowen, and Town Manager Eric Peterson

32 **TOWN OF HILLSBOROUGH COMMISSIONERS ABSENT:** Evelyn Lloyd and Michael Gering
33

34
35 **Call to Order/Introductions/Opening Comments**

36 Mayor Stevens and Mayor Kleinschmidt congratulated all new County Commissioners.

37
38 Introductions were made.
39

40
41 **1) Solid Waste Updates**

42 Michael Talbert said that the purpose of this update is to give the jurisdictions a chance to
43 update everyone on their solid waste progress. The landfill will be closing June 30, 2013 and
44 everyone is making plans to deal with this.
45

46 **• Town of Carrboro**

47
48 Mayor Chilton said that Carrboro enthusiastically wants to collaborate with Orange
49 County in waste reduction. He said that they probably will be taking solid waste to one of the
50 two transfer stations in Durham County. There are some modest savings in using the private
51 transfer station on the south side of Durham. He said that, based on the discussions last

1 Tuesday, the Board of Aldermen looks forward to having the community move forward with
 2 having roll-out recycling bins. He said that he is also excited about opportunities of organic
 3 waste and pay-as-you-throw, which would discourage the disposal of organic waste.
 4

5 • **Town of Chapel Hill**

6 Mayor Kleinschmidt said that Chapel Hill has retained a consultant and received a report
 7 from them on a review of the solid waste options. The report has been shared with all parties.
 8 Chapel Hill is looking at moving waste to a transfer station in Durham. He said that Chapel Hill
 9 wants to renew its contract with recycling with Orange County.

10 Chapel Hill Town Manager Roger Stancil said that Chapel Hill will be using a Waste
 11 Industries transfer station beginning in April. He said that they would like to enter into a new
 12 interlocal agreement.

13 *Council Member Pease arrived at 7:13PM.*

14 Council Member Ward said that he wanted to speak strongly that Chapel Hill is eager to
 15 give direction to Orange County so that Chapel Hill can proceed with an RFP for the purchase
 16 of the recycling carts to get this program up and running as soon as possible. He said that he
 17 hoped that they can do a new interlocal agreement that addresses this issue.

18 Commissioner Jacobs made reference to page 4 of the abstract and said that Orange
 19 County was to purchase these last year.

20 Commissioner Rich said that she does not want to forget about newer technology and
 21 they need to focus on the future and get ahead of the curve. She would like to consider
 22 different ways to handle their waste. She said that perhaps when the Solid Waste Advisory
 23 Board (SWAB) comes back to life that they could address this new technology.

24 Chair Jacobs said that the SWAB did some investigation and decided that newer
 25 technology was beyond the capabilities without more resources. When the County decided not
 26 to site a transfer station 4 years ago, it has been the position to confirm the commitment to
 27 finding alternate technologies and creating more regional partnerships.

28 Alderman Slade said that he would encourage the County to pursue a zero waste goal
 29 as a priority.

30 Council Member Ward asked if the County feels comfortable with moving forward with
 31 the purchase of the recycling carts.

32 Chair Jacobs said that hopefully by the end of this conversation, the County will be
 33 ready.
 34

35 • **Town of Hillsborough**

36 Mayor Stevens called upon Hillsborough Town Manager Eric Peterson.

37 Eric Peterson said that the Durham County transfer station is just as close to Eubanks
 38 Road so Hillsborough will partner with Orange County to take their waste to Durham County.
 39 He said that, from a staff perspective, they are interested in participating in a recycling program.
 40
 41

42 • **Orange County (including update on the Solid Waste Advisory Board (SWAB))**

43 Michael Talbert said that the County is making progress. The landfill is closing in June.
 44 The management of the landfill was transferred to Orange County in 1999. This interlocal
 45 agreement created the SWAB. The SWAB continues to be active and is an important function
 46 of solid waste. Originally the SWAB had eight members with two from each jurisdiction, and this
 47 can be considered as things move forward. With the closing of the landfill in June, the interlocal
 48 agreement terminates and so does the SWAB. Orange County will continue to do recycling,
 49 construction and demolition, yard waste, storm debris management, and countywide and
 50 statewide planning and reporting will still be in place. The five convenience centers will continue
 51 to stay in place. The County is considering an agreement with the City of Durham for solid

1 waste at \$42.50 a ton. This could be a five-year agreement. Attachment A summarizes this.
2 The County generates about 200 tons per day of solid waste. If all of this went to the City of
3 Durham, it would make up less than 20% of their total capacity. If there is an agreement or
4 solution at some point, Durham would make an excellent partner for waste to energy or other
5 new technologies. This would give a five-year window to continue. The Board of County
6 Commissioners will consider this on December 11th. Orange County will continue the recycling
7 effort. In July, the County went to single-stream recycling. The convenience center at Walnut
8 Grove is being remodeled. The plan is to remodel all five of the convenience centers. Walnut
9 Grove should be complete in the next 3-4 weeks.

10 There will also be district centers, which will operate longer hours and will take more
11 recycling components. The neighborhood centers are smaller and take fewer items.

12 Orange County is ready to move forward with a new interlocal agreement and staffs are
13 already working on this. A component of the interlocal agreement could be the creation of the
14 new SWAB along with the charge.

15
16 *Aldermen Michelle Johnson and Jacqueline Gist arrived at 7:23PM.*

17
18 Chair Jacobs asked Solid Waste Director Gayle Wilson to update them on the waste
19 reduction goal.

20 Solid Waste Director Gayle Wilson said that since the state required reporting and for local
21 governments to set goals, Orange County has steadily increased its per capita waste reduction
22 and the goal of 61% when it was set was the highest in the state. He said that Orange County
23 is still moving forward and is at a 56% waste reduction rate. He said that one of the contributing
24 factors is collaboration with partners.

25 Mayor Chilton said that since one of the state representatives from Orange County is
26 retiring soon, Joe Hackney, who wrote the bill for the first state-mandated waste reduction bill.
27 He wanted to publicly recognize Joe Hackney. He said that following upon Joe Hackney's
28 leadership, Orange County has been at the forefront statewide and a role model as far as
29 adopting the aggressive waste reduction goals that Gayle Wilson mentioned. He thanked all of
30 the staff that works for solid waste management in Orange County for making these pioneering
31 ideas of the elected officials. He said that the staff is demonstrating a model for our state and
32 our country.

33 Mayor Chilton asked for clarification of the five convenience centers.

34 Gayle Wilson said that the concept is to modernize all five existing centers, but dedicate
35 two of these to be full-service with longer hours and a full array of services.

36 Chair Jacobs said that Orange County was one of the first counties to do electronics
37 recycling and an ordinance for construction and demolition waste, and that is because of the
38 partnership with the municipalities. He said that one of the offerings at these larger sites is food
39 waste recycling.

40 Commissioner Jacobs made reference to reconstituting the SWAB and said that he would
41 like the University to have an option to be at the table.

42 Mayor Kleinschmidt said that UNC is doing its own solid waste disposal.

43 Mayor Chilton said that it is important for UNC to at least be a part of this discussion.

44 Frank Clifton said that there have been ongoing discussions. The attorneys have been
45 talking about the new agreement that will clarify the recycling roles and the roles of the County,
46 as well as the agreement with Durham and Orange County. He said that any of the towns can
47 join the discussion.

48 Mayor Kleinschmidt said that the interlocal agreement needs to describe the mission and
49 short-term goals of each entity.

50 Chair Jacobs said that as part of a new SWAB, he would like to see a more aggressive
51 effort of pursuing alternative technologies for solid waste disposal.

1
2 **2) Review of the Draft Interim Recommendations from the Historic Rogers Road**
3 **Neighborhood Task Force**
4

5 Commissioner Jacobs made reference to the yellow sheet, which was for this item.
6

7 Michael Talbert said that the Historic Rogers Road Neighborhood Task Force last met
8 on November 14th. This was supposed to be the last meeting and this was supposed to be the
9 final report. He reviewed the charge of the task force:

- 10 - Investigate and make recommendations to the Board of County Commissioners, the
11 Chapel Hill Town Council, and the Carrboro Board of Aldermen for neighborhood
12 improvements, including funding sources, financial impact to the County and the
13 Towns for the following:
- 14 ○ Sewer Service to the Historic Rogers Road Neighborhood as defined by the
15 previously approved public water connections in the area
 - 16 ○ A Neighborhood Community Center
- 17 - The Task Force is also directed to:
- 18 ○ Submit an Interim Report back to the County and the Towns by the end of
19 August 2012; and
 - 20 ○ Submit a Final Report to the Assembly of Governments on December 6,
21 2012.
- 22

23 Attachment B includes the recommendations in draft form because the Task Force has
24 not seen them or approved them yet. There are five primary recommendations:

- 25 1. That the costs of both a New Community Center and Sewer Improvements be
26 shared by the local governments, at the same costs sharing percentages as outlined
27 in the 1972 Landfill Agreement, 43% for Orange County, 43% for the Town of Chapel
28 Hill and 14% for the Town of Carrboro.
- 29 2. That the Managers and Attorneys originate a Memorandum of Understanding
30 between Habitat, Orange County, the Town of Carrboro, and the Town of Chapel Hill
31 for the construction of a new Rogers Road Community Center. The budget will not
32 exceed \$700,000 and the project will be bid in compliance with North Carolina public
33 bidding requirements. Orange County will finance the project with reimbursement
34 from the Towns as outlined in (1) above.
- 35 3. That the governing boards continue to appropriate funds, as previously budgeted to
36 reimburse the Solid Waste fund for the purchase of the Greene Tract, for both a New
37 Community Center and Sewer Improvements. Funds budgeted in Fiscal Year
38 2012/2013 for the Greene Tract are as follows; \$90,549 for Orange County, \$90,549
39 for the Town of Chapel Hill and \$29,524 for the Town of Carrboro. The governing
40 boards are also encouraged to locate other funding sources for a New Community
41 Center and Sewer Improvements.
- 42 4. That the Hogan-Rogers House no longer be considered as an option for a
43 Neighborhood Community Center. The St. Paul's AME Church is working with the
44 Chapel Hill Preservation Society to save the structure.
- 45 5. That the Task Force continue to meet to address the Charge of the Task Force, for
46 an additional six months with the original composition of the Task Force. The
47 composition of the Task Force originally included two members appointed by each
48 Town (Chapel Hill and Carrboro); two members appointed from the County; and two
49 members appointed from Rogers Eubanks Neighborhood Association (RENA).
50

1 There are several recommendations that have not been finalized and that is why the
2 Task Force wants to continue to meet. The first is the community center. There needs to be a
3 memorandum of understanding of how the center is going to operate, who will pay for it, who
4 will construct it, who will occupy it, and what type of interlocal agreement or memorandum of
5 understanding would be between the Towns, Habitat and the Rogers Road Neighborhood
6 Association for the operation and the program/activities to be provided.

7 The second item is the sewer district. The managers suggested that there be a Rogers
8 Road County Sewer District. There are a lot of details to be worked out with that. The
9 recommendation is that the managers continue to work on this issue and participate with the
10 Towns and OWASA to study this idea. The managers could work with the attorneys to create
11 criteria that would enable homeowners that have lived in the Historic Rogers Road
12 Neighborhood before 1972 to connect from the sewer system free of charge and recommend a
13 sliding scale fee structure for homeowners that moved to the neighborhood between 1972 and
14 2012.

15 Attachments D and E have attorney opinions. There are many legal issues yet to be
16 worked out over multi-jurisdictional lines.

17
18 Chair of the Task Force Pam Hemminger said that the task force was determined to
19 finish its work as soon as possible. She hopes that the County will approve starting the drafting
20 of the Memorandum of Understanding between the County, the Towns, and Habitat. There are
21 lots of different options still to be considered and lots of information still to be pulled together.
22 This is why the task force wants to continue to meet.

23 Aldermen Gist said that there have been several memos from their attorney in the past
24 couple of weeks. She asked if he would be willing to share about the latest memo.

25 Town of Carrboro Attorney Mike Brough said that, with respect to the community center,
26 the issues that he raised had to do with the role of Habitat. He said that there would have to be
27 a bidding process and it was not clear to him how there would be a bidding process. Habitat is
28 not going to be constructing the center and it is his understanding that the County would
29 continue to own the center. He said that there are a lot of details that remain unclear to him.
30 The other issue that he expressed to the Carrboro Board of Aldermen is the ongoing operation
31 and maintenance of the center. He understands that the intent of the County is that whatever
32 funds are distributed are not considered to be ongoing. He suggested that some consideration
33 be given to this. His recommendation is that the Board considers whether the planning should
34 be directed solely to the sewer project as opposed to the community center. If all three bodies
35 are operating the community center there are issues about the programs, etc. The memo is
36 shown below:

37
38 Memorandum to: Carrboro Mayor and Board of Aldermen

39
40 From: Mike Brough

41
42 Subject: Rogers Road Proposals

43
44 Date: November 7, 2012

45
46 “County Attorney John Roberts, Chapel Hill Attorney Ralph Karpinos, and I met
47 November 6th to discuss the managers’ October 16, 2012 recommendations for constructing a
48 Community Center to service the Rogers road area and to extend sewer lines into this area.
49 We also discussed Mark Dorosin’s October 23, 2012 letter recommending that, not only should
50 sewer lines be extended into this area, but that homes should be connected to the sewer lines
51 at public expense. We agreed on the conclusions set forth below in paragraphs 1-5. The

1 thoughts set forth in paragraph 6 did not occur to me until after our meeting, and therefore have
2 not been endorsed by the other attorneys:
3

- 4 1. Statutory authority exists for the towns and the county to cooperate in operating
5 funding a community center located in the Rogers Road area, and there are a
6 number of ways in which this could be accomplished. However, as we understand it,
7 the current proposal is that the county and/or the towns would pay Habitat \$500,000
8 to construct the facility, on land provided by habitat, and then Habitat would lease the
9 center to RENA, who would operate it, presumably in accordance with RENA
10 Neighborhood Center Business Plan (Attachment B to the Agenda Item). The
11 attorneys do not believe it is legally permissible for the county or the towns to expend
12 public funds to fund the construction of a building on land the county does not own,
13 under circumstances where the building would then be leased to a private
14 organization that would use the facility to run programs of its choosing. The county
15 could, of course, construct a community center on land it owned or leased, but it
16 would have to put the project out for bids in accordance with applicable statutes.
17 The operation of a community center would require annual appropriations. The
18 county could provide staffing through its own employees or it could contract with an
19 organization such as RENA to run programs, but these would have to be open to the
20 general public. In short, there are many options for legally accomplishing the
21 objective of providing a community center that would benefit the residents of Rogers
22 Road, but the current proposal is not one of them.
- 23 2. Orange County, Carrboro, and Chapel Hill, as owners of the Greene Tract, and the
24 County, as owner of other property used for solid waste disposal, could petition
25 Chapel Hill to annex any properties owned by these governmental entities within the
26 portion of the Rogers Road area that is located in Chapel Hill's ETJ of Joint Planning
27 Area, and Chapel Hill could do so (subject to the possible exception that, if the area
28 to be annexed was not contiguous to the existing town limits, than no lots within a
29 subdivision could be annexed unless the entire subdivision was annexed). However,
30 this would enable Chapel Hill to extend sewer lines only to those areas so annexed.
- 31 3. The \$900,000 that Chapel Hill, Carrboro, and Orange County agreed to pay to the
32 Landfill Fund for the 100+ acres of the Greene Tract that were not conveyed to
33 Orange County cannot be used to pay for either the construction of a community
34 center or the extension of sewer lines to the Rogers Road area. The Greene Tract
35 was acquired using landfill funds, and the \$900,000 is being paid back to this
36 enterprise fund. Such funds can only be expended to cover the costs associated
37 with the operation and maintenance of the landfill.
- 38 4. Proceeds from the sale of the 100+ acre portion of the Greene Tract now owned
39 jointly by Orange County, CB, and CH can be used in the same manner as other
40 unrestricted general funds. Thus, Carrboro could use these funds to extend sewer
41 lines to unserved areas within Carrboro's corporate limits.
- 42 5. The towns and the county could appropriate funds to subsidize the cost of actually
43 connecting homes to a sewer line, once that line has been constructed. In order to
44 be able to point to specific statutory authority to provide such subsidies, it would be
45 preferable to limit the availability of such subsidies to low and moderate income
46 property owners. The attorneys do not recommend that the contractor engaged by
47 the county and/or the towns to extend the lines be directed to construct lines
48 connecting individuals' properties to the public lines because this work involves
49 actually getting into the plumbing systems within individuals homes and poses
50 significant risks of unexpected complications and claims of damages.

1 6. The managers propose that a “County Sewer District” be created for the Rogers
2 Road area as well as adjoining areas that do not have sewer, and that the district
3 use the special assessment process to recoup some of the costs of extending sewer
4 service to these areas. Presumably, the proposal is referring to a County Water and
5 Sewer District created pursuant to Article 6 of G. S. Chapter 162A. Such a district
6 would be a legally separate municipal corporation, but the governing body of the
7 district would be the Orange County Board of Commissioners. Such a district could
8 issue its own bonds to raise the capital to cover the cost of extending the lines.
9 Assessments could be based on various criteria listed in G.S. 153A-186 including
10 “the area of land served...at an equal rate per unit of area,” which would mean that
11 properties with greater development or redevelopment potential would pay more than
12 small properties, but the statute does not provide a way to exempt from the
13 assessments specific properties based on criteria not listed in the statute. Thus, if
14 the objective is to extend sewer lines at little or no cost to the longstanding owners of
15 properties in the Rogers Road area, but to recapture some of the cost of extending
16 the lines when properties in this area are developed or redeveloped, the special
17 assessment process appears to be a useful tool.

18 An alternative might be to establish the District and have the District issue its bonds to
19 raise the cost of extending the lines. Carrboro could contract with the District to pay for the cost
20 of extending the lines to serve properties that are within the town. The District would contract
21 with OWASA to operate and maintain the lines and to bill the customers in the same manner as
22 other OWASA customers. (An amendment to the WSMPBA would probably be needed). Then
23 the District could establish a fee – call it a service line extension fee – that would be designed to
24 recoup some of the costs incurred by the District in extending the lines. (OWASA has an
25 “availability fee” that is designed to recoup the cost of the treatment plant and major outfalls, but
26 this fee does not cover the service lines because those are typically installed at the developer’s
27 expense). This fee would be paid at the same time as OWASA’s availability fee – when a
28 connection is made. The District’s policy could provide that the service line extension fee would
29 be waived for the first connection made to any property existing as of a specified date.”
30
31
32

33 Aldermen Slade said that the proposal does not mean that they would not be providing
34 their portion of the costs for the community center and the sewer. He said that \$900,000
35 represents 14% of those two costs aggregated. It is more of a way to facilitate technically the
36 management of the two projects.

37 Aldermen Gist said that she appreciated the memo today because it pointed out
38 potential “alligators” that could damage the whole project and the whole effort. She thinks that
39 these are very serious, pragmatic, legal issues that have to be dealt with. She wants to invite
40 the task force to address these issues.

41 Commissioner Rich suggested that the task force hand this over to the managers,
42 attorneys, and planning departments. She thinks that the issues coming up from the attorney
43 are things that managers and attorneys have to make everyone aware of. She thinks that the
44 task force has met the charge and has identified the monies. She also thinks that they have
45 identified their commitment to sewer and the community center. She does not want to keep
46 discussing this without making sure that all of the managers have discussed this. She does not
47 want to hold any of this back.

48 Mayor Chilton said that Carrboro elected officials are in an unusual position in that a
49 huge portion of the sewer component and the costs of serving the entire area happens to fall
50 within the town limits of Carrboro. However, the number of homeowners and renters to be
51 served who live in the Carrboro town limits is very small. He said that Carrboro is very happy to

1 participate to the tune of \$900,000. He likes what the attorney suggested regarding focusing on
2 the sewer lines.

3 Commissioner McKee thanked the members of the task force. He said that he does not
4 see anything that cannot be worked out. He thinks that the sewer issue and the community
5 center issue be disengaged. He said that one should not depend on the other, nor should any
6 recommendation depend on another recommendation for the community center to move
7 forward. He will continue to push that the community center be moved forward one way or the
8 other. He said that he is determined that the County will build this center.

9 Commissioner Jacobs asked Pam Hemminger to answer the question about Habitat's
10 participation.

11 Pam Hemminger said that Habitat owns the property where the community center is
12 supposed to be located and is dedicating property. There had to be a special use permit
13 process for this to happen. This is one of the reasons that Habitat is involved. Habitat does not
14 want to assume responsibility for long-term care and maintenance of the building. Habitat did
15 offer to be the construction engineer/contractor for this building. This will be a lot less cost. She
16 knows that there are legal issues to be worked out and these can be worked out.

17 Chapel Hill Town Councilmember Ward voiced support for continuation of the task force.
18 He asked that the charge be revised and updated to address the upcoming questions related to
19 the remaining issues. He said that the task force is really good at having representatives of all
20 elected bodies coming to meetings so that as the staff work through the issues, there is a venue
21 where there can be updates, etc. Without the task force in place, it is cumbersome to get the
22 approval information to the three elected boards.

23 Chair Pelissier said that she is struggling with the extension of the task force, especially
24 when it comes to the community center. She does not want to hold things up. She would like to
25 hear from staff about whether these things can be worked out.

26 Commissioner Jacobs said that the County Commissioners have made no explicit vote
27 on whether or not to continue the task force. The Board implicitly agreed with its two
28 representatives that it was worth continuing, but the Board no longer has any representatives on
29 the task force (Pam Hemminger and Valerie Foushee are no longer on the Board). It is on the
30 January 24th agenda for discussion on whether or not to appoint two new people or whether or
31 not the task force has finished its work.

32 Commissioner Dorosin made reference to the sewer issues. He said that these are
33 fundamental policy issues that should be resolved and not by staff. He said that he remains
34 committed to the idea that every resident in the Rogers Road Historic Neighborhood gets
35 connected to the water and sewer at no cost. He said that he would like to decide now or soon
36 that the boards are committed to funding the infrastructure mains and the connections from the
37 mains to the meters at the very least at no cost to existing residents. He is concerned about the
38 language about special assessments, loans, and sliding scales. He said that if they go down
39 any of these paths, then it is a betrayal of the commitment made to this community.

40 Commissioner Price said that she agreed with Commissioner Dorosin and she is
41 committed to seeing the community center. She thinks that the task force needs to continue to
42 meet. She thinks that the legal issues can be worked out. She agreed with separating the two
43 issues so that the community center can be built as soon as possible.

44 Alderman Johnson said the task force voted at their last meeting to continue the task
45 force for six months. She said that one of the recommendations was for managers to meet and
46 report back to them and they are waiting on that. She said that there are two community
47 members on the task force, and if the task force no longer meets, then the community members
48 are left out of the conversation.

49 Council Member Pease said that they need to disentangle the two issues and say that
50 the task force has finished phase I, whatever that is, and let the attorneys and managers work
51 out the legal issues for the community center. He said that his fear of continuing the task force

1 with its current process is that it is going to be somewhat of a new makeup. He would be afraid
2 that it might be slowed down or there may be other agendas with new members joining it. He
3 suggested getting to the end of the conversation on the community center and then starting a
4 phase 2 with new members and tackling the sewer issues.

5 Council Member Storrow said that none of these ideas are in opposition to each other.
6 He said that it seems like if the task force is stopped, the community center would probably still
7 get built. Regardless of the structure, he thinks that the community center is finished. There
8 are more structural questions than philosophical. He said that there should be some
9 mechanism to continue a conversation. He said that if the task force is totally dismantled then
10 some of the sewer questions may not be answered.

11 Council Member Ward said that if Council Member Pease agreed with Commissioner
12 Rich then now he does also. He said that this task force has been very effective and the
13 membership will be changed, and it is appropriate to rehash. He said that the Board of County
14 Commissioners is in control of setting the agenda for the task force. He said that the community
15 center is now checked off the list and is now in the hands of staff. He feels confident to take the
16 center off the list and then let the task force tackle these other issues and keep the community
17 members on it, whichever form it may take.

18 Alderman Slade said that the task force should be kept intact. He said that the
19 community center is a done deal. He said that there is a lot of work to be done with the sewer.
20 He strongly supports continuing with this effective task force.

21 Commissioner Rich said that at the beginning of the task force for the first two months,
22 they were read the charge. She thinks that the task force has fulfilled the charge and if the task
23 force is asked to continue, the charge must be changed.

24 Commissioner McKee said that the task force should continue with the current members.
25 There are three members whose situations have changed, but the community has not changed.
26 He said that the charge of the task force was not to make sure that any governmental entity
27 came out on the better end of the deal. The charge was to ensure that the community came out
28 on the better end. The members of the task force as it is currently constructed have spent
29 almost a year working on this. He suggested leaving this task force constructed as it is with the
30 current members as they are unless they have other obligations to prevent them from being
31 able to attend.

32 Alderman Gist said that she supported continuing with the task force because it gives
33 the staff and elected bodies someone to talk to about the issues. She would like the task force
34 to continue to address the community center issue and the continuing costs of operating the
35 center and other unknowns.

36 Mayor Chilton said that he agreed with Aldermen Gist. He said that this task force was
37 created by the Board of County Commissioners and the reality is that the County
38 Commissioners need to decide how it moves forward.

39 Chair Jacobs said that it has been helpful to hear everything. He said that he has
40 brought up the issue of gentrification several times, but it was not discussed in detail and was
41 not part of the charge of the task force. If the task force goes forward, the charge should be
42 revised.

43 **2) Greene Tract Historical Information and Options**

44 Michael Talbert said that the Greene Tract was purchased in 1984 and it was 164 acres.
45 As it transitioned from Chapel Hill to Orange County, the interlocal agreement gave 60 acres to
46 remain as an asset of solid waste and 104 acres would be conveyed to Orange County, the
47 Town of Chapel Hill, and the Town of Carrboro, based on the percentages of 43%, 43%, and
48 14%. There was a condition that the entities will pay back the solid waste fund so that there
49 would be adequate funds for the future for landfill closure costs. All of this transpired between
50 2001-2008. In 2001, there was a Greene Tract work group that came back with
51

1 recommendations. Over the years there have been many potential discussions of uses of the
2 Greene Tract and there have been no decisions made. One would be open space to be
3 protected by conservation easement. Another option is affordable housing, with acreage to be
4 placed in a land trust. Another option is for a future elementary school site for CHCCS. There
5 are two attachments with detail of the history of the property. After everything has been repaid,
6 there will be a little over \$1 million that has been repaid back to the Solid Waste Fund.

7 Mayor Chilton asked how much land the CHCCS needs for a school site here.

8 Michael Talbert said that eight years ago the CHCCS discussed needing 10-12 acres.

9 Mayor Chilton asked about the acreage for affordable housing.

10 Michael Talbert said that it was about 18 acres.

11 Commissioner Gordon said that OCS and CHCCS projections are in the packets. For
12 CHCCS, the needs projected over the next 10 years are for an elementary school in 2012-13, a
13 middle school in 2017-18, and a high school in 2020-21. She said that there are not a lot of
14 school sites identified.

15 CHCCS staff member Bill Mullin, Executive Director of School Facilities, said that there is also
16 another elementary school needed in 2017.

17 Alderman Gist said that just because there is land does not mean that it has to be used.
18 There will be future generations that might need it.

19 Chair Jacobs pointed out the possible school construction schedules on page 2. He said
20 that he has never heard any particular opposition to the school site at the Greene Tract. He
21 said that a lot of decisions were not closed and it would be good to see if everyone is still
22 generally on the same page.

23 Mayor Kleinschmidt said that Chapel Hill, after having invited Carrboro and Orange
24 County to the table, did go through a three-year small area planning process with the Rogers
25 Road neighborhood, including the Greene Tract. He said that there is a plan that is adopted in
26 the Chapel Hill comprehensive plan, but it is not in this document. He suggested that everyone
27 look at the Chapel Hill Comprehensive Plan and Small Area Plan for Rogers Road. He said that
28 people that live next to the Greene Tract have already talked about what they would like to see
29 and Chapel Hill adopted it.

30 Commissioner Gordon said that she wanted to emphasize that there are not very many
31 school sites. In terms of the Chapel Hill Comprehensive Plan, she would like to look it over in
32 more detail. She also agreed with Alderman Gist in that it would be good to have some
33 preserved land.

34 Mayor Chilton said that one of the practical issues years ago is that the road access to
35 this property is poor. He said that it sounds really great to say that all these things will be built
36 here, but the reality is that there would be some significant investment with infrastructure to
37 even make it possible to develop.

38 Mayor Kleinschmidt said that they should have the Chapel Hill SAP in front of them while
39 they are discussing this.

40 Michael Talbert said that page 26 of the abstract has a map of the Rogers Road existing
41 and proposed sewer.

42 Alderman Gist said that everyone has spent lots of time on committees wondering what
43 would happen to their work. She apologized to everyone that worked on the small area plan.
44 She hopes that this will be fixed.

45 Council Member Harrison said that he has done a lot of work on small area plans in the
46 past. He said that there was a huge investment of time and expertise from elected officials in
47 this small area plan.

48 Alderman Lavelle said that this is a good example of the importance of institutional
49 history.

1 Chair Jacobs said that everyone should incorporate the SAP into their thinking of the
2 Greene Tract, and they can have this discussion in their individual joint meetings with the towns.
3 He said that most of the work has been done.

4 Mayor Chilton said that Carrboro is only a 14% stakeholder from a real estate point of
5 view and it is in Chapel Hill's planning jurisdiction. He said that he is optimistic that the
6 conversations in March between Orange County and Chapel Hill will be fruitful. He said that the
7 call from 10 years ago when this was last under discussion was that the affordable housing
8 component of all of this was of particular concern of the Board of Aldermen. He does not see
9 why this would be different today than it was then. He said that the Board of Aldermen remains
10 keenly interested in this.

11
12 **4) County Update on the Capital Investment Needs for Schools and School Sites**
13 **Based on the School Districts Student Enrollment Projections and Schools Adequate**
14 **Public Facilities Ordinance**

15 Chair Jacobs said that Superintendent Rhodes from OCS was in attendance.

16 Paul Laughton from Finance and Administrative Services said that Clarence Grier is
17 under the weather tonight, so he was filling in. He said that the County has several capital
18 needs – Emergency Services, expansion of Southern Human Services Center, construction of
19 new jail, and future park development. This item is focused on school capital needs for both
20 systems based on student enrollment projections and the Schools Adequate Public Facilities
21 Ordinance (SAPFO). He made reference to Attachment B, which has a summary of the CIP for
22 schools (blue sheet).

23 *Council Member Harrison left at 9:09 PM.*

24 Planning Director Craig Benedict summarized Attachment A (School Level of Service (LOS),
25 Capacity, Membership, and Membership Increases). He explained the level of service figures.

26 Chair Jacobs noted that when the State mandated reduced class sizes it also took away
27 school construction money from the County. He commended Commissioner Gordon for
28 working so hard on SAPFO.

29 Commissioner Gordon said that Attachment A is a snapshot and it gives information
30 showing when schools are needed. She said that if you look at 2012-13 for CHCCS, there is a
31 school needed because the school capacity went over 105%.

32 Council Member Pease said that Chapel Hill Town Council has been shown plans for
33 growth in Chapel Hill. He asked if there was any commonality between all the different bodies
34 that are doing growth projections and if there is any agreement about what growth is going to
35 look like.

36 Craig Benedict said that there have been similar questions about the growth that will
37 occur countywide. The projections are based on history.

38 Mayor Chilton asked when an elementary school would be needed in OCS, based on
39 the model. Craig Benedict said that it would be 2020-21. However, there is a substantial
40 amount of growth occurring on the Orange County side of Mebane. If these children begin
41 showing up in the schools, this will affect the future projections.

42 Mayor Chilton said that there is a constant demand for new schools in CHCCS and there
43 is a much slower pace of demand for additional schools in OCS. He said that there is a lot of
44 unused space at the middle school level in OCS.

45 Council Member Ward asked about legal challenges to SAPFO and whether there is
46 anything on the horizon from the legislature.

47 Chair Jacobs said that the County has never invoked the CAPS that would prevent
48 development from continuing under SAPFO.

49 Orange County Staff Attorney Jennifer Galassi said that this is something County
50 Attorney John Roberts has spoken to the Board of County Commissioners about. There is a

1 petition from outside the county where Cabarrus County's SAPFO was struck down. This might
2 be an issue in the future and the SAPFO may have to be amended.

3 Commissioner Pelissier said that Orange County really needs the assistance from all
4 towns to help work with the school systems to find sites for new schools. If all of these schools
5 were built, the County would have to allocate \$100 million in debt before 2018.

6
7 **5) Information Items (No Presentations)**

- 8 • Southern Orange County Government Services Campus Master Plan
- 9 • Proposed New Jail Facility in Hillsborough
- 10 • Steps to Implement New Transit Sales Tax and Vehicle Tag Fees Update

11
12 **6) Adjournment**

13 The meeting adjourned at [9:42 PM](#).

14
15
16 Barry Jacobs, Chair

17
18 Donna S. Baker, CMC
19 Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No. 5-b**

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator,
919-245-2726

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for thirteen (13) taxpayer requests that will result in a reduction of revenue.

BACKGROUND: North Carolina General Statute (NCGS) 105-381(a)(1) allows a taxpayer to assert a valid defense to the enforcement of the collection of a tax assessed upon his/her property under three sets of circumstances:

- (a) "a tax imposed through clerical error", for example when there is an actual error in mathematical calculation;
- (b) "an illegal tax", such as when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code (the wrong combination of applicable county, municipal, fire district, etc. tax rates) was used;
- (c) "a tax levied for an illegal purpose", which would involve charging a tax which was later deemed to be impermissible under state law.

NCGS 105-381(b), "Action of Governing Body" provides that "Upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the taxing unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made".

For classified motor vehicles, NCGS 105-330.2(b) allows for a full or partial refund when a tax has been paid and a pending appeal for valuation reduction due to excessive mileage, vehicle damage, etc. is decided in the owner's favor.

FINANCIAL IMPACT: Approval of these release/refund requests will result in a net reduction of \$1,478.43 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2012-2013 is \$37,808.33.

RECOMMENDATION(S): The Manager recommends that the Board:

- Accept the report reflecting the motor vehicle property tax releases/refunds requested in accordance with the NCGS; and
- Approve the attached refund resolution.

NORTH CAROLINA

RES-2013-005

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2013.

Clerk to the Board of Commissioners

Clerical error 105-381(a)(1)a.(Incorrect rate)
 Illegal tax 105-381(a)(1)b.
 Appraisal appeal 105-330.2(b)

REGISTERED MOTOR VEHICLE BOCC REPORT - FEBRUARY 5, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Boling, Cathy	997241	2012	28,270	26,294	(21.61)	Incorret model (Appraisal appeal)
Caramore Community Inc.	1019617	2012	22,420	11,210	(183.37)	Half off value for exemption, co owner not exempt (Illegal tax)
Caramore Community Inc.	1018979	2012	19,120	0	(342.76)	Property exempt (Illegal tax)
Caramore Community Inc.	989198	2011	2,760	0	(80.46)	Property exempt (Illegal tax)
Dokter, Bradley	984169	2012	8,729	8,240	(4.55)	High mileage (Appraisal appeal)
Gilland, Luther	955652	2012	6,560	0	(94.08)	County change to Alamance (Illegal tax)
Gilland, Luther	630943	2011	25,340	0	(370.01)	County change to Alamance (Illegal tax)
Glenn, Rachel	608790	2012	640	640	(32.59)	Incorrect rate code (Appraisal appeal)
Kress, Lance	610155	2012	10,470	8,585	(17.12)	High mileage (Appraisal appeal)
Lloyd, Howard	601042	2012	2,340	0	(22.81)	County change to Alamance (Illegal tax)
Smith, Theodore	612865	2012	8,960	6,272	(41.41)	Holds a salvage title (Appraisal appeal)
Tesfu, Daniel Balema	951310	2012	7,840	6,272	(24.16)	High mileage (Appraisal appeal)
Wagdy, Sarah	1019560	2012	13,860	0	(243.50)	County change to Durham (Illegal tax)
				Total	(1,478.43)	

Military Leave and Earning Statement: Is a copy of a serviceman's payroll stub covering a particular pay period. This does list his home of record, which is his permanent state of residence where he would pay any state income taxes.

Vehicle Titles

Salvaged and Salvage Rebuilt: Any repairs that exceed 75% of the vehicle's market value using NADA, Kelly Blue Book and various other publications. When the insurance company has totaled the vehicle, and the customer has received the claim check, four things can happen:

- Insurance company can keep the vehicle.
- Customer can keep the vehicle. The customer is instructed to contact the local DMV inspector to have an initial inspection done, for vehicles 2001 to 2006 (these dates change yearly, example in 2007 the models will be 2002-2007).
- Affidavit of Rebuilder- The inspector lists each part that needs to be repaired.
- Final inspection- if all work is cleared and approved by the inspector then the rebuilt status is then removed (salvaged status remains).

Note: Finance companies will not finance a salvaged vehicle.

Total Loss: Repairs were more than the market value of the vehicle and the insurance company is unwilling to pay for the repairs.

Total Loss/Rebuilt: Whatever the repairs were to make the vehicle road worthy after a Total Loss status has been given. Vehicle must be 5 years old or older. Vehicle status then remains as salvaged or rebuilt.

Certificate of Reconstruction: When work has been done on (vehicles 2001-2006 in year 2006) this is issued when the inspector didn't see the original damaged and the vehicle has been repaired.

Certificate of Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

Custom Built: When the customer has built this vehicle himself or herself. Ex. parts taken from various vehicles to build one vehicle. Three titles are required from the DMV in this case. 1) Frame 2) Transmission 3) Engine. Then an indemnity bond must be issued. An indemnity bond must also be issued when the vehicle does not have a title at all.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No. 5-c**

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Resolution
Spreadsheet

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To consider adoption of a resolution to release property tax values for seven (7) taxpayer requests that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received seven (7) taxpayer requests for release or refund of property taxes. North Carolina General Statute 105-381(b), "Action of Governing Body" provides that "upon receiving a taxpayer's written statement of defense and request for release or refund, the governing body of the Taxing Unit shall within 90 days after receipt of such a request determine whether the taxpayer has a valid defense to the tax imposed or any part thereof and shall either release or refund that portion of the amount that is determined to be in excess of the correct liability or notify the taxpayer in writing that no release or refund will be made". North Carolina law allows the Board to approve property tax refunds for the current and four previous fiscal years.

FINANCIAL IMPACT: Approval of this change will result in a net reduction in revenue of \$5,980.31 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

RECOMMENDATION(S): The Manager recommends the Board approve the attached resolution approving these property tax release/refund requests in accordance with North Carolina General Statute 105-381.

NORTH CAROLINA

RES-2013-006

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

Whereas, North Carolina General Statutes 105-381 and/or 330.2(b) allows for the refund and/or release of taxes when the Board of County Commissioners determines that a taxpayer applying for the release/refund has a valid defense to the tax imposed; and

Whereas, the properties listed in each of the attached "Request for Property Tax Refund/Release" has been taxed and the tax has not been collected: and

Whereas, as to each of the properties listed in the Request for Property Tax Refund/Release, the taxpayer has timely applied in writing for a refund or release of the tax imposed and has presented a valid defense to the tax imposed as indicated on the Request for Property Tax Refund/Release.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY THAT the recommended property tax refund(s) and release(s) are approved.

Upon motion duly made and seconded, the foregoing resolution was passed by the following votes:

Ayes: Commissioners _____

Noes: _____

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a regular meeting of said Board held on _____, said record having been made in the Minute Book of the minutes of said Board, and is a true copy of so much of said proceedings of said Board as relates in any way to the passage of the resolution described in said proceedings.

WITNESS my hand and the corporate seal of said County, this _____ day of _____, 2013.

Clerk to the Board of Commissioners

Releases/refund both clerical errors illegal tax - GS 105-381

REAL/PERSONAL BOCC REPORT - FEBRUARY 5, 2013

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
American Board of Orthopaedic Surgery	150158	2012	545,945	328,977	(3,342.18)	Over listed (Clerical error)
Cold Brook Farms	320068	2012	321,301	95,304	(2,065.84)	Double billed (Illegal tax)
Cruz, Martin	955285	2012	2,412	0	(24.25)	Doubled billed (Illegal tax)
First Citizens Bank & Trust Company	306684	2012	74,849	65,314	(155.97)	Listed in error (Clerical error)
First Citizens Bank & Trust Company	288762	2012	373,835	361,362	(192.13)	Listed in error (Clerical error)
Gentry, Gerald	66045	2012	11,203	3,363	(71.66)	Doubled billed (Illegal tax)
Tadge, Stephen D.	212800	2012	445,398	431,121	(128.28)	System error- value reverted to previous amount (Clerical error)
				Total	(5,980.31)	

January 3, 2013 thru January 15, 2013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No.** 5-d

SUBJECT: Advertisement of Tax Liens on Real Property

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) Order of the Board of County Commissioners in Accordance with NCGS 105-369
- 2) Advertisement Headers
- 3) Contents of the Advertisement: On File in the Clerk to the Board of Commissioner's Office

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To receive a report on the amount of unpaid taxes for the current year that are liens on real property as required by North Carolina General Statute (NCGS) 105-369 and to approve the Order setting March 13, 2013 as the date set by the Board for the tax lien advertisement.

BACKGROUND: North Carolina General Statute 105-369 requires the Tax Collector to report to the governing board the total amount of unpaid taxes for the current year that are liens on real property. This report is available in the Clerk to the Board of County Commissioners' office. Upon receipt of this report, the governing board must order and set a date for the lien advertisement. Tax liens may be advertised any time between March 1 and June 30. All properties that were sold during the year of 2012 will be advertised in the new owners' name.

The process includes that a notice alerting property owners to the pending advertisement be mailed at least 30 days in advance. Between the mailed notice and the advertised notice, property owners are advised that collection efforts are underway. North Carolina General Statute 105-369 mandates both these notices.

North Carolina General Statute 105-369 (d) requires the Tax Collector to determine the actual cost of the advertisement and to set a fee to cover the actual costs. The cost for advertisement will be \$3.75 per parcel to cover the County's costs to advertise all tax liens in both *The Chapel Hill Herald* and *The News of Orange*.

FINANCIAL IMPACT: There will be no net financial impact to the County.

RECOMMENDATION(S): The Manager recommends that the Board accept the report and approve the Order setting the lien sale advertisement date for March 13, 2013.

**ORDER OF THE BOARD OF COUNTY COMMISSIONERS
IN ACCORDANCE WITH G.S. 105-369**

State of North Carolina
County of Orange

To: T. Dwane Brinson, Tax Collector of Orange County

You are hereby authorized, empowered, and commanded to advertise tax liens on real property for failure to pay 2012 taxes. You shall advertise said liens by posting a notice of the liens at the county courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in the taxing unit. **Advertisement of the tax liens shall be made on Wednesday, March 13th, 2013.**

This order shall be a full and sufficient authority to direct, require, and enable you to advertise said tax liens in accordance with North Carolina General Statute 105-369.

Witness my hand and official seal, this

Barry Jacobs
Chair, Board of County Commissioners

Attest:

Donna Baker
Clerk to the Board of County Commissioners

(Advertisement to appear in *The Chapel Hill Herald*)

**NOTICE OF ADVERTISEMENT OF TAX LIENS ON REAL PROPERTY
ORANGE COUNTY AND
TOWNS OF CARRBORO, CHAPEL HILL, AND HILLSBOROUGH**

Under and by virtue of the authority vested in me by Section 105-369 of the North Carolina General Statutes and pursuant to an order of the Board of Commissioners of Orange County dated **February 5, 2013**, I am hereby advertising tax liens for the year 2012 upon the real estate described below. The amount advertised will be increased by interest and cost. The omission of interest and cost from the amount advertised will not constitute a waiver of the taxing unit's claim for these items. The real estate subject to the lien, the name of the taxpayer (owner as of January 8, 2013), and the amount of taxes due are set out below. If the taxes remain unpaid the lien will be foreclosed by the taxing unit and the property sold to satisfy the claim for the taxes. These collection procedures do not apply to taxpayers under a current U S Bankruptcy plan. When a parcel was subdivided after January 1, 2012 and the ownership of one or more of the resulting parcels was transferred, the amount of the tax lien on each parcel is the amount of the lien on the original parcel as it existed on January 1, 2012, as shown in this advertisement. **This list includes all properties in Orange County.**

This the 13th day of March 2013.

T. Dwane Brinson
Orange County Consolidated
City-County Tax Collector

(Advertisement to appear in *The News of Orange*)

**NOTICE OF ADVERTISEMENT OF TAX LIENS ON REAL PROPERTY
ORANGE COUNTY AND
TOWNS OF CARRBORO, CHAPEL HILL, AND HILLSBOROUGH**

Under and by virtue of the authority vested in me by Section 105-369 of the North Carolina General Statutes and pursuant to an order of the Board of Commissioners of Orange County dated **February 5, 2013**, I am hereby advertising tax liens for the year 2012 upon the real estate described below. The amount advertised will be increased by interest and cost. The omission of interest and cost from the amount advertised will not constitute a waiver of the taxing unit's claim for these items. The real estate subject to the lien, the name of the taxpayer (owner as of January 8, 2013), and the amount of taxes due are set out below. If the taxes remain unpaid the lien will be foreclosed by the taxing unit and the property sold to satisfy the claim for the taxes. These collection procedures do not apply to taxpayers under a current U S Bankruptcy plan. When a parcel was subdivided after January 1, 2012 and the ownership of one or more of the resulting parcels was transferred, the amount of the tax lien on each parcel is the amount of the lien on the original parcel as it existed on January 1, 2012, as shown in this advertisement. **This list includes all properties in Orange County.**

This the 13th day of March 2013.

T. Dwane Brinson
Orange County Consolidated
City-County Tax Collector

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

Action Agenda

Item No. 5-e

SUBJECT: Notice of Public Hearing on Orange County's 2013 Legislative Agenda

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Commissioner Earl McKee, 245-2130

Commissioner Mark Dorosin, 245-2130

PURPOSE: To provide notice of the Board of County Commissioners' plans to hold a public hearing on February 19, 2013 on potential items for inclusion in Orange County's legislative agenda package for the 2013 North Carolina General Assembly Session.

BACKGROUND: Prior to adoption of its legislative agenda each year, the Board of County Commissioners conducts a public hearing to receive input from the public. This agenda item provides the opportunity for the Board of Commissioners to schedule a public hearing during its regular meeting on Tuesday, February 19, 2013 at 7:00 p.m. at the Southern Human Services Center at 2501 Homestead Road in Chapel Hill, North Carolina. The purpose of the public hearing will be to receive public comments on potential items for inclusion in Orange County's legislative agenda package for the 2013 North Carolina General Assembly Session.

The County's Legislative Issues Work Group, consisting of Commissioner Earl McKee, Commissioner Mark Dorosin, and County staff, is reviewing items for possible inclusion in a recommended legislative package. Information on the proposed items will be provided to the BOCC and the public prior to the February 19 meeting.

It should also be noted that the Clerk to the Board has scheduled a joint legislative breakfast for the BOCC and Orange County's legislative delegation for March 11, 2013.

FINANCIAL IMPACT: Any funds necessary to provide the public notice are included in the Clerk to the Board's budget for the current year.

RECOMMENDATION(S): The Manager recommends the Board direct the Clerk to the Board and the County Manager to publish a notice of the Board's intent to hold a public hearing during its regular meeting on February 19, 2013 at 7:00 p.m. at the Southern Human Services Center at 2501 Homestead Road in Chapel Hill, North Carolina to receive public comments on potential items for inclusion in Orange County's legislative agenda package for the 2013 North Carolina General Assembly Session.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No.** 5-f

SUBJECT: Orange County Arts Commission Annual DCP Renewal with NC Arts Council

DEPARTMENT: Orange County Arts
Commission

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:
Martha Shannon, 919-968-2011

PURPOSE: To authorize the Orange County Arts Commission and staff to apply by the March 1, 2013 deadline for annual Designated County Partner (DCP) renewal with the NC Arts Council in order to receive state Grassroots Arts Program funds for Orange County.

BACKGROUND: The 1985 Resolution creating the Orange County Arts Commission stated that "the Commission shall be the Local Distributing Agent (LDA) to advise the Board of Commissioners of the annual allotment of Grassroots Arts Program funds."

When the Grassroots Arts Program was established in 1977, the legislation stated that the role of the county commissions was to nominate an LDA, which if approved by the NC Arts Council would have the final authority in determining the expenditure of its county Grassroots allotment.

The Orange County Arts Commission has served as the Local Distributing Agent (now called Designated County Partner) in Orange County since 1985, acting in accordance with Grassroots Arts Program authority for determining the expenditure of Grassroots allotments.

FINANCIAL IMPACT: There is no financial impact in FY 2012-13. The estimated FY 2013-14 allotment of state funds to Orange County through the Grassroots Arts Program of the NC Arts Council is \$30,726.

RECOMMENDATION(S): The Manager recommends that the Board authorize the Orange County Arts Commission and staff to apply by the March 1, 2013 deadline for Designated County Partner (DCP) renewal from the NC Arts Council in order to receive state Grassroots Arts Program funds for Orange County.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No.** 5-g

SUBJECT: Request for Three Time-Limited Staff Positions at DSS

DEPARTMENT: Social Services

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Nancy Coston, 919-245-2800

Lindsey Shewmaker, 919-245-2817

PURPOSE: To consider approval for Social Services (DSS) to create three new time-limited positions to be used during the transition of the current legacy automation systems to the new NCFAST program.

BACKGROUND: North Carolina is implementing NCFAST in all 100 counties during 2012-2013. NCFAST is a complex automation system that will be used in all programs at DSS, beginning with public assistance programs. Orange County employees have been trained on NCFAST for use in Food and Nutrition Services and no longer have access to the old system. In the spring, Orange County will begin using NCFAST for other public assistance programs such as Medicaid, Health Choice and Work First. Immediately after this change, DSS is expected to help with the implementation of the new Affordable Care Act requirements. Although some of those changes are not effective until January 2014, the agency will begin the preparation and enrollment process during 2013.

For the past few months, counties using the new program have found productivity drops significantly (up to 50%) while employees learn the new procedures. Given the volume of cases and the need for benefits to be issued timely, there are concerns that the current staff will not be able to manage this successfully.

During the past six months, DSS has been studying the skills needed to perform these duties after the implementation of NCFAST and the concepts related to work support strategies. DSS and Human Resources have worked together to develop new classifications to reflect the changes in these jobs before vacant positions were filled. This delay has impacted the agency by delaying the hiring for some vacant positions.

Although vacancies are now being filled, staff resources are being reallocated within the agency, and employees have been authorized to work overtime, there are still concerns about completing work in a timely manner during NCFAST implementation. Since each month additional cases are impacted by the transition, it is imperative that the agency stay current before new programs are added.

For these reasons, DSS is requesting to create three additional time-limited positions to be used through December 2013. In accordance with Article VI, Section 28-79 of the Personnel Ordinance, the Board of County Commissioners approves adding permanent positions to the position classification plan, which includes time-limited positions.

FINANCIAL IMPACT: There are sufficient funds budgeted for salaries in this year's budget to support the positions through June 30, 2013 without additional County dollars. The total costs next year for three positions through December is estimated at \$74,856 with federal funds paying 50% of these costs. The cost to continue the positions from July through December 2013 will be reflected in the 2013-2014 DSS budget proposal.

RECOMMENDATION(S): The Manager recommends the Board approve the creation of three new time-limited Human Service Specialists in Social Services to be used through December 31, 2013, and to allow Social Services to utilize existing salary funds to pay for these positions during the current fiscal year.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No.** 5-h

SUBJECT: Legal Advertisement for Quarterly Public Hearing – February 25, 2013

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Proposed Legal Advertisement

INFORMATION CONTACT:

Perdita Holtz, Planning Systems
Coordinator, 919-245-2578
Craig Benedict, Planning Director, 919-
245- 2592

PURPOSE: To consider the legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for February 25, 2013.

BACKGROUND: The Board of County Commissioners reviews proposals to be considered at public hearing for consistency with general County policy and presentation format. The following items are scheduled for the February 25, 2013 Quarterly Public Hearing:

County Initiated:

1. Unified Development Ordinance (UDO) Text Amendments to modify existing language to **avoid requiring project applicants to submit multiple, professionally prepared, plans for a single development project.**
2. Unified Development Ordinance (UDO) Text Amendment to modify Section(s) 2.14.1 *Review and Decision Process Flow Chart – Minor Subdivisions*, 2.15.5 *Certificate of Adequacy of Public School Facilities*, 6.19 *Adequate Public Facilities: Schools*, and Section 7.14.3 (F) (3) (g) *Final Plat Specifications*. The purpose of the amendments is to ensure County regulations and procedures are compliant with recent North Carolina case law.
3. Unified Development Ordinance (UDO) Text Amendment to modify Section 1.6.5 **[Planning Board] Rules of Procedure** to reflect the general advisory board policy document and the specific Planning Board policies and procedures recently adopted by the Board of County Commissioners.

The legal advertisement in Attachment 1 provides additional information regarding these items. The BOCC approved the Amendment Outline Forms for each item as follows:

- Item 1 at its November 8, 2012 meeting
- Item 2 at its December 11, 2012 meeting
- Item 3 at its December 3, 2012 meeting

FINANCIAL IMPACT: Other than advertising costs, which are included in the FY 2012-13 Budget, there are no direct financial impacts associated with the approval of this item.

RECOMMENDATION(S): The Manager recommends the Board approve the proposed February 25, 2013 Quarterly Public Hearing legal advertisement.

**NOTICE OF JOINT PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD**

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, February 25, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section(s) 2.4.1 *Zoning Compliance Permits – Applicability*, 2.5.3 *Plan Specifications*, and 7.6.3 *Land Suitability*.

In April of 2012 the County modified the UDO to adopt State required stormwater management standards. This included adoption of land disturbance thresholds requiring the submittal of formal, professionally prepared, stormwater management and erosion control plans.

The purpose of this amendment is to modify existing language to provide additional reference to these thresholds in an effort to avoid requiring project applicants to submit multiple, professionally prepared, plans for a single development project.

Purpose: To review the item and receive public comment on the proposed amendment.

2. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section(s) 2.14.1 *Review and Decision Process Flow Chart – Minor Subdivisions*, 2.15.5 *Certificate of Adequacy of Public School Facilities*, 6.19 *Adequate Public Facilities: Schools*, and Section 7.14.3 (F) (3) (g) *Final Plat Specifications*.

The purpose of the amendments is to ensure County regulations and procedures are compliant with recent North Carolina case law. Specifically, the amendment will remove the Certificate of Adequate Public Schools (CAPS) denial provision as part of the development approval process when school capacity is exceeded.

Purpose: To review the item and receive public comment on the proposed amendment.

3. **Unified Development Ordinance (UDO) Text Amendment:** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section 1.6.5 [*Planning Board*] *Rules of Procedure*. The purpose of the amendment is to reflect the general advisory board policy document and the specific Planning Board policies and procedures recently adopted by the Board of County Commissioners.

Purpose: To review the item and receive public comment on the proposed amendment.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers below. The full text of the public hearing items may be obtained no later than February 15, 2013 at the County website www.co.orange.nc.us at the Meeting Agendas link.

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions.

PUBLISH:	<u>The Herald Sun</u>	<u>News of Orange</u>
	February 13, 2013	February 13, 2013
	February 20, 2013	February 20, 2013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

Action Agenda

Item No. 5-i

SUBJECT: Change in BOCC Regular Meeting Schedule for 2013

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT (S):

INFORMATION CONTACT:

Donna Baker, 245-2130
Clerk to the Board

PURPOSE: To consider one change in the County Commissioners' regular meeting calendar for 2013.

BACKGROUND: Pursuant to North Carolina General Statute 153A-40, the Board of County Commissioners must fix the time and place of its meetings or provide a notice of any change in the Regular Meeting Schedule by:

- Changing the March 12, 2013 BOCC Dinner Meeting at 5:30 pm **FROM** Link Government Services Center **TO** Southern Human Services Center, 2501 Homestead Road, Chapel Hill, prior to the 7:00 pm work session. (The change in location for the dinner meeting was inadvertently omitted from the calendar change approved at the January 24, 2013 regular Board meeting. That previous action only changed the location for the 7:00 pm work session on March 12th.)

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends the Board amend its regular meeting calendar for 2013 by:

- Changing the March 12, 2013 BOCC Dinner Meeting at 5:30 pm **FROM** Link Government Services Center **TO** Southern Human Services Center, 2501 Homestead Road, Chapel Hill, prior to the 7:00 pm work session. (The change in location for the dinner meeting was inadvertently omitted from the calendar change approved at the January 24, 2013 regular Board meeting. That previous action only changed the location for the 7:00 pm work session on March 12th.)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

Action Agenda

Item No. 5-j

SUBJECT: Boards and Commissions-Commissioner Assignments

DEPARTMENT: County Commissioners

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Listing of BOCC - Board Assignments

INFORMATION CONTACT:

Clerk's Office, 245- 2130

PURPOSE: To consider approving the list of boards and commissions on which members of the Board of County Commissioners have chosen to serve.

BACKGROUND: County Commissioners serve on various County and County-related boards and commissions. Each year the County Commissioners indicate their desire to continue serving on a specific board or commission or their desire to make changes. This process took place at the January 29, 2013 BOCC Work Session.

FINANCIAL IMPACT: NONE

RECOMMENDATION(S): The Board will approve Commissioner assignments on boards and commissions as agreed upon at the January 29, 2013 BOCC Work Session and reflected in the attached listing.

FINAL SELECTION BY BOCC – BOARDS AND COMMISSIONS

BOARD NAME	MEETING DATE	BOCC MEMBER	BOCC SELECTION (1/29)
STATUTORY			
ABC Board	Monthly, Third Tues 8:30 AM	Commissioner Not Required (non-voting member)	Commissioner McKee
Board of Health	Monthly, Fourth Wed 7:00 PM	1 Commissioner Required	Commissioner Pelissier - Member
Board of Social Services	Monthly, Third Mon 4:00 PM	2 appointees Commissioner not required but usually a Commissioner serves	Commissioner Dorosin – Member Citizen-Already appointed
Orange-Person-Chatham (OPC) Community Operations Center Advisory Board		1 Commissioner or designee 1 Consumer/Family member 1 Citizen/ Stakeholder	Commissioner Dorosin
INTERGOVERNMENTAL and OTHER GROUPS WITH BOCC MEMBERS			
Burlington/Graham MPO Transportation Advisory Committee		Requires 1 Commissioner member 1 Alternate Commissioner	Chair Jacobs-Member Commissioner McKee - Alternate
Communities in Schools	Monthly, Fourth Wed 3:00-5:00 PM	1 Commissioner Required	Commissioner Price - Member
Community Home Trust BOD	Monthly	1 Commissioner Required	Commissioner Dorosin - Member
Durham-Chapel Hill-Carrboro-Metropolitan Planning Organization (MPO)-Transportation Advisory Committee	Monthly-second Wed.	Requires 1 Commissioner Member 1 Alternate Commissioner	Commissioner Gordon -Member Commissioner Pelissier - Alternate

FINAL SELECTION BY BOCC – BOARDS AND COMMISSIONS

BOARD NAME	MEETING DATE	BOCC MEMBER	CURRENTLY SERVING
Durham/Chapel Hill/Orange Work Group	Quarterly-rotates between entities- noon meeting	2 Elected Representatives required (from 4 jurisdictions)	Commissioner Gordon-Member Chair Jacobs-Member
Durham Tech Board of Trustees	Quarterly	2 Appointees– one can be a Commissioner but doesn't have to be	Commissioner Price – Member Citizen already appointed
Efland Mebane Small Area Plan Implementation Focus Group	Not meeting at this time. Has not been disbanded	1 Commissioner	Commissioner Dorosin
Emergency Services Work Group	Meets as needed	1 Commissioner Member 1 Alternate Commissioner	SUNSETED
Fire Chief's Association of Orange County	Bi-monthly – first Weds.- 7pm	Commissioner not required as member – but can attend as guest(s)	Commissioner McKee
Healthy Carolinians	Meets quarterly (3 rd Thursdays at 8:30am)	Commissioner not required –often same BOCC Member as on the Board of Health	Commissioner McKee

FINAL SELECTION BY BOCC – BOARDS AND COMMISSIONS

BOARD NAME	MEETING DATE	BOCC MEMBER	CURRENTLY SERVING
HOME Program Review Committee	Quarterly	1 Commissioner Required	Commissioner McKee -Member
Housing Bond Program-Project Review & Selection Committee		1 Commissioner Required	Commissioner Pelissier- Member
Hollow Rock Park Planning Committee	Not meeting at this time	2 Commissioners	Commissioner Gordon and Chair Jacobs
Intergovernmental Parks Work Group	Quarterly-meets at 5:30pm	1 Commissioner Member 1 Alternate Commissioner	Commissioner Gordon –Member Commissioner Rich - Alternate
JOCCA	Meets Quarterly in Pittsboro at 5:30pm -	1 Commissioner Or Citizen Required but not serving at this time	Commissioner Dorosin
Legislative Issues Work Group	As needed	2 Commissioners	Commissioner Dorosin and Commissioner McKee
Library Services Task Force	Not meeting at this time Has not been disbanded	2 Commissioners	Chair Jacobs - Member Commissioner Price - Member_
Orange County Partnership for Young Children	Bi-Monthly-last Wed of month-at 8:30am	1 Commissioner - Board of Directors	Commissioner Dorosin -Member
Research Triangle Regional Partnership (RTRP)	Meets as needed	1 Commissioner	Commissioner Price -Member
Solid Waste Management Plan Work Group	Meets as needed	1 Commissioner	Suspended Until further direction

FINAL SELECTION BY BOCC – BOARDS AND COMMISSIONS

BOARD NAME	MEETING DATE	BOCC MEMBER	CURRENTLY SERVING
Solid Waste Interlocal Agreement – Elected Leaders Work Group			To be re-constituted at a later date
Ten Year Plan to End Homelessness Executive Team	Monthly -1 st Wed. at 5:30pm	1 Commissioner member	Commissioner Pelissier
Triangle J Council of Governments	Monthly – 4 th Wed – 6:00pm	1 Commissioner Member 1 Alternate Commissioner	Chair Jacobs-Member Commissioner Rich- Alternate
Triangle Area Rural Planning Organization (TARPO) Transportation Advisory Committee	Bi-monthly	1 Commissioner Member 1 Alternate Commissioner	Commissioner Price –Member Commissioner Pelissier - Alternate
Triangle Transit Board of Trustees	Monthly –4 th Wednesday 1:30pm-5:30pm	May appoint a Commissioner or Commissioner-appointed citizen	Commissioner Pelissier - Treasurer
Upper Neuse River Basin Association	Monthly – Different Counties Host	By-Laws state that “The number of Directors constituting the Board of Directors shall be one (1) per full voting entity, with one (l) alternate per full voting entity in case of the Director’s absence.	Pam Hemminger – appointed as a citizen in November 2012 Alternate- Staff member Tom Davis

FINAL SELECTION BY BOCC – BOARDS AND COMMISSIONS

Workforce Development Board – Regional Partnership	Meets monthly in Asheboro (staff recommends to hold due to pending reorganization)	Does not require a Commissioner- usually has been 1 Non-Voting Liaison	Nancy Coston – DSS Director
Visitor’s Bureau	Monthly – Third Wed 8:00 AM	1 Commissioner Required	Commissioner Rich - Member
BOARDS TO WHICH BOCC HAS ALREADY MADE APPOINTMENTS			
NACo Voting Delegate		1 Commissioner Required	Commissioner Price
NCACC Voting Delegate		1 Commissioner Required	Commissioner Price
Triangle Transit Special Tax Board	As Needed	2 Commissioners Required	Commissioner Gordon and Commissioner Pelissier

SHORT TERM TASK FORCE

Historic Rogers Road Task Force	Meets as needed	2 Commissioners	Commissioner Price - Member Commissioner Rich - Member
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EX-OFFICIO

Community Leadership Council (according to Chamber they are reviewing the status of this group at this)	Chair Serves
Hillsborough/Orange County Chamber of Commerce- does not require a Commissioner	Chair Serves
NC DOT Quarterly Meetings	Chair/Vice Chair
School Collaboration Meetings	Chair/Vice Chair

OFFICERS

Triangle Transit Board of Trustees	Commissioner Pelissier - Treasurer
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**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No. 6-a**

SUBJECT: Orange County Consolidated Housing Plan Update

DEPARTMENT: Housing, Human Rights and
Community Development

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

Executive Summary
Application Form

INFORMATION CONTACT:

Tara L. Fikes, 919-245-2490

PURPOSE: To receive comments from the public regarding the housing and non-housing needs to be included in the Annual Update of the 2010-2015 Consolidated Housing Plan for Housing and Community Development Programs in Orange County and proposed uses of 2013-2014 HOME funds.

BACKGROUND: In May 2010, a Consolidated Plan for Housing and Community Development Programs in Orange County was developed and approved by the U.S. Department of Housing and Urban Development (HUD). This document details the housing needs of very low income, low income and moderate-income families and special population groups in addition to outlining the strategies and plans for addressing those needs.

Each year, local communities are required to reassess the needs of the community. This public hearing provides an opportunity for residents, public agencies and other interested parties to provide input into the Annual Update. In addition, the public is asked to comment on proposed uses of an estimated \$383,485 in 2013-2014 HOME funds. Information regarding the actual Congressional allocation is not available at this time. Eligible HOME Program activities include: acquisition; new construction; housing rehabilitation; and rental assistance. An application form has been designed for agencies interested in accessing HOME funds for local housing projects. A copy of the application is attached to this abstract for information. The deadline for completing this application form is February 28, 2013. The HOME Program Review Committee will then review the applications received and make recommendations regarding funding for consideration by the local elected officials in late March 2013.

In order to inform the general public of this opportunity and encourage participation, notices have been placed in the Chapel Hill Herald and sent to local non-profit agencies.

FINANCIAL IMPACT: The Orange County HOME Consortium expects to receive an allocation of \$383,485 in HOME Program funds for 2013-2013, the same level as last fiscal year.

RECOMMENDATION(S): The Manager recommends that the Board receive comments from the public as additional information.

Orange County, NC

FY 2010-2015 Consolidated Plan

GENERAL

Executive Summary

The Executive Summary is required. Include the objectives and outcomes identified in the plan and an evaluation of past performance.

Orange County 5-Year Strategic Plan Executive Summary:

The Strategic Consolidated Plan is a document that provides information concerning how the Orange County Consortium plans to address certain important housing and community development needs of its low and moderate income residents during the next five years. The Orange County Consortium is comprised of Orange County, the Town of Chapel Hill, the Town of Hillsborough, and the Town of Carrboro. This Plan describes the priorities that the Consortium will emphasize when using federal grant programs funded through the U.S. Department of Housing and Urban Development [HUD]: the Community Development Block Grant [CDBG] Program and the Home Investment Partnerships Act [HOME] Program. The Plan must be submitted to HUD by May 14, 2010, and will provide guidance for activities to be selected and undertaken in the federal Fiscal Years of 2010-2015. This Plan will be administered by the Orange County Department of Housing and Community Development, as lead entity for the Consortium.

Program Purpose:

The purpose of the CDBG and HOME Programs in Orange County and the Towns of Chapel Hill, Hillsborough and Carrboro is to enhance the quality of life for the low to moderate income residents by: 1) providing decent and affordable housing for low to moderate income households, including affordable rentals for <30% AMI residents; 2) provide housing and services for homeless populations with special needs; and 3) increase the capacity of public facilities and services for non-profit organizations in an efficient, responsive, and non-discriminating manner through organizational partnerships, available resources, and innovative approaches.

How was the Plan developed?

- Extensive research into the needs of low and moderate income Orange County residents
- Interviews of County officials and leaders of community organizations to determine the most pressing community needs
- Surveys submitted by Orange County citizens describing their perceptions of the community
- Public meetings held to gather input from citizens
- Consultation of a broad range of prior research, from Orange County's 10-Year Plan to End Chronic Homelessness to Orange Water and Sewer Authority's Long-Range Water Supply Plan, and many others

Schedule of Public Meetings:

In developing this Plan, three public meetings were held in two different locations within the County in order to give citizens and community leaders an opportunity to share their perceptions and concerns regarding community needs.

Tuesday, March 16, 2010
 Orange County Southern Human Services Center
 2501 Homestead Road
 Chapel Hill, NC 27514
 2:00 PM

Tuesday, April 6, 2010
 Orange County Southern Human Services Center
 2501 Homestead Road
 Chapel Hill, NC 27514
 6:00 PM

Tuesday, April 7, 2010
 Orange County Public Library
 137 Margaret Lane
 Hillsborough, NC 27278
 6:00 PM

Orange County Consortium's Strategic Consolidated Plan Goals:

The following presentation utilizes a performance-driven approach to outline the Consortium's strategy for housing and community development over the next five year planning period. This approach includes identifying goals, objectives and strategies; determining what resources are necessary to achieve these goals; analyzing and evaluating performance data; and using that data to drive improvements in organization. All objectives and performance indicators are based on a five-year time frame.

Goal 1 – Provide Decent and Affordable Housing for Lower-Income Households

This goal includes retaining existing affordable housing stock, increasing the availability of affordable permanent housing in standard condition without discrimination, providing affordable rental housing and providing affordable housing that is accessible to job opportunities.

Priority Needs

- 1.1 Low income (< 80% AMI) homeowners that live in substandard housing
- 1.2 Rental units for low income (<60% AMI) residents
- 1.3 Low income (<80% AMI) homeowners that do not have indoor plumbing or adequate connections to existing public water and sewer systems
- 1.4 Low income (60-80% AMI) renters that are potential homebuyers
- 1.5 Very low income (<60% AMI) homeownership
- 1.6 Eliminate barriers to affordable housing
- 1.7 Extremely Low income (<30% AMI) renters looking for affordable rental housing

Goal 2 – Provide Housing and Services for Homeless Populations

This goal includes assisting homeless persons to obtain services and housing, and assisting persons at risk of becoming homeless.

Priority Needs

- 2.1 Service-enriched transitional housing for homeless persons
- 2.2 Reduce Chronic Homelessness
- 2.3 Increase Employment
- 2.4 Prevent Homelessness
- 2.5 Increase Access to Services
- 2.6 Increase Public Participation in Ending Homelessness

Goal 3 – Provide Housing and Services for Special Needs Populations

This goal includes assisting persons with special needs in obtaining supportive housing and in accessing a continuum of services specific to their unique needs.

Priority Needs

- 3.1 Service-enriched housing for persons with special needs
- 3.2 Continuum of services for special populations including older adults, disabled, mentally ill, persons with AIDS and at-risk youth

Goal 4 – Increase Capacity and Scope of Public Services.

This priority of the Consolidated Plan is to increase the capacity and scope of public services for low and moderate income families and individuals. The needs of residents with limited incomes for a unique variety of public services can be acute. Consolidated Plan funding will be used to leverage other resources to provide needed services.

Priority Need

- 4.1 Increase capacity and expand the scope of Public Services in order to reach out to more low-to-moderate income residents.

How will the Orange County Consortium accomplish these goals?

By drawing upon financial resources available to the Consortium through HUD and by instituting or strengthening partnerships with County departments, municipalities, and nonprofit organizations, the Consortium will have sufficient resources available to accomplish the Plan goals.

The following table provides a conservative estimate of the total amount of funding that is expected to be available through HUD over the course of the five years covered by this Plan. The estimates for CDBG and HOME are based on 80% of the current FY 2010 funding level, multiplied by five (to arrive at a cumulative five-year figure). CDBG and HOME Program Income estimates are based on 80% of the projections listed in the Consortium's 2009 Annual Action Plan. The estimate for HOME Matching Funds is 25% (the minimum amount of match required) of the five-year HOME estimate.

Grant Program	Amount
CDBG (Town of Chapel Hill)*	\$2,533,620
CDBG Program Income**	\$29,352
HOME (Orange County Consortium)*	\$2,913,108
HOME Program Income**	\$204,232
HOME Matching Funds*	\$728,277
TOTAL	\$6,408,589

* 80% of FY 2010 allocations for the next 5 years

** 80% of average program income over the past 5 years

Strategic partners who will assist in the implementation and management of the Plan include the following:

- The Orange County Housing and Community Development Department
- The Chapel Hill Planning Department
- The Town of Chapel Hill Department of Housing
- Chapel Hill Police Department
- The Town of Carrboro
- The Hillsborough Planning Department
- The Town of Hillsborough
- The Community Home Trust
- Habitat for Humanity of Orange County
- Community Alternatives for Supportive Abodes (CASA)
- InterFaith Council for Social Service
- Orange Congregations in Mission
- The Joint Orange-Chatham Community Action Agency
- EmPOWERment, Inc.
- USDA/Rural Development
- Chapel Hill Training & Outreach Agency
- Chapel Hill-Carrboro YMCA
- Inter-Church Council Housing Corporation
- Housing for New Hope
- ARC of North Carolina

What are the basic conditions defining housing and community development needs in Orange County?

The 2006 – 2008 Census estimates the total population of Orange County at 124,168. The racial makeup of the County was 76.21% White, 12.99% Black/African American, 0.37% American Indian and/or Alaskan Native, 5.66% Asian, and 2.86% some other race; the American Community Survey did not estimate the size of the Hispanic or Latino populations. Historical trends in Orange County's racial makeup between 1990 and 2008 are depicted in the Table on the next page.

Orange County Historical Demographic Trends							
	White	Black/African American	American Indian/Alaskan Native	Asian	Native Hawaiian/Other Pacific Islander	Other race	Hispanic/Latino
1990	75,871	14,893	286	2,325	36	440	5,273
2000	92,272	16,298	457	4,845	20	2,312	3,480
2006-2008*	94,631	16,130	461	7,023	29	3,525	--

Sources: Census 1990 Summary Tape File 1, Census 2000 Summary File 1, and 2006-2008 American Community Survey 3-year estimates

While recent economic conditions have caused home prices to fall in many parts of the United States, the housing market downturn is having only minimal effects on Orange County relative to other regions. As reported in the February 2009 issue of *The Triangle Business Journal*, "The Triangle's housing market continues to be among the best in the country in terms of prices, according to a new batch of federal data. The Federal Housing Finance Agency says home prices in the Raleigh-Cary area increased by 2.96 percent in 2008. That ranks the Raleigh metropolitan area 18th best in the country. The Durham-Chapel Hill area also fared well, placing 28th with home-price growth of 2.15 percent for the 12 months ending Dec. 31. Nationally, FHFA says, home prices fell by 4.5 percent in 2008¹." Based on these and other indicators in the housing market, it appears as though the foreclosure crisis in America has had little impact on home sales prices [on average] in Orange County.

¹ *Triangle Business Journal*, "Raleigh and Durham Home Prices Rose Against Tide in 2008." February 24, 2009. <http://www.raleigh-wake.org/page/raleigh-and-durham-home-prices-rose-against-tide-in-2008>

Median Sales Price by Orange County Zip Code		
Orange County ZIP Code	Avg. Listing Price Week ending March 24	Median Sales Price Date range: Dec '09-Feb'10
27231	\$257,362	\$134,500
27510	\$258,003	\$243,000
27278	\$333,747	\$159,000
27243	\$442,601	\$185,000
27516	\$442,689	\$314,000
27514	\$466,650	\$300,000
27517	\$573,211	\$235,000
Average: All ZIPs	\$396,323	\$224,357

Source: Trulia Real Estate Search
http://www.trulia.com/home_prices/North_Carolina/Orange_County-heat_map/

In Chapel Hill and Carrboro, the number of rental units far exceeds the number of units occupied by homeowners. This is likely attributable to the large population of UNC-Chapel Hill students living in the Chapel Hill and Carrboro areas. Approximately 38% of the 49,289 housing units in Orange County are available as rental units, as determined by the 2000 Census. Using 2007 American Community Survey data, HUD determined the 2010 fair market rents (which establish the rent ceiling for the HOME Program and are generally considered to represent rents affordable to moderate-income households) for Orange County to be \$542 for an efficiency apartment, \$742 for a 1-bedroom, \$832 for a 2-bedroom, \$1,087 for a 3-bedroom, and \$1,172 for a four bedroom unit. CHAS data indicates that, of the County's total occupied rental units, only 26.7% paid rent at a rate of less than 20% of the tenant household's income; 43.3% or renter households paid rent in an amount greater than 35% of the household's income, indicating a high degree of cost burden. In order to ease this burden, additional rental units, affordable to households with low and moderate incomes, are needed.

2006-2008 American Community Survey data reported that 15,318 people in Orange County (14.2%) had incomes below the poverty level—an increase of 3,576 people since 1990. Based on 2000 Census data, 6.2% of families and 14.1% of the total population in Orange County fell below the poverty line. Of all children under the age of 18, 9.0% lived in poverty while 7.4% of all County residents aged 65 or greater had income below the poverty level. Families living below the poverty level were more common in Chapel Hill and Hillsborough, but Carrboro showed a significantly higher percentage of individuals in poverty compared with all other Orange County municipalities.

In addition to housing problems, persons living in poverty often have other social service needs. Many of them lack the basic skills necessary to obtain and hold decent jobs. Some of them are single mothers who need affordable childcare while they seek or maintain jobs. Others need treatment for medical or substance abuse problems. Many of those living below the poverty level are children who would benefit from special programs to address their educational, recreational and self-esteem issues. The sheer number and variety of problems faced by people living in

poverty often have a tendency to overwhelm even the most capable and determined people, creating a phenomenon of cyclical, generational poverty.

The high costs of homeownership in Orange County and the limited supply of safe, affordable rental housing continue to be major challenges for low-income families. Rental households face serious challenges with high cost, inadequate supply, and competition with university students for limited housing stock. Access to transportation or to communities that are practically walkable also presents a difficulty, particularly outside Chapel Hill and Carrboro.

How will the Orange County Consortium address the community's needs for decent, affordable housing?

The Consortium will address these needs by partnering with local non-profit agencies such as:

- Community Home Trust is a housing development corporation, whose operating budget is funded by Orange County, Chapel Hill, Hillsborough and Carrboro. The organization utilizes the land trust model for homeownership to create permanently affordable housing opportunities for Orange County residents.
- Habitat for Humanity of Orange County is a strong local affiliate of the national organization.
- InterFaith Council for Social Service (IFC) operates a homeless shelter and is a chief advocate for the homeless population. IFC also offers a program to prevent homelessness through financial assistance to families that are at risk of losing their permanent housing.
- Orange Congregations in Mission serves northern Orange County, offering programs that prevent homelessness through financial assistance to families that are at risk of losing their permanent housing.
- The Joint Orange-Chatham Community Action Agency is a local community action agency offering a wide variety of rehabilitation, weatherization, counseling and financial assistance to very low-income families.
- EmPOWERment, Inc. is a community development corporation that promotes models of community building, problem solving and social action to mobilize low-income communities to build shared vision and power for community change.
- Inter-Church Council Housing Corporation operates two apartment complexes in Chapel Hill with a combined 79 units of housing for low and moderate income families.
- Community Alternatives for Supportive Abodes builds and manages high-quality, affordable accessible housing in NC in order to create opportunities for citizens to achieve successful living.

Over the next five years, the Consortium will strive to achieve the following goals:

New affordable housing units developed:	30
Existing owner homes rehabilitated:	30

Existing owner homes assisted with emergency repairs:	20
Affordable Rental Housing Developed or Acquired:	30
First-time homebuyers assisted:	15
Transitional Housing Funded:	2

How will Orange County address the needs of people who are homeless?

The Orange County 10-Year Plan to End Chronic Homelessness includes Orange County and the Towns of Chapel Hill, Carrboro, and Hillsborough, North Carolina. Through the combined efforts of elected officials, service providers, business leaders, government agencies, and the citizens of Orange County, chronic homelessness in Orange County will end within 10 years. Current and future efforts to serve the needs of all homeless individuals and homeless families will continue to be supported toward the goal of pursuing permanent housing.

Goals of the Orange County Ten Year Plan to End Chronic Homelessness:

- Goal 1: Reduce Chronic Homelessness
- Goal 2: Increase Employment
- Goal 3: Prevent Homelessness
- Goal 4: Increase Access to Services
- Goal 5: Increase Public Participation in Ending Homelessness

Homeless Point-in-Time Counts conducted on January 27, 2010:

		A	B	C Unsheltered	D TOTAL (column A+B+C)	E Permanent Supportive Housing
		Sheltered				
		Emergency	Transitional			
Households with Dependent Children						
1	# of Men	0	0	0	0	1
2	# of Women	2	21	0	23	20
3	# of Children	2	30	0	32	46
4	Total <i>Persons</i> in Households with Dependent Children (Rows 1+2+3)	4	51	0	55	67
5	Total <i>Number of Households</i> with Dependent Children	2	21	0	23	21
Households without Dependent Children (includes singles, couples without children, unaccompanied youth)						
6	# of Men	69	11	16	96	18
7	# of Women	15	14	1	30	15
8	Total <i>Persons</i> in Households without Dependent Children (Rows 6 + 7)	84	25	17	126	33
9	Total <i>Number of Households</i> without Dependent Children	84	25	16	125	32
10	TOTAL HOMELESS PEOPLE (Row 4 + Row 8)	88	76	17	181	100
11	TOTAL HOMELESS ADULTS (Rows 1 + 2 + 8)	86	46	17	149	54
SUBPOPULATIONS For Row 13 – 18, please note <i>how many people from Row 11</i> are definitely members of the named subpopulation						
12	<i>Chronic Homeless</i> (have a disability AND have been homeless for at least 1 year, or have had 4 episodes in 3 years)	31	15	7	38	NA
13	Seriously Mentally Ill (diagnosable by a mental health professional, adults only)	14	17	NA	31	NA
14	Diagnosable Substance Use Disorder (adults only)	24	41	NA	65	NA
15	Veterans (adults only)	3	1	NA	4	NA
16	Persons with HIV/AIDS (adults only)	3	0	NA	3	NA
17	Victims of Domestic Violence (adults only)	4	16	NA	20	NA
18	Unaccompanied youth (under 18)	0	0	NA	0	NA
Of all homeless adults, how many do you know were discharged from the following systems within 30 days prior to becoming homeless:						
19	Criminal Justice System (jails, prisons)	1	3	NA	4	NA
20	Behavioral Health System (mental health hospitals or substance abuse treatment programs)	2	11	NA	13	NA
21	Health Care System (hospitals)	2	0	NA	2	NA

How will the Town of Chapel Hill address the community's needs for public services?

The Town employs a comprehensive strategy related to Community Development Block Grant funding, recognizing that simultaneous investments in housing, facilities, infrastructure, and services are necessary in order to truly improve the living environment for low- and moderate-income residents. Continued investment in each of these areas will ensure a vital and comprehensive strategy for serving Chapel Hill's low- and moderate-income residents for years to come. The community's needs for public facilities and public services can generally be divided into four categories: 1) public facilities; 2) infrastructure; 3) public services; and 4) economic development.

The Town of Chapel Hill currently offers superior public facilities, however, these facilities must be continually updated, renovated, and expanded to meet the changing needs of a growing population. Because of the current availability of other fund sources for such needs, the Town assigns **low priority** to all public facility needs.

Recognizing the value of an infrastructure that is ready to meet the needs and challenges of the future, that will deliver essential services to residents of all income levels, and that provides citizens access to all the County and region have to offer, the Town assigns a **medium priority** to all infrastructure needs.

Considering the full range of community development needs and their respective demands on the Town's limited resources, the Town of Chapel Hill places a **high priority** on all public service needs.

Broad support of the Town's economic development initiatives underscores their importance to the local economy, but also frees some resources for investment in other community development needs. The Town of Chapel Hill assigns **low priority** to all economic development needs.

Specifically, the Town of Chapel Hill proposes the following strategies to address the community's needs for public services:

- Strengthen partnerships with non-profits and other related associations (community building, education, family services, etc.)
- Promote public services opportunities for area low-income residents
- Build community capacity and better coordinate services through the regular dissemination of information. Examples may include Community Development Day workshops, self-help workshops, activity updates, etc.

How will the Orange County Consortium assist people with special needs?

Generally, subpopulations with special needs (older adults, people with disabilities, mental illness, or AIDS, and at-risk youth) are in need of supportive housing and services. Programs that would meet these objectives (substance abuse services, handicapped services, youth centers, youth services, senior centers, and senior services) are all given **medium priority** by the Consortium.

The Orange Person Chatham Area Program provides services to people of all ages who require mental health, developmental disability, or substance abuse treatment services. This local governmental agency also assists individuals in maintaining their jobs and housing.

Services to seniors, including social and cultural programs, are provided through three senior centers located in the County [two operated by Orange County, one by Chapel Hill]. Additionally, the Orange County Department of Aging provides a comprehensive array of services to seniors aged 55 and older. These include support groups, transportation, eldercare programs, trips, social opportunities, and wellness programs.

At-risk youth may receive assistance with tutoring, academic coaching, reading, and mentoring through various programs offered through service agencies funded through the Town of Chapel Hill's CDBG public service funding.

Specifically, the Consortium proposes the following strategies to assist people with special needs:

- Promote and make public service funds available to agencies that serve identified special populations
- Partner with other funding agencies to encourage the development of transitional housing (SROs, group homes) that is service-enriched
- Continue to strengthen partnership with local service providers
- Support applications for federal supportive housing funds
- Provide property acquisition funding to eligible non-profits and for-profits to develop permanent housing for those with special needs

Strategic Plan

Due every five years and no less than 45 days prior to the start of the grantee's Fiscal Year start date. HUD does not accept plans between August 15 and November 15.

Orange County HOME Consortium Response:

The goals and objectives for Orange County are as follows:

Goals:

The goals and objectives of the Orange County HOME Consortium - to include the Towns of Chapel Hill, Hillsborough and Carrboro - are to enhance the quality of life for low to moderate income residents by:

- ❑ *Providing Decent and Affordable Housing for Low to Moderate Income Households, including Affordable Rentals for <30% AMI Residents*
- ❑ *Providing Housing and Services for Homeless Populations*
- ❑ *Providing Housing and Services for Residents with Special Needs*
- ❑ *Increasing the scope of Public Services for Low-Income residents*

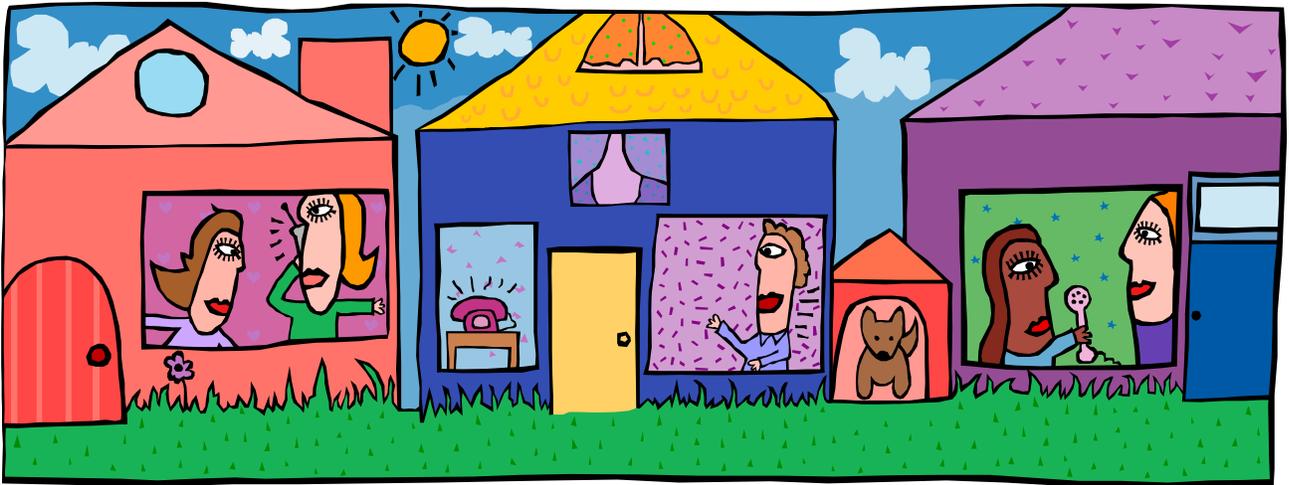
in an efficient, responsive, and non-discriminating manner through organizational partnerships, available resources, and innovative approaches.

The 2010-2015 Consolidated Plan provides the guidelines for implementation of the above stated goals. It outlines the structure that will be used to meet the priority goals for the five year period 2010 - 2015.

The FY 2010-2011 Annual Action Plan establishes the specific projects to be funded through the CDBG and HOME programs. The funded activities collectively address the three goals identified in the Five Year Consolidated Plan.

This five-year Strategic Plan for housing and community development is the result of an extensive needs assessment and community outreach process by Orange County and the Town of Chapel Hill. By gathering and applying a wide variety of research data and community input, this comprehensive approach to housing and community revitalization was developed. This plan outlines the goals and priorities serving as the overall framework for the five-year strategy.

**Town of Chapel Hill
Community Development Block Grant Program
And
Orange County Consortium
HOME Program**



2013-2014
Application for funding for
CONSTRUCTION PROGRAMS

For grant year beginning July 1, 2013

Revised 1/2013

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GENERAL APPLICATION INSTRUCTIONS

WHICH APPLICATION SHOULD I FILL OUT (Non-construction vs. Construction)?

This application is to apply for federal Community Development Block Grant (CDBG) or HOME funds for **construction projects**. (Please note: There is a separate application for non-construction projects.) Construction projects include:

- New housing construction
- Housing rehabilitation
- Commercial construction or rehabilitation
- Construction or improvement of public facilities
- Infrastructure development/site improvements
- Predevelopment costs
- Property acquisition

WHAT IS THE DIFFERENCE BETWEEN CDBG and HOME FUNDS?

Please see **Attachment 1** for a description of the Community Development Block Grant and HOME Programs. If in doubt, please contact Town of Chapel Hill or Orange County staff.

There is some overlap with the programs; here are a few guidelines:

- CDBG assistance is limited to projects within the Town of Chapel Hill's "Extra-Territorial Jurisdiction" (ETJ);
- HOME funds may be used anywhere in Orange County (Chapel Hill, Carrboro, Hillsborough, or Orange County);
- Non-housing projects can only use CDBG funds;
- New housing construction can only use HOME funds (except for designated Community Based Development Organizations which may use CDBG funds for new housing construction in Chapel Hill).

ELIGIBLE APPLICANTS

CDBG applicants must be:

- Non-profit agencies with a primary purpose of providing housing, human services, or economic development services; or
- Local government or public agency.

HOME applicants must be:

- Non-profit agencies or for-profit corporations applying through a member government; or
- Consortium member governments.

"Non-profit" means having a 501c(3) tax exemption notice from the IRS. All applicants must demonstrate a track record of continuous, active, and relevant operation for at least two (2) years.

INCOME ELIGIBILITY

In general, all projects must benefit persons with a household income below 80% of the area median income adjusted for family size. Please see **Attachment 2** for current income limits.

GRANT PERIOD

The funding period begins on July 1, 2013. Costs incurred before that date and before a Performance/Development Agreement has been executed cannot be reimbursed.

FEDERAL REGULATIONS FOR CONSTRUCTION PROJECTS

Construction projects must comply with federal rules for the following: environmental review; “Davis Bacon” wage rates; real property acquisition; contract procurement; equal employment opportunity; lead-based paint; fair housing; conflict of interest; and (for large projects) HUD Section 3 economic opportunity. Please also note that the intention to use federal funds for a project triggers federal acquisition and relocation regulations affecting real estate purchase.

PROJECT REPORTING AND MONITORING

Recipients of CDBG and HOME funds are required to submit written progress reports to the funding agency on a monthly or quarterly basis, depending on the nature and phase of the project. Required information may include the following: progress toward achieving performance goals; description of activities/challenges; revisions of timelines/budgets; and other relevant information. Information may also be required about marketing activities, project income, and the home buyers and/or tenants of assisted projects.

Funded projects will be monitored for progress and performance, financial and administrative management, and compliance with the terms of Performance/Development Agreements. Monitoring may involve site and/or office visit(s).

ORIENTATION MEETING

All new CDBG subrecipients will be asked to attend an orientation meeting (held in June of 2013) prior to the start of the funding year. This meeting is mandatory for all new subrecipients, and some subrecipients who have received funding in the past may be asked to attend as well.

During the orientation meeting, subrecipients will learn about the requirements of the program and will receive a draft of their Performance Agreements. Subrecipients will also learn about the services that are available through the Town, such as technical assistance and support.

INVALID APPLICATIONS

Applications may be rejected without evaluation. Reasons may include:

1. Project clearly not eligible according to CDBG/HOME regulations;
2. Applicant has demonstrated poor past performance in carrying out government-funded projects, or complying with federal regulations;
3. Applicant fails to provide financial audit or other required information; and
4. Incomplete applications, e.g. incomplete or missing sections.

PROJECT EVALUATION & FUNDS ALLOCATION

CDBG applications will be reviewed by Town of Chapel Hill staff and the recommendation for funding will be approved by the Chapel Hill Town Council. HOME applications will be reviewed by the HOME Program Review Committee consisting of an elected official and staff person from each participating jurisdiction, and approved by the governing bodies of Orange County, Chapel Hill, Carrboro, and Hillsborough. Applications for both programs will be evaluated based on how well the proposed projects fulfill the priorities in the 5-Year Consolidated Plan (see **Attachment 3**), whether they meet one or more of the three National Objectives (CDBG only), the quality of the proposal, and the capacity of the agency. In addition, the Town and County will seek citizen input through public forums. See **Attachment 4** for a tentative schedule for development of the Community Development and HOME Program plans.

NEW THIS YEAR FOR PROJECTS IN CHAPEL HILL: Construction projects in Chapel Hill must also support the goals of the [Affordable Housing Strategy](#) adopted by the Town Council in June 2011.

Applicants should understand that this is a competitive application process for limited funding. There may be applications for projects that satisfy many of the evaluation criteria but are not funded. Successful applications may be funded for less than the amount requested.

Please be as accurate as possible in your application. If funds are awarded, information submitted in this application will be used to develop a Performance Agreement for your project. Please notify Town/County staff of any changes to your proposed project as soon as possible.

DETAILED APPLICATION INSTRUCTIONS

- **CDBG Applications** may be submitted by hand to the Chapel Hill Planning Department, Chapel Hill Town Hall, Third Floor, or by mail to:

Loryn Clark, Interim Assistant Planning Director
Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Applications can also be sent via email to Loryn Clark at lclark@townofchapelhill.org. *Note: If an electronic copy is sent, remember to scan and email the signature page **with original signatures** to Loryn Clark.*
- **HOME Applications** may be submitted by hand to the Housing, Human Rights, and Community Development Office, Orange County Richard L. Whitted Human Services Center, Second Floor, or by mail to:

Tara Fikes, Director
Orange County Housing, Human Rights and Community Development
P.O. Box 8181
300 West Tryon Street
Hillsborough, NC, 27278

Applications can also be sent via email to Tara Fikes at tfikes@co.orange.nc.us. *Note: If an electronic copy is sent, remember to scan and email the signature page **with original signatures** to Tara Fikes.*
- Please do not fax applications.
- **Complete each question directly on the application form.** Attachments should only be used to provide supplemental information. The application form can be downloaded from the Town of Chapel Hill or Orange County websites at: <http://www.townofchapelhill.org/index.asp?nid=344> or <http://www.co.orange.nc.us/housing/index.asp>
- Please clasp or clip together; do not use binders, covers or staples.
- Please read all questions and instructions carefully. **The care that goes into accurately and informatively completing this application is evidence of your agency's ability to manage the complexities of CDBG and HOME program requirements.**

If you have questions about the eligibility of an activity or about the application, please contact:

- For CDBG, Loryn Clark at 919-969-5076, lclark@townofchapelhill.org
- For HOME, Tara Fikes at 919-245-2490, tfikes@co.orange.nc.us

CHECKLIST OF DOCUMENTATION REQUIRED WITH THIS APPLICATION

APPLICATION

If submitting paper copies, your organization must provide an **ORIGINAL plus ONE COPY** of the application, which consists of the following sections:

- Section I: Applicant and Project Overview
- Section II: Project Description (*for projects in Chapel Hill, your description must include how your project is consistent with the adopted Chapel Hill [Affordable Housing Strategy](#)*)
- Section III: Performance Measurements
- Section IV: Project Budget and Pro-forma
- Section V: Agency Description
- Section VI: Disclosure of Potential Conflicts of Interest

OTHER REQUIRED ATTACHMENTS

Please provide **one copy** of each of the following documents:

- Current list of Board of Directors, including addresses, phone numbers, terms, and relevant affiliations
- Minutes of Board of Directors meeting authorizing the submittal of this application

Please provide one copy of each of the following documents ***unless they are already on file with the Town or County*** (please check Town/County staff to ensure documents are on file):

- Current Bylaws and Articles of Incorporation
- IRS tax determination letter [501(c)(3)]
- Most recent independent audit (including management letter if issued)

DOCUMENTS REQUIRED AFTER AWARD

If your agency is awarded funding, before signing Performance/Development Agreements with the Town/County, your agency must provide the following documents ***unless they are already on file with the Town or County*** (please check Town/County staff to ensure documents are on file):

- Personnel policies
- Financial management procedures
- Procurement policy
- Conflict of interest policy

APPLICATION FOR FUNDING FOR CONSTRUCTION PROGRAMS
Town of Chapel Hill CDBG Program
Orange County HOME Program

Section 1: APPLICANT AND PROJECT OVERVIEW

A. Applicant Information

Applicant Organization's Legal Name: _____

Primary Contact Person and Title: _____

Applicant Organization's Physical Address: _____

Applicant Organization's Mailing Address: _____

Telephone Number: _____

Fax Number: _____

Email Address: _____

DUNS Number: _____

(Dun & Bradstreet, Inc. provides this number at no charge, and it is required for Federal funding recipients.)

B. Project Information

Project Name: _____

Total Project Cost: _____

Total Amount of Funds Requested: _____

Please specify the **type** and **amount** of funding requested: *(Note: If applying for HOME and CDBG funds, please indicate the amount requested from each source.)*

CDBG: \$_____ and/or HOME: \$_____

Proposed Use of Funds Requested *(provide a concise description of proposed project)*: _____

To the best of my knowledge and belief all information and data in this application are true and current. The document has been duly authorized by the governing board of the applicant.

Signature: _____

Board Chairperson/Department Head

Date

Section 2: PROJECT DESCRIPTION

Please provide a thorough description of the project (by answering the “who,” “what,” “when,” and “where” questions about your project). **Do not assume the reader knows anything about the project.**

A. Project Name

1. Please provide the name of your project. _____

B. “Who”

1. Client Group. Who is the targeted client group, and what are their needs? What objective data can you provide in evidence of these needs? _____

2. Client Demographics. Please complete the following tables to the best of your ability. Show actual or estimated numbers of beneficiaries, not percentages, in each category. In general, you should count households as the beneficiaries for housing programs and persons for non-housing programs. Please see **Attachment 2** for the current income limits for the Durham-Chapel Hill MSA.

Note: Activities may benefit individuals and/or geographic areas. You may fill out one or more of these tables, as appropriate.

Income Group*	Number of Beneficiaries
<30% of the Area Median Income (AMI)	
31%-50% of AMI	
51-80% of AMI	
>80% of AMI	
TOTAL	

Special Needs Beneficiaries (if applicable)	
Category	Number of Beneficiaries
Elderly (over 60)	
Disabled (not elderly)	
Homeless	
People with HIV/AIDS	
TOTAL	

CDBG Area Benefit Activities (Infrastructure and Public Facilities)*				
Street	Census Tract	Block Group	Total Persons	#LMI Persons

* If your agency has any questions about these designations, please contact the Town or County staff.

PROJECT DESCRIPTION CONTINUED

B. “Who” (continued)

3. Project Staff. Please provide names of staff, contractors, and/or volunteers that will be involved with the project and describe their responsibilities with the project. (Optional: Attach resumes and/or job descriptions): _____

C. “What”

1. Type of Activity. Please check the category under which your project falls.

- Acquisition (for rental or homeownership)
- Predevelopment costs
- Infrastructure/site improvements
- New construction for homeownership (HOME only)
- New construction for rental (HOME only)
- Public facility or improvement (CDBG only)
- Commercial property construction/rehabilitation (CDBG only)
- Owner-occupied rehabilitation
- Rental rehabilitation
- Emergency shelter
- Transitional housing
- Supportive housing
- Other (specify): _____

2. Project Description. Please provide a general overview of your project, including what you are planning to produce and how you are planning to carrying out the project. _____

D. “Where”

1. Project Location. Please be as specific as possible. _____

2. Project Size. Please provide the size of development site: _____ acres

Please attach the following:

- Site map showing lot boundaries, locations of structure(s), and other site features
- General location map (at least ½ mile radius)

PROJECT DESCRIPTION CONTINUED

E. “When”

Attach a **detailed and realistic** timetable showing when each work task will be completed (e.g., planning; obtaining financial commitments; design; environmental review; bidding; loan closing; key milestones in construction; marketing; final inspection; occupancy; etc.)

- a. For CDBG-funded projects:
 - i. For large-scale projects receiving funding for infrastructure/site improvements, your timetable should reflect an expectation of completing construction by December 2015.
 - ii. Non-construction projects should be completed by June 30, 2014.
- b. For HOME-funded projects:
 - i. **The project must be completed by June 2016.**

F. Project Details

Please provide the information requested below (please add additional lines where necessary). If the question is not applicable or no information is available, insert N/A.

2. Property Acquisition.

- a. Has your agency acquired real property in order to carry out the project, or is property acquisition planned? _____
- b. Has the property owner been informed of your intention to use federal funds for this project? If so, attach letter. (Sample property acquisition letters are available from Town or County staff.)

- c. Is the property currently occupied? If so, attach a description of your plan to relocate tenants in accordance with the Uniform Relocation Act. (Contact Town or County staff if your agency has questions about the URA.) _____

3. Construction Detail.

- a. How many units will be newly constructed? _____
- b. How many units will be rehabilitated? _____
- c. What is the square footage of each unit? _____

PROJECT DESCRIPTION CONTINUED

F. Project Details (continued)

3. Construction Details (continued)

- d. What is the number of bedrooms in each unit? _____
- e. What is the number of bathrooms in each unit? _____
- f. Will the project participate in an energy efficiency program (e.g. Energy Star)? _____
 - i. If yes, please provide the details: _____
- g. How many units will have full ADA accessibility? _____
 - i. Please provide details: _____
- h. For rehabilitation projects, describe your lead-based paint abatement plan for property built before 1978: _____
- i. How many households will have direct access to improved infrastructure? _____
 - i. Please describe: _____
- j. Is the proposed project located in a Neighborhood Conservation District? (Neighborhood Conservation Districts apply only to projects located in Chapel Hill.) _____
 - i. If yes, is your agency fully informed of the Neighborhood Conservation District guidelines? (For more information about the Neighborhood Conservation District guidelines, please contact Town staff.) _____
- k. Please attach the following:
 - Floor plan(s)
 - Elevation(s)

4. Affordability, Marketing, and Supportive Services.

- a. Describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, deed restrictions, etc.: _____
- b. What are the proposed rents (including utility costs) or sales prices for completed units? _____
- c. Explain your agency's process for marketing to ensure an adequate pool of income-eligible renters to buyers: _____
- d. If supportive services will be coordinated with the project, please describe these: _____

Section 3: PERFORMANCE MEASUREMENTS

A. Goals and Objectives

Please complete the following chart with information about the project’s goals and objectives. Also, please provide information on how these goals and objectives will be measured. **Be as detailed and specific as possible.**

Goal/Objective	Measurement Tool
<i>Ex: Provide housing for low- to moderate-income households.</i>	<i>Ex: By 2014, build ten units that are affordable to low- to moderate-income households.</i>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

B. Compliance with National Objectives

If your agency is applying for CDBG funds, address which National Objective your project will be meeting. (An overview of the CDBG National Objectives can be found in Attachment 1.) _____

Section 4: PROJECT BUDGET AND PRO-FORMA

Please note that this section must be completed in order to ensure review.

A. Project Budget

Attach a **detailed project budget** showing all sources and uses of funds. Attach funding commitment letters where available or copies of funding applications you have submitted.

B. Terms of Project Funding

Please specify the type of funding request for which you are applying:

CDBG: Grant Loan

HOME: Grant Loan

If applicable, please provide details about the nature of your funding request: _____

C. Pro-forma (for rental property only)

If you are developing a property for rent, please attach a 20-year pro-forma showing estimated income, expenses, net operating income, debt service, and cash flow.

Section 5: AGENCY DESCRIPTION

If you have not received CDBG or HOME funding in the past three (3) years, please provide the following information. Agencies and member governments that have been funded in the past three (3) years and member governments carrying out projects entirely with their own staff may omit this section.

If your organization has received CDBG or HOME funding in the last three (3) years and is omitting this section, please check this box:

A. Organization

What is your organization's . . .

1. Mission statement? _____
2. Incorporation date (Month and Year)? _____
3. Estimated Total Agency Budget for FY 2013-2014? \$ _____
4. Total number of agency staff (full time equivalents): _____

B. Agency Track Record

Please describe your agency's experience and ability to carry out the proposed project. (This may include your past achievements in carrying out similar projects, experience of key staff, collaborative relationships with other agencies, or any other features relating to agency capacity that you consider relevant). _____

C. Board of Directors

1. How many Board Members should your organization have according to your by-laws? _____
2. How many Board Members does your organization actually have at this date? _____
3. How often does the Board meet? _____
4. What was the actual attendance at each of the last three regular Board meetings? _____
5. Have you failed to reach a quorum at any Board meetings in the last 12 months? _____
6. What efforts do you make to ensure that your Board represents the community it serves?

Section 6: DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Are any of the Board Members or employees of the agency which will be carrying out this project, or members of their immediate families, or their business associates:

a) Employees of or closely related to employees of the Town of Chapel Hill, Orange County, Carrboro, or Hillsborough? YES NO

b) Members of or closely related to members of the governing bodies of Chapel Hill, Carrboro, Hillsborough, or Orange County? YES NO

c) Current beneficiaries of the project/program for which funds are requested? YES NO

d) Paid providers of goods or services to the program or having other financial interest in the program? YES NO

If you have answered YES to any question, **please provide a full explanation below**. The existence of a potential conflict of interest does not necessarily make the project ineligible for funding, but the existence of an **undisclosed** conflict may result in the termination of any grant awarded. _____

Section 7: ATTACHMENTS

Attachment 1

National Objectives of Community Development Legislation (Community Development Block Grant Program)

The primary objective of the Community Development Block Grant (CDBG) Program is the “...development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunity, principally for persons of low and moderate-income” (Housing and Community Development Act of 1974).

The Town of Chapel Hill must certify that its overall program carries out this primary objective. In addition, each Community Development Block Grant activity must:

1. Benefit low- or moderate-income persons (80% of median income and below);
2. Aid in the prevention or elimination of slums and blight; or
3. Treat urgent needs posing an immediate threat to public health and welfare.

Eligible activities for Community Development Block Grant funding include:

- Acquisition of property
- Disposition of property
- Public facilities and improvements
- Clearance, demolition and removal of buildings
- Site improvements
- Some public services (subject to a cap)
- Relocation
- Housing rehabilitation, preservation and code enforcement
- Economic development activities
- Planning and administrative costs (subject to a cap)

Activities that are generally not eligible include:

- Buildings used for the general conduct of government
- New housing construction (allowed in special circumstances)
- General government expense
- Political activities
- Purchase of equipment and personal property
- Operating and maintenance expenses

Attachment 1

The HOME Program

In 1990, Congress enacted the HOME Investment Partnerships Act, better known as the HOME Program, in an effort to provide a new approach to housing assistance at the federal level. This federal housing block grant affords state and local governments the flexibility to fund a wide range of housing activities through creative and unique housing partnerships among states and localities, private industry, and nonprofit organizations.

Each housing activity must fall within the following goals of the HOME Program:

1. To expand the supply of decent, safe, sanitary and affordable housing, with emphasis on rental housing, for very low- and low-income citizens;
2. To strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent affordable housing; and
3. To encourage public, private and nonprofit partnerships in addressing housing needs.

Eligible activities for HOME Program funding include:

- Acquisition of property (including assistance to homebuyers)
- New construction
- Reconstruction
- Conversions
- Moderate rehabilitation of non-luxury housing with suitable amenities
- Tenant-based rental assistance
- Relocation of displaced persons, families, businesses, or organizations
- Site improvements, acquisition of vacant land, and demolition (under special conditions)
- Project soft costs
- Administration/Planning (for qualified Community Housing Development Organizations)
- Operating expenses for Community Housing Development Organizations

Attachment 2

FY 2013 Income Limits

Department of Housing and Urban Development (HUD)

Durham-Chapel Hill Metropolitan Statistical Area
(Durham, Orange, and Chatham Counties)
Median Income: \$67,700

Number of people in the household	1 person	2 people	3 people	4 people	5 people	6 people	7 people	8 people
Income Level = 30% area median income	\$14,250 or less	\$14,251 to \$16,250	\$16,251 to \$18,300	\$18,301 to \$20,300	\$20,301 to \$21,950	\$21,951 to \$23,550	\$23,551 to \$25,200	\$25,201 to \$26,800
Income Level = 50% area median income	\$14,251 to \$23,700	\$23,701 to \$27,100	\$27,101 to \$30,500	\$30,501 to \$33,850	\$33,851 to \$36,600	\$36,601 to \$39,300	\$39,301 to \$42,000	\$42,001 to \$44,700
Income Level = 80% area median income	\$23,701 to \$37,950	\$37,951 to \$43,350	\$43,351 to \$48,750	\$48,751 to \$54,150	\$54,151 to \$58,500	\$58,501 to \$62,850	\$62,851 to \$67,150	\$67,151 to \$71,500

Source: U.S. Department of Housing and Urban Development (HUD)

Website: <http://www.huduser.org/portal/datasets/il/il13/index.html> and <http://www.huduser.org/portal/datasets/il/il13/nc.pdf>

Income limits as of 12/2012

Attachment 3

**Summary of Goals, Priorities and Output Indicators
from Housing and Community Development Consolidated Plan
for 2010-2015 for Orange County, Carrboro, Chapel Hill and Hillsborough**

Goal 1 – Decent and Affordable Housing for Lower-Income Households	
<i>Priority 1.1 – Low income (< 80%AMI) homeowners that live in substandard housing</i>	
Strategies:	<ul style="list-style-type: none"> - Continue to fund urgent repairs for qualified units - Continue to fund substantial rehabilitation for qualified units - Continue to incorporate handicap, weatherization and lead-based paint improvements into all substantial rehabilitations
Output Indicators:	<ul style="list-style-type: none"> - 30 substantially rehabilitated units (Orange County/Chapel Hill) - 40 units with urgent repairs (Orange County)
<i>Priority 1.2 – Low income renters (<60% AMI) that live in substandard housing</i>	
Strategies:	<ul style="list-style-type: none"> - Continue to fund the rehabilitation of existing rental housing units - Monitor and enforce rent and property standards for completed projects - Leverage existing Town and County resources by utilizing the federal low income tax credit, HUD Section 202 and 811, and other programs to construct new rental housing - Provide educational opportunities related to fair housing, tenant rights, etc. - Continue to dialogue with the University of North Carolina – Chapel Hill on issues that affect affordable rental opportunities in the area
Output Indicators:	<ul style="list-style-type: none"> - 30 additional affordable rental units (Orange County/Chapel Hill) - 20 low income renters receive HOME funded rental assistance for up to 2 years each (Orange County) - 75 units of renovated public housing (Chapel Hill)
<i>Priority 1.3 – Low income (<80% AMI) homeowners that do not have indoor plumbing or adequate connections to existing public water and sewer systems</i>	
Strategies:	<ul style="list-style-type: none"> - Continue to fund the connection of lower income homeowners to existing water and sewer facilities. - Continue to fund the construction of complete indoor plumbing facilities
Output Indicators:	<ul style="list-style-type: none"> - 100% of all County residents have adequate indoor plumbing (Orange County/Chapel Hill)
<i>Priority 1.4 – Low-income renters (<80% AMI) that are potential homebuyers</i>	
Strategies:	<ul style="list-style-type: none"> - Provide down-payment and closing cost assistance to qualified homebuyers - Provide homebuyer education and counseling with an emphasis on credit - Provide acquisition, infrastructure, predevelopment and/or construction funding to

	<p>eligible non-profits and for-profits to develop affordable housing opportunities</p> <ul style="list-style-type: none"> - Establish homeownership program to assist existing Section 8 recipients
Output Indicators:	<ul style="list-style-type: none"> - 30 additional lower income homebuyers (Orange County/Chapel Hill)
<i>Priority 1.5 – Eliminate barriers to affordable housing</i>	
Strategies:	<ul style="list-style-type: none"> - Challenge and encourage non-profit and for-profit affordable housing providers to share resources and collaborate - Seek legislation that would require all local governments to require new residential and commercial developers in the County and Towns seeking zoning approval and/or permits to contain at least 15% affordable units in residential projects - Utilize equity sharing and community land trust concepts to limit the dramatic escalation of housing costs
Output Indicators:	<ul style="list-style-type: none"> - 30 units of new affordable housing in mixed income developments (Orange County/Chapel Hill) - Increased awareness of barriers to affordable housing (Orange County/Chapel Hill)
<i>Priority 1.6 – Low Income (< 60% AMI) Homeownership</i>	
Strategies:	<ul style="list-style-type: none"> - Provide down-payment and closing cost assistance to qualified homebuyers - Provide homebuyer education and counseling with an emphasis on credit - Provide acquisition, infrastructure, predevelopment and/or construction funding to eligible non-profits and for-profits to develop affordable housing opportunities - Establish homeownership program to assist existing Section 8 recipients
Output indicators:	<ul style="list-style-type: none"> - Up to 30 additional low income homebuyers (Orange County/Chapel Hill)
<i>Priority 1.7 – Extremely Low income (<30% AMI) renters looking for affordable rental housing</i>	
Strategies:	<ul style="list-style-type: none"> - Partner with local housing developers and/or property management firms to develop affordable rental housing for Extremely low-income residents - Develop rental subsidy program for the <30% AMI residents - Possibly develop an SRO model for implementation to develop more affordable housing - Review current density ordinances for possible revision to increase ability to develop affordable, multi-rental housing
Output Indicators:	<ul style="list-style-type: none"> - 30 units of new/rehabilitated affordable rental housing in mixed income developments (Orange County/Chapel Hill)

Goal 2 – Provide Housing and Services for Populations with Special Needs	
<i>Priority 2.1 – Service-enriched transitional housing for homeless persons with special needs</i>	
Strategies:	<ul style="list-style-type: none"> - Promote and make public service funds available to homeless agencies that operate emergency shelters - Partner with other funding agencies to encourage the development of transitional housing (SRO's, group homes) that is service-enriched - Continue to strengthen partnership with the local Continuum of Care - Provide property acquisition funding to eligible non-profits and for-profits to develop transitional housing
Output Indicators:	<ul style="list-style-type: none"> - Provide financial assistance to support the construction of a residential center for homeless men (Orange County/Chapel Hill)
<i>Priority 2.2 – Reduce Chronic Homelessness</i>	
Strategies:	<ul style="list-style-type: none"> - Establish an assertive street outreach program that targets unsheltered homeless people at natural gathering places throughout Orange County. - Establish an outreach system in Northern Orange County that uses the congregate feeding programs as a place to begin identifying those who are chronically homeless in the rural part of the county. - Create an Assertive Community Treatment (ACT) Team that targets those who are chronically homeless and integrates the team with the above outreach efforts. - Ensure that both inpatient and outpatient substance abuse treatment is made available to those chronically homeless individuals who desire that service. If inpatient treatment is necessary, make sure that permanent housing is not lost during the inpatient stay. - Identify strategies designed to address the needs for shelter and services for individuals with complex behavior that result in being banned from kitchen/shelter services. - Sheltered chronically homeless people will be able to move into permanent housing by receiving the services necessary for them to obtain and maintain permanent housing. - Ensure that non-profit developers have the organizational and financial capacity to create new housing units within the community for the chronically homeless. - Identify a wide variety of sites for housing the chronically homeless throughout the County in the most fair and effective places within the County. - Establish a rigorous evaluation mechanism that measures the cost of individuals who are chronically homeless before and after they are receiving housing and support services.
Output Indicators:	<ul style="list-style-type: none"> - 15 units will be rehabbed/rented/built to provide permanent supportive housing (including the use of Assertive Community Treatment Teams) for the chronic homeless in Orange County within the first 3-5 years of the plan.
<i>Priority 2.3 – Increase Employment</i>	
Strategies:	<ul style="list-style-type: none"> - Current supportive employers will increase the number of homeless people they hire. - Potential employers will increase their understanding of those who are homeless and hire

	<p>homeless or formerly homeless individuals.</p> <ul style="list-style-type: none"> - Design and implement a model employment and training program that focuses on individualized assessment, job goals, and placement activities. - Develop and implement a credentialing process designed to create skills that prepare homeless persons for employment by establishing partnerships with local Chambers of Commerce to convene and educate about homeless people and their employment needs. - Enhance the skills development center list that exists on Franklin Street and develop a comparable site in Hillsborough. - Design and implement a strategy targeting those who are aging out of the foster care system as a way to prevent future homelessness by building successful employment history and supporting ongoing financial literacy efforts. - Support and build on the “Wheels for Work” model that is currently only available to work first participants. - Increase the number and availability of child care slots in quality child care centers for homeless families. - Support transportation expansion plan in Chapel Hill Transit System and Triangle Transit Authority. - Endorse ongoing discussions between Orange Transportation and the Chapel Hill Transit System.
<p>Output Indicators:</p>	<ul style="list-style-type: none"> - Provide funding to at least two shelters to help fund transitional programs, to possibly include job training programs.
<p><i>Priority 2.4 – Prevent Homelessness</i></p>	
<p>Strategies:</p>	<ul style="list-style-type: none"> - Youth aging out of the foster care system will maintain a relationship with human services to prevent homelessness. - Begin examining the data and relevant strategies designed to work with unmanipulated youth between the ages of 16-18 who are running away. - Those exiting prison, the military, hospitals and other health related institutions will not be discharged into homelessness. - Assess the actual need and develop step down housing for those exiting inpatient substance abuse treatment services. This housing should create a safe and supportive environment designed to promote recovery. - Those with unstable housing will receive the necessary services to prevent loss of housing. This includes families who are doubled up that may lose their housing, those who are experiencing an immediate health care crisis that jeopardizes their housing, and those who have received eviction notices. - Develop a plan designed to address the current gap in affordable housing units available to homeless families and individuals.
<p>Output Indicators:</p>	<ul style="list-style-type: none"> - Develop a Discharge Plan policy with Wake County and Durham County to have a unified regional approach - Provide funding to at least two shelters to help fund transitional programs, to possibly include homeownership, rental and/or credit counseling.

<i>Priority 2.5 – Increase Access to Services</i>	
Strategies:	<ul style="list-style-type: none"> - Improve the network of homeless service providers to eliminate individuals from falling through the cracks. - Homeless people will be engaged and enrolled in the appropriate services. - Develop a system designed to decrease the length of time necessary for individuals to receive identification. - Decrease the wait for Medicaid disability. - Improve Health Care/Dental Care. - Improve the capacity of current providers to serve as point-of-entry, including sufficient funding to support a facility that is open 24 hours a day, seven days a week. - Increase access to community resources (jobs, housing, services, and childcare) in order to develop a maximum 90-day length-of-stay strategy for homeless persons in shelters to facilitate their return to permanent housing.
Output Indicators:	<ul style="list-style-type: none"> - Assist 20 additional homeless persons.
<i>Priority 2.6 – Increase Public Participation in Ending Homelessness</i>	
Strategies:	<ul style="list-style-type: none"> - Identify specific strategies that eliminate NIMBYism (Not In My Backyard) in Orange County. - Increase the number of volunteers directly working with homeless people. - Increase positive media support. - Improve the PR presence of current providers within Orange County. - Develop strategies that demonstrate “proven results” to the taxpayers of Orange County. Include specific values for the benefits associated with investing in mental health.
Output Indicators:	<ul style="list-style-type: none"> - Increase information available to public through distribution of marketing materials through the CoC - Implement a volunteer recruiting campaign to include UNC students and Orange County residents
<i>Priority 2.7 – Continuum of services for special needs populations including older adults, disabled, mentally ill, persons with AIDS and at-risk youth</i>	
Strategies:	<ul style="list-style-type: none"> - Promote and make funds available to agencies that serve identified special populations - Continue to strengthen partnership with local service providers - Support applications for federal housing funds - Provide property acquisition funding to eligible non-profits and for-profits to develop permanent housing for those with special needs
Output Indicators:	<ul style="list-style-type: none"> - 10 additional permanent housing units for those with special needs (Orange County)

Goal 3 – Increase Capacity and Expand the Scope of Public Services

Priority 3.1 – Increase capacity and expand the scope of Public Services in order to reach out to more low-to-moderate income residents

Strategies:	<ul style="list-style-type: none"> - Strengthen partnerships with non-profits and other related associations (community building, education, family services, etc.) - Promote public services opportunities for area low-income residents - Build community capacity and better coordinate services through the regular dissemination of information. Examples may include Community Development Day workshops, self-help workshops, activity updates, etc. - Continue to work with area Chambers of Commerce and others to promote the economic development of the community
Output Indicators:	<ul style="list-style-type: none"> - Increase Public Services capacity and scope by 10% for at least three non-profit organizations over the next five years

Attachment 4

Tentative Schedule*
for Development of the 2013-2014 CDBG & HOME Program Plans

Date and Location	Meeting/Deadline
Tuesday, February 5, 2013 7:00pm Hillsborough Commons 1113 Mayo Street Hillsborough, NC	Orange County Consolidated Plan / HOME Program Public Hearing
Monday, February 18, 2013 7:00pm Council Chamber, Chapel Hill Town Hall	Town of Chapel Hill Public Forum
Wednesday, Thursday, February 28, 2013 at 5:00pm	Deadline for applications
Monday, March 18, 2013 7:00pm Council Chamber, Chapel Hill Town Hall	Second Town of Chapel Hill Public Forum: Preliminary Community Development and HOME Program Plans
April and May 2013	Chapel Hill Town Council consideration of Community Development and HOME Program Plans and a Consolidated Plan Annual Update Hillsborough Town Board consideration of HOME Program and Consolidated Plan
Tuesday, May 7, 2013 7:00pm Hillsborough Commons 1113 Mayo Street Hillsborough, NC	Orange County Board of Commissioners consideration of a HOME Program and Consolidated Plan Annual Update
May 2013	Deadline for submitting Plan to HUD

* This schedule is subject to change. Please visit the Town or County website for updates.

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: February 5, 2013**

**Action Agenda
Item No. 6-b**

SUBJECT: Comprehensive Plan and Unified Development Ordinance Text Amendments and Zoning Atlas Amendments to Establish Two New Zoning Overlay Districts in the Efland Area - Public Hearing Closure and Action (No Additional Comments Accepted)

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)**

Yes

ATTACHMENT(S):

INFORMATION CONTACT:

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Comprehensive Plan / Future Land Use Map and Unified Development Ordinance (UDO) Amendment Outline Form (UDO/Zoning-2012-13) 2. Staff-Recommended Ordinance Approving Amendment 3. Planning Board-Recommended Ordinance Approving Amendment 4. Resolution - Statement of Consistency 5. Ordinance Denying Amendment 6. Resolution – Statement of Inconsistency 7. Excerpt from Draft Minutes - November 19, 2012 Quarterly Public Hearing 8. Excerpt from Approved Minutes – December 5, 2012 Planning Board Meeting | <p>Perdita Holtz, Planner III, 919-245-2578
Craig Benedict, Planning Director, 919-245-2592</p> |
|--|---|

PURPOSE: To receive the Planning Board's recommendation, close the public hearing, and make a decision on Planning Director initiated amendments to the Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas in order to establish two new zoning overlay districts in the Efland area. The primary purpose of the overlay districts is to provide for a more village and urban style of development in an area of the county served, or intended to be served, by public water and sewer systems.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the November 19, 2012 Quarterly Public Hearing. This hearing is not intended to solicit additional input. While the BOCC may ask staff questions related to the review of a given item, comments from the public shall not be solicited.

BACKGROUND: The form in Attachment 1 contains additional information and analysis regarding these County initiated amendments, which are consistent with the adopted Efland-

Mebane Small Area Plan. The amendment package in Attachment 2 includes a map showing the extent of the two proposed zoning overlay districts.

Ninty-eight (98) parcels containing approximately 157 acres are located in the proposed Efland Village Overlay District. Sixty-four (64) parcels containing approximately 275 acres are located in the proposed Efland Interstate Overlay District. These figures include road and rail rights-of way.

Planning staff held a Public Information Meeting on November 14, 2012. Ten people and one BOCC member attended the meeting to learn more about the proposal.

Public Hearing

This proposal was heard at the November 19, 2012 joint public hearing. Please see Section C.1.b of Attachment 1 for a summary of questions and comments made at the public hearing and staff responses. Comments #4 and 5 of the referenced section contain comments on which the Planning Board was asked by staff to make a specific determination.

Procedural Information

In accordance with Section 2.8.8 of the Unified Development Ordinance, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

Additionally, as a result of a 2012 NC Supreme Court decision, governing bodies are required to take two separate actions addressing a proposed zoning atlas amendment, specifically:

1. Adoption of an Ordinance approving or rejecting the proposed atlas amendment (included in Attachments 2 and 3), and
2. Adoption of a separate statement denoting the atlas amendment complies with an adopted comprehensive plan (this is the Statement that comprises Attachment 4).

Planning Board Recommendation

The Planning Board considered this item at its December 5, 2012 meeting. The Planning Board unanimously voted to recommend approval of this item with recommended changes, specifically that pedestrian circulation and connectivity should be provided in the Efland Village Overlay District. (See Section C.1.b, comment 5 in Attachment 1 for additional information). The Planning Board's recommended additions are included in the text of Attachment 3 in green font color. The Planning Board approved minutes are included in Attachment 8.

Planning Director's Recommendation

The Planning Director recommends **approval** of the proposed Comprehensive Plan, UDO, and Zoning Atlas amendments contained in Attachment 2. The additions in Attachment 2 address comments made at the Quarterly Public Hearing regarding provision of an internal pedestrian system in multi-family and larger commercial projects but do not require project applicants to provide a pedestrian system that connects to adjacent parcels. The recommendation for approval is based on the following:

- The amendments further implement recommendations in the Efland-Mebane Small Area Plan; and

- The amendments are reasonably necessary to promote the public health, safety, and general welfare and to achieve the purposes of the adopted Comprehensive plan or part thereof; and,
- The amendments are consistent with the goals and policies of the adopted Comprehensive Plan.

Special Note: As noted above, the Planning Board deliberated and recommended the addition of “Pedestrian Circulation” requirements in the Efland Village overlay district (noted in green on pages 6-34 and 35 of Attachment 3). The discussion arose from a comment made at the Quarterly Public Hearing regarding the inclusion of internal pedestrian systems for larger-scale non-residential and multi-family projects in the Efland Interstate overlay district without a similar requirement proposed for the Efland Village overlay district (see Section C.1.b, comment 5 in Attachment 1).

For smaller scale projects in a ‘village’ setting, the appropriate pedestrian plan would be within the road right-of-way. However, the North Carolina Department of Transportation (NCDOT) is responsible for road maintenance in counties and does not maintain sidewalks (see link to work session materials on this topic in Section B.1 of Attachment 1). Therein a quagmire exists - the goal of walkability but no locational public accommodation unless on private property which has associated issues. These issues have been discussed with the County Manager and County Attorney’s office.

Issues

1. The imposition of ‘requiring’ public use of private property including the cost (potentially upwards of \$100 per linear foot, depending on site conditions), liability and maintenance. Do issues of partial taking arise?
2. Would this pedestrian system have to be Americans with Disabilities Act (ADA) compatible (i.e. paved)?
3. The legal authority to enforce lack of maintenance.
4. The increase in impervious square footage due to the walkway causes a restriction in the potential building size.
5. Would the ‘piece-meal’ implementation cause “sidewalks to nowhere” and/or affect the development design of adjacent parcels?
6. Associated liabilities to third parties by individual property owners.
7. Lack of an overall master plan for walkability.

Admittedly, these issues are counterbalanced with the benefits and safety of walkability and therefore the Planning Director recommends that additional study occur to create more logical, legal and cost effective regulations in regards to pedestrian systems. The development of a village pedestrian master plan with associated private maintenance authorities could potentially be explored. In the interim, the proposal in Attachment 2 should be considered for adoption.

FINANCIAL IMPACT: See Section C.3 of Attachment 1.

RECOMMENDATION(S): The Manager recommends the Board:

1. Receive the Planning Board’s recommendation of approval;
2. Close the public hearing; and

3. Deliberate as necessary and decide accordingly. The Manager recommends 3.a. below at this time.
- a. If the Board decides to **adopt the changes recommended by the Planning Director**, the Board should **adopt Attachments 2 and 4** which authorize the amendments to the Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas and provide the required Statement of Consistency with the Comprehensive Plan.

(In addition, research potential solutions to the issues noted.)
 - b. If the Board decides to **adopt the changes recommended by the Planning Board**, the Board should **adopt Attachments 3 and 4** which authorize the amendments to the Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas and provide the required Statement of Consistency with the Comprehensive Plan.
 - c. If the Board decides **not to adopt any changes**, the Board should adopt Attachments 5 and 6, which consist of an ordinance denying the amendments and the Statement of Inconsistency with the Comprehensive Plan.

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2012-13

Two New Zoning Overlay Districts in the Efland Area

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map: Add Two New Zoning Overlay Districts in the Efland Area
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:

Appendix F – Land Use and Zoning Matrix: Add tick marks to potentially allow a “Special Zoning Overlay District” in all of the Transition land use classifications.
- UDO Text:
 - UDO General Text Changes
 - UDO Development Standards
 - UDO Development Approval Processes

Section(s): Text Amendments to: Sections 2.5.7 and 4.4
 Add New Sections: 4.5, 4.6, 6.6.3 and 6.6.4.
 Renumber Existing Sections: 4.5, 4.6, and 6.6.3
 Reference Changes in Existing Sections: 4.5.1, 6.8.12, and 7.13.2.
- Other:

B. RATIONALE

1. **Purpose/Mission**

To re-start a process that was begun in early 2010 but put on hiatus so staff could focus on developing the initial UDO and subsequent amendments related to

economic development. The Efland-Mebane Small Area Plan (EMSAP) Implementation Focus Group (IFG) had begun meeting to develop design standards for the Efland “core” area, as recommended in the adopted EMSAP. The adopted plan is available at: http://www.co.orange.nc.us/planning/admin_EM_SAP.asp

Additionally, before moving forward, staff needed a decision from the BOCC regarding whether a sidewalk program would be pursued in unincorporated areas of the county. Staff received direction at the October 6, 2011 BOCC work session in regards to this issue; a sidewalk program will not be pursued at this time and revisions to development regulations should reflect this decision. The abstract and materials for the work session is available at:

<http://www.orangecountync.gov/OCCLERKS/1110062.pdf> and the Minutes for the work session can be accessed through the “Minutes” link at:

<http://www.orangecountync.gov/OCCLERKS/agenmenu.asp>

At the June 19, 2012 BOCC meeting, the Board authorized staff to proceed with developing the design standards in conjunction with the EMSAP IFG.

2. **Analysis**

As required under Section 2.8.5 of the Unified Development Ordinance, the Planning Director is required to: ‘cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners’. The following information is offered:

The proposed zoning overlay districts are consistent with the recommendations made in the adopted Efland-Mebane Small Area Plan which called for design standards in the “core area” of Efland. The primary purpose of the overlay districts is to provide for a more village and urban style of development in an area of the county served, or intended to be served, by public water and sewer systems. The affected area is also designated as a Commercial-Industrial Transition Activity Node (CITAN) on the County’s Future Land Use Map. It is pertinent to note that some of the zoning districts allowed in a CITAN land use classification allow residential uses “by right.” The proposed overlay districts have been written so that the requirements will not pertain to existing or new single-family detached residential uses. All other residential uses (e.g., duplexes, multi-family) proposed in the overlay districts will be required to conform to the requirements of the overlay districts.

Because County development regulations pertain primarily to areas that are not intended to be served by public and water systems, which tends to result in larger lot sizes and lower density, some of the County’s regulations are not suitable for areas intended to have denser or more intensive development on smaller lots. For example, some of the land use buffer requirement in Section 6.8 of the UDO would be infeasible to meet on a parcel of property that is less than 100 feet in width and has an area measurement typically referred to in square feet rather than in acres. However, in areas of the county slated for denser development than the outlying rural areas, smaller sized lots with buildings closer together is to be expected. Therefore, development regulations must be modified to reflect these physical differences while continuing to strive for quality development. The proposed overlay districts endeavor

to encourage development while ensuring quality.

Development will still be required to meet the impervious surface limitations contained in Section 4.2 of the UDO. Because the impervious surface limitations stem from State statutes/rules, modifications to the allowable percentages are not permitted except as allowed in Section 4.2.8.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

- Objective LU-1.1:
Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)
- Objective LU-3.7:
Ensure that new development patterns in non-residential nodes encourage a clustered, walkable development pattern and discourage strip development.
- Objective LU-3.8:
Develop a process for implementing small area plan recommendations through the revision of County policies and regulations.
- Objective LU-3.9:
Create new zoning district(s) which allow for a mixing of commercial and residential uses, a mixing of housing types, and creates a more pedestrian friendly development pattern. New districts should be applied in areas where public services exist or are planned for in the future, in areas that promote higher intensity and high density uses on the Future Land Use map.
- Objective H-3.6:
Work within the Orange County government system to identify and resolve existing policies which may be at odds with historic preservation goals, green building approaches, and workforce and affordable housing efforts. (See also Cultural Resources Objective CR-3 and Economic Development Objective ED-4.1.)

4. New Statutes and Rules

Not applicable.

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

June 19, 2012

b. Quarterly Public Hearing

This proposal was heard at the November 19, 2012 joint public hearing. At the hearing, four members of the public addressed the Boards. Two of the people own property outside of the affected area and only wanted to know if their properties are affected. One person stated that they were having no problems with their water or septic systems and questioned why it should be changed (“if it’s not broke, why fix it?”). One person stated that he felt the public information meeting should have been held at the Ruritan Club rather than the County-owned Community Center, stated that he believes people do not understand the proposal, and questioned whether the proposal will benefit the people of Efland.

Several BOCC and Planning Board members had questions or comments, which are summarized below and, if appropriate, include a staff response:

1. A BOCC member asked about the existing Efland-Cheeks Overlay District (ECOD) and who was involved in that effort, since the proposed new overlay districts are essentially a part of a larger effort.

Staff Response: The Efland-Mebane Small Area Plan Implementation Focus Group worked on the ECOD effort and the proposed overlay districts. This is an group appointed by the BOCC and comprised primarily of people who live in the Efland area, many of whom also served on the initial group that developed the Efland-Mebane Small Area Plan.

2. Two BOCC members asked about the architectural design standards related to chain businesses and how buildings would have to be altered to comply with the regulations. One of these BOCC members expressed concern about the requirement.

Staff Response: The recommendations in the EMSAP (page 66) state that the “eclectic, vernacular character of Efland be preserved to the greatest extent possible” and that “there is no desire on the part of Efland residents to become a homogenous, ‘anywhere U.S.A.’ community.”

Page 69 of the EMSAP specifically addresses the portion of the planning area proposed for the two new overlay districts and states that “Residents have long viewed the area as a ‘gateway’ into the core of Efland” and that “the character of the gateway is an important factor in the perception of Efland as a rural village.” Additionally, this section of the plan states “there is a desire among residents of the area for managed, orderly growth in conjunction with the desire to preserve the character of the area” and that “both desires can be accomplished if development of done in a context sensitive manner.” The plan then goes on to state that site and architectural design guidelines (now referred to as “standards” in order to fit into the context of the Unified Development Ordinance) should be developed and adopted prior to development proposals being accepted for

the area. Several policy areas are listed, including architectural details.

Because the same types of concerns pertained to the area covered by the existing ECOD, the ECOD regulations also contain many of the same restrictions as those proposed for the two new overlay districts. In fact, most of the proposed requirements come directly from the requirements for ECOD or from existing requirements for economic development districts (see, for instance, existing Section 6.5 of the UDO).

Determinations on proposed designs are made during the site plan review process when a project is proposed, which is in keeping with the existing processes (See Section 6.5.1(C) for existing requirements).

3. A BOCC member questioned the prohibition against drive-throughs in the proposed Efland Village Overlay District.

Staff Response: The existing ECOD also prohibits drive-throughs (See UDO Section 6.6.2(G)(1)(b)). This prohibition along Highway 70 and in the “Village Core” (currently under consideration) was seen as an important issue by the EMSAP Implementation Focus Group in preserving community character in this geographic area. The proposed Efland Interstate Overlay District does not prohibit drive-throughs.

4. A BOCC member asked about the proposed “tick” for a Special Zoning Overlay District in the 20-Year Transition land use classification in the Land Use and Zoning Matrix of the Comprehensive Plan. The member suggested that the “tick” not be included for the 20-Year Transition classification since the classification is residential in nature and instead the Comprehensive Plan be purposefully amended in the future if necessary.

Staff Response: If the BOCC desires, the “tick” can be removed from the 20-Year Transition classification in the matrix. Staff was proposing it be included since many of the 20-Year Transition areas are “Primary Service Areas” for water and sewer service and in case water and sewer planning/engineering require the use of a special zoning overlay district, the ability to employ this type of zoning technique would already be established.

The Planning Board was asked by staff to make a specific recommendation on this point at its December 5, 2012 meeting. After discussion, the **Planning Board voted unanimously to recommend that the “tick” be retained as presented in the public hearing materials.**

5. A BOCC member asked about the “internal pedestrian circulation system” and whether a pedestrian system would be required in the Efland Village Overlay District on a large multi-family project. (The proposed Efland Interstate Overlay Districts is written to require an internal pedestrian circulation system on large projects. “Large” is defined in the text.)

Staff Response: The UDO has requirements for “Livability Space” (pertaining to residential projects) and for “Pedestrian/Landscape Space” (pertaining to non-residential projects) (see Section 6.3). The definitions for these two terms (Article 10 of the UDO) include counting walkways as part of the required ratio. The exact ratio required is dependent on the zoning district (see charts in Article 3). Projects in the Efland Village Overlay District would have to conform to the ratio requirements; however, it would be possible to meet the required ratio without installing walkways.

The Planning Board was asked by staff to make a specific recommendation on this point at its December 5, 2012 meeting. The Planning Board believes that providing pedestrian systems (and other modes of transportation) is very important, especially in denser areas of the county, and not only in larger projects. The **Planning Board voted unanimously to direct staff to include language to require privately-owned, connecting walkways in the Efland Village Overlay District area** and to circulate the proposal via e-mail for any comments. Staff has done so and the proposed text in Attachment 3 contains the additions in green text.

The reason the Planning Board voted to require privately-owned connecting walkways is because county governments in North Carolina have limited ability to fund and maintain sidewalks (see materials in October 2011 work session link in Section B.1 of this form). Staff is not recommending that the Planning Board’s recommendation be adopted due to the reasons outlined in the abstract. Instead, staff has included language in Attachment 2 that will require internal pedestrian systems on multi-family and larger non-residential projects in the Efland Village overlay district. Additionally, staff recommends the County continue to study and look for ways connecting pedestrian systems can be provided outside of municipal areas.

6. The Planning Board member who also serves on the EMSAP Implementation Focus Group and was a member of the original EMSAP planning group confirmed the Group’s desire to not have fast food type of restaurants north of the railroad tracks and to have some architectural controls on projects south of the railroad tracks.

7. A Planning Board member asked about allowing 15% of parking in the “front yard” and asked if this allows parking on grass.

Staff Response: Staff clarified at the public hearing that this means in a designated parking area that conforms to the requirements of the UDO for parking (Section 6.9) and that the UDO refers to the required setback as a “yard,” which may not be the same way a layperson thinks of their front yard.

8. A BOCC member asked about non-conforming properties and how this action affects non-conforming properties.

Staff Response: Some properties in the area already are non-conforming and the lessening of setback and buffer requirements proposed in the overlay districts may actually help some of the properties become conforming (or lessen the non-conformity). Regardless, Article 8 of the UDO addresses how various nonconformities (e.g., lot size, uses, structures, etc.) are regulated. Non-conforming uses may continue to operate but cannot be enlarged, altered, or replaced. Staff is not aware of any instances where an existing conforming use will be made non-conforming by adopting the proposed overlay districts. Property owners who have questions or concerns related to this issue are encouraged to contact Planning staff to discuss their concerns and receive a determination.

9. A BOCC member asked about the requirement on intra-site accessibility and whether this might be a problem for certain lots.

Staff Response: Staff is not aware of lots in the proposed overlay districts where this requirement would be difficult or impossible to meet. This proposed requirement is an existing requirement in the economic development districts (Section 6.9.10(F)(2)(a)) and is being suggested for the Efland overlay districts because of the positive effects the requirement tends to have on circulation on public streets.

- c. BOCC Updates/Checkpoints

October 16, 2012 – approval of legal ad

- d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: The Quarterly Public Hearing public involvement process shall be consistent with North Carolina State Statutes and UDO requirements.

- a. Planning Board Review:

December 5, 2012 - recommendation

(The Planning Board's Ordinance Review Committee did not review this ordinance amendment as staff is working with the EMSAP IFG on this project. The EMSAP IFG's membership includes a member of the Planning Board who reports back to the Planning Board after EMSAP IFG meetings.)

- b. Advisory Boards:

EMSAP Implementation Focus Group met on August 29, 2012 to review and comment on the proposed overlay

districts.

c. Local Government Review:

Not applicable

d. Notice Requirements

Notices to affected and adjacent property owners were mailed on November 2, 2012. A total of 108 letters were mailed to affected property owners and 76 post cards were mailed to adjacent property owners.

A legal advertisement was run in the Chapel Hill Herald on November 4 and 11 and in the News of Orange on November 7 and 14.

25 notification signs were posted in strategic areas of the affected area on November 8, 2012.

e. Outreach:

- General Public: Planning staff held an “open house” style public information meeting on November 14, 2012 at the Efland-Cheeks Community Center. Ten people and one BOCC member attended the meeting.
- Small Area Plan Workgroup: The EMSAP IFG met on August 29, 2012 to review and comment on the proposed overlay districts. The group decided that additional meetings were not necessary as the proposed overlay districts were consistent with the intent of the adopted EMSAP.
- Other: _____

3. FISCAL IMPACT

This project required a fairly substantial amount of Planning staff time to complete and was accomplished by existing staff. The legal advertisements, notification mailings, and posted signs were paid using Planning Department FY12-13 funds budgeted for these purposes.

Adoption of the two new zoning overlay districts is not expected to impact County funding needs.

D. AMENDMENT IMPLICATIONS

Adoption of the amendments will mean that new development (other than detached single family houses) in the affected area will be subject to the requirements of the zoning overlay district. In some cases, such as required buffering, this is a lessening of

existing regulations to reflect the smaller sized lots that exist in the affected area. In other instances, such as architectural requirements, the proposed regulations are slightly more restrictive than existing regulations.

The regulation requirements are consistent with the recommendations contained in the adopted Efland-Mebane Small Area Plan and are being proposed in order to encourage a more urban style of development in the proposed Efland Interstate Overlay District and a more urban village style of development in the proposed Efland Village Overlay District while also promoting good planning/development practices and quality development.

E. SPECIFIC AMENDMENT LANGUAGE

Please see Attachment 2.

Primary Staff Contact:

Perdita Holtz, Planner III

(919) 245-2578

pholtz@orangecountync.gov

**AN ORDINANCE AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN, UNIFIED DEVELOPMENT
ORDINANCE, AND ZONING ATLAS**

WHEREAS, Orange County initiated amendment to the Orange County Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas, as established in Sections 1.1, 1.2, and 1.7 of the Orange County Unified Development Ordinance (UDO), in order to establish two new zoning overlay districts and accompanying regulations in an area of the county known as Efland, and

WHEREAS, the Board finds that the text amendment to the Comprehensive Plan is necessary to promote implementation of the Comprehensive Plan, and

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the amendments will carry out the intent and purpose of the adopted Efland-Mebane Small Area Plan and is internally consistent with the 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

Objective LU-1.1:

Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

Objective LU-3.7:

Ensure that new development patterns in non-residential nodes encourage a clustered, walkable development pattern and discourage strip development.

Objective LU-3.8:

Develop a process for implementing small area plan recommendations through the revision of County policies and regulations.

Objective LU-3.9:

Create new zoning district(s) which allow for a mixing of commercial and residential uses, a mixing of housing types, and creates a more pedestrian friendly development pattern. New districts should be applied in areas where public services exist or are planned for in the future, in areas that promote higher intensity and high density uses on the Future Land Use map.

Objective H-3.6:

Work within the Orange County government system to identify and resolve existing policies which may be at odds with historic preservation goals, green building approaches, and workforce and affordable housing efforts. (See also Cultural Resources Objective CR-3 and Economic Development Objective ED-4.1.)

and

WHEREAS, the parcels over which a zoning overlay district will be placed are depicted on the map in the attached pages and are identified as follows:

Efland Village Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844776873	1.15	9844990565	9.58
9844781300	0.65 of 0.99 acre parcel	9844995085	4.18 of 4.64 acre parcel
9844781766	2.17	9844999100	0.77 of 1.93 acre parcel
9844783301	1	9854074868	0.25
9844783725	2.14	9854074909	0.44
9844784391	0.85	9854074954	0.26
9844785743	4.02	9854076999	0.27
9844786242	0.46	9854077979	0.28
9844786326	0.08	9854078927	0.04
9844787303	0.23	9854078931	0.22
9844788137	3.64	9854078939	0.02
9844788631	2.01	9854078949	0.28
9844788940	1.86	9854078996	0.24
9844799385	4.69	9854079976	0.27
9844870924	2.43	9854080094	1.77
9844874973	0.4	9854080850	1.07
9844880661	0.98	9854081212	0.51
9844880970	0.88	9854081353	0.82
9844881230	1.35	9854081693	1.66
9844882391	1.15	9854081916	0.52
9844882528	1.13	9854083138	0.15
9844883012	1.15	9854083232	0.15
9844883596	1.34	9854083321	0.51
9844883951	2.39	9854083835	1.12
9844884079	0.37	9854084052	0.15
9844884284	0.38	9854084057	0.16
9844884355	0.33	9854084115	0.46
9844886648	1.14	9854084152	0.15
9844886973	1.42	9854084252	0.46
9844887024	2.03	9854084353	0.3
9844887342	0.97	9854084605	1.59
9844892385	3.51	9854086528	0.47
9844893637	2.2	9854087250	2.74
9844896163	1.3	9854088807	0.40 of 0.93 acre parcel

Efland Village Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844896477	3.48	9854089170	0.44
9844972913	0.59	9854089250	0.52
9844973943	0.24	9854172953	0.34
9844974903	0.24	9854173499	0.99
9844974974	0.36	9854175987	0.82
9844976945	1.37	9854180304	0.98
9844980845	9.3	9854181001	0.94
9844981114	5.8	9854184217	7.25
9844985234	1.83	9854189274	1
9844987242	1.53	9854272951	1.99
9844987792	1.77	9854274935	0.75
9844988083	1.27	9854280393	0.48
9844988391	0.74	9854281107	0.43
9844988652	0.92	9854282236	0.68
9844988811	0.35	9854283244	1.84

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844763221	0.79 of 5.5 acre parcel	9844966325	0.04
9844766443	1.82 of 5.02 acre parcel	9844970156	0.53
9844768882	5.64	9844970237	0.46
9844778312	5.7	9844970317	0.66
9844854839	1.29	9844970543	0.33
9844861573	16.78	9844971003	0.74
9844865155	2.72	9844972545	1.6
9844867573	12.67	9844973039	1.36
9844873438	2.67	9844973217	0.49
9844873578	0.09	9844973308	0.55
9844877368	3.64	9844975018	1.21
9844879067	0.71	9844975240	0.39
9844879543	0.68	9844975300	0.4
9844960493	0.44	9844975309	0.48
9844960563	0.59	9844975514	0.94
9844960792	1.56	9844978308	3.58
9844961126	1.63	9854051970	4.58
9844963059	0.89	9854070389	3.04
9844963252	0.38	9854073630	0.52
9844963354	0.56	9854074304	6.1
9844963540	0.57	9854076601	0.51
9844963644	0.48	9854077569	0.51
9844963748	0.57	9854077601	0.51
9844965134	1.12	9854078611	0.51

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844965259	0.31	9854079412	2.48
9844965336	0.41	9854161576	90.73
9844965437	0.34	9854171451	3.68
9844965621	0.99	9854178549	2.37
9844965735	0.32	9854272077	12.89
9844965832	0.32	9854276296	2.22
9844966039	0.51	9854361253	2.02
9844966320	0.04	9854466706	8.92 of 187.77 acre parcel

and

WHEREAS, the requirements of Sections 2.3 and 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, the Board has found the proposed amendments to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas are hereby amended as shown on the attached pages.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the

adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

Clerk to the Board of Commissioners

Amendment Package for Two Proposed Zoning Overlay Districts in the Efland Area

Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text, Zoning Atlas, and Comprehensive Plan text to adopt two new zoning overlay districts in the Efland area. These amendments are proposed as a result of, and consistent with, the Efland-Mebane Small Area Plan (adopted in 2006). The primary purpose of the zoning overlay districts is to modify existing development regulations to provide for a more village and urban style of development in an area of the county served, or intended to be served, by public water and sewer systems.

Proposed additions/changes to existing UDO text that were part of the quarterly public hearing materials are depicted in **red**. **Proposed additions/changes recommended by staff after the public hearing are depicted in green**. Many of the proposed changes utilize footnotes to provide a brief explanation as to rationale. Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available on-line at: <http://orangecountync.gov/planning/Ordinances.asp>

The adopted Efland-Mebane Small Area Plan is also available on-line at: http://orangecountync.gov/planning/admin_EM_SAP.asp

The Comprehensive Plan is available on-line at: http://orangecountync.gov/planning/compre_cpupdate.asp

Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment. Text with a large "X" is not proposed for deletion; proposed deletions are shown in **red strikethrough** text.

As was noted in the legal advertisement for this proposal, existing sections 4.5 and 4.6 will be renumbered to 4.7 and 4.8, respectively. Additionally, existing Section 6.6.3 will be renumbered to 6.6.5. References to the following sections are also included in this packet: 4.5.1, 6.8.12, and 7.13.2.

under G.S. 153A-344.1. Unless terminated at an earlier date, the zoning right shall be valid until _____."

- (B) The site specific development plan for a project which requires the preparation of an Environmental Impact Statement (EIS) in accordance with Section 6.16 of this Ordinance shall not be approved until the EIS has been made available for public review, and has been presented to the Board of County Commissioners in accordance with Section 2.23 of this Ordinance.

2.5.6 Guarantee of Improvements

- (A) If a guarantee of improvements is required as a condition of site plan approval, the applicant shall provide Orange County with a security bond, escrow agreement, or irrevocable letter of credit by an approved institution.
- (B) The guarantee shall be effective for 12 months and shall include the cost of the improvements plus 10%.
- (C) Prior to issuance of any site plan approval, the guarantee shall be approved by the County Attorney.
- (D) If a guarantee is not submitted, the developer must install all required improvements to the satisfaction of the County prior to issuance of the zoning compliance permit.

2.5.7 Additional Requirements for Overlay Districts

(A) **Efland-Cheeks Highway 70 Corridor Overlay District**

(1) **Approval Requirements**

Within the Efland-Cheeks Highway 70 Corridor Overlay District (ECOD), no construction activity shall begin nor shall any conversion of existing single-family residence to a non-residential land use, excavation, soil removal, grading or disturbance of vegetation including trees, land disturbing activity associated with a non-residential land use, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Sections 2.4 and 6.6-2¹ of this Ordinance.

(B) **Efland Interstate Overlay District²**

(1) **Approval Requirements**

Within the Efland Interstate Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(C) **Efland Village Overlay District**

(1) **Approval Requirements**

¹ Staff suggests this reference be removed so that the potential for omissions in future amendments is minimized. Section 2.5.3 already requires compliance with Article 6 (and other articles).

² The two additions here are formalities to ensure grading and/or construction does not commence prior to the issuance of necessary permits.

Within the Efland Village Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(D) Major Transportation Corridor Overlay District³

(1) Approval Requirements

Within the Major Transportation Corridor District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

2.5.8 Additional Requirements for Economic Development Districts

- (A)** Prior to submission of an application for site plan approval, applicants shall meet with representatives of the Planning and Inspections, and Economic Development Departments to identify policies, procedures, regulations, and fees applicable to development proposals.
- (B)** Any proposed subdivision in an Economic Development District shall follow the approval procedures as specified in Section 2.16.
- (C)** In addition to the submittal requirements contained in this Section, a complete application shall also include:
 - (1)** Building elevation drawings for each proposed structure; and
 - (2)** A minimum of two drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features.

SECTION 2.6: FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATE REQUIREMENTS

2.6.1 Requirements for Special Flood Hazard Area Overlay District

All projects proposing the development of property located within the Special Flood Hazard Area Overlay District shall be required, regardless of the proposed land use, to submit a site plan prepared by a registered engineer, landscape architect, or land surveyor in accordance with the provisions of Section 2.5.

2.6.2 Plans and Application Requirements

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by the Planning Department prior to any development activities proposed to be located within flood prone areas.

The following items/ information shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (A)** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (1)** The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, driveways, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

³ This subsection is currently (B).

4.3.6 Compliance

~~No structure or land shall hereafter be located, extended, converted, altered, or developed, improved, or maintained in any way without full compliance with the terms of the regulations pertaining to the SFHA and other applicable regulations.~~

SECTION 4.4: EFLAND-CHEEKS HIGHWAY 70 CORRIDOR

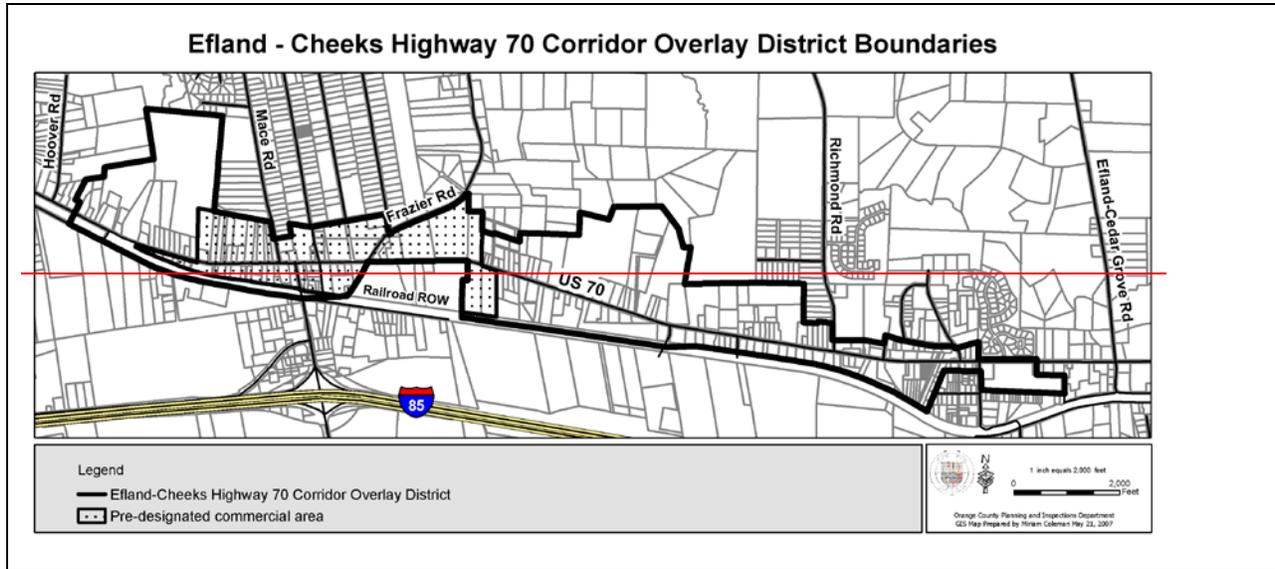
4.4.1 Intent

- (A) The Efland-Cheeks Highway 70 Corridor Overlay District (ECOD) is established to provide for compatibility of uses between existing single-family residential land uses and non-residential developments along a designated portion of Highway 70 within Cheeks Township.
- (B) The Highway 70 corridor covered under this overlay district is part of the Efland Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential development along Highway 70.
- (C) The regulations contained in this Ordinance are designed to preserve and enhance the character of the community while allowing for mixed, but compatible, land uses by permitting logical expansion of existing non-residential developments throughout the corridor.
- (D) It is the intent of this overlay district to encourage land use patterns that will:
 - (1) Protect existing single-family residential land uses,
 - (2) Protect the character of the area,
 - (3) Enhance property values,
 - (4) Maintain the economic viability and carrying capacity of the corridor,
 - (5) Preserve open vistas whenever possible,
 - (6) Encourage small businesses to locate in appropriate areas, and
 - (7) Continue to promote and provide for the general welfare of local citizens and property owners.
- (E) Standards are established in Section 6.6.2 to allow for the development of additional non-residential land uses within the ECOD in order to maintain and enhance the economic vitality of the area while protecting the less intensive mixture of existing residential land uses

4.4.2 Applicability

- (A) This district is intended for properties adjacent to Highway 70 within Cheeks Township of Orange County in accordance with the boundaries shown ~~on the map below and~~⁴ on the Orange County Zoning Atlas.
- (B) The requirements of this Ordinance pertaining to ECOD apply to all non-residential land uses and developments within the Highway 70 Overlay District except for existing non-residential land uses located within previously established general commercial or Existing Commercial-5 (EC-5) zoning districts.

⁴ Rather than populating the UDO with maps that are redundant to the Zoning Atlas (which is where overlay districts **must** be shown), staff is suggesting that the boundaries of overlay districts be maintained only on the Zoning Atlas. Staff also believes this may decrease any future problems if overlay district boundaries were ever changed (e.g., someone forgetting or not realizing that both a text amendment to the UDO **and** a Zoning Atlas amendment are necessary).



[Note to be removed if adopted: Map to be deleted from UDO and boundary to be shown only on Zoning Atlas]

4.4.3 Non-residential Development

Non-residential development within the Highway 70 Corridor shall be limited to the following and shall be in accordance with the standards contained in this Section and Section 6.6.2:

- (A) Pre-designated commercial area as indicated on the Orange County Zoning Atlas, and
- (B) Along Highway 70 as depicted on the Orange County Zoning Atlas.

4.4.4 Permitted Uses

Within the ECOD, uses of land and structures shall be permitted as follows:

- (A) Non-residential development within the pre-designated commercial area shall adhere to the permitted and special uses outlined for the Neighborhood Commercial - 2 (NC-2) zoning district as contained within Section 5.2 of this Ordinance.
- (B) Non-residential uses within the Highway 70 Corridor Overlay District, shall be limited to professional office and similar institutional uses and shall abide by the standards contained in this Section and Section 6.6.2.
- (C) No more than 40% of the Highway 70 corridor outside of the pre-designated commercial areas shall be permitted for non-residential uses.
 - (1) This figure shall be calculated by the sum of the street frontage of lots used for non-residential purposes compared to the total street frontage of all lots on both sides of the roadway outside of the pre-designated commercial areas along the overlay district corridor.
 - (2) The 40% limitation includes non-residential uses conducted within new or converted/rehabilitated structures that have a residential appearance.

4.4.5 Lot and Use Requirements for Non-Residential Development

In addition to the Development Standards in Section 6.6.2, the following lot and use requirements shall apply to all applicable non-residential development within the pre-designated commercial areas and along the Highway 70 corridor:

- (A) **Minimum Lot Width**

The minimum lot width for all lots created after December 3, 2007 shall be 130 feet, unless the lot is served by public sewer and shared ingress/egress in which case the minimum lot width shall be 75 feet.

(B) Setbacks and Building Height

- (1) The setbacks and building heights for all structures, regardless of the proposed land use, shall conform to the setbacks of the underlying zoning district.
- (2) If Building Height Limitation modifications are pursued in accordance with Section ~~5.2.2(A)~~ 6.2.2(A)⁵, in no case shall building height exceed 35 feet.
- (3) Where applicable, the front yard setback shall be measured from any future right-of-way as designated in the Orange County ~~Thoroughfare Plan~~ Comprehensive Transportation Plan⁶.

(C) Floor Area Ratio

- (1) The maximum floor area ratio for non-residential uses in the pre-designated commercial area shall be 0.200 with a maximum building square footage total of 20,000 square feet.
- (2) The maximum floor area ratio for non-residential uses along the Highway 70 Corridor shall be 0.100 with a maximum building square footage total of 6,000 square feet.

(D) Yard Encroachments

- (1) No fences shall be permitted in the front yard of non-residential uses unless a demonstrated need can be shown.
- (2) Within the pre-designated commercial area, vinyl-coated chain link fencing shall be permitted for non-residential uses.
- (3) Outside of the pre-designated commercial area but within the boundaries of the Highway 70 Overlay District, chain link or similar fencing shall not be permitted for non-residential uses.

(E) ~~Outside Storage of Materials~~

- ~~(1) All outside storage of materials on non-residential lots is prohibited.~~
- ~~(2) This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.~~
- ~~(3) This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.⁷~~

SECTION 4.5: EFLAND INTERSTATE⁸

4.5.1 Intent

- (A)** The Efland Interstate Overlay District is established to provide for a more urban style of development in an area of the county served, or intended to be served, by public water and sewer systems.

⁵ Correct reference is 6.2.2(A)

⁶ There has been a change in the name the plans the NC Department of Transportation uses. This change is only to update the name. Users should note the Orange County Comprehensive Transportation Plan is currently being developed, it has not yet been adopted.

⁷ Suggest deleting this because it also appears in Section 6.6.2(B)

⁸ Existing Section 4.5 (Major Transportation Corridor) has been renumbered to become Section 4.7 and existing Section 4.6(Stoney Creek Basin) has been renumbered to become Section 4.8. Because of this renumbering, an reference is Section 7.13.2 will also be updated.

- (B) The geographic area covered by the Efland Interstate Overlay District is part of the Efland-Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential and residential development in this overlay district.
- (C) Standards are established in Section 6.6.3 in order to maintain and enhance the economic vitality of the area while protecting existing land uses. Unless otherwise stated, the standards are in addition to standards contained in this Ordinance, including Sections 6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.5 (Major Transportation Corridor)⁹

4.5.2 Applicability

- (A) This district is intended for all properties located south of the railroad tracks and north of Interstate 85/40 in the general vicinity of Mount Willing Road in accordance with the boundaries shown on the Orange County Zoning Atlas.¹⁰
- (B) The requirements of this Ordinance pertaining to the Efland Interstate Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

4.5.3 Permitted Uses and Dimensional and Ratio Standards

- (A) Within the Efland Interstate Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Minimum Setbacks**
 - (1) The minimum side and rear setback shall be with width of the required buffer in 6.6.3(B) or the setback required in Article 3 or Section 6.2.8, whichever is less, except as provided in (a).¹¹
 - (a) For parcels subject to the setback and yard requirements in Section 4.7.4, the requirements of said Section shall apply.¹²
 - (2) Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Thoroughfare Plan.

SECTION 4.6: EFLAND VILLAGE

4.6.1 Intent

- (A) The Efland Village Overlay District is established to provide for an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.

⁹ This Section is currently 6.6.3 but will be renumbered to 6.6.5 as part of this amendment because Standards for the two proposed new overlay districts will be inserted into the UDO as 6.6.3 and 6.6.4.

¹⁰ The geographic area is also the area currently designated as Commercial-Industrial Transition Activity Node (CITAN) on the Future Land Use Map of the Comprehensive Plan. However, staff believes it is prudent to reference only the Zoning Atlas for the boundary in case the boundaries of the CITAN are ever changed. This is because the boundaries of the zoning overlay district would not necessarily change just because a land use category boundary change is made; a change to the zoning overlay district boundary will require an amendment to the Zoning Atlas.

¹¹ A lessening of setbacks is suggested in order to allow for a more urban style of development (e.g., building closer together and/or more density).

¹² Clearly stating that the Major Transportation Corridor (MTC) requirements will still apply.

- (B) The geographic area covered by the Efland Village Overlay District is part of the Efland-Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential and residential development in this overlay district.
- (C) Standards are established in Section 6.6.4 in order to maintain and enhance the economic vitality of the area while protecting existing land uses. Unless otherwise stated, the standards are in addition to standards contained in this Ordinance, including Sections 6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.5 (Major Transportation Corridor)¹³

4.6.2 Applicability

- (A) This district is intended for all properties located north of the railroad tracks in a geographic area commonly referred to as “Efland” in accordance with the boundaries shown on the Orange County Zoning Atlas.¹⁴
- (B) The requirements of this Ordinance pertaining to the Efland Village Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

4.6.3 Permitted Uses and Dimensional and Ratio Standards

- (A) Within the Efland Village Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Setbacks and Building Height**
 - (1) In lieu of the front setback required in Article 3, the minimum front yard setback for properties fronting on U.S. Highway 70 shall be 30-feet.¹⁵
 - (2) In lieu of the front setback required in Article 3, the front yard setback for parcels located in the overlay district but not fronting on U.S. Highway 70 shall be in keeping with the front setback provided by adjacent uses.¹⁶
 - (3) The minimum side and rear setback shall be the width of the required Land Use Buffer (Section 6.8.6) or the setback required in Article 3, whichever is less, but in no case shall be less than 10-feet.¹⁷

¹³ This Section is currently 6.6.3 but will be renumbered to 6.6.5 as part of this amendment because Standards for the two proposed new overlay districts will be inserted into the UDO as 6.6.3 and 6.6.4.

¹⁴ The geographic area is also the area currently designated as Commercial-Industrial Transition Activity Node (CITAN) on the Future Land Use Map of the Comprehensive Plan. However, staff believes it is prudent to reference only the Zoning Atlas for the boundary in case the boundaries of the CITAN are ever changed. This is because the boundaries of the zoning overlay district would not necessarily change just because a land use category boundary change is made; a change to the zoning overlay district boundary will require an amendment to the Zoning Atlas.

¹⁵ This setback is suggested in order to have a more uniform setback along Highway 70 while providing enough of a setback to accommodate any future widening of the road. (No widening of the road is currently planned, but it is good planning practice to attempt to ensure for future possibilities).

¹⁶ This is suggested in order to have a more uniform building line along a street where there could be more of a “patchwork” of zoning districts that have different front setback requirements.

¹⁷ A lessening of setback requirements is suggested in order to allow for a more urban village style – building closer together and/or more density than is currently permitted.

- (4) Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Comprehensive Transportation Plan¹⁸.
 - (5) Although a portion of the Efland Village Overlay District is within the Major Transportation Corridor (MTC) Overlay District, the requirements of the MTC do not apply. The parcels are included in the MTC only because they fall within the prescribed distance criteria but do not fall under any existing requirements pertaining to the MTC.¹⁹
 - (6) If Building Height Limitation modifications are pursued in accordance with Section 6.2.2(A), in no case shall building height exceed 40 feet.²⁰
- (C) Yard Encroachments**
- (1) No fences shall be permitted in the front yard of lots, other than those used for single-family detached residential purposes, unless a demonstrated need can be shown.²¹
 - (2) Chain link or similar fencing shall not be permitted for uses other than single-family detached residential.

SECTION 4.7: MAJOR TRANSPORTATION CORRIDOR

4.7.1 Intent

- (A) It is the intent of Orange County to protect and enhance those natural and environmental features which constitute important physical, aesthetic, recreational, and economic assets through the provision of special controls of public and private development along major transportation corridors.
- (B) The Board of County Commissioners finds as a fact that:
 - (1) Major transportation corridors serve a key function in the orderly development of Orange County as major traffic movers, as well as serve as entrances to Orange County from outside the area.
 - (2) These corridors and the character of the development which occurs along them establish for visitors and residents alike an indicator of the quality of life in the County, as well as the efficiency and safety of traffic movement through the area.
 - (3) In addition, the ability of different areas of the County to attract and accommodate different types of development depends on the capacity of the thoroughfare system and the character and quality of development along major corridors.
- (C) The Major Transportation Corridor district is intended to enhance the attractiveness and orderly development of land adjacent to major transportation facilities through the provision of a set of development standards and regulations for application to public and private development of land adjacent to these corridors. The major transportation corridors include the interstate system as designated in the adopted Comprehensive Plan.

¹⁸ Users should note the Orange County Comprehensive Transportation Plan is currently being developed; it has not yet been adopted.

¹⁹ This language is suggested so that it's clear that none of the requirements of the MTC apply to the parcels in this geographic area that are also located within the MTC. The MTC boundary is based on distance from the interstate/interchanges but none of the parcels in this area fall under the text requirements of the MTC.

²⁰ Some of the zoning districts that could be applied in a CITAN allow buildings taller than 40 feet. A building height limitation of 40-feet is suggested in order to maintain an urban village character.

²¹ The fencing regulations [(1) and (2)] are in keeping with the ECOD regulations in order to discourage unaesthetic fencing in the front yards of properties.

- (D) The district establishes development standards (see Section 6-6-36.6.5) and a site plan review process for development within the district. (See Section 2.5).

4.7.2 Applicability

- (A) The Major Transportation Corridor (MTC) district is established as a district which overlays other zoning districts established in this Ordinance. The new use of any land or any new structure within the MTC district shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the MTC district.
- (B) The provisions, requirements and restrictions of this district shall not apply to the use of land within the district for single family or two-family dwellings or to any building or structure existing prior to the creation of this district unless it is structurally altered to the extent of increasing the floor area by 50% or more or is enlarged to any degree to occupy a vacant lot.
- (C) This district shall be applied along any interstate highway in the County designated in the adopted Comprehensive Plan as such and to any proposed interstate highway designated in the adopted Comprehensive Plan as such.
- (D) The minimum length of the district shall be a continuous distance along the thoroughfare within the County's jurisdiction and outside of the extraterritorial planning jurisdictions of the Towns of Hillsborough, Chapel Hill, and Carrboro and the City of Mebane.
- (E) The minimum width of the district is 1,250 feet from the edge of the right-of-way measured along a line which is perpendicular to the edge of the right-of-way on each side of the roadway, except at interstate interchanges where the District shall extend 2,500 feet from the right-of-way on each side of the intersecting road.

4.7.3 Permitted Uses

Within the Major Transportation Corridor (MTC) District, uses of land and structures are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.

4.7.4 Building Setback and Yard Requirements

Building setback and required yard areas for the overlay district are as follows:

- (A) The front yard requirement shall be 100 feet from the edge of the right-of-way of an interstate highway or 50 feet from the edge of an intersecting road at an interstate interchange.
- (B) The rear yard requirement shall be 50 feet from the edge of the rear property line or 100 feet from the edge of the right-of-way of an interstate highway when a rear yard is adjacent to the interstate.
- (C) The side yard requirement shall be 50 feet from the side property line or 100 feet from the edge of the right-of-way of an interstate highway where the side property line is adjacent to the interstate.

SECTION 4.8: STONEY CREEK BASIN

4.8.1 Intent

- (A) The purpose of the Stoney Creek Basin Overlay District is to implement the Stoney Creek Basin Small Area Plan by:
 - (1) Encouraging the creation of open space and by limiting density increases within the more rural portions of the area generally defined as the Stoney Creek drainage basin; and

- (f) Windows on the street frontage side of a building shall be limited to 40% of the total building façade.
 - (g) The principal building shall be oriented facing towards the fronting street.
 - (h) Building Access
 - (i) A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.
 - (ii) Corner entrances should be provided on corner lot buildings.
 - (iii) Additional entrances to a building may be provided.
 - (i) Rooflines & Materials
 - (i) Decorative cornices shall be provided for buildings with a flat roof, defined as roofs with a pitch less than 3:12.
 - (ii) Eaves shall be provided with a pitched roof, defined as roofs with a pitch greater than 3:12.
 - (iii) Pitched roofs are generally preferred over flat roofs.
 - (iv) All rooftop mechanical equipment (i.e. vents, ducts, communication antennas, HVAC units, etc) shall be screened from view or designed and installed in a manner using materials and colors compatible with the building architecture.
 - (v) Highly reflective roofing materials shall be avoided. All proposed metal roofing should be standing seam or copper. Galvanized steel and tin roofs are permitted.
 - (j) Residential manufactured structures are not permitted for conversion to a non-residential use.
- (H) Additional Architectural Standards for existing single-family structures being converted into non-residential use:**
- (1) The exterior façade of an existing single-family residence proposed for conversion into non-residential use shall not be altered to accommodate new non-residential land uses except where modifications are necessary to address building or fire code requirements.
 - (2) Any structures proposed for removal shall either be moved to another location for re-use contemporaneously with the construction of the new structure or be deconstructed in such a manner that the resultant materials are suitable for re-use by the deconstructing party or others in future building projects. It is the intent of this Sub-Section that the removed structure be recycled to the extent possible.

6.6.3 Efland Interstate²²

(A) Circulation and Connectivity

- (1) All site planning for property east of Mount Willing Road shall take into account the need for a connecting roadway between Mount Willing Road and the Interstate 85/U.S. Highway 70 Connector.²³
- (2) All site planning west of Mount Willing Road shall take into account:

²² Existing Section 6.6.3 (Major Transportation Corridor) has been renumbered to 6.6.5. References in existing Sections 4.5.1 and 6.8.12 will be updated.

²³ (1) and (2) are putting concepts from the EMSAP and an adopted access management plan into regulations.

- (a) A possible re-alignment of Efland-Cedar Grove Road under the existing railroad track to connect to Mount Willing Road, as described in the adopted Efland-Mebane Small Area Plan.
- (b) The need for a connecting roadway between Mount Willing Road and Buckhorn Road, as depicted on the Efland-Buckhorn-Mebane Access Management Plan, adopted November 11, 2011.
- (3)** In order to manage access on public streets, a site shall be permitted no more than one entrance/exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.²⁴
- (4)** Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.
- (5)** On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.²⁵
- (6)** Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.
- (7)** Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.
- (8) Shared Access**
 - (a) In order to manage access on Mount Willing Road, developments subject to this Section, fronting on Mount Willing Road, and located contiguous to one another shall provide shared access.
 - (i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road to each property. Figure 6.6.2.A.3 shows an example of the shared access.
 - (ii) Developments subject to this Section, fronting on Mount Willing Road, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.
- (9)** All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.

²⁴ (3) and (4) are current requirements for properties in EDDs and is good practice for many types of projects. However, it should be noted that NCDOT may not approve more than one entrance/exit point - see (9)

²⁵ (5) through (9) are current requirements of ECOD and are suggested as good practices to be implemented in the Efland Interstate overlay district as well.

(10) Pedestrian Circulation²⁶

- (a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.
- (b) For the purposes of this subsection, a large project is defined as one located on 5 or more acres or proposing more than 50,000 square feet of building area. A large parking area is one containing parking for 100 or more vehicles.

(B) Landscaping and Buffering²⁷

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

- (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.
- (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating non-residential and residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.
- (4) The provisions of this subsection do not waive the buffer requirements found in Section 6.6.5 (Major Transportation Corridor).

(C) Architectural Design Standards

- (1) In addition to the requirements in Section 6.5 (Architectural Design Standards), the national prototype architectural styles of chain businesses shall be altered as necessary to complement the surrounding area.²⁸
- (2) Drive-through facilities on non-residential uses are allowable in this area.

6.6.4 Efland Village

(A) Circulation and Connectivity²⁹

- (1) Shared Access for Properties Fronting on U.S. Highway 70**

²⁶ In October 2011, the issue of sidewalks was discussed at a BOCC work session and the decision was made that, due to NC counties' inability to fund maintenance of public sidewalks, that public sidewalks would not become a requirement for development in Orange County. However, walkability in large commercial projects is generally desirable as is the ability of pedestrians to safely traverse large parking areas. Therefore, staff is suggesting that some projects may be required to provide privately maintained sidewalks.

²⁷ These lesser buffer requirements are in keeping with those required in the ECOD and are suggested in order to provide for a more urban style of development in areas of the county served or to be served by public water and sewer systems.

²⁸ This language is suggested in order to ensure that any proposed "chain architecture" will blend better with the surrounding area.

²⁹ Please see footnoted explanations for the Efland Interstate overlay district as they apply to this section as well.

- (a) In order to manage access on U.S. Highway 70, developments subject to this Section, fronting on U.S. Highway 70, and located contiguous to one another shall provide shared access.
 - (i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road to each property. Figure 6.6.2.A.3 shows an example of the shared access.
 - (ii) Developments subject to this Section, fronting on Mount Willing Road, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.
- (2) In order to manage access on public streets, a site shall be permitted no more than one entrance and exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.
- (3) Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.
- (4) On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.
- (5) Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.
- (6) Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.
- (7) All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.
- (8) **Pedestrian Circulation**³⁰
 - (a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.
 - (b) For the purposes of this subsection, a large project is defined as one located on 2 or more acres or proposing more than 15,000 square feet of building area. A large parking area is one containing parking for 50 or more vehicles.

(B) Outside Storage of Materials Prohibited³¹

³⁰ This language was added by staff after the November 19 public hearing and December 5 Planning Board meeting in order to address comments made at the public hearing about internal pedestrian circulation in larger projects .

- (1) All outside storage of materials on lots other than those used for single-family detached residential purposes is prohibited.
- (2) This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.
- (3) This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.

(C) Landscaping and Buffering³²

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

- (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.
 - (a) Parcels fronting on U.S. Highway 70 shall provide buffer plantings in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating uses subject to the requirements of this overlay district and single family detached residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.
- (4) Although portions of the Efland Village Overlay District are also within the major Transportation Corridor Overlay District, the buffer requirements found in Section 6.6.5 (Major Transportation Corridor) do not apply since said section applies only to properties that abut the interstate.

(D) Parking Lot Design³³

- (1) Up to 15% of the required parking spaces may be located in the front yard. The remainder of the required parking spaces shall be located at the side or rear of the structure.
- (2) Shared parking areas shall be encouraged for contiguous non-residential land uses, in accordance with Section 6.9 of this Ordinance.
- (3) Parking areas with spaces in excess of 110% of the minimum parking spaces required, per Section 6.9 of this Ordinance, shall not be permitted.
- (4) Interior landscaping of the parking lots shall be provided in accordance with Section 6.8 of this Ordinance.

³¹ This is a restriction currently found in the ECOD and is suggested for the Efland Village overlay district as well.

³² These lesser buffer requirements are in keeping with those required in the ECOD and are suggested in order to provide for a more urban style of development in areas of the county served or to be served by public water and sewer systems.

³³ These are requirements in the ECOD which are also good practice for the Efland Village. An exception being that ECOD requires parking to be located solely in the side and rear yards. Staff is suggesting that a few parking spaces be allowed at the front of buildings in the Efland Village overlay district.

(E) Signage³⁴

- (1) Signage shall conform to all requirements within Section 6.12 of this Ordinance.
- (2) Only monument style signs that do not exceed six feet in height are permitted within the Efland Village Overlay District.
- (3) Pole signs are not permitted.

(F) Architectural Design Standards³⁵

In addition to the requirements in Section 6.5 (Architectural Design Standards), the following design standards shall apply:

(1) Corporate Franchise Architecture

- (a) Under no circumstances shall modern corporate franchise building design be permitted.
- (b) Franchise or 'chain' businesses desiring to locate in the Efland Village Overlay District shall be required to design the building in accordance with these guidelines.
- (c) For purposes of this Sub-Section, "modern corporate franchise building design" means a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

(2) The principal building shall be oriented facing towards the fronting street.

(3) Building Access

- (a) A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.
- (b) Additional entrances to a building may be provided.

(4) Human Scale and Fenestration

- (a) Buildings shall be designed to contribute to a human scale. Large expanses of blank walls shall be avoided and fenestration (the arrangement, proportioning, and design of windows and doors in a building) shall be provided in such a way that a building is relatable to humans and does not overpower the area.

(5) Drive-through facilities are prohibited on all non-residential uses.

(6) Mirrored glass is prohibited.

6.6.5 Major Transportation Corridor (MTC)

(A) Landscaping and Buffers

In addition to the requirements set forth in Section 6.8 of this Ordinance, the following standards shall be met:

³⁴ These are requirements in the ECOD which are also good practice for the Efland Village.

³⁵ (1) through (3) and (5) and (6) are requirements in the ECOD which are also good practice for the Efland Village. (4) is suggested in order to articulate that we are encouraging human scale architecture in the Efland Village overlay district. The existing requirements in Section 6.5 basically implement this point but "human scale" is a more modern term that will likely be recognizable to people in the development community.

- ~~(C) The Planning Director may grant the extension on requests for planting extensions submitted between May 15 and September 15 of each year, and may grant the extensions at other times if there are unfavorable conditions for planting.~~
- ~~(D) If the initial LREC has expired and conditions are still deemed unsuitable for planting, an applicant may request one additional extension of up to 90 days. During periods of extreme drought, as evidenced by the official declaration of Stage 3 or greater mandatory water conservation requirements, the Planning Director, or designee, may authorize additional 90-day extensions beyond the one extension typically allowed. These extensions may be continued throughout the period in which the extreme drought conditions remain.~~
- ~~(E) The applicant shall also acknowledge that no Final Zoning Compliance Permit shall be issued while there is an active (pending) LREC unless a performance guarantee (such as a letter of credit or performance bond) sufficient to cover 110% of the installed landscaping costs has been posted with the Planning and Inspections Department.~~

6.8.12 Additional Standards for Economic Development Districts

(A) Landscape and Tree Preservation Plan

The Landscape and Tree Preservation Plan shall be prepared in accordance with the requirements of Section 6.8.10.

(B) Preservation of Existing Features

- (1) Natural features such as streams and ponds, hillsides, rock formations, unique vegetation and natural areas, wildlife habitats, and other similar features must be incorporated into the overall development concept.
- (2) Building sites, parking areas, and other uses shall be situated in such a way as to protect existing tree stock having a diameter of one-foot or greater when measured four and a half feet above ground level.
- (3) Trees to be saved shall be noted on the landscape and tree preservation plan and appropriate measures to protect the tree stock from damage during construction, including no grading within the critical root zone, shall be indicated in accordance with Section 6.8.4.
- (4) Where possible, trees shall be protected in stands or clusters.
- (5) The siting of buildings shall take advantage of scenic views and take into consideration the impact of new structures on views from off-site.
- (6) Where ever possible, access to views are to be preserved for adjacent property owners and passing motorists.
- (7) Scenic views and visual elements within the visual corridor shall be identified and preserved where possible.

(C) Buffering Neighboring Uses

- (1) A minimum buffer of 100 feet in width is to be provided at the boundary of all Economic Development Districts.
- (2) In accordance with Section ~~6.6.3~~ 6.6.5, a buffer of 100 feet in width is to be maintained adjacent to the right-of-way of interstate highways.
- (3) In the Buckhorn EDD, a buffer of 150 feet is required on the portion of the boundary adjacent to the Clearview Subdivision and adjoining residential area on the north side of West Ten Road.
- (4) In the Hillsborough EDD, a buffer of 100 feet is required along the Old 86 roadway corridor. For properties located within the EDH-1 zoning district, a 50 foot wide buffer is required.

- (5) Limited breaks in required interstate highway buffers may be allowed in accordance with Section ~~6.6.3(5)~~ 6.6.5(5).
- (6) Buffers may consist of existing wooded areas. If existing vegetation is not sufficient for screening, a planted buffer shall be augmented and interspersed, consisting of 50-75% evergreen trees reaching a minimum mature height of 30-feet.
- (7) In lieu of the Land Use Buffers required in Section 6.8.6, buffers between adjacent land uses, whether internal or external to the project, shall be provided in accordance with the Land Use Buffer Schedule that follows.
- (8) Trees with a caliper of six inches or greater should be considered for preservation.
- (9) No grading for building or parking shall encroach upon required buffer.
- (10) Landscape buffer widths may be reduced if the buffer material is adequate to provide additional screening.
- (11) Decorative walls may be used to augment required landscaping for buffer reduction.
- (12) Access and utility crossings are to be made as close to perpendicular as possible to the length of the buffer.
- (13) No land disturbances for buildings, parking, or storage, drainage, etc. are permitted within a required buffer.

TABLE 6.8.12.C: LAND USE BUFFER SCHEDULE		
A WHEN THIS LAND USE IS BEING DEVELOPED AND...	B ABUTS THIS EXISTING LAND USE... NOTE: "ABUTTING LAND USES INCLUDE THOSE ACROSS A STREET (OTHER THAN AN INTERSTATE HIGHWAY) FROM A PROPOSED DEVELOPMENT"	"A" PROVIDES A BUFFER WIDTH OF NEXT TO "B"
Residential, all types	Residential, all types	N/A
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	30
	Other (all other Use Types in Section 5.2.2)	50
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	30
	Collector Road	20
	Railroad	40
	Transmission Lines	40
Finance	Undeveloped Parcel	20
	Residential, all types	20
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	20
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
Transmission Lines	20	

- ~~(7) To provide for the active and low impact recreational needs of county residents, including implementation of the Master Recreation & Parks Plan.~~
- ~~(8) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.~~
- ~~(9) To create compact neighborhoods accessible to open space amenities and with a strong identity.~~

7.13.2 Applicability

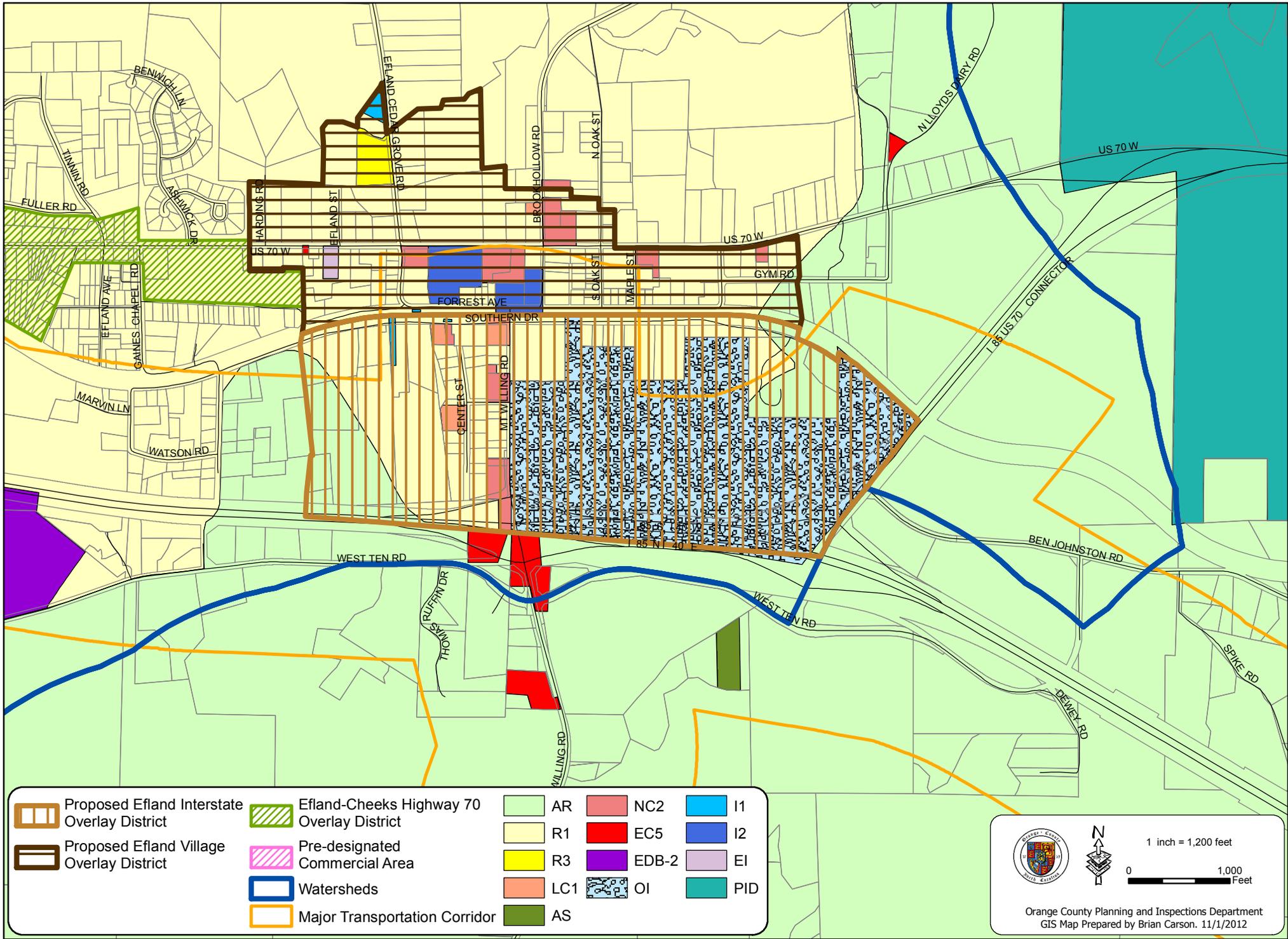
- (A) All Flexible Development subdivision plats shall comply with the requirements and standards specified herein and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions.
- (B) Flexible Developments located within the Stoney Creek Basin Overlay District shall comply with provisions of Section ~~4.6~~ 4.8³⁶ of this Ordinance.
- (C) The Village Option for a Flexible Development shall not be located in the Rural Buffer (RB) zoning district.
- (D) Applicants seeking approval of a Minor Subdivision Final Plat by the Planning Department are encouraged to work with the Planning Department staff in identifying and preserving open space areas as part of such developments.

7.13.3 Open Space Standards

- ~~(A) **Minimum Required Open Space**~~
 - ~~(1) Where a developer elects to seek approval of a Flexible Development as specified herein, at least 33% of the total land area in the Flexible Development must be set aside as protected open space.~~
 - ~~(2) Such open space shall meet the standards contained in this Section unless the developer chooses to seek approval of a conventional subdivision as specified herein.~~
- ~~(B) **Planning for Open Space**~~
 - ~~(1) Open space design in subdivision projects shall be planned as part of a comprehensive project design.~~
 - ~~(2) The long-term success of open space is improved when a layout is chosen with a perspective of future usefulness, efficiency, connectivity and compatibility with both existing development and other types of open spaces.~~
 - ~~(3) Open space is an important amenity for subdivision residents and an essential part of the County's character and environmental quality.~~
 - ~~(4) Open space planning must indicate a thoughtful understanding of that importance, and shall be evaluated based on its merits.~~
 - ~~(5) A Flexible Development subdivision plan shall always provide open space which prominently meets at least one of the three following goals in open space design:
 - ~~(a) The Maintenance of Wildlife Corridors and/or Habitat;~~
 - ~~(b) The Preservation of Rural Character; or~~
 - ~~(c) The Creation or Protection of Space for Outdoor Recreation.~~~~
 - ~~(6) When relevant, a Flexible Development subdivision plan shall address the following additional goals in open space design:~~

³⁶ This reference change is necessary due to renumbering Sections in order to insert the two proposed overlay district.

Proposed Zoning Overlay Districts





 1 inch = 1,200 feet
 0 1,000 Feet

Orange County Planning and Inspections Department
 GIS Map Prepared by Brian Carson, 11/1/2012

**AN ORDINANCE AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN, UNIFIED DEVELOPMENT
ORDINANCE, AND ZONING ATLAS**

WHEREAS, Orange County initiated amendment to the Orange County Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas, as established in Sections 1.1, 1.2, and 1.7 of the Orange County Unified Development Ordinance (UDO), in order to establish two new zoning overlay districts and accompanying regulations in an area of the county known as Efland, and

WHEREAS, the Board finds that the text amendment to the Comprehensive Plan is necessary to promote implementation of the Comprehensive Plan, and

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the amendments will carry out the intent and purpose of the adopted Efland-Mebane Small Area Plan and is internally consistent with the 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

Objective LU-1.1:

Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

Objective LU-3.7:

Ensure that new development patterns in non-residential nodes encourage a clustered, walkable development pattern and discourage strip development.

Objective LU-3.8:

Develop a process for implementing small area plan recommendations through the revision of County policies and regulations.

Objective LU-3.9:

Create new zoning district(s) which allow for a mixing of commercial and residential uses, a mixing of housing types, and creates a more pedestrian friendly development pattern. New districts should be applied in areas where public services exist or are planned for in the future, in areas that promote higher intensity and high density uses on the Future Land Use map.

Objective H-3.6:

Work within the Orange County government system to identify and resolve existing policies which may be at odds with historic preservation goals, green building approaches, and workforce and affordable housing efforts. (See also Cultural Resources Objective CR-3 and Economic Development Objective ED-4.1.)

and

WHEREAS, the parcels over which a zoning overlay district will be placed are depicted on the map in the attached pages and are identified as follows:

Efland Village Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844776873	1.15	9844990565	9.58
9844781300	0.65 of 0.99 acre parcel	9844995085	4.18 of 4.64 acre parcel
9844781766	2.17	9844999100	0.77 of 1.93 acre parcel
9844783301	1	9854074868	0.25
9844783725	2.14	9854074909	0.44
9844784391	0.85	9854074954	0.26
9844785743	4.02	9854076999	0.27
9844786242	0.46	9854077979	0.28
9844786326	0.08	9854078927	0.04
9844787303	0.23	9854078931	0.22
9844788137	3.64	9854078939	0.02
9844788631	2.01	9854078949	0.28
9844788940	1.86	9854078996	0.24
9844799385	4.69	9854079976	0.27
9844870924	2.43	9854080094	1.77
9844874973	0.4	9854080850	1.07
9844880661	0.98	9854081212	0.51
9844880970	0.88	9854081353	0.82
9844881230	1.35	9854081693	1.66
9844882391	1.15	9854081916	0.52
9844882528	1.13	9854083138	0.15
9844883012	1.15	9854083232	0.15
9844883596	1.34	9854083321	0.51
9844883951	2.39	9854083835	1.12
9844884079	0.37	9854084052	0.15
9844884284	0.38	9854084057	0.16
9844884355	0.33	9854084115	0.46
9844886648	1.14	9854084152	0.15
9844886973	1.42	9854084252	0.46
9844887024	2.03	9854084353	0.3
9844887342	0.97	9854084605	1.59
9844892385	3.51	9854086528	0.47
9844893637	2.2	9854087250	2.74
9844896163	1.3	9854088807	0.40 of 0.93 acre parcel

Efland Village Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844896477	3.48	9854089170	0.44
9844972913	0.59	9854089250	0.52
9844973943	0.24	9854172953	0.34
9844974903	0.24	9854173499	0.99
9844974974	0.36	9854175987	0.82
9844976945	1.37	9854180304	0.98
9844980845	9.3	9854181001	0.94
9844981114	5.8	9854184217	7.25
9844985234	1.83	9854189274	1
9844987242	1.53	9854272951	1.99
9844987792	1.77	9854274935	0.75
9844988083	1.27	9854280393	0.48
9844988391	0.74	9854281107	0.43
9844988652	0.92	9854282236	0.68
9844988811	0.35	9854283244	1.84

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844763221	0.79 of 5.5 acre parcel	9844966325	0.04
9844766443	1.82 of 5.02 acre parcel	9844970156	0.53
9844768882	5.64	9844970237	0.46
9844778312	5.7	9844970317	0.66
9844854839	1.29	9844970543	0.33
9844861573	16.78	9844971003	0.74
9844865155	2.72	9844972545	1.6
9844867573	12.67	9844973039	1.36
9844873438	2.67	9844973217	0.49
9844873578	0.09	9844973308	0.55
9844877368	3.64	9844975018	1.21
9844879067	0.71	9844975240	0.39
9844879543	0.68	9844975300	0.4
9844960493	0.44	9844975309	0.48
9844960563	0.59	9844975514	0.94
9844960792	1.56	9844978308	3.58
9844961126	1.63	9854051970	4.58
9844963059	0.89	9854070389	3.04
9844963252	0.38	9854073630	0.52
9844963354	0.56	9854074304	6.1
9844963540	0.57	9854076601	0.51
9844963644	0.48	9854077569	0.51
9844963748	0.57	9854077601	0.51
9844965134	1.12	9854078611	0.51

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844965259	0.31	9854079412	2.48
9844965336	0.41	9854161576	90.73
9844965437	0.34	9854171451	3.68
9844965621	0.99	9854178549	2.37
9844965735	0.32	9854272077	12.89
9844965832	0.32	9854276296	2.22
9844966039	0.51	9854361253	2.02
9844966320	0.04	9854466706	8.92 of 187.77 acre parcel

and

WHEREAS, the requirements of Sections 2.3 and 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, the Board has found the proposed amendments to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas are hereby amended as shown on the attached pages.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the

adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

Clerk to the Board of Commissioners

Amendment Package for Two Proposed Zoning Overlay Districts in the Efland Area

Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text, Zoning Atlas, and Comprehensive Plan text to adopt two new zoning overlay districts in the Efland area. These amendments are proposed as a result of, and consistent with, the Efland-Mebane Small Area Plan (adopted in 2006). The primary purpose of the zoning overlay districts is to modify existing development regulations to provide for a more village and urban style of development in an area of the county served, or intended to be served, by public water and sewer systems.

Proposed additions/changes to existing UDO text that were part of the quarterly public hearing materials are depicted in **red**. Proposed additions/changes made as a result of Planning Board recommendations are depicted in **green**. Many of the proposed changes utilize footnotes to provide a brief explanation as to rationale. Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available on-line at: <http://orangecountync.gov/planning/Ordinances.asp>

The adopted Efland-Mebane Small Area Plan is also available on-line at: http://orangecountync.gov/planning/admin_EM_SAP.asp

The Comprehensive Plan is available on-line at: http://orangecountync.gov/planning/compre_cpupdate.asp

Some text on the following pages has a large “X” through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment. Text with a large “X” is not proposed for deletion; proposed deletions are shown in **red strikethrough** text.

As was noted in the legal advertisement for this proposal, existing sections 4.5 and 4.6 will be renumbered to 4.7 and 4.8, respectively. Additionally, existing Section 6.6.3 will be renumbered to 6.6.5. References to the following sections are also included in this packet: 4.5.1, 6.8.12, and 7.13.2.

under G.S. 153A-344.1. Unless terminated at an earlier date, the zoning right shall be valid until _____."

- (B) The site specific development plan for a project which requires the preparation of an Environmental Impact Statement (EIS) in accordance with Section 6.16 of this Ordinance shall not be approved until the EIS has been made available for public review, and has been presented to the Board of County Commissioners in accordance with Section 2.23 of this Ordinance.

2.5.6 Guarantee of Improvements

- (A) If a guarantee of improvements is required as a condition of site plan approval, the applicant shall provide Orange County with a security bond, escrow agreement, or irrevocable letter of credit by an approved institution.
- (B) The guarantee shall be effective for 12 months and shall include the cost of the improvements plus 10%.
- (C) Prior to issuance of any site plan approval, the guarantee shall be approved by the County Attorney.
- (D) If a guarantee is not submitted, the developer must install all required improvements to the satisfaction of the County prior to issuance of the zoning compliance permit.

2.5.7 Additional Requirements for Overlay Districts

(A) Efland-Cheeks Highway 70 Corridor Overlay District

(1) Approval Requirements

Within the Efland-Cheeks Highway 70 Corridor Overlay District (ECOD), no construction activity shall begin nor shall any conversion of existing single-family residence to a non-residential land use, excavation, soil removal, grading or disturbance of vegetation including trees, land disturbing activity associated with a non-residential land use, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Sections 2.4 and 6.6-2¹ of this Ordinance.

(B) Efland Interstate Overlay District²

(1) Approval Requirements

Within the Efland Interstate Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(C) Efland Village Overlay District

(1) Approval Requirements

¹ Staff suggests this reference be removed so that the potential for omissions in future amendments is minimized. Section 2.5.3 already requires compliance with Article 6 (and other articles).

² The two additions here are formalities to ensure grading and/or construction does not commence prior to the issuance of necessary permits.

Within the Efland Village Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

(D) Major Transportation Corridor Overlay District³

(1) Approval Requirements

Within the Major Transportation Corridor District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

2.5.8 Additional Requirements for Economic Development Districts

- (A)** Prior to submission of an application for site plan approval, applicants shall meet with representatives of the Planning and Inspections, and Economic Development Departments to identify policies, procedures, regulations, and fees applicable to development proposals.
- (B)** Any proposed subdivision in an Economic Development District shall follow the approval procedures as specified in Section 2.16.
- (C)** In addition to the submittal requirements contained in this Section, a complete application shall also include:
 - (1)** Building elevation drawings for each proposed structure; and
 - (2)** A minimum of two drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features.

SECTION 2.6: FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATE REQUIREMENTS

2.6.1 Requirements for Special Flood Hazard Area Overlay District

All projects proposing the development of property located within the Special Flood Hazard Area Overlay District shall be required, regardless of the proposed land use, to submit a site plan prepared by a registered engineer, landscape architect, or land surveyor in accordance with the provisions of Section 2.5.

2.6.2 Plans and Application Requirements

Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by the Planning Department prior to any development activities proposed to be located within flood prone areas.

The following items/ information shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (A)** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (1)** The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, driveways, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

³ This subsection is currently (B).

4.3.6 Compliance

~~No structure or land shall hereafter be located, extended, converted, altered, or developed, improved, or maintained in any way without full compliance with the terms of the regulations pertaining to the SFHA and other applicable regulations.~~

SECTION 4.4: EFLAND-CHEEKS HIGHWAY 70 CORRIDOR

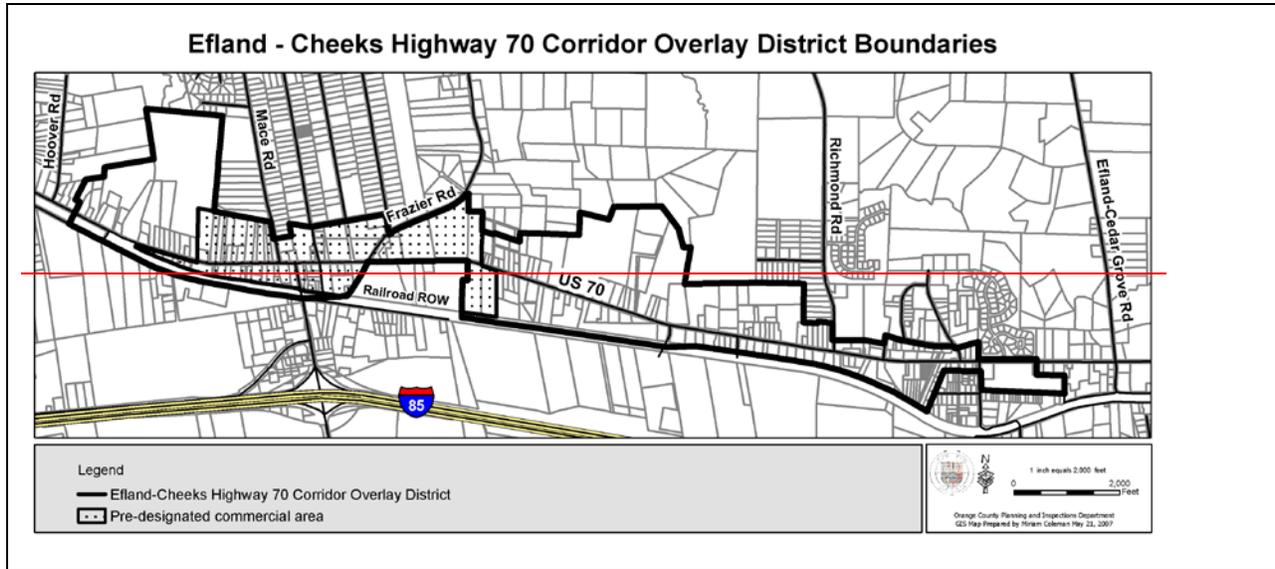
4.4.1 Intent

- (A) The Efland-Cheeks Highway 70 Corridor Overlay District (ECOD) is established to provide for compatibility of uses between existing single-family residential land uses and non-residential developments along a designated portion of Highway 70 within Cheeks Township.
- (B) The Highway 70 corridor covered under this overlay district is part of the Efland Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential development along Highway 70.
- (C) The regulations contained in this Ordinance are designed to preserve and enhance the character of the community while allowing for mixed, but compatible, land uses by permitting logical expansion of existing non-residential developments throughout the corridor.
- (D) It is the intent of this overlay district to encourage land use patterns that will:
 - (1) Protect existing single-family residential land uses,
 - (2) Protect the character of the area,
 - (3) Enhance property values,
 - (4) Maintain the economic viability and carrying capacity of the corridor,
 - (5) Preserve open vistas whenever possible,
 - (6) Encourage small businesses to locate in appropriate areas, and
 - (7) Continue to promote and provide for the general welfare of local citizens and property owners.
- (E) Standards are established in Section 6.6.2 to allow for the development of additional non-residential land uses within the ECOD in order to maintain and enhance the economic vitality of the area while protecting the less intensive mixture of existing residential land uses

4.4.2 Applicability

- (A) This district is intended for properties adjacent to Highway 70 within Cheeks Township of Orange County in accordance with the boundaries shown ~~on the map below and~~⁴ on the Orange County Zoning Atlas.
- (B) The requirements of this Ordinance pertaining to ECOD apply to all non-residential land uses and developments within the Highway 70 Overlay District except for existing non-residential land uses located within previously established general commercial or Existing Commercial-5 (EC-5) zoning districts.

⁴ Rather than populating the UDO with maps that are redundant to the Zoning Atlas (which is where overlay districts **must** be shown), staff is suggesting that the boundaries of overlay districts be maintained only on the Zoning Atlas. Staff also believes this may decrease any future problems if overlay district boundaries were ever changed (e.g., someone forgetting or not realizing that both a text amendment to the UDO **and** a Zoning Atlas amendment are necessary).



[Note to be removed if adopted: Map to be deleted from UDO and boundary to be shown only on Zoning Atlas]

4.4.3 Non-residential Development

Non-residential development within the Highway 70 Corridor shall be limited to the following and shall be in accordance with the standards contained in this Section and Section 6.6.2:

- (A) Pre-designated commercial area as indicated on the Orange County Zoning Atlas, and
- (B) Along Highway 70 as depicted on the Orange County Zoning Atlas.

4.4.4 Permitted Uses

Within the ECOD, uses of land and structures shall be permitted as follows:

- (A) Non-residential development within the pre-designated commercial area shall adhere to the permitted and special uses outlined for the Neighborhood Commercial - 2 (NC-2) zoning district as contained within Section 5.2 of this Ordinance.
- (B) Non-residential uses within the Highway 70 Corridor Overlay District, shall be limited to professional office and similar institutional uses and shall abide by the standards contained in this Section and Section 6.6.2.
- (C) No more than 40% of the Highway 70 corridor outside of the pre-designated commercial areas shall be permitted for non-residential uses.
 - (1) This figure shall be calculated by the sum of the street frontage of lots used for non-residential purposes compared to the total street frontage of all lots on both sides of the roadway outside of the pre-designated commercial areas along the overlay district corridor.
 - (2) The 40% limitation includes non-residential uses conducted within new or converted/rehabilitated structures that have a residential appearance.

4.4.5 Lot and Use Requirements for Non-Residential Development

In addition to the Development Standards in Section 6.6.2, the following lot and use requirements shall apply to all applicable non-residential development within the pre-designated commercial areas and along the Highway 70 corridor:

- (A) **Minimum Lot Width**

The minimum lot width for all lots created after December 3, 2007 shall be 130 feet, unless the lot is served by public sewer and shared ingress/egress in which case the minimum lot width shall be 75 feet.

(B) Setbacks and Building Height

- (1) The setbacks and building heights for all structures, regardless of the proposed land use, shall conform to the setbacks of the underlying zoning district.
- (2) If Building Height Limitation modifications are pursued in accordance with Section ~~5.2.2(A)~~ 6.2.2(A)⁵, in no case shall building height exceed 35 feet.
- (3) Where applicable, the front yard setback shall be measured from any future right-of-way as designated in the Orange County ~~Thoroughfare Plan~~ Comprehensive Transportation Plan⁶.

(C) Floor Area Ratio

- (1) The maximum floor area ratio for non-residential uses in the pre-designated commercial area shall be 0.200 with a maximum building square footage total of 20,000 square feet.
- (2) The maximum floor area ratio for non-residential uses along the Highway 70 Corridor shall be 0.100 with a maximum building square footage total of 6,000 square feet.

(D) Yard Encroachments

- (1) No fences shall be permitted in the front yard of non-residential uses unless a demonstrated need can be shown.
- (2) Within the pre-designated commercial area, vinyl-coated chain link fencing shall be permitted for non-residential uses.
- (3) Outside of the pre-designated commercial area but within the boundaries of the Highway 70 Overlay District, chain link or similar fencing shall not be permitted for non-residential uses.

~~(E) Outside Storage of Materials~~

- ~~(1) All outside storage of materials on non-residential lots is prohibited.~~
- ~~(2) This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.~~
- ~~(3) This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.⁷~~

SECTION 4.5: EFLAND INTERSTATE⁸

4.5.1 Intent

- (A) The Efland Interstate Overlay District is established to provide for a more urban style of development in an area of the county served, or intended to be served, by public water and sewer systems.

⁵ Correct reference is 6.2.2(A)

⁶ There has been a change in the name the plans the NC Department of Transportation uses. This change is only to update the name. Users should note the Orange County Comprehensive Transportation Plan is currently being developed, it has not yet been adopted.

⁷ Suggest deleting this because it also appears in Section 6.6.2(B)

⁸ Existing Section 4.5 (Major Transportation Corridor) has been renumbered to become Section 4.7 and existing Section 4.6(Stoney Creek Basin) has been renumbered to become Section 4.8. Because of this renumbering, an reference is Section 7.13.2 will also be updated.

- (B) The geographic area covered by the Efland Interstate Overlay District is part of the Efland-Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential and residential development in this overlay district.
- (C) Standards are established in Section 6.6.3 in order to maintain and enhance the economic vitality of the area while protecting existing land uses. Unless otherwise stated, the standards are in addition to standards contained in this Ordinance, including Sections 6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.5 (Major Transportation Corridor)⁹

4.5.2 Applicability

- (A) This district is intended for all properties located south of the railroad tracks and north of Interstate 85/40 in the general vicinity of Mount Willing Road in accordance with the boundaries shown on the Orange County Zoning Atlas.¹⁰
- (B) The requirements of this Ordinance pertaining to the Efland Interstate Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

4.5.3 Permitted Uses and Dimensional and Ratio Standards

- (A) Within the Efland Interstate Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Minimum Setbacks**
 - (1) The minimum side and rear setback shall be with width of the required buffer in 6.6.3(B) or the setback required in Article 3 or Section 6.2.8, whichever is less, except as provided in (a).¹¹
 - (a) For parcels subject to the setback and yard requirements in Section 4.7.4, the requirements of said Section shall apply.¹²
 - (2) Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Thoroughfare Plan.

SECTION 4.6: EFLAND VILLAGE

4.6.1 Intent

- (A) The Efland Village Overlay District is established to provide for an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.

⁹ This Section is currently 6.6.3 but will be renumbered to 6.6.5 as part of this amendment because Standards for the two proposed new overlay districts will be inserted into the UDO as 6.6.3 and 6.6.4.

¹⁰ The geographic area is also the area currently designated as Commercial-Industrial Transition Activity Node (CITAN) on the Future Land Use Map of the Comprehensive Plan. However, staff believes it is prudent to reference only the Zoning Atlas for the boundary in case the boundaries of the CITAN are ever changed. This is because the boundaries of the zoning overlay district would not necessarily change just because a land use category boundary change is made; a change to the zoning overlay district boundary will require an amendment to the Zoning Atlas.

¹¹ A lessening of setbacks is suggested in order to allow for a more urban style of development (e.g., building closer together and/or more density).

¹² Clearly stating that the Major Transportation Corridor (MTC) requirements will still apply.

- (B) The geographic area covered by the Efland Village Overlay District is part of the Efland-Mebane Small Area Plan, adopted by the Board of County Commissioners on June 27, 2006, which outlines acceptable levels of development within the study area, including allowing for additional non-residential and residential development in this overlay district.
- (C) Standards are established in Section 6.6.4 in order to maintain and enhance the economic vitality of the area while protecting existing land uses. Unless otherwise stated, the standards are in addition to standards contained in this Ordinance, including Sections 6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.5 (Major Transportation Corridor)¹³

4.6.2 Applicability

- (A) This district is intended for all properties located north of the railroad tracks in a geographic area commonly referred to as “Efland” in accordance with the boundaries shown on the Orange County Zoning Atlas.¹⁴
- (B) The requirements of this Ordinance pertaining to the Efland Village Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

4.6.3 Permitted Uses and Dimensional and Ratio Standards

- (A) Within the Efland Village Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Setbacks and Building Height**
 - (1) In lieu of the front setback required in Article 3, the minimum front yard setback for properties fronting on U.S. Highway 70 shall be 30-feet.¹⁵
 - (2) In lieu of the front setback required in Article 3, the front yard setback for parcels located in the overlay district but not fronting on U.S. Highway 70 shall be in keeping with the front setback provided by adjacent uses.¹⁶
 - (3) The minimum side and rear setback shall be the width of the required Land Use Buffer (Section 6.8.6) or the setback required in Article 3, whichever is less, but in no case shall be less than 10-feet.¹⁷

¹³ This Section is currently 6.6.3 but will be renumbered to 6.6.5 as part of this amendment because Standards for the two proposed new overlay districts will be inserted into the UDO as 6.6.3 and 6.6.4.

¹⁴ The geographic area is also the area currently designated as Commercial-Industrial Transition Activity Node (CITAN) on the Future Land Use Map of the Comprehensive Plan. However, staff believes it is prudent to reference only the Zoning Atlas for the boundary in case the boundaries of the CITAN are ever changed. This is because the boundaries of the zoning overlay district would not necessarily change just because a land use category boundary change is made; a change to the zoning overlay district boundary will require an amendment to the Zoning Atlas.

¹⁵ This setback is suggested in order to have a more uniform setback along Highway 70 while providing enough of a setback to accommodate any future widening of the road. (No widening of the road is currently planned, but it is good planning practice to attempt to ensure for future possibilities).

¹⁶ This is suggested in order to have a more uniform building line along a street where there could be more of a “patchwork” of zoning districts that have different front setback requirements.

¹⁷ A lessening of setback requirements is suggested in order to allow for a more urban village style – building closer together and/or more density than is currently permitted.

- (4) Where applicable, the front yard setback shall be measured from any future right-of-way as designated on the Orange County Comprehensive Transportation Plan¹⁸.
 - (5) Although a portion of the Efland Village Overlay District is within the Major Transportation Corridor (MTC) Overlay District, the requirements of the MTC do not apply. The parcels are included in the MTC only because they fall within the prescribed distance criteria but do not fall under any existing requirements pertaining to the MTC.¹⁹
 - (6) If Building Height Limitation modifications are pursued in accordance with Section 6.2.2(A), in no case shall building height exceed 40 feet.²⁰
- (C) Yard Encroachments**
- (1) No fences shall be permitted in the front yard of lots, other than those used for single-family detached residential purposes, unless a demonstrated need can be shown.²¹
 - (2) Chain link or similar fencing shall not be permitted for uses other than single-family detached residential.

SECTION 4.7: MAJOR TRANSPORTATION CORRIDOR

4.7.1 Intent

- (A) It is the intent of Orange County to protect and enhance those natural and environmental features which constitute important physical, aesthetic, recreational, and economic assets through the provision of special controls of public and private development along major transportation corridors.
- (B) The Board of County Commissioners finds as a fact that:
 - (1) Major transportation corridors serve a key function in the orderly development of Orange County as major traffic movers, as well as serve as entrances to Orange County from outside the area.
 - (2) These corridors and the character of the development which occurs along them establish for visitors and residents alike an indicator of the quality of life in the County, as well as the efficiency and safety of traffic movement through the area.
 - (3) In addition, the ability of different areas of the County to attract and accommodate different types of development depends on the capacity of the thoroughfare system and the character and quality of development along major corridors.
- (C) The Major Transportation Corridor district is intended to enhance the attractiveness and orderly development of land adjacent to major transportation facilities through the provision of a set of development standards and regulations for application to public and private development of land adjacent to these corridors. The major transportation corridors include the interstate system as designated in the adopted Comprehensive Plan.

¹⁸ Users should note the Orange County Comprehensive Transportation Plan is currently being developed; it has not yet been adopted.

¹⁹ This language is suggested so that it's clear that none of the requirements of the MTC apply to the parcels in this geographic area that are also located within the MTC. The MTC boundary is based on distance from the interstate/interchanges but none of the parcels in this area fall under the text requirements of the MTC.

²⁰ Some of the zoning districts that could be applied in a CITAN allow buildings taller than 40 feet. A building height limitation of 40-feet is suggested in order to maintain an urban village character.

²¹ The fencing regulations [(1) and (2)] are in keeping with the ECOD regulations in order to discourage unaesthetic fencing in the front yards of properties.

- (D) The district establishes development standards (see Section 6-6-36.6.5) and a site plan review process for development within the district. (See Section 2.5).

4.7.2 Applicability

- (A) The Major Transportation Corridor (MTC) district is established as a district which overlays other zoning districts established in this Ordinance. The new use of any land or any new structure within the MTC district shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the MTC district.
- (B) The provisions, requirements and restrictions of this district shall not apply to the use of land within the district for single family or two-family dwellings or to any building or structure existing prior to the creation of this district unless it is structurally altered to the extent of increasing the floor area by 50% or more or is enlarged to any degree to occupy a vacant lot.
- (C) This district shall be applied along any interstate highway in the County designated in the adopted Comprehensive Plan as such and to any proposed interstate highway designated in the adopted Comprehensive Plan as such.
- (D) The minimum length of the district shall be a continuous distance along the thoroughfare within the County's jurisdiction and outside of the extraterritorial planning jurisdictions of the Towns of Hillsborough, Chapel Hill, and Carrboro and the City of Mebane.
- (E) The minimum width of the district is 1,250 feet from the edge of the right-of-way measured along a line which is perpendicular to the edge of the right-of-way on each side of the roadway, except at interstate interchanges where the District shall extend 2,500 feet from the right-of-way on each side of the intersecting road.

4.7.3 Permitted Uses

Within the Major Transportation Corridor (MTC) District, uses of land and structures are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.

4.7.4 Building Setback and Yard Requirements

Building setback and required yard areas for the overlay district are as follows:

- (A) The front yard requirement shall be 100 feet from the edge of the right-of-way of an interstate highway or 50 feet from the edge of an intersecting road at an interstate interchange.
- (B) The rear yard requirement shall be 50 feet from the edge of the rear property line or 100 feet from the edge of the right-of-way of an interstate highway when a rear yard is adjacent to the interstate.
- (C) The side yard requirement shall be 50 feet from the side property line or 100 feet from the edge of the right-of-way of an interstate highway where the side property line is adjacent to the interstate.

SECTION 4.8: STONEY CREEK BASIN

4.8.1 Intent

- (A) The purpose of the Stoney Creek Basin Overlay District is to implement the Stoney Creek Basin Small Area Plan by:
 - (1) Encouraging the creation of open space and by limiting density increases within the more rural portions of the area generally defined as the Stoney Creek drainage basin; and

- (f) Windows on the street frontage side of a building shall be limited to 40% of the total building façade.
 - (g) The principal building shall be oriented facing towards the fronting street.
 - (h) Building Access
 - (i) A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.
 - (ii) Corner entrances should be provided on corner lot buildings.
 - (iii) Additional entrances to a building may be provided.
 - (i) Rooflines & Materials
 - (i) Decorative cornices shall be provided for buildings with a flat roof, defined as roofs with a pitch less than 3:12.
 - (ii) Eaves shall be provided with a pitched roof, defined as roofs with a pitch greater than 3:12.
 - (iii) Pitched roofs are generally preferred over flat roofs.
 - (iv) All rooftop mechanical equipment (i.e. vents, ducts, communication antennas, HVAC units, etc) shall be screened from view or designed and installed in a manner using materials and colors compatible with the building architecture.
 - (v) Highly reflective roofing materials shall be avoided. All proposed metal roofing should be standing seam or copper. Galvanized steel and tin roofs are permitted.
 - (j) Residential manufactured structures are not permitted for conversion to a non-residential use.
- (H) Additional Architectural Standards for existing single-family structures being converted into non-residential use:**
- (1) The exterior façade of an existing single-family residence proposed for conversion into non-residential use shall not be altered to accommodate new non-residential land uses except where modifications are necessary to address building or fire code requirements.
 - (2) Any structures proposed for removal shall either be moved to another location for re-use contemporaneously with the construction of the new structure or be deconstructed in such a manner that the resultant materials are suitable for re-use by the deconstructing party or others in future building projects. It is the intent of this Sub-Section that the removed structure be recycled to the extent possible.

6.6.3 Efland Interstate²²

(A) Circulation and Connectivity

- (1) All site planning for property east of Mount Willing Road shall take into account the need for a connecting roadway between Mount Willing Road and the Interstate 85/U.S. Highway 70 Connector.²³
- (2) All site planning west of Mount Willing Road shall take into account:

²² Existing Section 6.6.3 (Major Transportation Corridor) has been renumbered to 6.6.5. References in existing Sections 4.5.1 and 6.8.12 will be updated.

²³ (1) and (2) are putting concepts from the EMSAP and an adopted access management plan into regulations.

- (a) A possible re-alignment of Efland-Cedar Grove Road under the existing railroad track to connect to Mount Willing Road, as described in the adopted Efland-Mebane Small Area Plan.
- (b) The need for a connecting roadway between Mount Willing Road and Buckhorn Road, as depicted on the Efland-Buckhorn-Mebane Access Management Plan, adopted November 11, 2011.
- (3) In order to manage access on public streets, a site shall be permitted no more than one entrance/exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.²⁴
- (4) Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.
- (5) On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.²⁵
- (6) Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.
- (7) Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.
- (8) **Shared Access**
 - (a) In order to manage access on Mount Willing Road, developments subject to this Section, fronting on Mount Willing Road, and located contiguous to one another shall provide shared access.
 - (i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road to each property. Figure 6.6.2.A.3 shows an example of the shared access.
 - (ii) Developments subject to this Section, fronting on Mount Willing Road, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.
- (9) All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.

²⁴ (3) and (4) are current requirements for properties in EDDs and is good practice for many types of projects. However, it should be noted that NCDOT may not approve more than one entrance/exit point - see (9)

²⁵ (5) through (9) are current requirements of ECOD and are suggested as good practices to be implemented in the Efland Interstate overlay district as well.

(10) Pedestrian Circulation²⁶

- (a) Unless deemed unnecessary by the Planning Director during site plan review, large projects, defined in (b), shall provide an internal pedestrian circulation system, owned and maintained by the property owner. The system shall provide pedestrian walkways to outparcels and also within any large parking areas.
- (b) For the purposes of this subsection, a large project is defined as one located on 5 or more acres or proposing more than 50,000 square feet of building area. A large parking area is one containing parking for 100 or more vehicles.

(B) Landscaping and Buffering²⁷

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

- (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.
- (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating non-residential and residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.
- (4) The provisions of this subsection do not waive the buffer requirements found in Section 6.6.5 (Major Transportation Corridor).

(C) Architectural Design Standards

- (1) In addition to the requirements in Section 6.5 (Architectural Design Standards), the national prototype architectural styles of chain businesses shall be altered as necessary to complement the surrounding area.²⁸
- (2) Drive-through facilities on non-residential uses are allowable in this area.

6.6.4 Efland Village

(A) Circulation and Connectivity²⁹

- (1) Shared Access for Properties Fronting on U.S. Highway 70**

²⁶ In October 2011, the issue of sidewalks was discussed at a BOCC work session and the decision was made that, due to NC counties' inability to fund maintenance of public sidewalks, that public sidewalks would not become a requirement for development in Orange County. However, walkability in large commercial projects is generally desirable as is the ability of pedestrians to safely traverse large parking areas. Therefore, staff is suggesting that some projects may be required to provide privately maintained sidewalks.

²⁷ These lesser buffer requirements are in keeping with those required in the ECOD and are suggested in order to provide for a more urban style of development in areas of the county served or to be served by public water and sewer systems.

²⁸ This language is suggested in order to ensure that any proposed "chain architecture" will blend better with the surrounding area.

²⁹ Please see footnoted explanations for the Efland Interstate overlay district as they apply to this section as well.

- (a) In order to manage access on U.S. Highway 70, developments subject to this Section, fronting on U.S. Highway 70, and located contiguous to one another shall provide shared access.
- (i) Owners of contiguous parcels subject to this Section shall execute reciprocal easement agreements between the separate property owners and have the same recorded in the Office of the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit. The easement agreement shall be sufficient to allow for the development of a private service road or driveway to channel access from Mount Willing Road to each property. Figure 6.6.2.A.3 shows an example of the shared access.
- (ii) Developments subject to this Section, fronting on Mount Willing Road, and not contiguous to other similarly situated development shall be required to designate stub outs to adjoining properties on the site plan so that shared access can be developed if and when the adjacent property is developed in either a manner which subjects it to this Section or if individual curb cut for a single-family detached residential land use is deemed to be a traffic safety hazard by the County and NCDOT.
- (2) In order to manage access on public streets, a site shall be permitted no more than one entrance and exit point unless justified by site configuration, trip generation, and traffic conditions, including the need for separate service and visitor/employee vehicular access, and/or one-way traffic movement.
- (3) Intra-site accessibility shall be provided. Vehicles shall not be required to enter the public street in order to move from one area to another on the same site.
- (4) On all corner lots, no vehicular openings shall be located closer than 60 feet from the point of intersection of the street right-of-way lines.
- (5) Entrances/exits shall not exceed 36 feet in width measured at the property line; however, in instances where parking lots serve tractor/trailer traffic, the driveway entrance/exit may be increased to 40 feet in width.
- (6) Exits for parking facilities containing more than 36 parking spaces shall contain holding lanes for left-turning and right-turning traffic unless the Planning Director determines that due to the physical features of a site, holding lanes would be unsafe and should not be required.
- (7) All driveway entrances must have an approved NCDOT driveway permit and must be paved to NCDOT standards from the edge of the existing roadway pavement to the existing right-of-way limit on the interior of the property.
- (8) **Pedestrian Circulation**³⁰
- (a) In an effort to provide for and promote pedestrian circulation and connectivity within and between parcels in the Efland Village Overlay District, all projects shall provide within a pedestrian easement a pedestrian circulation system, owned and maintained by the property owner, unless deemed unnecessary or impractical by the Planning Director during site plan review.
- (i) Pedestrian walkways and paths shall be a minimum of 4-feet

³⁰ This language was added after the November 19 public hearing and December 5 Planning Board meeting in order to address comments made at the public hearing about pedestrian circulation/sidewalks and to incorporate the Planning Board's recommendation that a pedestrian system be provided in the geographic area the Efland Village Overlay District pertains to. While the Planning Board recognizes the County's limitations on the issue of public sidewalks, the Planning Board also believes it is important to provide for a pedestrian system in the Efland area.

wide and shall be designed to connect with adjacent parcels in a coherent manner, regardless of whether a pedestrian walkway or path exists on the adjacent parcel.

- (ii) The surface material of pedestrian walkways and paths shall be determined as part of the site plan review process. The need for pavement or other specific surfaces shall be determined on a project-specific basis.

(B) Outside Storage of Materials Prohibited³¹

- (1) All outside storage of materials on lots other than those used for single-family detached residential purposes is prohibited.
- (2) This prohibition includes the storage of goods or materials which are not an integral part of the use of the property and which are not obviously for sale.
- (3) This prohibition does not include the storage of materials where the primary use of the property includes the outside display of goods for sale such as automobiles, boats, mobile homes, etc., and the materials stored outside are for sale.

(C) Landscaping and Buffering³²

In lieu of the requirements outlined in Section 6.8 of this Ordinance, the following standards shall apply:

- (1) There shall be a minimum ten feet wide vegetative buffer along all rights-of-ways comprised of vegetation that complements surrounding plantings and which includes trees planted in accordance with Section 6.8 where possible.
 - (a) Parcels fronting on U.S. Highway 70 shall provide buffer plantings in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (2) There shall be a minimum 15 feet wide vegetative buffer along all common property lines separating uses subject to the requirements of this overlay district and single family detached residential land uses. The required plantings shall be in accordance with those required for Buffer Yards Type A outlined within Section 6.8 of this Ordinance.
- (3) There shall be a minimum eight feet wide landscaped strip along all property lines separating non-residential uses from non-residential uses. The landscaped strip shall be comprised of vegetation that forms a semi-opaque intermittent visual obstruction from the ground to a height of at least 15 feet. Joint use agreements between adjacent property owners for shared ingress/egress and/or parking may result in a waiver regarding the exact location(s) of the required buffers.
- (4) Although portions of the Efland Village Overlay District are also within the major Transportation Corridor Overlay District, the buffer requirements found in Section 6.6.5 (Major Transportation Corridor) do not apply since said section applies only to properties that abut the interstate.

(D) Parking Lot Design³³

³¹ This is a restriction currently found in the ECOD and is suggested for the Efland Village overlay district as well.

³² These lesser buffer requirements are in keeping with those required in the ECOD and are suggested in order to provide for a more urban style of development in areas of the county served or to be served by public water and sewer systems.

³³ These are requirements in the ECOD which are also good practice for the Efland Village. An exception being that ECOD requires parking to be located solely in the side and rear yards. Staff is suggesting that a few parking spaces be allowed at the front of buildings in the Efland Village overlay district.

- (1) Up to 15% of the required parking spaces may be located in the front yard. The remainder of the required parking spaces shall be located at the side or rear of the structure.
- (2) Shared parking areas shall be encouraged for contiguous non-residential land uses, in accordance with Section 6.9 of this Ordinance.
- (3) Parking areas with spaces in excess of 110% of the minimum parking spaces required, per Section 6.9 of this Ordinance, shall not be permitted.
- (4) Interior landscaping of the parking lots shall be provided in accordance with Section 6.8 of this Ordinance.

(E) Signage³⁴

- (1) Signage shall conform to all requirements within Section 6.12 of this Ordinance.
- (2) Only monument style signs that do not exceed six feet in height are permitted within the Efland Village Overlay District.
- (3) Pole signs are not permitted.

(F) Architectural Design Standards³⁵

In addition to the requirements in Section 6.5 (Architectural Design Standards), the following design standards shall apply:

(1) Corporate Franchise Architecture

- (a) Under no circumstances shall modern corporate franchise building design be permitted.
- (b) Franchise or 'chain' businesses desiring to locate in the Efland Village Overlay District shall be required to design the building in accordance with these guidelines.
- (c) For purposes of this Sub-Section, "modern corporate franchise building design" means a building design that is trademarked, branded, or easily identified with a particular chain or corporation and is ubiquitous in nature.

(2) The principal building shall be oriented facing towards the fronting street.

(3) Building Access

- (a) A functional doorway for public or direct-entry access into a building shall be provided from the fronting street.
- (b) Additional entrances to a building may be provided.

(4) Human Scale and Fenestration

- (a) Buildings shall be designed to contribute to a human scale. Large expanses of blank walls shall be avoided and fenestration (the arrangement, proportioning, and design of windows and doors in a building) shall be provided in such a way that a building is relatable to humans and does not overpower the area.

(5) Drive-through facilities are prohibited on all non-residential uses.

(6) Mirrored glass is prohibited.

End of Section

³⁴ These are requirements in the ECOD which are also good practice for the Efland Village.

³⁵ (1) through (3) and (5) and (6) are requirements in the ECOD which are also good practice for the Efland Village. (4) is suggested in order to articulate that we are encouraging human scale architecture in the Efland Village overlay district. The existing requirements in Section 6.5 basically implement this point but "human scale" is a more modern term that will likely be recognizable to people in the development community.

- ~~(C) The Planning Director may grant the extension on requests for planting extensions submitted between May 15 and September 15 of each year, and may grant the extensions at other times if there are unfavorable conditions for planting.~~
- ~~(D) If the initial LREC has expired and conditions are still deemed unsuitable for planting, an applicant may request one additional extension of up to 90 days. During periods of extreme drought, as evidenced by the official declaration of Stage 3 or greater mandatory water conservation requirements, the Planning Director, or designee, may authorize additional 90-day extensions beyond the one extension typically allowed. These extensions may be continued throughout the period in which the extreme drought conditions remain.~~
- ~~(E) The applicant shall also acknowledge that no Final Zoning Compliance Permit shall be issued while there is an active (pending) LREC unless a performance guarantee (such as a letter of credit or performance bond) sufficient to cover 110% of the installed landscaping costs has been posted with the Planning and Inspections Department.~~

6.8.12 Additional Standards for Economic Development Districts

(A) Landscape and Tree Preservation Plan

The Landscape and Tree Preservation Plan shall be prepared in accordance with the requirements of Section 6.8.10.

(B) Preservation of Existing Features

- (1) Natural features such as streams and ponds, hillsides, rock formations, unique vegetation and natural areas, wildlife habitats, and other similar features must be incorporated into the overall development concept.
- (2) Building sites, parking areas, and other uses shall be situated in such a way as to protect existing tree stock having a diameter of one-foot or greater when measured four and a half feet above ground level.
- (3) Trees to be saved shall be noted on the landscape and tree preservation plan and appropriate measures to protect the tree stock from damage during construction, including no grading within the critical root zone, shall be indicated in accordance with Section 6.8.4.
- (4) Where possible, trees shall be protected in stands or clusters.
- (5) The siting of buildings shall take advantage of scenic views and take into consideration the impact of new structures on views from off-site.
- (6) Where ever possible, access to views are to be preserved for adjacent property owners and passing motorists.
- (7) Scenic views and visual elements within the visual corridor shall be identified and preserved where possible.

(C) Buffering Neighboring Uses

- (1) A minimum buffer of 100 feet in width is to be provided at the boundary of all Economic Development Districts.
- (2) In accordance with Section ~~6.6.3~~ 6.6.5, a buffer of 100 feet in width is to be maintained adjacent to the right-of-way of interstate highways.
- (3) In the Buckhorn EDD, a buffer of 150 feet is required on the portion of the boundary adjacent to the Clearview Subdivision and adjoining residential area on the north side of West Ten Road.
- (4) In the Hillsborough EDD, a buffer of 100 feet is required along the Old 86 roadway corridor. For properties located within the EDH-1 zoning district, a 50 foot wide buffer is required.

- (5) Limited breaks in required interstate highway buffers may be allowed in accordance with Section ~~6.6.3(5)~~ 6.6.5(5).
- (6) Buffers may consist of existing wooded areas. If existing vegetation is not sufficient for screening, a planted buffer shall be augmented and interspersed, consisting of 50-75% evergreen trees reaching a minimum mature height of 30-feet.
- (7) In lieu of the Land Use Buffers required in Section 6.8.6, buffers between adjacent land uses, whether internal or external to the project, shall be provided in accordance with the Land Use Buffer Schedule that follows.
- (8) Trees with a caliper of six inches or greater should be considered for preservation.
- (9) No grading for building or parking shall encroach upon required buffer.
- (10) Landscape buffer widths may be reduced if the buffer material is adequate to provide additional screening.
- (11) Decorative walls may be used to augment required landscaping for buffer reduction.
- (12) Access and utility crossings are to be made as close to perpendicular as possible to the length of the buffer.
- (13) No land disturbances for buildings, parking, or storage, drainage, etc. are permitted within a required buffer.

TABLE 6.8.12.C: LAND USE BUFFER SCHEDULE		
A WHEN THIS LAND USE IS BEING DEVELOPED AND...	B ABUTS THIS EXISTING LAND USE... NOTE: "ABUTTING LAND USES INCLUDE THOSE ACROSS A STREET (OTHER THAN AN INTERSTATE HIGHWAY) FROM A PROPOSED DEVELOPMENT"	"A" PROVIDES A BUFFER WIDTH OF NEXT TO "B"
Residential, all types	Residential, all types	N/A
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	30
	Other (all other Use Types in Section 5.2.2)	50
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	30
	Collector Road	20
	Railroad	40
	Transmission Lines	40
Finance	Undeveloped Parcel	20
	Residential, all types	20
	Finance	20
	Government, Information, Recreation, Retail, Services, Non-Residential Use/Reuse of Historic Buildings	20
	Other (all other Use Types in Section 5.2.2)	N/A
	Interstate Highway (See also Section 6.6.3)	100
	Arterial Road	20
	Collector Road	20
	Railroad	20
Transmission Lines	20	

- ~~(7) To provide for the active and low impact recreational needs of county residents, including implementation of the Master Recreation & Parks Plan.~~
- ~~(8) To provide greater efficiency in the siting of services and infrastructure by reducing road length, utility runs, and the amount of paving for development.~~
- ~~(9) To create compact neighborhoods accessible to open space amenities and with a strong identity.~~

7.13.2 Applicability

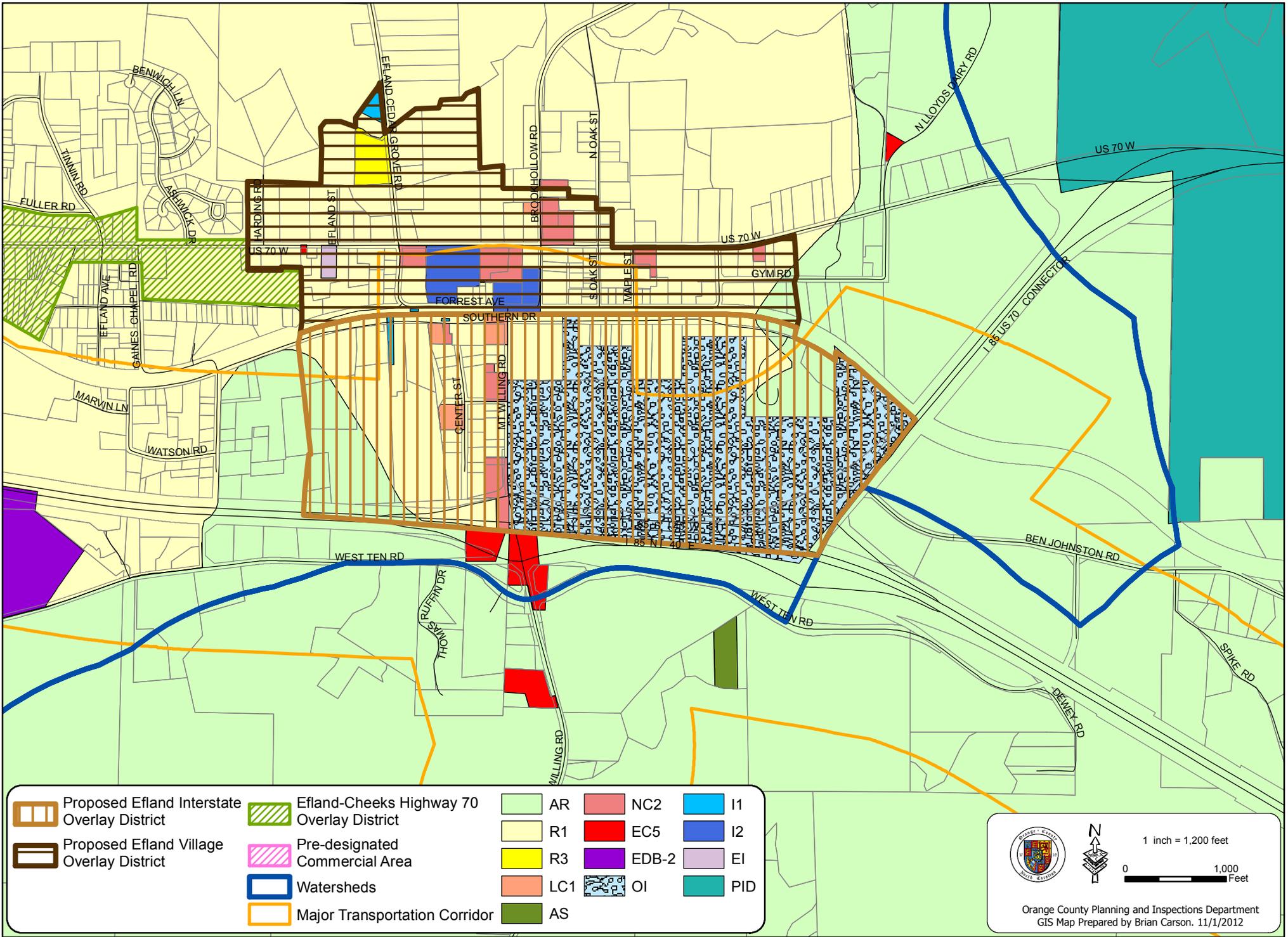
- (A) All Flexible Development subdivision plats shall comply with the requirements and standards specified herein and in all respects with other applicable codes and ordinances to the extent that they are not in conflict with these provisions.
- (B) Flexible Developments located within the Stoney Creek Basin Overlay District shall comply with provisions of Section ~~4.6~~ 4.8³⁶ of this Ordinance.
- (C) The Village Option for a Flexible Development shall not be located in the Rural Buffer (RB) zoning district.
- (D) Applicants seeking approval of a Minor Subdivision Final Plat by the Planning Department are encouraged to work with the Planning Department staff in identifying and preserving open space areas as part of such developments.

7.13.3 Open Space Standards

- (A) Minimum Required Open Space**
 - (1) Where a developer elects to seek approval of a Flexible Development as specified herein, at least 33% of the total land area in the Flexible Development must be set aside as protected open space.
 - (2) Such open space shall meet the standards contained in this Section unless the developer chooses to seek approval of a conventional subdivision as specified herein.
- (B) Planning for Open Space**
 - (1) Open space design in subdivision projects shall be planned as part of a comprehensive project design.
 - (2) The long-term success of open space is improved when a layout is chosen with a perspective of future usefulness, efficiency, connectivity and compatibility with both existing development and other types of open spaces.
 - (3) Open space is an important amenity for subdivision residents and an essential part of the County's character and environmental quality.
 - (4) Open space planning must indicate a thoughtful understanding of that importance, and shall be evaluated based on its merits.
 - (5) A Flexible Development subdivision plan shall always provide open space which prominently meets at least one of the three following goals in open space design:
 - (a) The Maintenance of Wildlife Corridors and/or Habitat;
 - (b) The Preservation of Rural Character; or
 - (c) The Creation or Protection of Space for Outdoor Recreation.
 - (6) When relevant, a Flexible Development subdivision plan shall address the following additional goals in open space design:

³⁶ This reference change is necessary due to renumbering Sections in order to insert the two proposed overlay district.

Proposed Zoning Overlay Districts



Attachment 4

**RESOLUTION CONCERNING
STATEMENT OF CONSISTENCY
OF A PROPOSED ZONING ATLAS AMENDMENT
WITH THE ADOPTED
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Orange County has initiated amendments to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), in order to establish two new zoning overlay districts in an area of the county known as Efland, and

WHEREAS, the parcels over which a zoning overlay district will be placed are depicted on the map in the pages attached to the Ordinance in the agenda packet for the February 5, 2013 Orange County Board of County Commissioners meeting and are identified as follows:

Efland Village Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844776873	1.15	9844990565	9.58
9844781300	0.65 of 0.99 acre parcel	9844995085	4.18 of 4.64 acre parcel
9844781766	2.17	9844999100	0.77 of 1.93 acre parcel
9844783301	1	9854074868	0.25
9844783725	2.14	9854074909	0.44
9844784391	0.85	9854074954	0.26
9844785743	4.02	9854076999	0.27
9844786242	0.46	9854077979	0.28
9844786326	0.08	9854078927	0.04
9844787303	0.23	9854078931	0.22
9844788137	3.64	9854078939	0.02
9844788631	2.01	9854078949	0.28
9844788940	1.86	9854078996	0.24
9844799385	4.69	9854079976	0.27
9844870924	2.43	9854080094	1.77
9844874973	0.4	9854080850	1.07
9844880661	0.98	9854081212	0.51
9844880970	0.88	9854081353	0.82
9844881230	1.35	9854081693	1.66
9844882391	1.15	9854081916	0.52
9844882528	1.13	9854083138	0.15
9844883012	1.15	9854083232	0.15
9844883596	1.34	9854083321	0.51
9844883951	2.39	9854083835	1.12
9844884079	0.37	9854084052	0.15

Efland Village Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844884284	0.38	9854084057	0.16
9844884355	0.33	9854084115	0.46
9844886648	1.14	9854084152	0.15
9844886973	1.42	9854084252	0.46
9844887024	2.03	9854084353	0.3
9844887342	0.97	9854084605	1.59
9844892385	3.51	9854086528	0.47
9844893637	2.2	9854087250	2.74
9844896163	1.3	9854088807	0.40 of 0.93 acre parcel
9844896477	3.48	9854089170	0.44
9844972913	0.59	9854089250	0.52
9844973943	0.24	9854172953	0.34
9844974903	0.24	9854173499	0.99
9844974974	0.36	9854175987	0.82
9844976945	1.37	9854180304	0.98
9844980845	9.3	9854181001	0.94
9844981114	5.8	9854184217	7.25
9844985234	1.83	9854189274	1
9844987242	1.53	9854272951	1.99
9844987792	1.77	9854274935	0.75
9844988083	1.27	9854280393	0.48
9844988391	0.74	9854281107	0.43
9844988652	0.92	9854282236	0.68
9844988811	0.35	9854283244	1.84

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844763221	0.79 of 5.5 acre parcel	9844966325	0.04
9844766443	1.82 of 5.02 acre parcel	9844970156	0.53
9844768882	5.64	9844970237	0.46
9844778312	5.7	9844970317	0.66
9844854839	1.29	9844970543	0.33
9844861573	16.78	9844971003	0.74
9844865155	2.72	9844972545	1.6
9844867573	12.67	9844973039	1.36
9844873438	2.67	9844973217	0.49
9844873578	0.09	9844973308	0.55
9844877368	3.64	9844975018	1.21
9844879067	0.71	9844975240	0.39
9844879543	0.68	9844975300	0.4
9844960493	0.44	9844975309	0.48

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844960563	0.59	9844975514	0.94
9844960792	1.56	9844978308	3.58
9844961126	1.63	9854051970	4.58
9844963059	0.89	9854070389	3.04
9844963252	0.38	9854073630	0.52
9844963354	0.56	9854074304	6.1
9844963540	0.57	9854076601	0.51
9844963644	0.48	9854077569	0.51
9844963748	0.57	9854077601	0.51
9844965134	1.12	9854078611	0.51
9844965259	0.31	9854079412	2.48
9844965336	0.41	9854161576	90.73
9844965437	0.34	9854171451	3.68
9844965621	0.99	9854178549	2.37
9844965735	0.32	9854272077	12.89
9844965832	0.32	9854276296	2.22
9844966039	0.51	9854361253	2.02
9844966320	0.04	9854466706	8.92 of 187.77 acre parcel

and,

WHEREAS, pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the rezoning will carry out the intent and purpose of the adopted Efland-Mebane Small Area Plan and the 2030 Comprehensive Plan, as amended, or part thereof including but not limited to, the following:

Objective LU-1.1:

Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

Objective LU-3.7:

Ensure that new development patterns in non-residential nodes encourage a clustered, walkable development pattern and discourage strip development.

Objective LU-3.8:

Develop a process for implementing small area plan recommendations through the revision of County policies and regulations.

Objective LU-3.9:

Create new zoning district(s) which allow for a mixing of commercial and residential uses, a mixing of housing types, and creates a more pedestrian friendly development pattern. New districts should be applied in areas where public services exist or are planned for in the future, in areas that promote higher intensity and high density uses on the Future Land Use map.

Objective H-3.6:

Work within the Orange County government system to identify and resolve existing policies which may be at odds with historic preservation goals, green building approaches, and workforce and affordable housing efforts. (See also Cultural Resources Objective CR-3 and Economic Development Objective ED-4.1.)

and,

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonable and in the public interest as it promotes public health, safety, and general welfare by adopting the goals and purposes of the 2030 Comprehensive Plan or part thereof,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be consistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan and the BOCC hereby adopts this statement of consistency signifying same.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

Clerk to the Board of Commissioners

**AN ORDINANCE DENYING AMENDMENT TO
THE ORANGE COUNTY COMPREHENSIVE PLAN, UNIFIED DEVELOPMENT
ORDINANCE, AND ZONING ATLAS**

WHEREAS, Orange County initiated amendment to the Orange County Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas, as established in Sections 1.1, 1.2, and 1.7 of the Orange County Unified Development Ordinance (UDO), in order to establish two new zoning overlay districts and accompanying regulations in an area of the county known as Efland, and

WHEREAS, the parcels over which a zoning overlay district were proposed to be placed are depicted on the map in the pages attached to the Ordinance in the agenda packet for the February 5, 2013 Orange County Board of County Commissioners meeting and are identified as follows:

Efland Village Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844776873	1.15	9844990565	9.58
9844781300	0.65 of 0.99 acre parcel	9844995085	4.18 of 4.64 acre parcel
9844781766	2.17	9844999100	0.77 of 1.93 acre parcel
9844783301	1	9854074868	0.25
9844783725	2.14	9854074909	0.44
9844784391	0.85	9854074954	0.26
9844785743	4.02	9854076999	0.27
9844786242	0.46	9854077979	0.28
9844786326	0.08	9854078927	0.04
9844787303	0.23	9854078931	0.22
9844788137	3.64	9854078939	0.02
9844788631	2.01	9854078949	0.28
9844788940	1.86	9854078996	0.24
9844799385	4.69	9854079976	0.27
9844870924	2.43	9854080094	1.77
9844874973	0.4	9854080850	1.07
9844880661	0.98	9854081212	0.51
9844880970	0.88	9854081353	0.82
9844881230	1.35	9854081693	1.66
9844882391	1.15	9854081916	0.52
9844882528	1.13	9854083138	0.15
9844883012	1.15	9854083232	0.15
9844883596	1.34	9854083321	0.51
9844883951	2.39	9854083835	1.12

Efland Village Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844884079	0.37	9854084052	0.15
9844884284	0.38	9854084057	0.16
9844884355	0.33	9854084115	0.46
9844886648	1.14	9854084152	0.15
9844886973	1.42	9854084252	0.46
9844887024	2.03	9854084353	0.3
9844887342	0.97	9854084605	1.59
9844892385	3.51	9854086528	0.47
9844893637	2.2	9854087250	2.74
9844896163	1.3	9854088807	0.40 of 0.93 acre parcel
9844896477	3.48	9854089170	0.44
9844972913	0.59	9854089250	0.52
9844973943	0.24	9854172953	0.34
9844974903	0.24	9854173499	0.99
9844974974	0.36	9854175987	0.82
9844976945	1.37	9854180304	0.98
9844980845	9.3	9854181001	0.94
9844981114	5.8	9854184217	7.25
9844985234	1.83	9854189274	1
9844987242	1.53	9854272951	1.99
9844987792	1.77	9854274935	0.75
9844988083	1.27	9854280393	0.48
9844988391	0.74	9854281107	0.43
9844988652	0.92	9854282236	0.68
9844988811	0.35	9854283244	1.84

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844763221	0.79 of 5.5 acre parcel	9844966325	0.04
9844766443	1.82 of 5.02 acre parcel	9844970156	0.53
9844768882	5.64	9844970237	0.46
9844778312	5.7	9844970317	0.66
9844854839	1.29	9844970543	0.33
9844861573	16.78	9844971003	0.74
9844865155	2.72	9844972545	1.6
9844867573	12.67	9844973039	1.36
9844873438	2.67	9844973217	0.49
9844873578	0.09	9844973308	0.55
9844877368	3.64	9844975018	1.21
9844879067	0.71	9844975240	0.39
9844879543	0.68	9844975300	0.4

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
9844960493	0.44	9844975309	0.48
9844960563	0.59	9844975514	0.94
9844960792	1.56	9844978308	3.58
9844961126	1.63	9854051970	4.58
9844963059	0.89	9854070389	3.04
9844963252	0.38	9854073630	0.52
9844963354	0.56	9854074304	6.1
9844963540	0.57	9854076601	0.51
9844963644	0.48	9854077569	0.51
9844963748	0.57	9854077601	0.51
9844965134	1.12	9854078611	0.51
9844965259	0.31	9854079412	2.48
9844965336	0.41	9854161576	90.73
9844965437	0.34	9854171451	3.68
9844965621	0.99	9854178549	2.37
9844965735	0.32	9854272077	12.89
9844965832	0.32	9854276296	2.22
9844966039	0.51	9854361253	2.02
9844966320	0.04	9854466706	8.92 of 187.77 acre parcel

and,

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.8 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds there is insufficient documentation within the record supporting the proposed amendments and that the proposed amendments will not carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof.

BE IT ORDAINED by the Board of Commissioners of Orange County that the proposed amendments to the Comprehensive Plan, Unified Development Ordinance, and Zoning Atlas, as detailed in the agenda packet for the February 5, 2013 Orange County Board of County Commissioners meeting, are denied.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

Clerk to the Board of Commissioners

**RESOLUTION CONCERNING STATEMENT OF
INCONSISTENCY OF A PROPOSED ZONING ATLAS AMENDMENT
WITH THE ADOPTED
ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

WHEREAS, Orange County has initiated amendments to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), in order to establish two new zoning overlay districts in an area of the county known as Efland, and

WHEREAS, the parcels over which a zoning overlay district were proposed to be placed are depicted on the map in the pages attached to the Ordinance in the agenda packet for the February 5, 2013 Orange County Board of County Commissioners meeting and are identified as follows:

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9844783301	1	9854074868	0.25
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9844874973	0.4	9854080850	1.07
9844880661	0.98	9854081212	0.51
9844880970	0.88	9854081353	0.82
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9844884355	0.33	9854084115	0.46
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9844887342	0.97	9854084605	1.59
9844892385	3.51	9854086528	0.47
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9844973943	0.24	9854172953	0.34
9844974903	0.24	9854173499	0.99
9844974974	0.36	9854175987	0.82
9844976945	1.37	9854180304	0.98
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9844981114	5.8	9854184217	7.25
9844985234	1.83	9854189274	1
9844987242	1.53	9854272951	1.99
9844987792	1.77	9854274935	0.75
9844988083	1.27	9854280393	0.48
9844988391	0.74	9854281107	0.43
9844988652	0.92	9854282236	0.68
9844988811	0.35	9854283244	1.84

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9844861573	16.78	9844971003	0.74
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9844867573	12.67	9844973039	1.36
9844873438	2.67	9844973217	0.49
9844873578	0.09	9844973308	0.55
9844877368	3.64	9844975018	1.21
9844879067	0.71	9844975240	0.39

Efland Interstate Overlay District			
PIN	Approximate Acreage	PIN	Approximate Acreage
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9844960493	0.44	9844975309	0.48
9844960563	0.59	9844975514	0.94
9844960792	1.56	9844978308	3.58
9844961126	1.63	9854051970	4.58
9844963059	0.89	9854070389	3.04
9844963252	0.38	9854073630	0.52
9844963354	0.56	9854074304	6.1
9844963540	0.57	9854076601	0.51
9844963644	0.48	9854077569	0.51
9844963748	0.57	9854077601	0.51
9844965134	1.12	9854078611	0.51
9844965259	0.31	9854079412	2.48
9844965336	0.41	9854161576	90.73
9844965437	0.34	9854171451	3.68
9844965621	0.99	9854178549	2.37
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9844965832	0.32	9854276296	2.22
9844966039	0.51	9854361253	2.02
9844966320	0.04	9854466706	8.92 of 187.77 acre parcel

and,

WHEREAS, pursuant to Sections 1.1.5, 1.1.7, and 2.9.1 (E) of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that there is not sufficient documentation denoting that the zoning atlas amendment will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, and

WHEREAS, the Board has found the proposed zoning atlas amendment is not reasonable and is not in the public interest as it will not promote public health, safety, and general welfare,

BE IT RESOLVED by the Board of Commissioners of Orange County that the proposed zoning atlas amendment, as described herein, has been deemed to be inconsistent with the goals and policies of the adopted Orange County 2030 Comprehensive Plan, is not reasonable, and is not in the public interest as it will not promote the public health, safety, and general welfare, and the BOCC hereby adopts this statement of inconsistency signifying same.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2013.

SEAL

Clerk to the Board of Commissioners

1 **DRAFT**

2
3 **MINUTES**
4 **ORANGE COUNTY BOARD OF COMMISSIONERS**
5 **ORANGE COUNTY PLANNING BOARD**
6 **QUARTERLY PUBLIC HEARING**
7 **November 19, 2012**
8 **7:00 P.M.**
9

10
11 The Orange County Board of Commissioners and the Orange County Planning Board
12 met for a Quarterly Public Hearing on Monday, November 19, 2012 at 7:00 p.m. at the Central
13 Orange Senior Center, Hillsborough, N.C.
14

15 **COUNTY COMMISSIONERS PRESENT:** Chair Bernadette Pelissier, and Commissioners Alice
16 Gordon, Barry Jacobs, Valerie Foushee, Earl McKee, and Steve Yuhasz

17 **COUNTY COMMISSIONERS ABSENT:** Pam Hemminger

18 **COUNTY ATTORNEY PRESENT:** Sahana Ayer

19 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board
20 David Hunt (All other staff members will be identified appropriately below)

21 **PLANNING BOARD MEMBERS PRESENT:** Chair Larry Wright, and Planning Board members
22 Pete Hallenbeck, Andrea Rohrbacher, Maxecine Mitchell, Tony Blake, Rachel Phelps Hawkins,
23 Alan Campbell, Johnny Randall, H.T. "Buddy" Hartley, Lisa Stuckey and Herman Staats

24 **PLANNING BOARD MEMBERS ABSENT:** Dawn Brezina
25

26 Chair Pelissier called the meeting to order at 6:59PM.
27

28 **A. OPENING REMARKS FROM THE CHAIR**

29
30 Planning Board Chair Larry Wright said that the agenda items 1-3 will be joint items of the
31 Planning Board and the Board of County Commissioners. Following item 3, the County
32 Commissioners will be discussing educational facilities and ordinance amendments and the
33 Planning Board will not be part of that discussion.
34

35 **B. PUBLIC CHARGE**

36 The Chair dispensed with the reading of the public charge.
37
38

39 **C. PUBLIC HEARING ITEMS**

- 40
41 **1. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text**
42 **Amendments and Zoning Atlas Amendments** - To review government-initiated
43 amendments to the text of the Comprehensive Plan and UDO and to the Zoning Atlas in
44 order to establish two new zoning overlay districts in the Efland area.
45

46 Planner Perdita Holtz introduced this item and made a PowerPoint presentation.

47 **Comprehensive Plan Text, Unified Development Ordinance Text, and Zoning Atlas**
48 **Amendments for Two New Zoning Overlay Districts in the Efland Area**
49 **Quarterly Public Hearing**

1 **November 19, 2012**

2 **Item C.1**

3
4 **Basic Charge**

- 5 - Implement recommendations in the adopted Efland-Mebane Small Area Plan to
6 establish design and site planning standards for this area of the county served by public
7 (or quasi-public) water and sewer systems.
8 - Amend plans and regulations as necessary in order to establish two new zoning overlay
9 districts in the Efland area.

10
11 **What is a zoning overlay district?**

- 12 - Regulatory tools that create a special zoning district, placed over the existing base
13 zones, which identifies special provisions in addition to, or in lieu of, those in the
14 underlying base zone.
15 - Purpose is to guide development within the specified area.
16 - Overlay district regulations can be more restrictive or less restrictive than the regulations
17 that apply to the underlying base zones.

18
19 Zoning Atlas Amendment – map

20
21 Future Land Use Map – map

22
23 Relationship to Existing Efland-Cheeks Overlay District – map

24
25 **UDO Text Amendments**

- 26 - Amendments to several sections necessary to implement the new zoning overlay
27 districts
28 - Intent of the new districts:
29 o Allow for a more urban style of development in the Efland Interstate Overlay
30 District
31 o Allow for an urban village style of development in the Efland Village Overlay
32 District

33
34 **Why Necessary?**

- 35 - Different development regulations necessary in order to reflect the reality of smaller
36 sized lots (both existing and anticipated) served by water and sewer.
37 - Encourage high quality growth in an area of the county proposed for additional growth
38 while protecting existing development and community character.
39 - Ensure good planning practices related to site design, transportation, and architecture
40 are achieved.

41
42 **General Information**

- 43 - Many of the proposed changes in the amendment packet contain footnotes explaining
44 the reason/rationale for the proposed change.
45 - Website contains more information
46 o Questions and Answers
47 o Synopsis of Proposed New Regulations and/or Differences from Existing
48 Regulations
49 o (Orange County, Planning Department, “Current Interest Projects”)

50
51 **Exceptions and Existing Uses**

- 1 - Single-family detached residences (both existing and new) are not subject to the
- 2 requirements of the overlay districts.
- 3 - Other existing land uses are not required to come into conformance with the new
- 4 regulations so long as the property continues to be used as it is currently being used.
- 5 - The requirements of the Major Transportation Corridor (MTC) Overlay District are not
- 6 being altered.

8 **Synopsis of Changes**

9 **(Applicable to Both Districts)**

- 10 - Side and rear setback can be less
 - 11 ○ Intent is to allow required buffer and minimum setback to be the same
- 12 - Smaller (less wide) buffer between lots
 - 13 ○ In keeping with those required in the existing Efland Cheeks Overlay District
 - 14 along highway 70
- 15 - No more than 1 entrance/exit point, unless justified
- 16 - Must provide intra-site accessibility
- 17 - Requirements for driveways and shared access
 - 18 ○ Shared access only applicable if fronting on Mount Willing Road or Highway 70

20 **Synopsis of Changes**

21 **(Efland Interstate Overlay District only)**

- 22 - Site Planning must take into account need for connecting roadways shown on the
- 23 adopted Access Management Plan for the area
- 24 - Large projects must provide an internal pedestrian circulation system
- 25 - Requires that national prototype architectural styles of chain businesses be altered as
- 26 necessary to complement the surrounding area

28 **Synopsis of Changes**

29 **(Efland Village Overlay District only)**

- 30 - Changes in front yard setback requirements
 - 31 ○ Minimum of 30-feet along Highway 70
 - 32 ○ If not along Highway 70: front setback in keeping with adjoining uses
- 33 - No fences in front yards unless a demonstrated need can be shown
- 34 - No chain link or similar fencing
- 35 - No outside storage of materials
- 36 - Allows up to 15% of parking to be located in the front yard (setback area)
- 37 - Encourages shared parking and puts a cap on parking
- 38 - Limits signage to monument style signs that do not exceed 6-feet in height and prohibits
- 39 pole signs
- 40 - Does not permit modern corporate franchise building design
- 41 - Principal building must face fronting street and have a functional doorway
- 42 - Requires that buildings be designed to contribute to a “human scale”
- 43 - Prohibits drive-throughs and mirrored glass

45 **Public Notification**

- 46 • Completed in accordance with Section 2.8.7 of the UDO
 - 47 – Newspaper legal ads for 2 successive weeks
 - 48 – Mailed notices to affected property owners

- 1 – Mailed notices to property owners within 500-feet of affected properties
2 – Posted 25 signs in strategic areas of the affected area

3 **Public Information Meeting**

- 4 - Held on November 14 at the Efland-Cheeks Community Center.
5

6 **Advisory Board Involvement**

- 7 - EMSAP Implementation Focus Group met on August 29 to review the proposal.
8 - (Other meetings had taken place in early 2010)
9

10 **Recommendation**

- 11 • Receive the proposal to amend the Comprehensive Plan, Unified Development
12 Ordinance, and Zoning Atlas.
13 • Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on
14 the proposed amendment.
15 • Refer the matter to the Planning Board with a request that a recommendation be
16 returned to the Board of County Commissioners in time for the **February 5, 2013** BOCC
17 regular meeting.
18 • Adjourn the public hearing until **February 5, 2013** in order to receive and accept the
19 Planning Board's recommendation and any submitted written comments.

20 Commissioner Jacobs asked about the Efland Cheeks Overlay District and the overall effort
21 and who participated. This is on the eastern portion of a larger effort, and some people may not
22 be aware of this.

23 Perdita Holtz said that the overlay district is an effort to allow for the conversion of single-
24 family homes along the highway to low-impact uses such as professional offices or
25 beauty/barber shops. This is the green area. In the pink area, there is pre-designated
26 commercial area, which is at the corner of Frazier Road and US 70 and westward. This allows
27 for a bit more commercial use than what is being contemplated along US 70. The Efland-
28 Mebane Small Area Plan Implementation Focus Group was involved in this effort.

29 *Tony Blake arrived at [7:20:02 PM](#).*

30 Perdita Holtz said that the group was made up of community members who were appointed
31 by the Board of County Commissioners. There is also a representative from the Planning
32 Board, Pete Hallenbeck.

33 Commissioner Yuhasz asked if the Economic Development Director reviewed the
34 architectural design standards in this overlay.

35 Perdita Holtz said that the EDC department was included in the peer review effort.

36 Chair Pelissier asked what it means that businesses “have to be altered to fit in with
37 surrounding areas.”

38 Perdita Holtz said that it would be on a case by case basis through the site review process
39 that if a national chain were to come in, that it would have to stay in keeping with the area.

40 *Andrea Rohrbacher left at [7:26 PM](#).*

1 Commissioner Gordon made reference to the zoning district and the land use classification
2 matrix. She wants to make sure that the 20-year transition would not be urbanized for 20 years.

3 Perdita Holtz said that the 20-year transition area has been in existence since 1981. The
4 land use categories were not changed when the Comprehensive Plan was updated in 2008.

5 Commissioner McKee said that he has some reservations on several aspects of this, such
6 as the prohibition on drive-throughs.

7 Commissioner Jacobs said that there was a discussion on sidewalks and he wants to make
8 it clear that this is a place where there could be higher density residential. He does not want to
9 have higher density residential without sidewalks.

10 Pete Hallenbeck said that the focus group was in total agreement that north of the railroad
11 tracks they did not want fast food restaurants. There was agreement that south of the railroad
12 tracks could have some things like that, with some limitations on the architecture. He said that
13 when this comes to the Planning Board, he will address these concerns by the Board of County
14 Commissioners.

15 Johnny Randall made reference to the synopsis of changes and bullet number 5. He read,
16 "allows up to 15% of parking to be located in the front yard." He asked if this means in a
17 designated parking space or parking in the grass of the front yard of an establishment.

18 Perdita Holtz said that it means in the required parking area, which is not grass. It would
19 have to be a parking lot.

20 **Public Comment:**

21 Rita Needham asked if anything was going to happen north of McGowan Creek.

22 Perdita Holtz said that nothing is being proposed north of McGowan Creek as part of this
23 action. The Efland-Mebane Small Area Plan does contemplate more development in the
24 planning area, which is all the way up to Lebanon Road. At this time, there is nothing
25 happening in this area.

26

27 Commissioner McKee said that his concern is that this action will cause buildings that are
28 currently conforming uses to become non-conforming.

29 Perdita Holtz said that this could potentially happen.

30 *There was more public comment.*

31 Ben Lloyd said that he lives in Efland on US 70. He said that there was the opening of the
32 Efland-Cheeks Community Center and ten people showed up. He said that the people of Efland
33 do not understand how this proposal will benefit the people of that area. He said that if there
34 was more information and if some of the planners came to the Ruritan Club, people will come
35 out to hear and ask questions. He said that he has some reservations about a lot of this
36 proposal. He does not think it is in the best interest of the people of Efland.

37 Warren Shankle lives in Efland along the interstate. He has 2 ½ acres there. He said that
38 he has water and sewer and there are no problems with it. He asked why it would benefit to put
39 sewer here when there are no problems right now.

40 Patricia Gattis lives in Efland on Greg Street off of Richmond Road, and her daughter has a
41 shop near the fire station. She asked if this plan would affect that area.

42 Perdita Holtz said that it does not appear that this property is in the overlay area. She is not
43 sure which lot this is. She will look it up.

1 Commissioner Jacobs asked that after the meeting that Perdita Holtz give Ms. Gattis a
2 definitive answer.

3 A motion was made by Commissioner Gordon, seconded by Commissioner Foushee to refer
4 the matter to the Planning Board with a request that a recommendation be returned to the Board
5 of County Commissioners in time for the February 5, 2013 BOCC regular meeting and adjourn
6 the public hearing until February 5, 2013 in order to receive and accept the Planning Board's
7 recommendation and any submitted written comments.

8 VOTE: UNANIMOUS

9

10 **2. Unified Development Ordinance (UDO) Text Amendment** – To review government-
11 initiated amendments to the text of the UDO in order to modify and clarify existing
12 regulations and definitions associated with the erection and use of outdoor lighting
13 facilities.

14

15 Michael Harvey presented this item and made a PowerPoint presentation.

16 **NOVEMBER 19, 2012**

17 **QUARTERLY PUBLIC HEARING**

18 **AGENDA ITEM:C2**

19 **UDO TEXT AMENDMENT – OUTDOOR LIGHTING**

20 **BACKGROUND:**

- 21 • During the initial development of UDO, several suggested modifications were received
22 on changes to existing outdoor lighting regulations.
- 23 • These suggestions were tabled for future consideration. Staff believes we have reached
24 a point where these amendments can be incorporated into the UDO.
- 25 • This amendment also seeks to address concern over height limitations on athletic field
26 lights. Some believe existing height limits are too restrictive and create additional light
27 pollution on adjoining properties rather than eliminate it.

28 **WHAT THIS PROPOSAL DOES:**

- 29 • Clarify existing regulations, including:
 - 30 – Modify Section 6.11.1 *Purpose and Intent* to include language referencing the
31 County's interest is promoting nighttime visibility and curtailing light pollution.
 - 32 – Modify Section 6.11.1 (E) to include language identifying the County's intent to
33 regulate outdoor lighting in an effort to 'restore natural light cycles'.
 - 34 – Incorporate new formatting changes to ensure the regulations are consistent with
35 the organizational rules of the UDO.

MINUTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 5, 2012
REGULAR MEETING

MEMBERS PRESENT: Larry Wright (Chair), At-Large, Cedar Grove Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Johnny Randall, At-Large Chapel Hill Township; Dawn Brezina, Eno Township Representative; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large Cedar Grove Township;

MEMBERS ABSENT: Peter Hallenbeck (Vice-chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; Rachel Hawkins, Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz; Special Projects Coordinator; Marabeth Carr, DEAPR; Tina Love, Administrative Assistant II

HANDOUTS GIVEN AT MEETING *Planning Board Rules of Procedure; Memo from DEAPR regarding outdoor lighting*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Larry Wright introduced a new member, Herman Staats. He also reminded the Board of the attendance policy.

Agenda Item 7: 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments and Zoning Atlas Amendments. – To make a recommendation to the BOCC on government-initiated amendments to the text of the Comprehensive Plan and UDO and to the Zoning Atlas in order to establish two new zoning overlay districts in the Efland area. This item was heard at the November 19, 2013 quarterly public hearing
Presenter: Perdita Holtz, Special Projects Coordinator

Perdita Holtz: I did a presentation at the Quarterly Public Hearing and there were comments and questions about the material. On pages 18-20 of your agenda packet the comments are summarized with the staff's response. There are two comments that the Board should weigh in on how it should be handled. The first is on page 19, number four about the "tick" mark in the 20 Year Transition and the second issue is about the internal pedestrian circulation system, comment number five.

Larry Wright: Could you tell us about the Efland community and how they met and how long they have met.

Perdita Holtz: The Efland Mebane Small Area Plan is available online in electronic format. This was adopted in June 2006 after 2 ½ years of community meetings. That board was made up of folks who live in the area and a representative from the Planning Board. After the plan was adopted the BOCC appointed an Implementation Focus Group which contained a few folks from the original group and a Planning Board liaison. Since then, this group has met as needed. A lot of the recommendations have been implemented.

Larry Wright: Many of these changes did come from that grass roots level from 2006 through the Focus Group and is reflected here?

Perdita Holtz: Correct. The changes that are part of this takes the desires of the plan and puts it into a regulatory language.

Larry Wright: This is a good example of an area that underscores grass roots run involvement within Orange County where local interest groups meet over time, codify results of their meetings, something comes of it.

Lisa Stuckey: I don't understand the "tick", whether we should have it or not.

Perdita Holtz: The matrix on page 43, in order to zone something to a classification that is along the upper row, you have to be consistent with the Comprehensive Plan. (Some examples of how to read the charts were given).

Craig Benedict: In addition, on recommendations to the plan there was a 10 year transition and a 20 year transition. A 10 year transition we were to develop in the first 10 years of the plan. That was 1981 through 1991. The 20 year area would be 1991 to 2001. Our plan was we really don't think we should be that specific and we are thinking on getting rid of those categories.

Perdita Holtz: We are trying to be proactive in potentially allowing that type of zoning district in these areas.

Alan Campbell: My understanding is that staff is trying to address something that they will have to do in the future. My reaction is we should do it while we have the opportunity. I would do as staff as proposed.

Tony Blake: Is the concern that the notion that this is more broadly applicable and may not be popular in certain areas like a rural buffer? Or are they trying to be that cautious.

Perdita Holtz: My read is that a Commissioner is passionate about maintaining the integrity of the Comprehensive Plan. I would guess she does not see a need for this at this time to go into 20 year transition areas.

Tony Blake: If you were looking at that line saying "transition area" rather than separate 10 and 20 year transition areas, making it into one then you would essentially have the special zoning overlay in there.

Lisa Stuckey: In the village section, are there drive-thru restaurants now?

Perdita Holtz: No. There are only very limited commercial uses currently in the interstate overlay district.

Larry Wright: I have an allegiance to small business. I have a concern about that with the other existing businesses in the area.

Perdita Holtz: There is no one banging down our door to put a drive-thru in this area.

Larry Wright: On page 35, Commissioner Jacobs talked about pedestrian systems. Does item 10 address his comments?

Perdita Holtz: The Pedestrian Circulation System was only proposed for the Efland interstate district. He was talking about requiring a Pedestrian Circulation System in the Efland Village Overlay District. At this time, the standard is not written to require that.

Tony Blake: Regarding transit oriented development, it seems to me that in the Comprehensive Plan, it is not well defined.

Perdita Holtz: One of the reasons these changes have taken so long to come forward is because we did need to have some decision from the BOCC on what we were calling "the sidewalk issue". In October 2011, I did take this issue to the BOCC for a decision but because of county's inability to have funding the way cities do to maintain and construct sidewalks, and because DOT's resistance to not have sidewalks in non-municipal areas. At that time, the BOCC said we need to move forward thinking there will not be a comprehensive sidewalk program in public right-of-way.

Larry Wright: This would not be classified as a municipality?

Perdita Holtz: This is an unincorporated area.

Craig Benedict: That was the difficulty with a public pedestrian system. I would be interested in coming up with language on how, internally to a site plan, can we promote connectivity between adjacent parcels. We could work on a way to put some language in there.

Johnny Randall: Sidewalks are sometimes an afterthought. I am in complete favor of that.

Larry Wright: I think Pete is as well. Do we need to make a recommendation?

Craig Benedict: What I have heard, staff can put some language in to promote private, internal pedestrian circulation systems during the site plan process.

Herman Staats: Do you have any examples of how something like that has been done in the past?

Craig Benedict: The same situations have occurred within the subdivisions of Efland.

Herman Staats: Funding?

Craig Benedict: The developer funded it.

Alan Campbell: Paths, not sidewalks.

Johnny Randall: In addition, if you are doing a pathway or connectivity you need to also do it for bicycle and alternative transportation.

Lisa Stuckey: One point to be made is it is a safety issue, people are going to walk around and if you can't do it safely in a dense area, you are doing a disservice to the public.

Buddy Hartley: What happened with the Habitat development?

Michael Harvey: Tinnin Woods had an agreement that areas would be left but there was no requirement for sidewalks to be installed. Tinnin Woods installed POSA trails at the rear of the property. They are not obligated to put in sidewalks.

Tony Blake: Could there be an obligation to link?

Craig Benedict: If we don't have it clear that we want pedestrian connectivity, we can amend the plan. Once we get it in there, that will be used as a reference guide for someone else.

Tony Blake: Another concern is the railroad track that runs in the middle of that so there may be safety concerns there but the opportunity there is to link that area with the new Hillsborough Railroad station.

Larry Wright: I would like to show the BOCC that we do have support to ask staff to put language in about this.

Motion made by Tony Blake to ask staff to consider transit oriented development and walkability or pedestrian and bicycle paths. Seconded by Alan Campbell.

Vote: Unanimous

Craig Benedict: Regarding transit, now that the ½ cent sales tax has been passed we are working on an east/west route Mebane/Efland/Hillsborough/Durham and we are going to find out where in Efland would be a good place to have an express bus place.

Alan Campbell: Do we need a motion that we approve it?

Perdita Holtz: It can come back in January or you can instruct us to come up with language and I can email it to everyone.

Larry Wright: On page 38, item 5, does that imply that they are permissible on residential uses?

Perdita Holtz: The wording was taken from ECOD to be consistent throughout the UDO.

Larry Wright: Hillsborough has been around since there was a well in the middle of Churton Street and turned into a very commercial street and they had to make it so the large trucks could not pass through. Highway 70 is of the same nature. We are having a municipality that is not a municipality coming in so what will happen when you have commercial districts around 70 and where would be alternative route for these heavy vehicles which leads you to consider more the pressure of sidewalks.

Buddy Hartley: The heavy truck traffic should not be there unless they have a delivery.

Larry Wright: We have two issues before us; the Efland Village Overlay District and the Efland Interstate Overlay District with staff proposals to address items four and five.

Perdita Holtz: It would be good for direction on how you want to recommend to the BOCC. There needs to be a formal motion for four and a motion on the amendments on Attachment 2.

Motion from Lisa Stuckey to retain the "ticks" as recommended by the staff. Seconded by Alan Campbell.

Vote: Unanimous

Motion from Alan Campbell to approve this as presented by staff with the further changes to be developed and circulated through email for item five. Seconded by Tony Blake.

Vote: Unanimous

Pete Hallenbeck submitted the following comments for the record:

Item 7:

Quarterly Public Hearing comments:

Chain/franchise business building standards

South of the railroad tracks "chain restaurants" are permitted. The Small Area Plan and the Implementation groups in general realized the value of being able to identify a business from its signature style of building. They also wanted to take advantage of the proximity to the interstate and have these businesses in order to generate more jobs and tax revenue. There was a desire to have an opportunity for citizen input during the permitting process where minor changes in the building presentation could be proposed. No one had problems with drive throughs. While it is true that this introduces a small subjective component into the permitting process, it was deemed that this was the lessor of two evils where the other option was to blanket permit any and all chain restaurants no matter what the style.

As I commented during the hearing, there would be no chain restaurants north of the railroad tracks. The rationale is as simple as this: Imagine a McDonalds somewhere in downtown Hillsborough, say by King street or across from the Weaver Street Market.

I suspect the franchise rules are also not a problem for chain restaurants. I would imagine they would prefer to be close to the interstate, not up north of the railroad tracks.

During the Small Area Planning and the Implementation phase of these proposed UDO changes, the topic of sidewalks seemed to always come down to keeping people from walking on the road. There are many people that walk along US70 day and night. At night, it is very hard to see many of these people as they don't wear anything reflective. I suspect that any higher density project would increase this potential for this pedestrian traffic, and that you would see more people walking on what are now less traveled side streets. The ordinance changes attempt to deal with this problem, but does not do so as clearly as it does for the Interstate overlay area.

Perhaps the answer is to require sidewalks that will keep people off the streets, but not require sidewalks internal to the project. This will allow for a slow development of a sidewalk system in the area as development occurs.

In the Interstate overlay, the goal of (10) in section 6.6.3 is to avoid the problems that currently exists with people walking on US70 on other roads, such as Mt. Willing, as the area grows. The wording assures a review of these concerns, but also allows for project specific discretion.

Note that as always there is the conflict of wanting sidewalks for safety and aesthetics being in conflict with the desire for affordable housing. Even the comprehensive plan wrestles with this one.

Citizen Comment on the Changes:

A citizen from Efland commented that most people in Efland would not understand the changes, and that they did not understand what had been going on. I remember the early community meetings, and 30+ people showed up. Most were interested in getting sewer into the area. They were told that with sewer comes increased development and business, which was welcomed by most. They were also told that there would be zoning changes due to the pending development. Once the sewer project was on track, many citizens stopped showing up at the meetings.

Most residents also wanted to see opportunities for more businesses in the area, and commented that no new businesses had been allowed for years. The proposed changes allow for more business in the area.

The small area plan and subsequent small area implementation group has been an 8+ year process that was always open to the public. There have been many opportunities for community feedback. I have personally discussed the changes with many at the Fire Department. I sympathize with the average citizen reading zoning ordinance text and trying to understand it, but I feel there has been plenty of opportunity for citizens to ask and receive a "plain English" description of what the overall goals are. It should also be noted that only 10 citizens showed up at the meeting to go over the changes. The opportunity was there.

The citizen made the comment that these changes will not be of much benefit to the community (or words to that effect) and I disagree. These changes allow for new businesses, small professional businesses, and large scale development near the interstate. While there may be some style issues, such as monument style signs for a business instead of pole signs, the overall goals are consistent with the wishes of the community.

All that said, I would be delighted to schedule a meeting with any concerned group and talk to them about these changes.

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: February 5, 2013

**Action Agenda
Item No. 7-a**

SUBJECT: Comprehensive Plan and Zoning Atlas Amendment Outline and Schedule for Upcoming Item – Orange-Alamance County Line Adjustment

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. Comprehensive Plan and Zoning Atlas Amendment Outline Form (CP & Zoning 2013-01) 2. North Carolina Session Law 2012-108 3. Map of Impacted Properties | <p>Michael D. Harvey, Planner III, (919) 245-2597
Craig Benedict, Director, (919) 245-2575</p> |
|--|--|
-

PURPOSE: To consider and approve processes components and schedule for a Planning Director initiated item for amendments to the Comprehensive Plan Future Land Use Map and Zoning Atlas related to the finalization of the Orange-Alamance County Line, currently scheduled for the May 28, 2013 Quarterly Public Hearing

BACKGROUND: For the last several years both Orange and Alamance counties, in coordination with the State legislature, have worked to comprehensively address inconsistencies associated with the location of the county boundary line.

In May of 2011 the General Assembly adopted Session Law 2011-88, which resolved approximately 91% of the county line issues. The remaining disputed area (i.e. the 9% area) was resolved with the passage of Session Law 2012-108 in June of 2012.

This item seeks to complete work on the project by addressing land use and zoning designations for properties associated with Session Law 2012-108. Please refer to Section B.1 of Attachment 1 for additional information.

FINANCIAL IMPACT: Please refer to Section C.3 of Attachment 1.

RECOMMENDATION(S): The Manager recommends the Board approve the attached Amendment Outline Form and direct staff to proceed accordingly.

COMPREHENSIVE PLAN/ FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

CP & Zoning 2013-01

May 28, 2013 Quarterly Public Hearing:

Orange – Alamance Boundary Land Use and Zoning Amendments

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From: ---
To: Agricultural Residential
- Zoning Map:
From: - --
To: AR (Agricultural Residential)
- Other: This is a comprehensive plan and zoning atlas map amendment to assign land use and general use zoning district designations to 11 parcels along Eliza Lane, located within the Cedar Grove Township, either wholly or partially located in Orange County's planning jurisdiction as a result of the changes to the Orange-Alamance County Line.

Text Amendments

- Comprehensive Plan Text:
Section(s): N/A
- UDO Text:
 UDO General Text Changes
 UDO Development Standards
 UDO Development Approval Processes
Section(s): N/A
- Other: N/A

B. RATIONALE

1. Purpose/Mission

The purpose of this amendment is to establish land use and zoning categories for 11 partially zoned properties recently added to the County's planning jurisdiction as a

result of the Orange-Alamance County Line Adjustment project consistent with Session Law 2012-108 (commonly referred to as the '9% line') enacted by the North Carolina General Assembly on June 28, 2012. A copy of the Session Law is contained within Attachment 2.

The following properties, identified utilizing Parcel Identification Numbers (PIN) data provided by the Orange County Tax Administration department, are subject to this request:

- | | | |
|----------------|----------------|---------------|
| 1. 9920461659 | 2. 9920471321 | 3. 9920461622 |
| 4. 9920461234 | 5. 9920451933 | 6. 9920461356 |
| 7. 9920461170 | 8. 9920461550 | 9. 9920471131 |
| 10. 9920461843 | 11. 9920461967 | |

Please refer to Attachment 3 for maps of the aforementioned properties.

It should be known there are three parcels along Eliza Lane located within both Orange and Caswell County. Planning staff, in coordination with the Manager's office, will be contacting Caswell County to ensure tax and service issues are properly addressed for these parcels.

Disputes over the actual location of the Orange-Alamance County line date back to its creation in 1849. Both counties have worked to resolve the problem and took the necessary steps, in consultation and coordination with our State legislative partners, to address the majority of the issue with the adoption of Session Law 2011-88 enacted by the North Carolina General Assembly on May 25, 2011. This law addressed approximately 91% of the boundary line dispute between the counties.

The County took action to assign land use and zoning designations to impacted properties (i.e. moved into our planning jurisdiction) associated with the passage of Session Law 2011-88 at its December 13, 2011 regular meeting. Agenda materials for this meeting can be viewed at: <http://orangecountync.gov/OCCLERKS/1112137a.pdf>.

Additional information on this portion of the project can be obtained by reviewing the agenda packet from the November 21, 2011 Quarterly Public Hearing at: <http://orangecountync.gov/OCCLERKS/111121c2.pdf>.

In accordance with the provisions of Section 2.8: *Zoning Atlas and Unified Development Ordinance Amendments* and Section 2.3: *Comprehensive Plan Amendments* of the Orange County Unified Development Ordinance (UDO), the Planning Director has initiated an amendment to the Land Use Element Map, located within Chapter 5: Land Use Element of the Comprehensive Plan, and the Orange County Zoning Atlas to assign land use and zoning designations to those properties associated with the formalization of the county boundary line consistent with Session Law 2012-088.

2. Analysis

As required under Section 2.3.9 of the Orange County Unified Development Ordinance, the Planning Director is required to: *'cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'*. In analyzing this proposal, the following information is offered:

1. The identified properties are already partially assigned a land use and zoning district designation, specifically they are zoned Agricultural Residential (AR) and are located within the Agricultural Residential Land Use Category as detailed within the Comprehensive Plan,
2. Field inspections have been conducted by staff verifying that there do not appear to be any existing land uses inconsistent with the aforementioned zoning or land use categories.

In order to be consistent with the existing development patterns in the area, and the current zoning/land use designation of the parcels, staff is recommending extending the AR zoning district designation and the Agricultural Residential Land Use Category on those portions of property recently added to our planning jurisdiction.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

This project is a house keeping item necessitated by the change in the Orange-Alamance County line location. In analyzing this proposal, the following Comprehensive Plan goals are offered justifying the request:

Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

- Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.
- Goal 2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.
- Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation systems.

4. New Statutes and Rules

Session Law 2012-108, Senate Bill 201 (AKA the 9% Bill):

‘ An Act to establish the remaining nine percent of the common boundary between Alamance County and Orange County not addressed by Session Law 2011-88 and as authorized by the General Assembly by Session Law 2010-61 enabling the changes in the historic Orange County-Alamance County boundary line as described in the 1849 survey establishing Alamance county. ‘

This proposal will complete our work on the project and serve as concluding our efforts with respect to finalizing the boundary line for Orange and Alamance county.

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

February 5, 2013

- b. Quarterly Public Hearing

May 28, 2013

- c. BOCC Updates/Checkpoints

May 7, 2013 (legal ad approval)
June 18, 2013 (decision)

- d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements. Additionally, staff will hold one open house on April 22, 2013 to review the proposal with impacted property owners.

- a. Planning Board Review:

June 5, 2013 (for recommendation)

- b. Advisory Boards:

N/A

- c. Local Government Review:

Alamance County: completed by April 3, 2013

- d. Notice Requirements

Process consistent with NC State Statutes and Orange County ordinance

requirements.

e. Outreach:

General Public:

Notification letters shall be sent via first class mail to impacted property owners prior to quarterly public hearing, no later than May 13, 2013 in accordance with Section 2.8.7 of the UDO.

Postcards sent to all property owners within 500 feet of those parcels subject to rezoning informing them of the public hearing in accordance with Section 2.8.7 of the UDO.

Open House: An open house will be held on April 22, 2013 to allow impacted property owners to review staff's recommendation(s).

Small Area Plan Workgroup:

Other:

3. FISCAL IMPACT

Expenditures for this project will be paid using Departmental funds budgeted for the specific activity. Expenditures include:

- Legal Ad
- Signs
- Notification letters and postcards (postage and supplies)

Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

Properties affected will now be subject to land use designations and zoning where there was no land use designation or zoning before in Alamance County.

E. SPECIFIC AMENDMENT LANGUAGE

Actual Ordinance amending both the official Zoning Atlas and Future Land Use Map of the Comprehensive Plan shall be prepared for the Planning Board's review at its June 5, 2013 regular meeting and for review and action by the BOCC at its June 18, 2013 meeting.

Primary Staff Contact:

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2012-108
HOUSE BILL 1090**

AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY-ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. The historic boundary line forming Alamance County from Orange County was described and surveyed in 1849. In the subsequent 160 years, this line became uncertain, resulting in unintentional modifications to the boundary line affecting taxation, school attendance, zoning maps, and elections, within and among Alamance County, Orange County, and the Town of Mebane, North Carolina. Pursuant to G.S. 153A-18(a) entitled "Uncertain or Disputed Boundary", both county boards of commissioners passed resolutions (Alamance County, December 17, 2007 and Orange County, January 18, 2008) to request that North Carolina Geodetic Survey perform a preliminary resurvey and present a proposed map for consideration by both counties.

SECTION 2. In the 2011 session, the General Assembly, through S.L. 2011-88, ratified and adopted ninety-one percent (91%) of the boundary line between Alamance County and Orange County. Also in the 2011 session, the General Assembly, through S.L. 2011-87, authorized the boards of commissioners of Alamance County and Orange County to determine the most appropriate location for the remaining nine percent (9%) of the boundary line.

SECTION 3. The General Assembly recognizes the difficulties in addressing the issues associated with adopting a county boundary line and authorizes Alamance County and Orange County to maintain the current taxing, elections, education and any other recognized government functions in place in the transition areas affected by this act, if so needed, until July 1, 2013.

SECTION 4.(a) Except as otherwise provided in this act, on and after January 1, 2013, all papers, documents, and instruments required or permitted to be filed or registered, involving residents and property in areas affected by the resurvey of the boundary line, which previously may have been recorded in the adjoining counties, shall be recorded in the county to which the property has been reassigned by this act.

SECTION 4.(b) On and after January 1, 2013, all real and personal property in areas affected by the resurvey of the boundary line that was subject to ad valorem taxation on January 1, 2013, shall be subject to ad valorem taxes in the county to which the property is reassigned for the fiscal year beginning July 1, 2013, to the same extent as it would have been had it been correctly recognized by the tax departments of each county on March 1, 2013, except as hereinafter provided with respect to classified registered motor vehicles. On September 1, 2012, the adjoining county tax administrators shall commence the transfer to the respective county tax assessors the ad valorem tax listings and valuations for all real and personal property subject to ad valorem taxation in areas affected by the resurvey of the boundary line, except classified motor vehicles which were registered in the adjoining counties prior to July 1, 2012. For the fiscal year that begins July 1, 2012, all real and personal property in areas affected by the resurvey of the boundary line, which was subject to ad valorem taxation in that area on January 1, 2013, shall be assessed and taxed as follows:

- (1) The ad valorem property taxes assessed on all classified registered motor vehicles registered or listed in adjoining counties between January 1, 2012,



- and March 1, 2013, shall be collected by the appropriate adjoining county tax collector, and all such taxes shall be retained by that adjoining county. The taxes on all classified registered motor vehicles registered after March 1, 2013, shall be assessed and collected by the county tax department in the county to which the real property wherein the classified registered motor vehicles are situated has been reassigned.
- (2) The values established by the particular adjoining county tax administrator on all personal property other than classified registered motor vehicles shall be used by each county tax assessor without adjustment in computing taxes due for the fiscal year beginning July 1, 2013. All such taxes shall be assessed and collected by the appropriate county tax department.
 - (3) For the interim time period between the reassignment of properties into their respective counties and until such time as the next regularly scheduled revaluation period, Alamance County and Orange County may select either of two methods of valuating the property reassigned into their respective counties by this act. The selection of either method by a county shall not give any individual or entity grounds for challenging such temporary valuation. Such methods are delineated as follows:
 - a. The values established by the adjoining county tax administrators on all real property formerly taxed in their county shall be adjusted by the appropriate county tax assessor by applying the difference between one hundred percent (100%) of such values and the appropriate county median ratio, as established by the Sales Assessment Ratio Study compiled by the North Carolina Department of Revenue as of January 1, 2009. The taxes determined by applying this method will be collected and retained by the appropriate county tax collector. The value of such property shall then be revalued according to the regularly scheduled revaluation period for each county.
 - b. The values established by the adjoining county tax administrators on all real property formerly taxed in their county shall be adopted by the appropriate county tax assessor upon the transition of property to the adjoining county. The valuation of such property shall then be revalued according to the regularly scheduled revaluation period for each county.
 - (4) Beginning January 1, 2014, all property in areas affected by the resurvey of the boundary line that is subject to ad valorem taxation shall be listed, assessed, and taxed by the appropriate county tax administrator in the same manner as is prescribed by law for all other property located within each county.
 - (5) The final tax values of property subject to ad valorem taxation in areas affected by the resurvey of the boundary line as of January 1, 2014, shall be determined by the adjoining county tax administrator. Appeals to the North Carolina Property Tax Commission or to the courts by property owners of properties affected by the boundary line change shall be defended by both counties, and both counties shall be responsible for the counties' costs and expenses, including attorneys' fees, incurred in connection with such appeals.
 - (6) Any unpaid taxes or tax liens for the fiscal year ending June 30, 2013, or for prior years on property subject to taxation in areas affected by the resurvey of the boundary line shall continue to be valid and enforceable by the respective adjoining county, including the foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375, and the remedies of attachment and garnishment provided for in G.S. 105-366 through G.S. 105-368. The Alamance County and Orange County tax administrators shall supply one another with a list of unpaid taxes for properties in areas of the boundary line affected by the resurveys for the tax year 2012 on or before July 1, 2013. Any such taxes collected by either county shall be promptly paid to the appropriate adjoining county including accrued interest. The provisions of

G.S. 105-352(d) shall not apply to (i) those areas in adjoining county previously taxed by either county outside the areas affected by the resurvey of the boundary line, that shall forthwith be properly listed and taxed in the county to which they have been reassigned by this act; and (ii) those areas within each county that were in the past improperly listed and taxed by the adjoining counties due to uncertainty as to the exact location of the true historic Alamance County-Orange County boundary line.

SECTION 4.(c) No cause of action, including criminal actions, involving persons or property in areas affected by the resurvey of the boundary line that is pending on July 1, 2013, shall be abated, and such actions shall continue in the appropriate adjoining county. In no event shall a defense to a criminal act be maintained where such defense alleges a lack of jurisdiction due to any act or failure to act related to the adjustment of the boundary line by this act, regardless of when such criminal act is alleged to have occurred.

SECTION 4.(d) The board of elections of each adjoining county shall, effective July 1, 2013, transfer the voter registration records pertaining to persons residing in areas affected by the resurvey of the boundary line and located in either county to the adjoining county's board of elections, and thereafter the registered voters so transferred shall be validly registered to vote in that adjoining county. Persons in areas affected by the resurvey of the boundary line shall continue to be in the same State House, State Senate, and United States House of Representatives Districts as they were prior to the resurvey.

SECTION 4.(e) The Jury Commission of each adjoining county shall revise its jury lists to add to or eliminate therefrom those persons subject to jury duty who reside in areas affected by the resurvey of the boundary line, said revised jury lists to be effective July 1, 2013.

SECTION 5.(a) Any properties affected by S.L. 2010-61 or this act and that are subject to taxation under G.S. 105-274 and that were taxed by both the Alamance County and Orange County taxing authorities on or after January 1, 2007, are hereby granted the following relief:

- (1) Property owners of any such dually taxed properties may, pursuant to the terms of G.S. 105-381, demand refund and/or release of taxes paid to the county from which their property, or portion thereof, was transitioned.
- (2) Any claim for relief pursuant to this section and under the terms of G.S. 105-381 may be made for taxes assessed January 1, 2007, through December 31, 2012. All such claims for relief must be made in writing to the county from which the affected property was transitioned on or before February 28, 2013. Should a claim for relief pursuant to this section not be made by February 28, 2013, such claim is waived and no further relief shall be granted pursuant to this or any other act. Alamance County and Orange County shall not grant refunds or releases pursuant to this section for any claims made after February 28, 2013, and are released from all liability, and no court action shall be maintained for any such claims made for any act or failure to act pursuant to this section.

SECTION 5.(b) The provisions of this section shall apply only to properties transitioned or reassigned from one county to the other, in whole or in part, by the resurveys of individual qualifying properties pursuant to S.L. 2010-61 and this act.

SECTION 5.(c) For purposes of this section only, the term "property owner" shall include any builder or developer that paid property taxes on real property to both counties and subsequently sold said property or that, as part of an escrow agreement in which the buyer of such property paid taxes to one county and the builder or developer who sold the property, paid taxes on the same piece of property to the adjoining county.

SECTION 5.(d) The taxing authorities of Alamance County and Orange County shall notify property owners affected by this section of the terms of this section within 30 days of this act becoming law. Such notice shall be by United States mail at the mailing address to which any tax bills were previously submitted. No other notice is or shall be required.

SECTION 6. Any child who was a resident of any area reassigned by this act on its date of ratification and who was a student in the Orange or Alamance school system during the 2011-2012 school year, and the siblings of any such person, may attend school in the same school system attended in the 2011-2012 school year without necessity of a release or payment of tuition. Any such student, while attending the Orange County school system, shall be considered a resident of Orange County for all public school purposes, including transportation,

athletics, and funding formulas. Any such student, while attending the Alamance County School system, shall be considered a resident of Alamance County for all public school purposes, including transportation, athletics, and funding formulas. Notice must be given to all affected school systems by the parent or guardian in order to exercise the privilege granted by this section.

SECTION 7. The establishment of a county boundary line is, pursuant to Section 1 of Article VII of the North Carolina Constitution, the sole responsibility of the General Assembly. Further, it is vital to the State of North Carolina and all affected local governments that county boundary lines be fixed and any uncertainty as to the location of county boundary lines be resolved. For this reason and in the interest of justice, neither Alamance County nor Orange County, nor any agent, employee, or appointed or elected official thereof, shall be liable to any individual, group, organization, for-profit or not-for-profit business entity of any kind, governmental entity or agency of any type or kind for any damages, costs, fees, or fines, and or court action shall be maintained against said counties, officials, employees, and agents for any recommendation, act, failure to act, or conduct related to S. L. 2010-61, S.L. 2011-88, or this act and/or the adoption of a fixed boundary line separating the two counties. Except as set out in Section 5 of this act, and effective upon this act becoming law, Alamance County and Orange County, their officials, employees, and agents are released from all liability for any claims made, and no court action shall be maintained against said officials, employees, and agents for any act or failure to act pursuant to the terms of this act, S.L. 2011-88, or S.L. 2010-61, and no further relief shall be granted or cause of action sustained except as provided herein.

SECTION 8. Should any provision of S.L. 2010-61, as amended by S.L. 2011-88, conflict with any provision of this act, the provisions of this act shall control. Should any line marking the area of the nine percent (9%) reflected in the surveys referenced herein conflict with any line shown on the surveys describing the area of the ninety-one percent (91%), the surveys marking the area of the nine percent (9%) shall control.

SECTION 9. Pursuant to Section 1 of Article VII of the North Carolina Constitution, any boundary line between Alamance County and Orange County previously surveyed, recognized, adopted, described, utilized, or ratified, save and except the ninety-one percent (91%) of the boundary line adopted by S.L. 2011-88, is modified as set forth herein upon ratification of this act.

SECTION 10. Pursuant to Section 1 of Article VII of the North Carolina Constitution, the official boundary line regarding the remaining nine percent (9%) of the line separating Alamance County and Orange County, as recommended by the Alamance County Board of Commissioners at its meeting of December 6, 2010, and the Orange County Board of Commissioners at its meeting of December 14, 2010, is hereby formally recognized and adopted by the General Assembly.

SECTION 11. Upon adoption, the survey plats reflecting the boundary line shall be filed with the Alamance County Register of Deeds, with the Orange County Register of Deeds, and in the office of the Secretary of State as provided in G.S. 153A-18(a).

SECTION 12. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of June, 2012.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

Caswell County

12

Alamance County

Area to be zoned AR and assigned
Agricultural Residential land use
designation

Hyco Creek
Unprotected Watershed

AR

Back Creek
Protected Watershed

Alamance County

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

- | | | | |
|----------------------------|------------------------|---------------------------------------|--|
| USGS Water Feature | Parcels | Zoning | 100 YR Floodplain (Effective 02/02/07) |
| Soils Survey Water Feature | Township | City Limits | Floodway (Effective 02/02/07) |
| OC Updated Water Feature | School System Boundary | ETJ | 500 YR Floodplain (Effective 02/02/07) |
| Water Body | Contours | Conservation Easements Held by Others | Buildings |
| River Basins | County Boundary | Orange County Conservation Easements | Water and Sewer Boundary |
| Watershed | Soils | | |



1 inch = 208.333 feet



**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No. 7-b**

SUBJECT: Follow-up Discussion on the Continuation of the Historic Rogers Road
Neighborhood Task Force

DEPARTMENT: Solid Waste Management

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

INFORMATION CONTACT:

Frank Clifton, County Manager, 245-
2300

Michael Talbert, Assistant County
Manager, 245-2308

PURPOSE: To follow-up on Board discussions at the January 24, 2013 regular meeting and the January 29, 2013 work session regarding the continuation of the Historic Rogers Road Neighborhood Task Force with consideration of the following:

- 1) Requesting that the Towns appoint their respective representatives;
- 2) Confirming the appointment of Commissioners Penny Rich and Renee Price to serve on the Task Force;
- 3) Consider appointing David Caldwell and Robert Campbell from the Rogers Eubanks Neighborhood Association (RENA) to serve on the Task Force; and
- 4) Confirming the Charge and a Timeline for the continued activities of the Task Force.

BACKGROUND: Beginning in 1972 the landfill was opened by the Town of Chapel Hill and in 1999 Orange County assumed ownership and operation of the Eubanks Road Landfill. The Historic Rogers Road Community has lived with the Orange County Landfill for 40 years. The Community is geographically split by the Towns of Chapel Hill and Carrboro. Orange County as the current owner/operator of the Landfill is taking the lead to make remediation improvement to the Historic Rogers Road Community.

On May 17, 2011 the Board received a plan from RENA recommending actions to mitigate the long and short term impacts of Orange County's Landfill and Solid Waste operations on the health, safety and welfare of the Historic Rogers Road – Eubanks Road Community.

At the January 26, 2012 Assembly of Governments meeting, the Board and the Town Boards discussed the extension of sewer service and a community center for the Historic Rogers Road Community. County and Town Attorneys have concluded that utilization of Solid Waste reserves to extend sewer service to the Historic Rogers Road Community is not consistent with North Carolina General Statutes and would subject the local governments to legal challenges. Therefore, funding for either the extension of sewer services and/or a community center will have to come from the County's and Towns other general revenue sources.

On February 21, 2012 the Board approved the original Composition and Charge of the Historic Rogers Road Neighborhood Task Force:

- Two members appointed by each Town - Chapel Hill (Council Members Rich and Ward) and Carrboro (Board Members Johnson and Slade)
- Two members appointed by the County (Commissioners Hemminger & Foushee)
- Two members appointed from the Rogers Eubanks Neighborhood Association (David Caldwell and Robert Campbell)

The original Charge for the Historic Rogers Road Neighborhood Task Force was to investigate and make recommendations to the Board of County Commissioners, the Chapel Hill Town Council and the Carrboro Board of Aldermen for neighborhood improvements including funding sources and the financial impact to the County & Towns, for the following:

1. Sewer Service to the Historic Rogers Road Neighborhood as defined by the previously approved public water connections in the area.
2. A Neighborhood Community Center.

The Task Force was also directed to:

- a. Submit an Interim Report back to the County and the Towns by the end of August, 2012; and
- b. Submit a Final Report to the Assembly of Governments on December 6, 2012.

On December 6, 2012, the Assembly of Governments received an interim report from the Historic Rogers Road Neighborhood Task Force and held a lengthy discussion of the accomplishments of the Task Force. One of the recommendations from the Task Force was that the Task Force continue to meet for an additional six (6) months to address the Charge with the original composition of the Task Force. Town Board Members and County Commissioners voiced their opinions concerning the continuation of the Task Force and the issues that are still unresolved. Since the meeting was a work session, no decisions were made and the future of the Task Force was referred back to the Board of Commissioners.

On January 24, 2013 the Board of Commissioners took the following action:

First, a motion was made by Commissioner Alice Gordon and seconded by Commissioner Earl McKee:

- That the County move forward with the construction of the community center;
- Instruct staff to confer with the managers and attorneys of the county and towns, to come up with legal options for constructing the center, including whatever memorandum of agreement is needed;
- The budget is to be \$650,000, with a maximum of \$700,000 and 4,000 square feet;
- Confer with the towns about their financial participation;
- The staff is to come back with recommendations for the board to consider on how the center is to be operated.

The motion was approved unanimously.

Second, a motion was made by Commissioner Mark Dorosin and seconded by Commissioner Renee Price:

- To continue the Task Force for six (6) months;
- To have the Task Force consider the final costs, provision and installation of water and sewer utility extensions preferably at no cost for members of the Historic Rogers Road community;
- Consider options to address gentrification;
- To consider Chapel Hill's most recent Small Area Plan;
- Consider funding options, including the Greene Tract.

The motion was approved with a vote of 5 to 2.

At the January 29, 2013 work session, the Board approved Commissioners Rich and Price to serve as the County's members on the continued Task Force over the next six months.

FINANCIAL IMPACT: The financial impact of funding improvements in the Historic Rogers Road Community is uncertain until direction is provided by the Board.

RECOMMENDATION(S): The Manager recommends that the Board:

1. Request that the Towns appoint Task Force Members;
2. Confirm the appointment of Commissioners Rich and Price as the County's members on the Historic Rogers Road Neighborhood Task Force;
3. Appoint David Caldwell and Robert Campbell from the Rogers Eubanks Neighborhood Association to the Historic Rogers Road Neighborhood Task Force; and
4. Confirm the Charge and a Timeline for the Task Force.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: February 5, 2013

**Action Agenda
Item No. 8-a**

SUBJECT: Changes in Taxation for Motor Vehicles

DEPARTMENT: Tax Administration

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Power Point Presentation
Informational Flyer

INFORMATION CONTACT:

Dwane Brinson, Tax Administrator,
(919) 245-2726

PURPOSE: To provide an overview of the upcoming changes to the taxation of registered motor vehicles as stipulated in House Bill 1779, and to inform the Board on the current status of the project.

BACKGROUND: In 2005, the North Carolina General Assembly ratified House Bill 1779 to create a combined motor vehicle registration renewal and property tax collection system. The legislation places the responsibility for motor vehicle property tax collection for the State's 100 counties with the Division of Motor Vehicles (DMV). The new combined registration fee and tax collection is known as North Carolina's "Tag & Tax System". The new process will take effect with vehicle registration renewals that are due in July 2013. By June 2014, all North Carolina vehicles will be enrolled in the system.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): The Manager recommends that the Board receive the report.

NORTH CAROLINA “TAG AND TAX”

Background

- General Assembly passed HB 1779 in 2005
- Bill was delayed a couple of times, but now is moving forward towards implementation
- Will take effect with vehicle registration renewals due July, 2013

Current System: “Billing in Arrears”

- Taxpayer renews vehicle registration through NCDMV, either online, mail or in person
- Tax office receives monthly file of all new registrants from the preceding month
- Vehicle property tax bill mailed out by tax office approximately 3 months after registration renewal
- Vehicle property tax bill due the 4th month after registration renewal

Current System: “Billing in Arrears”

- On average, 66% of Registered Motor Vehicle (RMV) bills are paid on time
- In a full fiscal year, vehicle tax collections across are significantly less than annual bills (Figure 1)

Figure 1: Fiscal Year Ended June 30, 2011 Collections

	<u>RMV</u>	<u>Annual</u>
<i>Orange County</i>	91.16%	98.98%
Statewide Average	87.22%	97.91%
100,000+	88.09%	98.37%
50,000 – 99,999	85.37%	96.96%
25,000 – 49,999	84.01%	96.61%
24,999 and Below	84.08%	95.23%

*Source: LGC Memorandum #2012-14, 4/17/2012

New System

- “Tag and Tax” project
- Combines vehicle property tax notice and payment with the vehicle registration process
- Invitation to renew
 - ▣ Registration fee and vehicle tax notice sent in advance
- Taxpayers must pay vehicle property tax at same time as vehicle registration fee
 - ▣ Must be paid in full

New System

- Assessor determines value, situs, and taxable status of the vehicle in advance – not in arrears
- File is “delivered” to DMV to prepare the invitations to renew the registration
- Taxes must be paid in order to obtain the registration – no partial payments will be allowed

Configuration

- Vehicle Tax System (VTS) will be a separate system housed by the NC Department of Revenue
- NCDMV responsible for titles and registrations
- NCDOR responsible for tax administration of vehicles

Project Goals

- To improve the citizen's experience
 - ▣ Reduce the number of government interactions
 - ▣ Eliminate the need for delinquent vehicle collections

- Reduce/share costs
 - ▣ Duplicate mailings (postage, materials, handling, etc.)

- Increase efficiency of an existing tax
 - ▣ Improve collections and revenues
 - ▣ Improved compliance

Implementation

- Counties work first files in the new VTS April, 2013
 - ▣ Combined notices in mailboxes by June 1, 2013

- Old and new system will overlap for four months
 - ▣ Change in due date

- Counties to work files in two systems for five months

Renewals

- Assessor will situs and assess vehicles in VTS
- VTS will send amount of taxes due to STARS system
- DMV will mail and collect
- Due date will be 15th of the month
- Valuation appeal must be made within 30 days of due date
- Real time

How Project Was Paid For

- Project costs were paid through the Special Fund administered by the State Treasurer
 - 3% additional interest on delinquent bills
- All taxing jurisdictions on the combined notice would bear their share of costs based upon each unit's contribution to the total amount of the notice
- An effective cost comparison should prorate costs among jurisdictions

Public Outreach

- Provided tri-fold insert with annual listing forms
- Notices being mailed with each RMV monthly mailing
- Information announcement on county digital monitors
- Press release through Public Information Office
- Educational video with PIO available 24/7 on website and YouTube
- Presentation to BOCC

Questions

Contact Information:

Dwane Brinson

Orange County Tax Administrator

dbrinson@orangecountync.gov

919-245-2726

The new Tag & Tax System makes it easier to manage your vehicle registration and taxes

One payment – made either in person, online or by mail . . .

Completes the annual tag and tax payments for your vehicle. Now, your annual vehicle inspection, registration renewal and property tax are all due the same month each year.

Learn more about North Carolina's new Tag & Tax System by reading the FAQs in this brochure, or calling the Orange County Tax Office at (919) 245-2725.

En Español:

www.co.orange.nc.us/revenue/registered_motor_vehicles.asp

About North Carolina's New Tag & Tax System

The North Carolina General Assembly passed a new law to create a combined motor vehicle registration renewal and property tax collection system (Tag & Tax System). In doing so, the new law transfers the responsibility for motor vehicle tax collection from the 100 counties across North Carolina to the Division of Motor Vehicles (DMV).

North Carolina's new Tag & Tax System has been designed as a convenient way to pay annual vehicle tag renewals and vehicle property taxes.

If your address is current with the N.C. Division of Motor Vehicles, you will receive a Tag & Tax Notice listing both vehicle registration fees and taxes due. Just as in the past, vehicle owners will receive the notice about 60 days prior to their vehicle's registration expiration.





FAQs

Q. Why is the state's collection of vehicle property taxes changing?

In 2005, the North Carolina General Assembly ratified House Bill 1779 to create a combined motor vehicle registration renewal and property tax collection system. The legislation places the responsibility for motor vehicle property tax collection for the state's 100 counties with the Division of Motor Vehicles (DMV). The new combined registration fee and tax collection has become North Carolina's new "Tag & Tax System."

Q. When does the new Tag & Tax System take effect?

The new system is scheduled to be phased into effect with vehicle registration renewals that are due in July 2013. By June 2014, all North Carolina vehicles will be enrolled in the system.

Q. Why has my registration renewal form changed?

The new form combines information about your vehicle registration renewal fee and your vehicle property tax due. The new Tag & Tax System allows you to make one payment for both registration renewal and vehicle property tax.

Q. Will my vehicle registration renewal fee remain the same?

Yes. Vehicle registration renewal fees will remain the same annual cost. The only increase in your bill will reflect the vehicle property tax amount.

Q. When is my vehicle tax due?

Your vehicle tax will be due at the same time you renew your vehicle. North Carolina law requires that your vehicle property tax be paid in order to renew the vehicle registration. The due date will be printed on the new combined notice that you receive in the mail.

Q. Can I renew my vehicle registration if I do not pay my property tax first?

No. You cannot renew your vehicle's registration, whether it is leased or owned, unless the total taxes and registration fees on the vehicle are paid.

Q. Am I paying vehicle property taxes for the coming year, or for the preceding year?

Taxes due on this notice are for the coming year, covering the same period as the vehicle registration.

Q. What if I lease my vehicle? Do I need to pay my property taxes to the leasing company?

No. Vehicle property taxes on leased motor vehicles must be paid in full at the time of renewal. A copy of the combined tag and tax notice is not sent to the leasing company.

Q. Is interest charged on late payments?

Yes. State law requires that interest be charged on late vehicle property tax payments and on late registration renewals.

Q. How will I know what vehicle property tax I owe?

Your property tax will be included on the new combined notice with your county and municipality tax rates and other applicable taxes due.



Q. Will I receive a tax refund if I transfer my license plate to another vehicle during the year?

No. If you have paid your vehicle property tax for the year and then transfer the license plate to another vehicle, you will not be eligible for a refund of the taxes paid. The registered motor vehicle to which the plates are transferred will not be taxed until its current registration is renewed.

Q. When can I apply for a refund of vehicle property taxes paid?

An owner can apply for a refund of taxes paid when a motor vehicle is sold or registered out of state. The refund will be calculated on any full calendar months remaining in the registration period after the license plate is surrendered to the N.C. Division of Motor Vehicles. Within one year of surrendering the license plates, the owner must present the following to the county tax office: (1) Proof of plate surrender to N.C. DMV (DMV Form FS20); and (2) Copy of the Bill of Sale or the new state's registration.

Q. Should I pay vehicle property tax if I am active duty military?

Active duty non-resident military personnel may be exempt from North Carolina motor vehicle property tax. To qualify for an exemption, you must present a copy of your Leave & Earnings Statement to the county tax office. The statement should be for the month and year in which you register the vehicle and must include your Estimated Time of Separation (ETS) date and home of record. Spouses and/or dependents are not exempt unless they are active duty military non-residents.

Questions? Please Contact Us

Orange County Tax Administration
228 South Churton Street
Suite 200
Hillsborough, NC 27278

Phone: (919) 245-2725 Option #2

Web: <http://www.co.orange.nc.us>

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
1/24/13	Review and consider request by Commissioner Pelissier that the Chair establish a practice of sending letters to all advisory board members whose service expires, thanking them for their service	2/5/2013	Chair/Vice Chair/Manager	DONE Chair to send letters to all advisory board members whose service expires
1/24/13	Review and consider request by Commissioner Pelissier that the Board move forward with establishing a new and different thorough application form/process for prospective appointees for four boards and boards with fiduciary responsibilities	2/5/2013	Chair/Vice Chair/Manager	DONE Chair to consult with County Attorney regarding request and possible development of new application for identified boards
1/24/13	Provide assistance as necessary to NCDOT to move the draft Comprehensive Transportation Plan forward for consideration by the OUTBoard for a recommendation and bring it back to the BOCC at the March 7, 2013 regular meeting	3/7/2013	Tom Altieri Craig Benedict	Staff to provide assistance for OUTBoard consideration and bringing Plan back to March 7 th meeting
1/24/13	Move forward with pursuing architect, agreements with Habitat for Humanity and RENA, permitting through the Town of Chapel Hill, and all other aspects related to construction of the Rogers Road Community Center	5/1/2013	Michael Talbert, Jeff Thompson, & Frank Clifton	Efforts to move forward

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: January 18, 2013						
Tax Year 2012	Amount Charged in FY 12 - 13	Amount Collected	Accounts Receivable*	Amount Budgeted in FY 12 - 13	Remaining Budget	% of Budget Collected
Current Year Taxes	\$ 135,068,463.00	\$ 127,654,632.80	\$ 7,596,718.80	\$ 135,068,463.00	\$ 7,413,830.20	94.51%
Prior Year Taxes	\$ 4,026,736.27	\$ 1,200,771.30	\$ 2,505,452.88	\$ 994,130.00	\$ (206,641.30)	120.79%
Total	\$ 139,095,199.27	\$ 128,855,404.10	\$ 10,102,171.68	\$ 136,062,593.00	\$ 7,207,188.90	94.70%
Tax Year 2011	Amount Charged in FY 11 - 12	Amount Collected	Accounts Receivable	Amount Budgeted in FY 12 - 13	Remaining Budget	% of Budget Collected
Current Year Taxes	\$ 131,785,329.00	\$ 125,845,593.34	\$ 8,214,737.64	\$ 131,785,329.00	\$ 5,939,735.66	95.49%
Prior Year Taxes	\$ 3,553,341.59	\$ 1,138,413.59	\$ 2,340,341.02	\$ 843,846.00	\$ (294,567.59)	134.91%
Total	\$ 135,338,670.59	\$ 126,984,006.93	\$ 10,555,078.66	\$ 132,629,175.00	\$ 5,645,168.07	95.74%
Current Year Overall Collection Percentage Tax Year 2012			94.40%			
Current Year Overall Collection Percentage Tax Year 2011			93.88%			

*Accounts Receivable will increase throughout the fiscal year due to discoveries, audits and remaining billings for registered motor vehicles.