



**Orange County
Board of Commissioners**

Agenda

Regular Meeting

May 5, 2015

7:00 p.m.

Richard Whitted Meeting Facility

300 West Tryon 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. Announcements and Petitions by Board Members (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/ Special Presentations

- a. Historic Preservation Month in Orange County
b. Older Americans Month Proclamation



5. Public Hearings

- a. Comprehensive Plan and Unified Development Ordinance Text Amendments for Agricultural Support Enterprises Within the Rural Buffer Land Use Classification (No Additional Comments Accepted)
- b. Housing and Community Development Consolidated Plan – FY 2015-2020
- c. Consolidated Plan Annual Action Plan/HOME Program

6. 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. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outlines and Schedules for Four (4) Proposed Text Amendments
 - e. Amendment and Extension to Existing Interlocal Agreement with the Town of Hillsborough for Plan Review, Inspection, Building Official and Related Services
 - f. Request for Road Additions to the State Maintained Secondary Road System (Eno Ridge Subdivision)
 - g. Request for Road Additions to the State Maintained Secondary Road System (Ashwick Subdivision)

7. Regular Agenda

- a. Designation of the White Cross School as an Orange County Local Historic Landmark
- b. Orange County Solar Development Initiatives Update
- c. Proposed Veterans Memorial Site on the Southern Campus

8. Reports

9. County Manager's Report

Projected May 12, 2015 Regular Work Session Items

Presentation by Partnership to End Homelessness
Potential Revisions to the Existing Public Hearing Process
Private Road and Access Standards
Educational Facility Impact Fees and Age-Restricted Housing

10. County Attorney's Report

11. Appointments

12. Board Comments (Three Minute Limit Per Commissioner)



13. Information Items

- April 21, 2015 BOCC Regular Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- BOCC Chair Letter Regarding Petitions from April 21, 2015 Regular Meeting

14. Closed Session

15. Adjournment

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

Orange County Board of Commissioners' regular meetings and work sessions are available via live streaming video at orangecountync.gov/occlerks/granicus.asp and Orange County Gov-TV on channels 1301 or 97.6 (Time Warner Cable).

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

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

SUBJECT: Historic Preservation Month in Orange County

DEPARTMENT: Department of Environment,
Agriculture, Parks and
Recreation (DEAPR)

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:

Peter Sandbeck, 245-2517

PURPOSE: To proclaim May as Historic Preservation Month in Orange County.

BACKGROUND: Each May, the Historic Preservation Commission (HPC) asks the BOCC to adopt a proclamation declaring May to be Historic Preservation Month in Orange County as a means of publicizing and promoting the many historic preservation efforts now taking place throughout the county. Non-profit groups and governments across the country observe May as Historic Preservation Month.

Historic Preservation Month offers an opportunity for the County and its local partners in Hillsborough and Chapel Hill to reach out to a residents, visitors, students and preservationists by promoting greater awareness of historic places in the community and sharing information about local preservation projects and programs.

Orange County can take pride in the many historic preservation activities now underway or recently accomplished by the County and the HPC, including:

- Partnering with the Town of Hillsborough on a multi-year project to produce a new illustrated publication or guidebook to highlight the County's historic buildings and farmsteads, with funding assistance from the State Historic Preservation Office;
- Updating the County's historic resources inventory, first completed in 1993 and updated in 2006, as a first step in the project to develop a book;
- Partnering with the Alliance for Historic Hillsborough (Alliance) and Preservation Chapel Hill to host programs and tours about the County's history, archaeology and historic resources;
- Initiating a project to rebuild the replica Occaneechi Village in River Park, working with Occaneechi tribal leaders as well as the Town of Hillsborough and the Alliance;
- Developing a regular tour of the historic Old Courthouse in partnership with the Alliance;

- Initiating the renovation of the historic Cedar Grove School to serve as a new community center for residents of the northern part of the County, to include an exhibit interpreting the history of the school and the surrounding African-American community;
- Preparing to open the Blackwood Farm as the newest County park, to include a major focus on interpreting the history of farming, farm life and the many historic resources located on the park property;

These examples represent just a sample of the County's current efforts to promote the importance of its cultural heritage and its historic resources.

FINANCIAL IMPACT: None

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the proclamation designating May as Historic Preservation Month in Orange County and recommends the Board extend an invitation to the public to support the preservation of the County's irreplaceable historic and archaeological resources.

ORANGE COUNTY BOARD OF COMMISSIONERS

HISTORIC PRESERVATION MONTH IN ORANGE COUNTY

PROCLAMATION

WHEREAS, Orange County can be proud of its long history of recognizing and protecting its rich historic and archaeological resources through the dedicated efforts of individuals, non-profit groups, municipal and county governments; and

WHEREAS, Orange County partners with the Alliance for Historic Hillsborough, Preservation Chapel Hill, and other non-profit groups and local governments to preserve these important, and often irreplaceable, resources; and

WHEREAS, Orange County has demonstrated its commitment to historic preservation by using the restored Alexander Dickson House in Hillsborough as a visitor center, repairing and restoring historic farmsteads at future county park sites, preserving the historic Old County Courthouse, and designating important properties with historic and architectural significance as local landmarks; and

WHEREAS, Orange County recently renovated the former auditorium in the Whitted Center for use as a permanent meeting room for the Board of County Commissioners and is presently renovating the Cedar Grove School for new use as a community center, thereby ensuring the preservation of these historic school buildings for enjoyment and use by all residents; and

WHEREAS, Orange County government works actively to protect its own archaeological and cultural resources during County-funded construction projects through a “Cultural and Archaeological Policy” that serves as a model for other counties in North Carolina; and

WHEREAS, the Orange County Historic Preservation Commission has obtained grant funding for a project to permanently document the County’s historic resources by producing a book depicting its historic houses and farmsteads, in partnership with the Town of Hillsborough and the State Historic Preservation Office; and

WHEREAS, historic preservation is an effective tool for fostering local pride and maintaining community and rural character while enhancing livability; and

WHEREAS, historic preservation is relevant for all residents of Orange County, both urban and rural, of all ages, all walks of life and all ethnic and cultural backgrounds;

NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby proclaim May 2015 as Historic Preservation Month and call upon the people of Orange County to join their fellow residents in recognizing and participating in this special observance.

This the 5th day of May, 2015.

Earl McKee, Chair
Orange County Board of Commissioners

ATTEST:

Donna Baker, Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

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

SUBJECT: Older Americans Month Proclamation

DEPARTMENT: Aging and Advisory Board on
Aging

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

Older Americans Month Proclamation

INFORMATION CONTACT:

Janice Tyler, Director, 245-4255
Heather Altman, Chair – Advisory
Board on Aging

PURPOSE: To approve a proclamation joining Federal and State governments in designating the month of May as Older Americans Month and a time to honor older adults for their contributions to society and to Orange County.

BACKGROUND: May is Older Americans Month, a tradition dating back to 1963. For many years the Orange County Board of Commissioners has issued a proclamation for Older Americans Month. This year's national theme is *Get Into the Act*. The theme focuses on how older adults are taking charge of their health, getting engaged in their communities, and making a positive impact in the lives of others.

The theme also reflects on the 50th anniversary of the Older Americans Act. President Lyndon B. Johnson signed the Older Americans Act into law in July 1965. Since that time the Act has provided a nationwide aging services network and funding that helps older adults live with dignity in the communities of their choice for as long as possible. These services include senior centers, daily lunch programs, caregiver support, community-based assistance, preventive health services, elder abuse prevention, and much more.

While the Department on Aging offers outstanding programs and services to older adults year-round, Older Americans Month offers an opportunity to emphasize how older adults can access the home and community-based services they need to live independently in their communities. It is also an occasion to highlight how older adults are engaging with and making a difference in their communities.

This year the Department on Aging is highlighting the work being done by the Project EngAGE Senior Resource Teams. Seven teams are working in the following areas: Outreach to Faith Based Organizations; Falls Prevention; Dying with Dignity; Village Community Models; Senior

Hunger; Transportation; and Community Watch/SALT (Seniors and Law Enforcement Together).

In 2015 there are over 23,000 Orange County residents who are 60+ and, of that group, over 1,700 who are over age 85. As large numbers of baby boomers reach retirement age, it is a Department on Aging goal to keep them physically and socially active through their 80s and beyond. Lifelong participation in community, social, creative and physical activities have proven health benefits, including retaining mobility, muscle mass and cognitive abilities. But older adults are not the only ones who benefit from their engagement in community life. Studies show their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved.

In honor of this year's theme, *Get Into the Act*, everyone is challenged to get engaged with your community and develop a healthy, active lifestyle that will serve you well for years to come. Take time to visit your local Senior Center and the Orange County Department on Aging and see how you can be active, involved and aging well in the Orange County community.

FINANCIAL IMPACT: There is no financial impact associated with approval of the proclamation.

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation designating May as Older Americans Month and authorize the Chair to sign the proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS

Proclamation

Older Americans Month – May 2015

Theme - “Get Into the Act”

Whereas, Orange County includes over 23,000 persons aged 60 and older; and

Whereas, Orange County includes a thriving community of older adults who deserve recognition for their contribution and sacrifices to ensure a better life for future generations; and

Whereas, the Orange County Board of Commissioners is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

Whereas, we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

Whereas, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social inclusion.
- Emphasizing home and community-based services that support independent living.
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

Now Therefore, we, the Orange County Board of Commissioners, do hereby proclaim May 2015 to be Older Americans Month and urge all residents to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

This the 5th day of May, 2015.

Earl McKee, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: May 5, 2015

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

SUBJECT: Comprehensive Plan and Unified Development Ordinance Text Amendments for Agricultural Support Enterprises Within the Rural Buffer Land Use Classification (No Additional Comments Accepted)

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENTS:

1. Comprehensive Plan/UDO Amendment Outline Form (UDO/Zoning 2013-10)
2. Statement of Consistency
3. Ordinance Amending Comprehensive Plan and UDO
4. Excerpt of Minutes from February 24, 2014 Quarterly Public Hearing
5. Planning Board's Statement of Consistency and Excerpts of Minutes of May 7, 2014 and April 1, 2015 (Draft) Meetings
6. Resolutions Adopted by the Towns of Carrboro and Chapel Hill and Orange County to Amend the Joint Planning Documents

INFORMATION CONTACT:

Perdita Holtz, Planner III, 919-245-2578
Craig Benedict, Director, 919-245-2592
John Roberts, County Attorney, 919-245-2318

PURPOSE: To receive the Planning Board recommendation, close the public hearing, and make a decision on Planning Director initiated text amendments to the Comprehensive Plan and Unified Development Ordinance to implement a program commonly referred to as "Agricultural Support Enterprises" within the Rural Buffer land use classification.

As a reminder, the reconvening of this hearing is solely to receive the Planning Board recommendation and any additional written evidence submitted since the February 24, 2014 Quarterly Public Hearing. This hearing is not intended to solicit additional input from the public. 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 that will implement a program that has been in development since 2001. The necessary amendments to the Joint Planning Land Use Plan and Agreement have been adopted by Orange County and the Towns of Chapel Hill and Carrboro (see Attachment 6) so the County can now consider adoption of the implementing regulations to

its Comprehensive Plan and Unified Development Ordinance (UDO). The Towns of Carrboro and Chapel Hill made recommendations regarding the UDO amendments which have been incorporated into the amendment package contained in Attachment 3.

Public Hearing

The proposed Comprehensive Plan and UDO amendments were heard at the February 24, 2014 Quarterly Public Hearing. Attachment 4 is an excerpt from the minutes of the public hearing.

Attachment 2 contains the required Statement of Consistency indicating the proposed amendment is consistent with the adopted Comprehensive Plan. Attachment 3 contains the proposed amendments with changes to incorporate the Towns' recommendations shown in colored text.

Planning Director's Recommendation: The Planning Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public interest, contained in Attachment 2 and proposed amendment package contained in Attachment 3.

The amendments, since originally heard at public hearing in 2014, are reasonable and represent common ground that helps implement agricultural business goals.

Planning Board Recommendation: At its May 7, 2014 meeting, the Planning Board unanimously voted to recommend approval of the originally proposed amendments. The proposal was reconsidered by the Planning Board on April 1, 2015 to provide for Planning Board review of the changes to the text that had been made in response to the Towns' recommendations and to have the Planning Board adopt a Statement of Consistency, a requirement that began after May 2014. On April 1, 2015, the Planning Board voted 7-1 to recommend approval of the amendments. The member who voted "no" was not a member of the Planning Board in May 2014. The Planning Board's signed Statement of Consistency and Draft Minutes are included in Attachment 5.

Procedural Information: In accordance with Sections 2.3.10 and 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. The Resolutions adopted by the Towns of Carrboro and Chapel Hill (Attachment 6) should be considered written comments.

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

RECOMMENDATION: The Manager recommends the Board:

1. Receive the Planning Board's recommendation;
2. Close the public hearing;
3. Deliberate as necessary on the proposed amendments; and
4. Decide accordingly and/or adopt the Statement of Consistency, contained within Attachment 2, and the Ordinance amending the Comprehensive Plan and UDO contained within Attachment 3, as recommended by the Planning Board and staff.

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

UDO / Zoning-2013-10

Agricultural Support Enterprises Within the Rural Buffer Land Use Classification

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map:
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:

Section(s): Appendix F: Land Use and Zoning Matrix

- UDO Text:

- UDO General Text Changes
 UDO Development Standards
 UDO Development Approval Processes

Section(s): Sections 2.5.4, 2.7.4, 2.8.5, 3.8, 5.2, 5.13.2, 5.14.2, 5.14.4, 5.16.1, 5.16.2, 5.17.7, 5.17.18, and 6.2.2

- Other:

B. RATIONALE

1. Purpose/Mission

To complete the Agricultural Support Enterprises (ASE) project that has been in development since 2001. The purpose of ASE is to enable bona fide farmers to engage in uses related to agriculture on their farmland in order to generate additional farm income with the intent of better enabling farmers to keep farming, thereby preserving an important part of Orange County's heritage. Use-specific and general

development standards are also proposed in order to minimize any adverse impacts on adjoining and nearby properties. The ASE program within the Rural Buffer land use classification will potentially allow for development of more agriculturally-related uses in the geographic area of the county designated “Rural Buffer” by utilizing a new conditional zoning district (ASE-CZ) and by expanding agriculturally-related uses in the Rural Buffer general use zoning district.

2. **Analysis**

Readers are encouraged to also view the companion Amendment Outline Form for “Agricultural Support Enterprises Outside of the Rural Buffer Land Use Classification” to gain more information about the entire ASE program (available as part of item #5-a on the May 20, 2014 BOCC agenda: <http://orangecountync.gov/occlerks/140520.pdf>).

Because a text amendment to the Joint Planning Area Land Use Plan and Agreement was necessary in order to apply the ASE program to the Rural Buffer, this Comprehensive Plan/UDO text amendment was proposed separately from the companion text amendment which applied to the County’s planning jurisdiction that is not designated “Rural Buffer.” The required amendments to the Joint Planning Area documents were heard at the March 27, 2014 joint planning public hearing and the amendments were approved by the three local governments as of April 7, 2015.

The ASE concept, as it pertains to the Rural Buffer, was discussed at the November 21, 2013 Assembly of Government meeting. Meeting materials are available at: <http://orangecountync.gov/occlerks/131121.pdf>

As required under Section 2.8.5 of the UDO, 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 Rural Buffer is a geographic area of the county, under Orange County’s planning jurisdiction, that is also part of the Joint Planning Area (JPA) Agreement which is an agreement between Orange County and the Towns of Chapel Hill and Carrboro (see <http://www.orangecountync.gov/planning/Documents.asp> for links to JPA documents and maps). Agricultural uses are located in the Rural Buffer and “Agriculture,” as a type of use, was “folded” in to the Rural Buffer land use category in the JPA Land Use Plan when the plan was developed/adopted. The Rural Buffer is “further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres.” Changes were made to the JPA documents in 2014 to clarify that agricultural uses exempt from zoning regulations are allowed in the Rural Buffer. The changes made to the JPA documents in 2015 allow low-intensity agricultural support uses in the Rural Buffer. The County UDO amendments for “ASE within the Rural Buffer” could not be considered for adoption until after the amendments to the Joint Planning Area Land Use Plan and Agreement were adopted by all three local governing bodies.

The existing Rural Buffer (RB) zoning district includes the following Purpose

statement:

The purpose of the Rural Buffer (RB) District is to provide locations for rural residential developments and agricultural, silvicultural or horticultural uses which serve to buffer or separate more intensively planned and/or developed portions of Orange County. Development within the Rural Buffer (RB) District is at very low densities (the minimum lot size per dwelling unit is two acres) and relies on individual wells and ground absorption systems for domestic water supply and sewage disposal, respectively.

The RB purpose statement shows that agricultural uses were envisioned to be allowed/included in the Rural Buffer and the amendments made in 2014 to the JPA documents clarified this idea.

The proposed UDO text amendment would add the following agriculturally-related uses/activities as “permitted by right” in the RB general use zoning district, subject to the use-specific standards in Article 5 and the general development standards in Article 6:

- Agricultural Processing Facility, Community
- Community Farmers’ Market
- Cooperative Farm Stand
- Community Meat Processing Facility
- Non-Farm Use of Farm Equipment
- Microbrewery with Minor Events (requires Class B SUP)
- Winery with Minor Events (requires Class B SUP)
- Microbrewery, production only (requires Class B SUP)
- Winery, production only (requires Class B SUP)
- Rural Heritage Museum (requires Class B SUP)
- Rural Special Events

The proposed text amendment also would allow application of the ASE-CZ conditional zoning district in the Rural Buffer. Conditional zoning districts allow applicants to apply for a rezoning that can be considered on a case-by-case basis, taking into account the suitability of a particular parcel of land for a proposed use(s). Mutually agreed upon development or operational conditions can also be applied to the rezoning action. Conditional zoning districts are a regulatory tool that help local governments allow appropriate uses on a site-specific basis while also allowing the imposition of conditions that may help ease nearby residents’ concerns about a particular use.

Because of the uniqueness of the Rural Buffer, some of the uses applicants may apply for as an ASE-CZ rezoning request will not be available for properties located in the Rural Buffer land use classification. The following uses have been deemed too intensive to be considered for the Rural Buffer:

- Composting operation, with grinding
- Meat Processing Facility, Regional
- Stockyards / Livestock Markets
- Sawmills

Additionally, the Towns of Carrboro and Chapel Hill recommended that the following

four uses be deleted from consideration for location within the Rural Buffer and the proposed amendment package excludes these uses in the Rural Buffer:

- Agricultural Processing Facility
- Winery with Major Events
- Microbrewery with Major Events
- Assembly Facility Greater than 300 Occupants

Use-specific development standards for most of the new uses are located in Article 5. The standards are intended to mitigate any adverse impacts a proposed use may cause to adjacent properties. Additionally, the development standards applicable to all development in Orange County (Article 6 of the UDO) will apply to the uses included in this amendment; examples of the standards in Article 6 are: land use buffers, parking, signage, stream buffers, and performance standards such as noise.

The Land Use and Zoning Matrix in the Comprehensive Plan is proposed to be amended to show that the ASE-CZ zoning district could be applied in the Rural Buffer land use classification.

Completion of the ASE zoning program is included in the County's adopted (2009) Agricultural Development and Farmland Protection Plan available at: <http://www.orangecountync.gov/ercd/documents/farmland%20protection/Orange%20County%20ADFPP%20Adopted%2011-17-09.pdf>

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Planning Principle #5: Preservation of Rural Land Use Pattern

Planning Principle #8: Preservation of Community Character

Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.

Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing, development of a distribution center, and marketing initiatives.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

September 5, 2013

- b. Quarterly Public Hearing

February 24, 2014

- c. BOCC Updates/Checkpoints

May 14, 2013 - work session

September 9, 2013 - special work session

November 21, 2013 - Assembly of Governments meeting (issues related to Rural Buffer)

February 4, 2014 – approve legal ad for quarterly public hearing

March 27, 2014 – joint public hearing for JPA-related amendments

June 3, 2014 – approved JPA-related amendments

October 16, 2014 – Joint Orange County/Town of Carrboro meeting

November 19, 2014 – Assembly of Governments meeting

April 7, 2015 – approved revised JPA-related amendments

May 5, 2015 - receive Planning Board recommendation on UDO amendment package within the Rural Buffer

- d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements and additional outreach as described below.

- a. Planning Board Review:

October 2, 2013 – ORC Meeting

November 6, 2013 – ORC Meeting (continued) - Comments were incorporated into the proposed amendments and the Planning Board stated it was ready for the proposal to be heard at a public hearing. The ORC agrees that removing the most intensive uses in the ASE-CZ zoning district from consideration in the Rural Buffer is likely the most feasible way to proceed.

May 7, 2014 – made recommendation to approve amendments as presented at February 24, 2014 quarterly public hearing

March 4, 2015 – reviewed changes suggested by the Towns of Carrboro and Chapel Hill and made recommendation on revised amendments

- b. Advisory Boards:

Agricultural Preservation Board (APB) reviewed and discussed the entire ASE program at its October 16, November 20, 2013, and January 15, 2014 meetings

The consensus of the APB is that the Board is supportive of moving forward with the proposed ASE program and would like farmers to have the ability to apply for as many

types of agriculturally-related uses as possible. The Board agrees that removing the most intensive uses in the ASE-CZ zoning district from consideration in the Rural Buffer is likely the most feasible way to proceed.

c. Local Government Review:
November 21, 2013 Assembly of Governments (AOG) Meeting to Present to Elected Officials

August 13, 2013 - Planning staff informally notified Chapel Hill and Carrboro Planning Directors of work in progress and anticipated AOG item

Proposed amendment package formally sent to JPA partners on January 17, 2014.

December 5, 2013 - Planning staff notified Chapel Hill and Carrboro Planning Directors of the need for a joint planning public hearing on March 27, 2014 to consider text amendments to the JPA plan and agreement to allow ASE uses in the Rural Buffer

Town of Carrboro reviewed JPA amendments along with UDO amendments at meetings on:
June 3, 2014
June 17, 2014
September 9, 2014
October 7, 2014
October 14, 2014
January 13, 2015 (not discussed due to time constraints)
January 27, 2015

Town of Chapel Hill reviewed JPA amendments along with UDO amendments as ancillary discussion at meetings on:
June 9, 2014
November 10, 2014
January 26, 2015 (no discussion, consent item to continue public hearing)
February 23, 2015 (no discussion, consent item to continue public hearing)
March 9, 2015

October 16, 2014 – discussion item at joint Orange County/Town of Carrboro meeting

November 19, 2014 – discussion item at AOG meeting

d. Notice Requirements

Item was included in the legal advertisement for the February quarterly public hearing which was published in The Herald Sun and the News of Orange on February 12 and 19, 2014.

e. Outreach:

General Public: The Public Information Meeting scheduled for February 13, 2014 had to be rescheduled to February 17 due to inclement weather. The meeting was advertised in the legal ad, press

release, and posted flyers in government buildings/facilities and businesses in the county. The press release was published in the print version of the News of Orange on January 29, 2014.

Information about the ASE program, including the public information meeting, was posted on the Planning Department’s website (<http://orangecountync.gov/planning/AgriculturalSupportEnterprises.asp>) on January 24, 2014.

Small Area Plan Workgroup:

Other: Planning staff has worked with DEAPR staff and the Agricultural Preservation Board to ensure the “agricultural community” is informed of the amendments.

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2013-14 Departmental funds budgeted for this purpose. Existing County staff included in Departmental staffing budgets will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

These amendments would allow for appropriate agriculturally-related uses either by right, with a special use permit, or via a conditional zoning district (ASE-CZ) in the Rural Buffer land use classification, subject to use-specific standards (Article 5) and the general development standards (Article 6) that apply to all development.

Please also see section B.2 above for additional information.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 3.

Primary Staff Contact:

Perdita Holtz
Planning & Inspections
919-245-2578
pholtz@orangecountync.gov

Attachment 2

**STATEMENT OF CONSISTENCY
OF PROPOSED COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE
AMENDMENTS WITH THE 2030 COMPREHENSIVE PLAN AND/OR OTHER ADOPTED
COUNTY PLANS**

Orange County has initiated text amendments to the Comprehensive Plan and Unified Development Ordinance to potentially allow appropriate agricultural support enterprise uses in the Rural Buffer land use classification.

The Board of County Commissioners finds:

- The requirements of Sections 2.3 and 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and
- 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 documentation within the record denoting that the rezoning **is consistent** with the adopted 2030 Comprehensive Plan and/or other adopted County plans.

The amendment is consistent with applicable plans because it:

- Supports the following 2030 Comprehensive Plan goals and objectives:

Planning Principle #5: Preservation of Rural Land Use Pattern

Planning Principle #8: Preservation of Community Character

Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.

Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing, development of a distribution center, and marketing initiatives.

- Achieves completion of the ASE zoning program as recommended in the County's adopted Agricultural Development and Farmland Protection Plan (2009).

The amendments are reasonable and in the public interest because:

- The proposed amendments potentially allow for the location of uses related to agriculture in a rural area of Orange County, thereby helping to strengthen the rural community by possibly providing additional income sources for farmers or other rural interests and by providing a "rural infrastructure" in areas of the county with few non-residential opportunities.
- The proposed amendments achieve a reasonable balance of protecting existing land uses while allowing for appropriate development by instituting use-specific standards on most of the additional uses or by requiring a rezoning to a conditional zoning district which

will allow for the imposition of conditions that would mitigate any adverse impacts of development.

- The proposed amendments provide for public participation in the development review process by requiring a rezoning to a conditional zoning district or a special use permit for all but the least-intensive uses.
- The proposed amendments promote public health, safety, and general welfare by furthering the goals and objectives of the 2030 Comprehensive Plan, including implementation of the County's adopted Agricultural Development and Farmland Protection Plan (2009).

The Board of County Commissioners hereby adopts this Statement of Consistency and findings expressed herein.

Earl McKee, Chair

Date

**AN ORDINANCE AMENDING
THE ORANGE COUNTY COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT
ORDINANCE**

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance, as established in Sections 1.1 and 1.7 of the Orange County Unified Development Ordinance (UDO), in order to allow for appropriate low-intensity agricultural support enterprise uses within the Rural Buffer land use classification, 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 Agricultural Development and Farmland Protection Plan (2009) and is internally consistent with the 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

Planning Principle #5: Preservation of Rural Land Use Pattern

Planning Principle #8: Preservation of Community Character

Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.

Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing, development of a distribution center, and marketing initiatives.

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 and Unified Development Ordinance 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 _____, 2015.

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 _____, 2015 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 _____, 2015.

SEAL

Clerk to the Board of Commissioners

Amendment Package for “Agricultural Support Enterprises” Within the Rural Buffer

Notes

The pages that follow contain the amendments necessary to the Unified Development Ordinance (UDO) text and Comprehensive Plan text to adopt changes related to “Agricultural Support Enterprises” (ASE) within the Rural Buffer land use classification.

The following colors/text effects are used:

- **Red Text:** Proposed additions/changes to existing text, presented at the February 2014 quarterly public hearing.
- **Red Strikethrough Text:** Proposed deletions of existing text, presented at the February 2014 quarterly public hearing.
- **Green Text:** Changes suggested after the February 2014 quarterly public hearing as a result of review/comment by the Towns of Carrboro and Chapel Hill.

Some 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 online at: <http://orangecountync.gov/planning/Ordinances.asp>

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

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 ~~strikethrough~~ text.

- ~~(T) Phase lines and numbers if the development is to be phased;~~
- ~~(U) Methods of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited;~~
- ~~(V) Compliance with County adopted access management, transportation and/or connectivity plans and denote the location of future roadway(s) and access easements, whether public or private, to ensure and encourage future connectivity; and~~
- ~~(W) Additional information may be required based on the site location and the type of development proposed.~~

2.5.4 Procedures and Timeframes

- (A) Upon submission, the Planning Director shall review the site plan application for completeness in form and content according to this Article.
- (B) If an application is incomplete, it will be returned to the applicant within five working days.
- (C) When a complete application has been accepted, the plan(s) shall be distributed to applicable agencies, DAC, and other departments for review and comment.
 - (1) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.¹
- (D) The Planning Director shall review the plan(s) based on, but not limited to, the following general criteria:
 - (1) Compliance with all applicable County ordinances;
 - (2) Extent and intensity of impacts to the surrounding area;
 - (3) Respect for existing site conditions, including slope, vegetation, drainage patterns, etc.;
 - (4) Efficient use of the land to minimize disturbance and grading and to conserve energy;
 - (5) Safe and efficient vehicular and pedestrian circulation;
 - (6) Logical placement of structures and other site functions;
 - (7) No open burning of trees, limbs, stumps and construction debris associated with the permitted activity; and
 - (8) Compliance with any previously issued Special Use or Conditional Use Permit(s) associated with the project.

¹ This section is being added in response to Town of Carrboro and Chapel Hill recommendations that the Agricultural Preservation Board be given the opportunity to review and comment on any applications in the Rural Buffer. Planning staff is recommending a 30 day comment period to ensure that the review/approval process for uses permitted by right does not become overly lengthy. However, the APB generally meets only every other month so a special meeting may need to be called to review any applications.

-
- ~~(9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.~~
 - ~~(10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.~~
 - ~~(11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum).~~

2.7.4 Staff Review

- (A) The Planning Director shall cause an analysis to be made of the application by qualified representatives of the County and other agencies or officials as appropriate.
 - (1) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.²
- (B) The Planning Director shall submit the analysis to the Board of County Commissioners and the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.
- (C) The appropriate Board reviewing the application shall receive and enter the analysis into evidence during the public hearing. The analysis shall be subject to examination by all interested parties and the Planning Director shall be subject to cross-examination regarding the analysis.
- (D) The Planning Director shall not make a recommendation on the general findings detailed within Section 5.3 of this Ordinance

2.7.5 Neighborhood Information Meeting

- ~~(A) Before a Public Hearing may be held for a Special Use the applicant is required to schedule a minimum of one neighborhood information meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.~~
- ~~(B) The applicant shall obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and shall mail certified notices of the meeting date and time to each property owner within 500 feet of the property for which a Special Use has been requested.~~
- ~~(C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.~~

² This section is being added in response to Town of Carrboro and Chapel Hill recommendations that the Agricultural Preservation Board be given the opportunity to review and comment on any applications in the Rural Buffer. Planning staff is recommending a 30 day comment period to ensure that the review/approval process does not become overly lengthy. However, the APB generally meets only every other month so a special meeting may need to be called to review any applications.

- (F) A traffic impact study as required by Section 6.17.
- (G) For amendments to the Special Flood Hazard Area Overlay District, pertaining to a Letter of Map Amendment:
 - (1) An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA), or
 - (2) A "No-Impact" analysis for a Letter of Map Revision.
- (H) All other circumstances, factors and reasons that the applicant offers in support of the proposed Zoning Atlas and/or Unified Development Ordinance text amendment.

2.8.4 Applications for Amendment – Joint Planning Area

Applications for amendments to the Orange County Unified Development Ordinance and Zoning Atlas for the purpose of incorporating the provisions of the Chapel Hill Land Development Ordinance (and Zoning Maps) and/or the Carrboro Land Use Ordinance (and Zoning Maps) shall be processed as specified herein and as specified in the Joint Planning Agreement adopted November 2, 1987, and as amended from time to time.

Any text amendments adopted by Orange County shall be adopted by reference as though fully set forth herein. Any map amendments adopted by Orange County shall be officially denoted on the County Zoning Atlas. Where there is inconsistency between the amendment procedures contained herein and those contained in the Joint Planning Agreement, the provisions of the Joint Planning Agreement shall apply.

2.8.5 Review, Analysis and Recommendation

- (A) The Planning Director shall 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.
- (B) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
 - (1) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
 - (2) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.³

2.8.6 Public Hearing Required

A public hearing shall be held before adoption of any proposed Zoning Atlas Amendment and/or text amendment to this Ordinance. The Board of County Commissioners and the Planning Board shall hear applications and receive public comment for Zoning Atlas amendments and/or text amendments to this Ordinance in a Quarterly Public Hearing.

³ This section is being added in response to Town of Carrboro and Chapel Hill recommendations that the Agricultural Preservation Board be given the opportunity to review and comment on any applications in the Rural Buffer. Planning staff is recommending a 30 day comment period to ensure that the review/approval process does not become overly lengthy. However, the APB generally meets only every other month so a special meeting may need to be called to review any applications.

<h1 style="margin: 0;">ASE-CZ</h1> <h2 style="margin: 0;">AGRICULTURAL SUPPORT ENTERPRISES</h2>	DIMENSIONAL AND RATIO STANDARDS	
	PURPOSE	Lot size, min., per use (square feet)
The purpose of the Agricultural Support Enterprises (ASE-CZ) District is to provide for agriculturally-related activities that are not considered bona fide farming activities within the County's planning jurisdiction.	Lot Width, min. (feet)	150
	Front Setback from ROW, min. (feet)	40
The purpose of the Agricultural Support Enterprises (ASE-CZ) District is to provide for agriculturally-related activities that are not considered bona fide farming activities within the County's planning jurisdiction.	Side Setback, min. (feet)	20 [2]
	Rear Setback, min. (feet)	20 [2]
APPLICABILITY	Height, max. (feet)	45 [3]
The district shall be located in such a manner as to be compatible with the character of existing development of surrounding properties, thus insuring the continued conservation of building values and encouraging the most appropriate use of land in the county. Therefore, when evaluating an application for this district, emphasis shall be given to the location of the proposed development, the relationship of the site and site development plan to adjoining property, and the development itself. This district shall not be applied in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan. ⁴	Floor Area Ratio, max	No requirement [4]
	Required Open Space Ratio, min.	No requirement [4]
	Required Livability Space Ratio, min.	No requirement [4]
	Required Recreation Space Ratio, min.	No requirement [4]
DIMENSIONAL STANDARDS NOTES: [1] Lot size for individual uses shall be appropriate to the method of water supply and sewage disposal. [2] Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district. [3] Two feet of additional height shall be allowed for one foot increase of the required front and side setbacks. [4] The overall development will be evaluated to ensure compatibility with surrounding properties and with planning objectives.	Required Pedestrian / Landscape Ratio, min.	No requirement [4]
ASE-CZ DISTRICT SPECIFIC DEVELOPMENT STANDARDS		
1. Uses shall be restricted to those indicated for the ASE-CZ District in Section 5.2. Certain uses shall not be approved on parcels located within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan (refer to Section 5.2.3 for these uses). Additionally, non-residential uses are restricted based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.3 for land use restrictions. 2. Development within the zoning district shall be subject to all applicable use standards detailed in Article 5 and all applicable development standards detailed in Article 6 of this Ordinance. 3. The residential density permitted on a given parcel is based on the Watershed Protection Overlay District in which the property is located. Refer to Section 4.2.4 for a breakdown of the allowable density (i.e., the number of individual dwellings that can be developed on a parcel of property). The ASE-CZ district is not intended for residential uses such as subdivisions. Any residential uses are to be occupied by the operator of the associated farm or the proprietor of the approved use. 4. Allowable impervious surface area is based on the Watershed Protection Overlay District in which the property is		

⁴ This sentence needs to be removed in order to allow certain ASE-CZ uses in the Rural Buffer land use classification.

5. located. Refer to Sections 4.2.5 and 4.2.6 for a breakdown of the allowable impervious surface area. For lots outside of a Watershed Protection Overlay District (see Section 4.2), the minimum usable lot area for lots that utilize ground absorption wastewater systems shall be 30,000 square feet for parcels between 40,000 square feet and 1.99 acres in size; zoning lots two acres and greater in size shall have a minimum usable lot area of at least 40,000 square feet.

SECTION 5.2: TABLE OF PERMITTED USES

5.2.1 Table of Permitted Uses – General Use Zoning Districts

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																						
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																						
USE TYPE	GENERAL USE ZONING DISTRICTS																					
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID	
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																						
AGRICULTURAL USES																						
Agricultural Processing Facility ~																*		*	*	*		
Agricultural Processing Facility, Community ^	*	*								*	*					*		*				
Agricultural Services Uses													*			*						
Cold Storage Facility																A		*	*	*		
Community Farmers' Market ^	*	*								*	*	*	*			*						
Composting Operation, no grinding																A						
Composting Operation, with grinding ~																A						
Cooperative Farm Stand ^	*	*								*	*					*						
Equestrian Center		A																				
Farm Equipment Rental, Sales and Service ~													*	*		*			*	*		
Farm Supply Store										*	*	*	*			*						
Feed Mill ~																*			*	*		
Greenhouses with On Premises Sales ^		*									*	*	*	*		*						
Meat Processing Facility, Community ^	*	*								*	*					*		*				
Meat Processing Facility, Regional ~																A						
Non-Farm Use of Farm Equipment ^	*	*														*						
Stables, Commercial ~	B	B	B									B	B			B						
Stockyards / Livestock Markets ~																*						
CHILD CARE & EDUCATIONAL FACILITIES																						
Center in a Residence for 3 to 12 Children	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*							

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
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USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Child Care Facilities	B	B	B	B	B	B	B	B	B	*	*	*	*	*	*						
Libraries										*	*	*	*		*						
Non-Profit Educational Cooperative		A																			
Schools: Dance, Art & Music										*	*	*	*	*	*						
Schools: Elementary, Middle & Secondary	A	A	A	A	A	A	A	A	A						A						
Schools: Vocational												*	*		*				*	*	
Universities, Colleges & Institutes	*	*	*									*	*		*						
COMMERCIAL USES																					
Banks & Financial Institutions										*	*	*	*	*							
Beauty & Barber Shops										*	*	*	*	*							
Country Store										*	*					*					
Drive In Theaters ~													*								
Funeral Homes ~												*	*								
Garden Center										*	*	*	*			*					
Hotels & Motels ~												*	*								
Junkyards ~													A					A	A		
Kennels, Class II ~ ^	B	B	B									B	B		B						
Laundry & Dry Cleaning Services										*	*	*	*	*							
Massage, Business of												*	*								
Microbrewery with Minor Events ^	B	B																B	B	B	
Nightclubs, Bars, Pubs										*		*	*								
Offices & Personal Services, Class 1										*	*	*	*	*	*			*	*	*	
Offices & Personal Services, Class 2											*	*	*		*			*	*	*	
Offices & Personal Services, Class 3												*	*		*					*	

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~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Repair Service Electronic & Appliance										*	*	*	*								
Restaurants: Carry Out											*	*	*	*							
Restaurants: Drive In												*	*	*							
Restaurants: General											*	*	*	*							
Retail, Class 1										*	*	*	*	*							
Retail, Class 2											*	*	*	*							
Retail, Class 3												*	*								
Rural Guest Establishment: Bed & Breakfast ^	*	*	*																		
Rural Guest Establishment: Bed & Breakfast Inn ^		B	B																		
Rural Guest Establishment: Country Inn ^		A	A																		
Storage of Goods, Outdoor ~														*				*	*	*	
Storage or Warehousing: Inside Building													*	*	*			*	*	*	
Studio (Art)										*	*	*	*		*			*	*	*	
Taxidermy ^		B								*	*	*	*					*			
Tourist Home						*	*	*	*						*						
Wholesale Trade ~												*	*	*	*			*	*	*	
Winery with Minor Events ^	B	B																B	B	B	
EXTRACTIVE USES																					
Extraction of Earth Products ~		A														A		A	A	A	
GOVERNMENTAL USES																					
Governmental Facilities & Office Buildings	*	*	*	*	*	*	*	*	*	*	*	*	*		*			*	*	*	*
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*		*	*	*	

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~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Military Installations (National Guard & Reserve Armory) ~											*	*	*		*						
MANUFACTURING, ASSEMBLY & PROCESSING																					
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets												*			*			*	*	*	
Industrial, Heavy ~																				*	
Industrial, Light ~																	*	*	*	*	
Industrial, Medium ~																			*	*	
Microbrewery, production only ^	B	B																*	*	*	
Printing & Lithography												*	*	*				*	*	*	
Sawmills ~																*					
Winery, production only ^	B	B																*	*	*	
MEDICAL USES																					
Health Services: Over 10,000 Sq. Ft. ~													*								
Health Services: Under 10,000 Sq. Ft.										*		*	*	*	*						
Hospitals ~													*		*						
Veterinary Clinic		B								*	*	*	*	*	*	*		*	*	*	
Veterinary Clinic, mobile		B	B							*	*	*	*	*	*	*		*	*	*	
Veterinary Hospitals												*	*	*	*	*		*	*	*	
RECREATIONAL USES																					
Botanical Gardens & Arboretums	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Camp/Retreat Center	B	B	B																		
Golf Driving and Practice Ranges		B										*	*					*			
Parks, Public & Non-Profit	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*

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~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Recreational Facilities (Non-Profit)	B	B	B	B	B	B	B	B	B	B	B	B	B		B			B	B	B	
Recreational Facilities (Profit)												*	*					*			
Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A		A			A	A	A	
RESIDENTIAL USES																					
Dwelling; Mobile Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*							
Dwelling; Multiple Family				*	*	*	*	*	*	*	*	*	*	*		*					
Dwelling; Single-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*							
Dwelling; Two-Family	*	*	*	*	*	*	*	*	*	*	*	*	*	*							
Family Care Home	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*					
Group Care Facility	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B						
Rehabilitative Care Facility										*		*	*								
Residential Hotel (Fraternities, Sororities, and Dormitories) ~							A	A	A			A	A								
Rooming House					*	*	*	*							*						
TELECOMMUNICATIONS																					
Telecommunication Tower – Stealth (75 feet or shorter)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Telecommunication Towers (Over 75 feet and under 200 feet)	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
Telecommunication Towers (200 feet and higher)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
TEMPORARY USES																					
Buildings, Portable	B	B	B	B	B	B	B	B	B		B	B	B	B	B						
Temporary Mobile Home (Custodial Care)	B	B	B	B	B	B	B	B	B						B						

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	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*	*	*	*	*	*															
AUTOMOTIVE / TRANSPORTATION																					
Bus Passenger Shelter	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	
Bus Terminals & Garages ~													*					*	*	*	
Motor Freight Terminals ~																		*	*	*	
Motor Vehicle Maintenance & Repair (Body Shop) ~												*	*	*							
Motor Vehicle Repair Garage ~												*	*								
Motor Vehicle Sales / Rental (New & Used)											Δ ¹		*	*			*	*	*	*	
Motor Vehicle Services Stations										*	*	*	*	*							
Parking As Principal Use, Surface or Structure											*	*	*								
Petroleum Products: Storage & Distribution ~																		*	*	*	
Postal & Parcel Delivery Services												*	*		*						
UTILITIES																					
Elevated Water Storage Tanks	B	B	B	B	B	B	B	B	B	B		B	B	B		B		B	B	B	
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A
Electric, Gas, and Liquid Fuel Transmission Lines	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B	B	
Water & Sanitary Sewer Pumping	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*	*
Solar Array – Large Facility	B	B	B	B	B	B	B	B	B	B	B	B	B		B	B		B	B	B	B
Solar Array – Public Utility	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A		A	A	A	A
WASTE MANAGEMENT																					

¹ See Section 5.15.1 for special standards

TABLE OF PERMITTED USES – GENERAL USE ZONING DISTRICTS																					
* = PERMITTED USE A = CLASS A SPECIAL USE B = CLASS B SPECIAL USE Δ = SUBJECT TO SPECIAL STANDARDS																					
USE TYPE	GENERAL USE ZONING DISTRICTS																				
	RB	AR	R1	R2	R3	R4	R5	R8	R13	LC1	NC2	CC3	GC4	EC5	OI	AS	EI	I1	I2	I3	PID
~ Use may not be permitted as a Conditional Use District; See Section 5.1.4(E) ^ Allowed as more than one principal use if located on a bona fide farm (see Section 6.2.5)																					
Landfills (2 Acres or More) ~	A	A	A													A		A	A	A	
Landfills (Less Than 2 Acres) ~	B	B	B													B		B	B	B	
Waste Management Facility; Hazardous & Toxic ~													A						A	A	
MISCELLANEOUS																					
Accessory Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L ~	A	A	A															A	A	A	
Assembly Facility Greater Than 300												*	*								
Assembly Facility Less Than 300										*	*										
Cemetery	B	*	B	B	B	B	B	B	B												
Church	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*		*	*	*
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*	*							*	*	*	*		*						
Community Center	B	B	B	B	B	B	B	B	B	*	*	*			*						
Crematoria ~																		*	*	*	
Historic Sites Non-Residential/Mixed Use	A	A	A																		
Kennels, Class I	*	*	*									*	*		*						
Research Facility ~											*	*	*		*			*	*	*	
Research Lands & Installations, Non-profit																					*
Rural Heritage Museum	B	B								B	B					B					
Rural Special Events ^	*	*														*					
Special Events (Less than 150)												*	*						*		

5.2.3 Table of Permitted Uses – Conditional Zoning Districts

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
AGRICULTURAL USES				
Agricultural Processing Facility ^	*	*		
Agricultural Processing Facility, Community	*			
Agricultural Services Uses	*	*		
Cold Storage Facility	*	*		
Community Farmers' Market	*	*		
Composting Operation, no grinding	*			
Composting Operation, with grinding ^	*			
Cooperative Farm Stand	*	*		
Equestrian Center	*			
Farm Equipment Rental, Sales and Service	*			
Farm Supply Store	*	*		
Feed Mill	*	*		
Greenhouses with On Premises Sales	*	*		
Meat Processing Facility, Community	*			
Meat Processing Facility, Regional ^	*			
Non-Farm Use of Farm Equipment	*			
Stables, Commercial	*	*		
Stockyards / Livestock Markets ^	*			
CHILD CARE & EDUCATIONAL FACILITIES				
Center in a Residence for 3 to 12 Children				
Child Care Facilities		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Libraries		*		*
Non-Profit Educational Cooperative				
Schools: Dance, Art & Music		*		
Schools: Elementary, Middle & Secondary		*		
Schools: Vocational		*		
Universities, Colleges & Institutes		*		
COMMERCIAL USES				
Banks & Financial Institutions		*		
Beauty & Barber Shops		*		*
Construction (Sector 23)		*		
Contractors, Building & Trade		*		*
Country Store	*	*		
Finance & Insurance (Sector 52)		*		
Funeral Homes		*		
Garden Center with On Premises Sales	*	*		
Hotels & Motels		*		
Insurance Carriers & Agents		*		
Junkyards				
Kennels, Class I	*			
Kennels, Class II	*			
Laundry & Dry Cleaning Services		*		
Management of Companies & Enterprises (Sector 53)		*		
Massage, Business of		*		
Metal Fabrication Shop	*			

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Microbrewery with Minor Events	*	*		
Microbrewery with Major Events ^	*	*		
Nightclubs, Bars, Pubs		*		
Offices & Personal Services, Class 1		*		*
Offices & Personal Services, Class 2		*		
Offices & Personal Services, Class 3		*		
Professional, Scientific & Technical Services (Sector 54)		*		
Real Estate Agents & Brokers		*		*
Repair Service Electronic & Appliance		*		
Restaurants: Carry Out		*		
Restaurants: Drive In		*		
Restaurants: General		*		
Retail, Class 1		*		
Retail, Class 2		*		
Retail, Class 3		*		
Rural Guest Establishment: Bed & Breakfast	*	*		
Rural Guest Establishment: Bed & Breakfast Inn	*	*		
Rural Guest Establishment: Country Inn	*	*		
Storage of Goods, Outdoor	*	*		*
Storage or Warehousing: Inside Building		*		*
Studio (Art)		*		*
Taxidermy	*			
Theater, Indoor or Outdoor (including Drive-ins)		*		*
Tourist Home				

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Wholesale Trade		*		
Winery with Minor Events	*	*		
Winery with Major Events ^	*	*		
EXTRACTIVE USES				
Extraction of Earth Products				
GOVERNMENTAL USES				
Governmental Facilities & Office Buildings		*		
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments		*		
Military Installations (National Guard & Reserve Armory)				
Public Administration (Sector 92)		*		
MANUFACTURING, ASSEMBLY & PROCESSING				
Assembly and Packaging Operations Including Mail Order Houses, But Excluding On-Premises Retail Outlets		*		
Industrial, Heavy		*		
Industrial, Light		*		
Industrial, Medium		*		
Manufacturing (Sector 31-33)		*		
Microbrewery, production only	*	*		
Pharmaceutical Products		*		
Printing & Lithography		*		
Sawmills ^	*			
Winery, production only	*	*		
MEDICAL USES				
Health Services: Over 10,000 Sq. Ft.		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Health Services: Under 10,000 Sq. Ft		*		
Hospitals		*		
Veterinary Clinic	*	*		
Veterinary Clinic, mobile	*	*		
Veterinary Hospitals	*	*		
RECREATIONAL USES				
Arts, Entertainment & Recreation (Sector 71)				
Botanical Gardens & Arboretums	*			
Camp/Retreat Center	*			
Golf Driving and Practice Ranges		*		
Guest Ranch	*			
Parks, Public & Non-Profit	*	*		
Recreational Facilities (Non-Profit)		*		
Recreational Facilities (Profit)		*		
Golf Course		*	*	
Race Track (Motorized, etc.) and Go-Kart Track Facilities				*
RESIDENTIAL USES				
Dwelling; Mobile Home	*		*	
Dwelling; Multiple Family		*		
Dwelling; Single-Family	*	*		
Dwelling; Two-Family		*		
Family Care Home				
Group Care Facility		*		
Rehabilitative Care Facility		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Residential Hotel (Fraternities, Sororities, and Dormitories)				
Rooming House				
TELECOMMUNICATIONS				
Telecommunication Tower – Stealth (75 feet or shorter)	*	*		
Telecommunication Towers (150 feet in height or shorter)	*	*		
Telecommunication Towers (greater than 150 in height)	*	*		
TEMPORARY USES				
Buildings, Portable	*			
Temporary Mobile Home (Custodial Care)	*			
Temporary Mobile Home (Use during construction/installation of permanent residential unit and for 30 days following issuance of Certificate of Occupancy)	*			
TRANSPORTATION				
Bus Passenger Shelter		*		
Bus Terminals & Garages		*		
Motor Freight Terminals		*		
Motor Vehicle Maintenance & Repair (Body Shop)		*		
Motor Vehicle Repair Garage		*		
Motor Vehicle Sales Rental (New & Used)		*		
Motor Vehicle Services Stations		*		
Parking As Principal Use, Surface or Structure		*		
Petroleum Products: Storage & Distribution		*		
Postal & Parcel Delivery Services		*		*
UTILITIES				

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Elevated Water Storage Tanks	*	*		
Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	*	*		
Electric, Gas, and Liquid Fuel Transmission Lines	*	*		
Water & Sanitary Sewer Pumping	*	*		
Solar Array – Large Facility	*	*		
Solar Array – Public Utility	*	*		
WASTE MANAGEMENT				
Landfills (2 Acres or More)				
Landfills (Less Than 2 Acres)				
Waste Management Facility; Hazardous & Toxic				
MISCELLANEOUS				
Accessory Uses	*	*	*	*
Airports, General Aviation, Heliports, S.T.O.L.				
Assembly Facility Greater Than 300 Occupants ^	*	*		
Assembly Facility Less Than 300 Occupants	*	*		*
Cemetery				
Church	*	*		
Clubs or Lodges; Social; Fraternal or Union Clubhouses	*	*		
Community Center	*	*		
Crematoria (4)		*		
Historic Sites Non-Residential/Mixed Use	*	*		
Information (Sector 51)		*		
Research Facility		*		

TABLE OF PERMITTED USES – CONDITIONAL ZONING DISTRICTS				
* = PERMITTED USE				
USE TYPE	CONDITIONAL ZONING DISTRICTS			
	ASE-CZ	MPD-CZ	MHP-CZ	REDA-CZ-1
NOTE: Applications for Conditional Zoning Districts must list specific uses for consideration/approval				
^: Use shall not be approved on parcels located in the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan.				
Research Lands & Installations, Non-profit		*		
Rural Heritage Museum	*			
Rural Special Events	*	*		

- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.
- (2) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (3) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.2 Agricultural Processing Facility, Community

(A) General Standards for Evaluation

- (1) If located in an AR or RB zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners or must be permitted as an ASE-CZ.
- (2) The building shall not exceed 10,000 square feet in size.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
- (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
- (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.
- (4) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (5) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.

5.13.3 Cold Storage Facility

(A) General Standards for Evaluation

- (1) If located adjacent to residentially zoned property, all buildings and outdoor storage areas shall be located a minimum of 100 feet from the property line.
- (2) Outdoor storage areas shall be screened from the view of any adjacent residentially zoned property.
- (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.

5.13.4 Community Farmers' Market

(A) General Standards for Evaluation

- (1) The minimum lot size shall be 3 acres unless permitted as an ASE-CZ.

SECTION 5.14: STANDARDS FOR MANUFACTURING, ASSEMBLY & PROCESSING

~~5.14.1 Metal Fabrication Shop~~

~~(A) Standards for ASE-CZ Zoning District~~

- ~~(1) Facility must be located on a bona fide farm.~~
- ~~(2) Minimum lot size: 3 acres.~~
- ~~(3) Maximum building size: 3,000 square feet.~~
- ~~(4) If located adjacent to residentially zoned property, all buildings and operations must be located a minimum of 200 feet from the property line.~~

5.14.2 Microbrewery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located in an AR or RB zoning district, the microbrewery must be located on a bona fide farm.
 - (a) A microbrewery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A microbrewery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

~~5.14.3 Sawmills~~

~~(A) General Standards for Evaluation and ASE-CZ Zoning District~~

- ~~(1) Minimum lot size: 5 acres.~~
- ~~(2) All structures, equipment, and storage shall be located a minimum of 100 feet~~

from the property line.

- (3) Hours of operation shall be limited to the hours between 7 a.m. and 7 p.m.
- (4) Site shall have direct access to a major road, as classified in the Orange County Comprehensive Plan, and shall use said road as the primary access, unless approved otherwise in the permit.

5.14.4 Winery, production only

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located in an AR or RB zoning district, the winery must be located on a bona fide farm.
 - (a) A winery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.
 - (b) A winery, production only, that does not utilize primarily crops produced on-site, regardless of whether it is located on a bona fide farm, is not considered a bona fide farming use and is subject to the regulations contained in this Ordinance.
- (2) If located adjacent to residentially zoned property, all buildings shall be located a minimum of 100 feet from the property line.
- (3) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
 - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
 - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

SECTION 5.15: STANDARDS FOR AUTOMOTIVE/TRANSPORTATION RELATED USES

5.15.1 Motor Vehicle Sales / Rental (New & Used) in the NC-2 Zoning District

(A) Standards for the NC-2 Zoning District

- (1) This use shall only be permitted within the Commercial Transition Activity or Commercial-Industrial Transition Activity Node land use classifications, as designated on the Land Use Element Map of the adopted Comprehensive Plan.
- (2) The site shall have direct access onto a State maintained roadway.
- (3) A maximum of 12 cars may be stored or displayed on-site.

SECTION 5.16: STANDARDS FOR MEDICAL USES

5.16.1 Veterinary Clinic

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District

- (1) In the AR and ASE-CZ zoning districts⁵, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
- (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

5.16.2 Veterinary Clinic, mobile

(A) Standards for Class B Special Use Permit or ASE-CZ or MPD-CZ Zoning District

- (1) In the AR, and R-1, and ASE-CZ zoning districts, this use is intended to be located on the same property as the operator’s residence. The mobile clinic shall be parked to the side or rear of the residence, not in front of the residence, unless permitted otherwise in the permit.
- (2) For all zoning districts in which this use is permitted, observation shelters for up to three large or small animals shall be considered an accessory use. The permit may specify a greater number of observation shelters and may limit the maximum number of days an individual animal may be observed.
- (3) If adjacent to residentially zoned property, all mobile clinic operations shall be located a minimum of 100 feet from the property line.
- (4) Veterinary services whereby the public brings their animal to the mobile clinic location shall not be permitted, unless specifically permitted in the permit.

5.16.3 Veterinary Hospital

(A) Standards for ASE-CZ Zoning District

- (1) In the ASE-CZ zoning district, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.
- (2) If located adjacent to residentially zoned property, all buildings and facilities shall be located a minimum of 100 feet from the property line.

SECTION 5.17: STANDARDS FOR MISCELLANEOUS USES

5.17.1 Churches

(A) General Standards

- (1) Churches are required to provide setbacks in residential districts; the minimum shall be as follows:

TABLE 5.14.1.A: CHURCH SETBACK STANDARDS IN RESIDENTIAL DISTRICTS	
SETBACK	DISTANCE (FEET)
Front	45

⁵ This change accomplishes one of the recommendations made by the Towns of Carrboro and Chapel Hill. It should be noted that this standard will apply to areas outside of the rural buffer as well. However, the County Attorney’s office was not comfortable with using Comprehensive Plan land use classifications (e.g., “Rural Buffer”) as a basis of a standard. This comment also applies to the change made in 5.16.2 immediately below. It should be noted that these two uses are not permitted in the RB general use zoning district and are permitted in the Rural Buffer only through the ASE-CZ rezoning process.

-
- (i) Habitat Maintenance
 - (i) Habitats identified in the biological inventory and habitats created through mitigation shall be maintained in accordance with the Resources Management Plan and/or a conservation easement agreement; and
 - (ii) Maintenance of habitats shall be minimal, consisting primarily of maintaining buffers and enhancements, removal of exotic (non-native) plant species, and keeping drainage ways functioning properly.
 - (j) Access

Access to the subdivision and access to lots within the subdivision to existing public roads shall conform to and be in compliance with any public road access management plan adopted by Orange County.
 - (k) Maintenance of Improvements
 - (i) All site improvements such as roads, utilities (including irrigation and drainage structures), habitat enhancements, recreational amenities, signage, landscaping, open space, etc. will be maintained in function and appearance.
 - (ii) Maintenance specifications, if any, for on-going site management (including provisions for handling of storm debris in open space areas) shall be submitted as part of the Resources Management Plan and incorporated into Homeowners' Association documents.

5.17.7 Rural Heritage Museum

(A) Standards for Class B Special Use Permit or ASE-CZ Zoning District

- (1) If located adjacent to residentially zoned property, all buildings, facilities, and parking areas shall be located a minimum of 100 feet from the property line.
- (2) The maximum building size in an AR or RB zoning district shall be 5,000 square feet.

5.17.8 Rural Special Events

(A) General Standards for Evaluation or ASE-CZ or MPD-CZ Zoning Districts

- (1) Must be located on a bona fide farm.
- (2) In addition to the requirements in Section 2.5 or 2.9, as applicable, the following information shall be submitted with the application materials:
 - (a) Description of special events to be held on-site, including frequency of events, hours of operation, anticipated attendance, and any other pertinent details.
 - (b) Location of parking area(s).
 - (c) A map depicting surrounding uses and the distance to residential structures.
- (3) The temporary or seasonal commercial activities that comprise the special event must pertain to agricultural or rural-related activities.
- (4) If located adjacent to residentially zoned property, all structures, facilities, storage areas, and parking areas shall be setback a minimum of 100 feet from all property lines.
- (5) Events permitted by right in the AR, RB, and AS zoning districts shall be limited

to no more than 150 people at one time and shall occur no more than 12 days per year. Events exceeding these limits must be approved as an ASE-CZ or MPD-CZ.

- (6) Loudspeakers and public address systems shall not be used before 7 a.m. or after 7 p.m. if an existing residence is located within 1,000 feet of the facility, unless approved otherwise in the permit.
- (7) Special events shall cease no later than 9 p.m. on Sunday through Thursday or 11 p.m. on Friday and Saturday, unless approved otherwise in the permit.
- (8) Food services are not allowed unless approved in the permit.
- (9) Documentation shall be submitted from the Fire Marshal and Building Inspections Department stating that all areas open to the public meet state regulations.

- (1) Minimum lot area, lot width, and setback requirements as specified in Article 3 of this Ordinance may be reduced for lots created as part of a Flexible Development subdivision as provided in Section 7.13 of this Ordinance.

(C) Flag Lots

- (1) Flag lots as defined in Article 10 are accommodated for as provided in Section 7.7 of this Ordinance.

(D) Reuse of Existing Farm Buildings within the Rural Buffer Zoning District⁶

- (1) Setback requirements may be lessened through the appropriate permitting process for agricultural support enterprise uses that reuse farm buildings in existence as of [date of adoption; scheduled for consideration on May 5, 2015] that are currently located within the required setback area.
- (a) This provision applies to agricultural support enterprise uses currently zoned RB.
 - (b) The setback width shall not be lessened to a distance less than the setback required in the RB general use zoning district.
 - (c) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.

6.2.3 Clustering

(A) UNIV-CA & UNIV – PW Watershed Protection Overlay Districts

- (1) Clustering of residential lots is permitted in accordance with Section 7.12 of this Ordinance.
- (2) Each lot shall contain a minimum of one acre.

(B) All Other Overlay Districts

Clustering of residential lots is permitted in accordance with Section 7.13 of this Ordinance.

6.2.4 Irregular Lots

Any irregular lot of record at the time these regulations became effective may be subdivided in compliance with applicable subdivision regulations and improvement requirements, to create additional regular lots, provided that such lots meet all requirements of the district and that no residual substandard lots remain as a result of such action.

6.2.5 Principal Uses

There shall be no more than one principal use on any zoning lot except where:

- (A)** Permitted as a CU District or CZ District; or
- (B)** The parcel is located within an Economic Development District, Commercial Transition Activity Node, Commercial-Industrial Transition Activity Node, Rural Neighborhood Activity Node, or Rural Community Activity Node, as designated by the Comprehensive Plan; or
- (C)** The parcel is less than 2 acres in size, and non-residential multiple uses are proposed within a single principal structure; or

⁶ This section is being added in response to Town of Carrboro and Chapel Hill recommendations that the reuse of existing farm buildings, especially those 50 years or older, be encouraged by providing a mechanism to reduce or waive setback requirements that would otherwise apply to new agricultural support uses. The language proposed for adoption incorporates review comments made by the County Attorney's office.

2030 Comprehensive Plan Amendments



Appendix F: Land Use and Zoning Matrix

Appendix F. Relationship Between Land Use Categories and Zoning Districts Matrix

Per the Orange County Zoning Ordinance, zoning districts are applied to each of the Land Use Element categories as follows. A matrix is provided at the end of this appendix that summarizes the zoning districts applied to each category.

COUNTY RESIDENTIAL TRANSITION (20-Year Transition).

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. The applied zoning districts include: R 1 (low density); R 2, R 3, and R 4 (medium density); and R 5, R 8, and R 13 (high density) residential uses.

COUNTY RESIDENTIAL TRANSITION (10-Year Transition).

Identifies areas changing from rural to urban in form and density. All densities of residential development would be appropriate. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate. The applied zoning districts include: R 1 (low density); R 2, R 3, and R 4 (medium density); and R 5, R 8, and R 13 (high density) residential uses, and Zoning Overlay Districts.

COUNTY COMMERCIAL TRANSITION.

Identifies areas changing from rural to urban in form and density. A full range of intensities of commercial development would be appropriate. The applied zoning districts include: LC 1 (Local Commercial); NC 2 (Neighborhood Commercial); CC 3 (Community Commercial); GC 4 (General Commercial); OI (Office and Institutional); and ED (Economic Development).

COUNTY INDUSTRIAL TRANSITION.

Identifies areas changing from rural to urban in form and density. A full range of industrial activities would be appropriate and allowed. The applied zoning districts include: I 1 (Light Industrial); I 2 (Medium Industrial); I 3 (Heavy Industrial); and ED (Economic Development).

CHAPEL HILL AND CARRBORO TRANSITION.

On November 2, 1987, a Joint Planning Agreement was adopted by Orange County and the Towns of Chapel Hill and Carrboro. The Agreement became effective on November 14, 1988, following the adoption, by Orange County, of zoning plans prepared by the two municipalities for their respective Transition Areas. The applied zoning districts are those contained in the Chapel Hill Land Development Ordinance and the Carrboro Land Use Ordinance, and are consistent with the land use plan categories contained in the Orange County Chapel Hill Carrboro Joint Planning Land Use Plan. Reference should be made to the appropriate municipal ordinance and zoning map for a description of the districts and applicable development standards. Under the terms of the Joint Planning Agreement, the Towns of Chapel Hill and Carrboro are responsible for permit administration within their respective Transition Areas.

RURAL BUFFER.



Appendix F: Land Use and Zoning Matrix

Only very low density residential, ~~and~~ agricultural uses **exempt from zoning regulations, and low-intensity agricultural support uses¹** are appropriate in the Rural Buffer. The applied zoning district is RB (Rural Buffer).

RURAL RESIDENTIAL.

Identifies rural areas to be developed as low intensity and low density residential. The applied zoning district is R 1 (low density) Residential).

AGRICULTURAL RESIDENTIAL.

Agricultural activities and associated residential and commercial uses predominate. The applied zoning districts reflect this primary land use and include: AR (Agricultural Residential) and AS (Agricultural Services).

RURAL COMMUNITY ACTIVITY NODE.

Identifies rural crossroads communities throughout the County where small scale commercial activities serving the community and surrounding area are appropriate. The applied zoning districts include: LC 1 (Local Commercial) and NC 2 (Neighborhood Commercial).

RURAL NEIGHBORHOOD ACTIVITY NODE.

Identifies areas in the County where small scale commercial uses serving the population in the surrounding area are appropriate. The applied zoning districts include: LC 1 (Local Commercial) and NC 2 (Neighborhood Commercial).

RURAL INDUSTRIAL.

Identifies rural areas in the County where small scale industrial activities would be appropriate. The applied zoning district is I 1 (Light Industrial).

PUBLIC INTEREST AREA.

These lands are considered valuable for recreational and research purposes and are afforded special treatment. The applied zoning district is PID (Public Interest District).

ECONOMIC DEVELOPMENT ACTIVITY NODE:

Identifies areas in Transition areas of the County which have been specifically targeted for economic development activity consisting of light industrial, distribution, flex space, office, and service/retail uses. Such areas are located adjacent to interstate and major arterial highways, and subject to special design criteria and performance standards. The applied zoning district is ED (Economic Development).

¹ These changes are being suggested to ensure consistency between the Comprehensive Plan language and the language that was adopted as part of the Joint Planning Agreement amendments.



Appendix F: Land Use and Zoning Matrix

Land Use Classifications & Overlays		ZONING DISTRICTS																							
		RB	AR	R-1	R-2	R-3, R-4	R-5, R-8, R-13	LC-1	NC-2	CC-3	GC-4	EC-5	O/I	I-1	I-2	I-3	EI	EDB-1, EDB-2, EDE-1, EDE-2, EDH-1, EDH-2, EDH-3, EDH-4, EDH-5	AS	Special Zoning Overlay District	PID	ASE-CZ	MPD-CZ	MHP-CZ	
Transition	Chapel Hill Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement- Contact appropriate Municipality for applicable Zoning Standards																							
	Carrboro Transition	Permit Administration by Municipalities under the provisions of the Joint Planning Agreement- Contact appropriate Municipality for applicable Zoning Standards																							
	10-Year Transition			◆	◆	◆	◆													◆			◆	◆	
	20-Year Transition			◆	◆	◆	◆																	◆	◆
	Commercial Transition Activity Node							◆	◆	◆	◆		◆										◆	◆	
	Commercial-Industrial Transition Activity							◆	◆	◆	◆		◆	◆	◆	◆							◆	◆	
	Economic Development Transition Activity Node																	◆						◆	
Rural	Rural Buffer	◆																				◆		◆	
	Rural Residential			◆																			◆		◆
	Agricultural Residential		◆																◆				◆		◆
	Rural Community Activity Node						◆	◆															◆	◆	
	Rural Neighborhood Activity Node						◆	◆															◆		
	Rural Industrial Activity Node													◆										◆	
Overlay	Public Interest Area																				◆				

APPROVED 4/15/2014

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
QUARTERLY PUBLIC HEARING
February 24, 2014
7:00 P.M.

The Orange County Board of Commissioners met with the Orange County Planning Board for a Quarterly Public Hearing on February 24, 2014 at 7:00 p.m. at the DSS Officers, Hillsborough, N.C.

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

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEY PRESENT: James Bryan (Staff Attorney)

COUNTY STAFF PRESENT: Interim County Manager Michael Talbert and Deputy Clerk to the Board David Hunt (All other staff members will be identified appropriately below)

PLANNING BOARD MEMBERS PRESENT: Planning Board members Maxecine Mitchell, Johnny Randall, Paul Guthrie, Herman Staats, Tony Blake, and H.T. "Buddy" Hartley

PLANNING BOARD MEMBERS ABSENT: Chair Pete Hallenbeck, Lisa Stuckey, Andrea Rohrbacher and James Lea

Chair Jacobs called the meeting to order at 7:03 pm. He reviewed the following items at the members' places:

- Booklet/Blue Sheets/Cream Sheets/PowerPoint – Item C-1 – Class A Special Use Permit
- Letter – Item C-3 - Unified Development Ordinance (UDO) Text Amendment

A. OPENING REMARKS FROM THE CHAIRS

B. PUBLIC CHARGE

The Chair dispensed with the reading of the public charge.

C. PUBLIC HEARING ITEMS

Planning Board Member Buddy Hartley introduced this item.

1. Class A Special Use Permit - To review a Class A Special Use Permit application seeking to develop a solar array/public utility station on two parcels of property, totaling approximately 52 acres in area, off of Redman Road between the railway and Interstate 85/40 in Cheeks Township.

Buddy Hartley: An item involving a special use permit is a quasi-judicial setting, so approval or denial of such permits are based on sworn testimony and evidence from individuals who are speaking before the Board. So, we will ask that all individuals that wish to speak on this be sworn to before the clerk.

Those who were speaking to this item were then sworn in.

Michael Harvey: Good evening. I am Michael Harvey of the Orange County Planning Department. I have been duly sworn, and my job here this evening is to present to you a Class

ability to communicate. He said he is sure there will be concern and pushback over the water issue in the future.

Commissioner Gordon said she does think the ground water is a key concern. She said the County does encourage businesses that have low water usage, as part of economic development. She said the consideration of water usage is a legitimate concern, and the County has to consider not exceeding the carrying capacity.

She thinks the Board needs time to consider the definitions.

Perdita Holtz said, per the prior discussion the plan is to adjourn until the May meeting.

Chair Jacobs said, after all the time the Board has spent on this, he hopes it does not get hung up on how many gallons of water are allowed. He said the water issue is important; but there are a lot of people who can benefit from this, and he feels it is possible to come up with reasonable standards. He hopes staff will work with the planning board to come up with something that is sensitive to the concerns of farmers as well as the concerns of people who worry about our ground water.

A motion was made by Commissioner Rich, seconded by Commissioner McKee to:

1. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the May 20, 2014 BOCC regular meeting.
2. Adjourn the public hearing until May 20, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

6. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text Amendments - To review government-initiated amendments to the text of the UDO to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE) within the Rural Buffer land use classification.

Perdita Holtz reviewed the following PowerPoint slides:

Agricultural Support Enterprises Within the Rural Buffer

Land Use Classification
 Quarterly Public Hearing
 February 24, 2014
 Item C.6

Purpose of Amendment

- Allow appropriate agricultural support enterprises within the Rural Buffer land use classification
 - Will augment allowable uses farmers can pursue in order to generate additional farm-related income while minimizing any adverse impacts on adjoining property
 - Intent is to better enable farmers to keep farming which will help preserve the rural heritage of Orange County, including the geographic area that comprises the Rural Buffer
 - Balance between rights of property owner and rights of neighboring property owners

Two Proposed ASE Amendments

- Outside of Rural Buffer land use classification
- Within Rural Buffer land use classification

- Requires amendments to Joint Planning Area documents
 - Orange County, Towns of Chapel Hill & Carrboro must approve JPA amendments
 - March 27, 2014 joint planning public hearing
 - JPA documents must be amended before these proposed UDO/Comprehensive Plan changes can be adopted by Orange County
- Will be on longer review/approval timeframe
- The more intensive uses could not be considered in the Rural Buffer, under the current proposal

Unified Development Ordinance & Comprehensive Plan Amendments

- Only a few changes/additions would be necessary to the ASE text applicable outside of the Rural Buffer to allow ASE uses within the Rural Buffer
 - District chart in Article 3
 - Additions to RB zoning district in Table of Permitted Uses for General Use Zoning Districts
 - Noting that some uses shall not be approved in the ASE-CZ if located in the Rural Buffer
 - Additions to some of the use-specific standards in Article 5
- Comprehensive Plan amendment to allow new ASE-CZ zoning district in the Rural Buffer land use category

Project Review/Approval Process

- Depends on use being proposed within the Rural Buffer
- Three basic processes:
 - Staff review/approval
 - Special Use Permit
 - Class B is reviewed/approved by Board of Adjustment
 - Class A is reviewed/approved by Board of County Commissioners (none in RB)
 - Rezoning
 - General Use district (not applicable in the Rural Buffer)
 - Conditional district (including proposed ASE-CZ)
- All projects within the Rural Buffer are sent to JPA partners for review and comment, in accordance with the JPA Agreement

Permitted Outright vs. SUP or Conditional Zoning

- Less intensive uses added to the Table of Permitted Uses as permitted outright
 - Subject to use-specific and general development standards
 - Community Agricultural Processing Facility
 - Community Farmers Market
 - Cooperative Farm Stand
 - Community Meat Processing Facility
 - Non-Farm Use of Farm Equipment
 - Rural Special Events
- Staff approval
- More intensive uses must be permitted through either the Special Use Permit process or rezoned as an ASE-CZ
 - Class B Special Use Permit
 - Microbrewery with Minor Events
 - Winery with Minor Events

- Microbrewery, Production Only
- Winery, Production Only
- Rural Heritage Museum
- Special Use Permits are “quasi-judicial” proceedings
 - Public Hearing
 - Decided on a case-by-case basis with public input (“evidence”)

Conditional Zoning District (ASE-CZ)

Some of the more intensive uses that can be applied for as an ASE-CZ could not be applied for in the Rural Buffer

- Composting Operation with grinding
- Regional Meat Processing Facility
- Stockyards/Livestock Markets
- Sawmills
- Both Agricultural Preservation Board and Planning Board Ordinance Review Committee agree on removing these uses from consideration in the Rural Buffer

Conditional Zoning District (ASE-CZ)

- Conditional zoning districts allow projects to be considered on a case-by-case, site-specific basis
 - Rezoning (legislative process) with public hearing
- Acknowledges that there are places where a specific type of use may be appropriate whereas it would not be in a different site-specific situation
 - BOCC has final decision on whether a proposed use(s) is compatible with surrounding uses
 - Mutually agreed upon conditions can be imposed as part of the approval process
 - Allows tailoring of project to a specific site
- Table of Permitted Uses lists the types of uses that can be applied for as an ASE-CZ

JPA Review

November 21, 2013 Assembly of Governments meeting to discuss with elected officials

Amendment Package sent to JPA partners on January 17, 2014

- To date, no comments have been received

Public Notification

- Completed in accordance with Section 2.8.7 of the UDO
 - Newspaper legal ads for 2 successive weeks
- Held Public Information Meeting on February 17 (was postponed from advertised date of February 13)
 - Flyers posted
 - Press Release
- Has been a topic on a few agendas in the past year
 - BOCC (including Assembly of Governments)
 - Planning Board
 - Agricultural Preservation Board
- Planning website posting on January 24

Recommendation

- Receive the proposal to amend the Comprehensive Plan and Unified Development Ordinance.

- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
- Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the September 4, 2014 BOCC regular meeting.
- Adjourn the public hearing until September 4, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Gordon referred to the use specific standards chart and asked why this is not included in the rural buffer section.

Perdita Holtz said the standards are the same in the rural buffer as they are in the agricultural residential. She referred to the amendment package, in article 5 and said any amendments in red are just adding RB to a few sections. She said the standards are the same, and there has been no re-write of standards to make it pertain to the rural buffer.

Commissioner Gordon asked how the Planning Board consideration interfaces with the joint planning consideration.

Perdita Holtz said, within the rural buffer, the planning board will make a recommendation on the JPA amendments as well. She said the planning board will be briefed on this in April, and information will be shared from the public hearing, planned for March 27th. She said the UDO revisions being considered tonight will be on the April planning board agenda for them to make a recommendation as well.

Commissioner Gordon said the recommendation will be made with just the hearing comments, but not with the comments from the jurisdictions.

Perdita Holtz said the UDO amendments are not what are being heard at the March 27th joint public hearing; this is to hear amendments to the joint planning land use plan and agreement, and there are very few amendments that need to occur.

Commissioner Gordon asked for a memo listing those amendments.

Perdita Holtz said this can be done.

Commissioner Gordon asked when the input on the UDO from the Chapel Hill and Carrboro public officials will come.

Perdita Holtz said public officials don't comment on UDO amendments unless staff wants to bring something to their attention.

Commissioner Gordon asked when these comments are due.

Perdita Holtz said these were due by tonight, but these will still be accepted while the public hearing process is going on. She said written comments can be submitted as part of the JPA process.

Chair Jacobs asked if there are any items in this proposal that have the same issues that the attorney and staff had in the previous proposal.

Perdita Holtz said this is not due to come back until September, so this is not an issue.

A motion was made by Commissioner Price, seconded by Commissioner Pelissier to:

1. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the September 4, 2014 BOCC regular meeting.
2. Adjourn the public hearing until September 4, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

**STATEMENT OF CONSISTENCY
OF PROPOSED COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE
AMENDMENTS WITH THE 2030 COMPREHENSIVE PLAN AND/OR OTHER ADOPTED
COUNTY PLANS**

Orange County has initiated text amendments to the Comprehensive Plan and Unified Development Ordinance to potentially allow appropriate agricultural support enterprise uses in the Rural Buffer land use classification.

The Planning Board finds:

- The requirements of Sections 2.3 and 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and
- 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 documentation within the record denoting that the rezoning **is consistent** with the adopted 2030 Comprehensive Plan and/or other adopted County plans.

The amendment is consistent with applicable plans because it:

- Supports the following 2030 Comprehensive Plan goals and objectives:

Planning Principle #5: Preservation of Rural Land Use Pattern

Planning Principle #8: Preservation of Community Character

Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.

Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing, development of a distribution center, and marketing initiatives.

- Achieves completion of the ASE zoning program as recommended in the County's adopted Agricultural Development and Farmland Protection Plan (2009).

The amendments are reasonable and in the public interest because:

- The proposed amendments potentially allow for the location of uses related to agriculture in a rural area of Orange County, thereby helping to strengthen the rural community by possibly providing additional income sources for farmers or other rural interests and by providing a "rural infrastructure" in areas of the county with few non-residential opportunities.
- The proposed amendments achieve a reasonable balance of protecting existing land uses while allowing for appropriate development by instituting use-specific standards on most of the additional uses or by requiring a rezoning to a conditional zoning district which will allow for the imposition of conditions that would mitigate any adverse impacts of development.

- The proposed amendments provide for public participation in the development review process by requiring a rezoning to a conditional zoning district or a special use permit for all but the least-intensive uses.
- The proposed amendments promote public health, safety, and general welfare by furthering the goals and objectives of the 2030 Comprehensive Plan, including implementation of the County's adopted Agricultural Development and Farmland Protection Plan (2009).

The Planning Board hereby recommends that the Orange County Board of County Commissioners consider adoption of the proposed Comprehensive Plan and Unified Development Ordinance amendments.



Pete Hallenbeck, Chair

4/1/2015

Date

MINUTES
ORANGE COUNTY PLANNING BOARD
MAY 7, 2014
REGULAR MEETING

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Buddy Hartley, Little River Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; Tony Blake, Bingham Township Representative; James Lea, Cedar Grove Township Representative

MEMBERS ABSENT: Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township; Vacant- Eno Township Representative; Vacant- Hillsborough Township Representative; Vacant- At-Large;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Patrick Mallett, Planner II; Tina Love, Administrative Assistant II

OTHERS PRESENT: Michael Neal, Hartison Jones, Danny Jones, Pam Jones, Laney Jones

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for May and June
- b) May 27, 2014 Quarterly Public Hearing – 7 p.m. @ Dept. of Social Services – Draft Legal Ad Attached for Information

**AGENDA ITEM 3: APPROVAL OF MINUTES
APRIL 2, 2014 REGULAR MEETING**

MOTION by Tony Blake to approve the April 2, 2014 Planning Board minutes. Seconded by Lisa Stuckey.
VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

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

55 **AGENDA ITEM 10: 2030 COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT**
 56 **AMENDMENTS:** To make a recommendation to the BOCC on government-initiated
 57 amendments to the text of the UDO to establish a zoning program commonly referred to
 58 Agricultural Support Enterprises (ASE) within the Rural Buffer land use classification. This
 59 item was heard at the February 24, 2014 quarterly public hearing and was previewed at the
 60 April 2, 2014 Planning Board meeting. The text amendments can be adopted by the BOCC
 61 only if the Joint Planning Land Use Plan and Agreement (item #9 above) is adopted by all
 62 three local governments (Orange County, Chapel Hill, and Carrboro).
 63 **Presenter: Perdita Holtz, Special Projects Coordinator**

64
65 Perdita Holtz: *Reviewed Abstract*

66
67 Tony Blake: I have one question, under exclusions, these apply to the rural area and the Rural Buffer or just to the
68 Rural Buffer?

69
70 Perdita Holtz: All of these apply to the outside of the Rural Buffer but it will also apply within the Rural Buffer if this
71 amendment is adopted. No changes were necessary to that red text in order to make it apply to the Rural Buffer.

72
73 Lisa Stuckey: There was a lot here about water usage which seemed very forward thinking to me but on page 222,
74 the 'greenhouse with on premise sales', there was nothing in that section having to do with water.

75
76 Perdita Holtz: The reason it is not in there is that is an existing use that is allowed everywhere and it doesn't
77 currently have that ground water use standard. We are looking at it as 'do we want to make is more restrictive than it
78 is already' for a use that is already covered in the UDO.

79
80 Herman Staats: Didn't you also say that bona fide farming operations is not regulated by this.

81
82 Perdita Holtz: Correct, and any water usage done by the bona fide farm is not regulated. It is just the additional
83 water that would be necessary to run the regulated use.

84
85 Pete Hallenbeck: I think, also last month we commented, you have to be pretty crazy to start up some sort of
86 business for ag use and depend solely on well water.

87
88 Pete Hallenbeck: Does anyone have any questions?

89
90 **MOTION** by Lisa Stuckey to recommend approval to the BOCC. Seconded by Tony Blake.

91 **VOTE: UNANIMOUS**

92
93
 94 **AGENDA ITEM 11: COMMITTEE/ADVISORY BOARD REPORTS:**
 95 a. Board of Adjustment
 96 b. Efland-Mebane Small Area Plan Implementation Focus Group (community meeting on
 97 April 7, 2014 regarding proposed Efland zoning overlay districts)

98
99 Pete Hallenbeck: Updated the Board on public information meeting held in Efland regarding the proposed overlay
100 districts.

101
102
103 **AGENDA ITEM 12: ADJOURNMENT:**

104

Pete Hallenbeck, Chair

Excerpt of Draft 4-1-15
Planning Board Minutes

DRAFT

MINUTES

ORANGE COUNTY PLANNING DEPARTMENT

APRIL 1, 2015

REGULAR MEETING

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey (Vice-Chair), Chapel Hill Township Representative; Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Bryant Warren, Hillsborough Township Representative; Laura Nicholson, Eno Township Representative; Lydia Wegman-At-Large Chapel Hill Township;

MEMBERS ABSENT: Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Ashley Moncado, Special Projects Planner

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 7: 2030 COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS: To review changes that have been made to the proposed UDO text amendment to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE) within the Rural Buffer land use classification and to make a recommendation to the BOCC on the revised text amendment. This item was heard at the February 24, 2014 Quarterly Public hearing and the proposal was recommended for approval by the Planning Board at the May 7, 2014 Planning Board Meeting.

Presenter: Perdita Holtz, Planning Systems Coordinator

Perdita Holtz: Reviewed the item and background.

Lydia Wegman: What is an agricultural processing facility community?

Perdita Holtz: I don't have all the definitions so I can't read it directly. It is the one that has five or fewer farm partners that are doing an agricultural processing facility on one of their farms.

Pete Hallenbeck: Does that imply that the people involved must be farmers from that area?

Perdita Holtz: Yes. Orange County or the surrounding counties.

Paul Guthrie: How is processing defined? What if five farmers are growing wheat and they put a threshing machine for all them on one farm for an extended period of time. Would that be a processing system?

Perdita Holtz: If the machine was outside and not in a building for a limited amount of time. Technically it may be considered, but may fall under bona fide farm regulations.

Tony Blake: It is not beef processing?

Perdita Holtz: That would be under meat processing.

Lydia Wegman: But that is permitted?

DRAFT

55
56 Perdita Holtz: Community meat processing would be permitted, but that is not agricultural processing under the
57 definition. There is non-meat and meat.

58
59 Lydia Wegman: It says, permitted by right.

60
61 Perdita Holtz: On the table of permitted uses, a community meat processing facility would be permitted by right.

62
63 Lydia Wegman: If it is permitted by right, that means only the staff gets to address those issues, correct? So the
64 public has no input at all regarding size, noise, and smell?

65
66 Perdita Holtz: Yes. But there are standards about the size and what is permitted. In the use specific standards for a
67 community meat processing facility, the building cannot be more than 10,000 square feet, located at least 100 feet
68 from the property lines, and outdoor storage only in the rear yard, screened from view. As far as the odors, under the
69 performance standards in Section 6.4.....

70
71 Michael Harvey: In Section 6.4 there is air pollution, but not odor per say. There are statutory limitations and
72 protections granted to farmers with respect to odors, limiting them from being classified as a nuisance and limiting
73 adjoining property owners to sue under a nuisance provision under the general statute.

74
75 Lydia Wegman: Are there any restrictions on ag odors?

76
77 Michael Harvey: There are certain restrictions. Certain farm operations are provided, as defined by state statutes,
78 an exemption from being sued as a nuisance case.

79
80 Lydia Wegman: About the 100 foot setback, one of the slides talked about reducing the setback if there is an existing
81 farm building so that 100 foot could potentially be reduced so there is no guarantee of 100 feet between the
82 processing facility and the adjoining property.

83
84 Tony Blake: Would the definition of processing be extended to slaughter?

85
86 Perdita Holtz: If it's a meat processing facility, yes. If it's agriculture processing not including animals it is just an
87 agricultural processing facility.

88
89 Lydia Wegman: When does the Agricultural Preservation Board get involved?

90
91 Perdita Holtz: Their involvement is outlined on pages 22, 23, and 24.

92
93 Lydia Wegman: The reference in Section 2.5.4(C)(1)(b) is just definitional, it is not limited?

94
95 Perdita Holtz: Correct.

96
97 Lydia Wegman: There is no provision for neighborhood information meetings, is that correct?

98
99 Perdita Holtz: There is if you are doing a special use permit application or rezoning application which is a
100 requirement. It is in Section 2.7.

101
102 Lydia Wegman: On page 25, Base Zoning Districts, on the ASE-CZ, is there a definition of compatibility, and then it
103 says thus ensuring and I think that should be en and not in, is there a definition of compatibility, continued
104 conservation, building values or appropriate use of land.

105
106 Perdita Holtz: There is not but the applicability section was taken from existing language in others. It is a legislative
107 decision as to what is compatible.

108

DRAFT

109 Lydia Wegman: Is there any history to what the BOCC would consider?

110
111 Perdita Holtz: Not that I can speak to off the top of my head. It is a case by case.

112
113 Pete Hallenbeck: It is so hard to get everything down in English. A lot of these compatibility issues means if it is a
114 close call it is at the discretion of the BOCC. When we look at all these changes I like to look at the rules and format.
115 What are the rules and then there is the content. Is the general setup and format acceptable in terms of rules and
116 are there specific things in the table of permitted uses I don't like and use that as a way to clarify.

117
118 Lisa Stuckey: On page 14, the towns recommended the four uses that we deleted from the rural buffer. What was
119 their thinking?

120
121 Perdita Holtz: I went to seven meetings with the Town of Carrboro for this discussion. It came down to some of them
122 wanted to vote for something and they wanted this to go forward and so they asked their colleagues what their
123 reservations were and that is what they came up with.

124
125 Pete Hallenbeck: It would be interesting to get a current inventory of any agricultural facilities within the rural buffer
126 that have buildings over 5,000 square feet which would address your setbacks. Another one would be a scatter plot
127 of lots to see how many 100 and 200 acre lots that someone could turn into a farm.

128
129 Paul Guthrie: Is there any language in what you have been working on relative to a piece of property that is
130 legitimately classed as agricultural and wants to begin processing that is now currently under tax leniency? Is there a
131 requirement that the tax be paid before the permit is issued?

132
133 Perdita Holtz: To qualify for the tax value program, if they don't meet the requirements of the tax value program, they
134 will probably drop the tax value for that portion of the property.

135
136 Lydia Wegman: Do you know of any farmers interested in these activities?

137
138 Perdita Holtz: We have had a few inquiries.

139
140 Pete Hallenbeck: I like the fact that the APB is involved. I like the rules on the format. There will always be
141 differences of opinion.

142
143 **MOTION:** Made by Buddy Hartley, seconded by Tony Blake

144 **VOTE:** (7-1) Lydia Wegman opposed.

145
146 Lydia Wegman: I support some of the uses, but have concerns with a community meat processing facility and why it
147 should be included in the Rural Buffer. To me the Rural Buffer should remain rural and a place to come and relax,
148 enjoy the country. A meat processing facility does not fit into my view of the Rural Buffer.

149
150 Pete Hallenbeck: Just to clarify, you are saying a rural buffer, not an agricultural buffer, and it is a mistake to assume
151 the two are synonymous.

152
153 Lydia Wegman: I know the Rural Buffer definition includes agriculture and I am in support of that, but with concerns
154 over inability to raise nuisance questions over odors under state law, I am not comfortable having that in the Rural
155 Buffer. I will also note that on the community meat processing, part of my concern is that it is permitted by right. If
156 there were an SUP required with input from the neighborhood, I would be willing to support it.

157
158 Paul Guthrie: Any meat processing of any scale will require significant water and water disposal which comes under
159 a whole different thing. Getting a permit could be difficult.

160
161 *****

Attachment 6

Perdita Holtz, Orange County Planning Department, stated that the County prefers that the Town adopt something that addresses their intent rather than amending the County's UDO language.

A motion was made by Alderman Chaney, seconded by Alderman Seils, that this resolution be approved.

RESOLUTION AMENDING THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT TO ALLOW FOR THE POSSIBILITY OF LOCATING APPROPRIATE LOW INTENSITY AGRICULTURAL SUPPORT ENTERPRISES IN THE RURAL BUFFER LAND USE CLASSIFICATION

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as "Agricultural Support Enterprises Within the Rural Buffer Land Use Classification," a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Carrboro Board of Aldermen hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends approval of all but four (i.e. Agricultural Processing Facility, Microbrewery w/Major Events, Winery w/Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved. The Carrboro Board of Aldermen's approval is predicated on the removal of these uses.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that the Agricultural Preservation Board, the County's appointed agricultural advisory board be given the opportunity to comment on rezoning and land use permits related to ASE in the Rural Buffer. BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that reuse of existing farm

buildings, especially those 50 years or older, into new agricultural support enterprises, be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

BE IT FURTHER RESOLVED that Vet Clinics and Hospital Uses are preferred for only large animal care.

This the 27th day of January, 2015

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, and Alderman Johnson

Nay: Alderman Slade

PAGE 60-a – JPA LAND USE PLAN

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural and not require urban services (public utilities and other Town services). The Rural Buffer is expected to contain low density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses¹ and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained. In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

¹ The amendments necessary for Agricultural Support uses are shown in *italic and underlined text*.

PAGE 83 – JPA LAND USE PLAN

Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural¹**

***Amended
4/2/90**

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property.

¹ The amendments necessary for Agricultural Support uses are shown in *italic and underlined text*.

PAGE 84 – JPA LAND USE PLAN

Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low- density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

Text below the section proposed for amendment has been removed.

Page 3 of Joint Planning Agreement

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning

The amendments necessary for Agricultural Support uses *are shown in italic and underlined text.*

Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in

- C. Orange County shall notify the respective towns and the towns shall notify Orange County as soon as practicable thereafter of any such claim, action or proceeding.

Section 2.6 Text and Map Amendments

- A. Proposed amendments to the Joint Planning Area Land Use Plan and/or the Joint Planning Area Land Use Map may be initiated by (i) Orange County or (ii) the Towns or any other party by filing a request for such an amendment with Orange County. Any petition or request to amend the Joint Planning Area Land Use Plan received by the County shall be referred to the respective Towns. No such amendment may become effective until after it has been adopted by Orange County, Chapel Hill and Carrboro following a joint public hearing by all three governing bodies.
- B. Except as provided herein, proposed amendments to the text of the Orange County ~~Zoning and Subdivision Ordinances~~ Unified Development Ordinance³ that are applicable within the Rural Buffer as well as proposed changes in zoning district classifications (i.e., zoning map changes) that affect property within the Rural Buffer shall be initiated and adopted in accordance with the procedures set forth in those County ordinances. All such proposals that affect the CHJDA shall be referred to Chapel Hill for review and recommendation, and all such proposed amendments that affect the CJDA shall be referred to Carrboro for review and recommendation. Orange County may not adopt such proposed amendments until the respective Towns have made their recommendations, or until the expiration of thirty (30) days following such referral, whichever occurs first.

In the case of agricultural support uses, both the ASE-CZ conditional zoning districts and the agricultural support uses added to the RB (Rural Buffer) general use zoning district in

³ Since the County now uses a Unified Development Ordinance, the language in this section should be changed to reflect the current name of the County's land use regulations.

2014, Orange County shall not materially change the text of its Unified Development Ordinance, as it pertains to the Rural Buffer, unless the amendment is heard at a joint public hearing and adopted by Orange County, Chapel Hill, and Carrboro. Examples of material changes, in this case, are adding or deleting uses to/from the Table of Permitted Uses and/or adding, deleting, or changing the use-specific standards in Article 5 of the Unified Development Ordinance.⁴

- C. Whenever Chapel Hill proposes to amend the text of its Land Development Ordinance, and whenever Carrboro proposes to amend the text of its Land Use Ordinance, the respective towns shall deliver a copy of the full text of the proposed amendment to Orange County not later than thirty (30) days before the date of the public hearing on any such amendment. However, with the written consent of the Orange County Manager or his designate, this thirty (30) day period may be reduced to not less than ten (10) days. Unless Orange County files with the respective towns a written objection on or before the date of the public hearing on the proposed ordinance amendment, then adoption of the amendment by the respective town shall automatically effect a corresponding amendment to the applicable ordinance adopted by reference by Orange County as provided in Section 2.1C. Any such objection shall be based on a determination by Orange County that the proposed amendment is inconsistent with the adopted Joint Planning Area Land Use Plan. If a town adopts an amendment despite Orange County's objection, then it shall refer such amendment to Orange County with a request that the County make corresponding changes as expeditiously as reasonably possible so that the town may continue to enforce within its

⁴ This text is proposed to be added to address concerns that Orange County could significantly change its Unified Development Ordinance after the Towns of Carrboro and Chapel Hill approve amendments to the Joint Planning documents and those changes would be subject only to a staff-level review by Town staff.

MOTION WAS MADE BY ALDERMAN SLADE SECONDED BY ALDERMAN HAVEN-O'DONNELL TO HAVE COUNTY STAFF 1) ADD LANGUAGE TO THE STANDARDS SECTION FOR "WINERY WITH MINOR EVENTS" AND "MICROBREWERY WITH MINOR EVENTS" SIMILAR TO LANGUAGE WHICH ALREADY EXISTS FOR "MICROBREWERY PRODUCTION ONLY" WHICH ENSURES THEY ARE LIMITED TO BEING LOCATED ONLY ON BONA FIDE FARMS AND 2) FOR COUNTY STAFF TO ADD LANGUAGE TO THE STANDARDS SECTION FOR "COLD STORAGE FACILITY" AND "FEED MILL" SIMILAR TO LANGUAGE THAT ALREADY EXISTS FOR "AGRICULTURAL PROCESSING FACILITY, COMMUNITY" WHICH CONDITIONS, WHEN IN THE RURAL BUFFER, THAT THE USE IS FOR LOCAL COOPERATIVE FARM PARTNERS ONLY. THE MOTION FAILED BY THE FOLLOWING VOTE: AYE: HAVEN-O'DONNELL AND SLADE, NAY: SEILS, CHANEY, JOHNSON, LAVELLE, GIST

PRESENTATION FROM THE NC METRO MAYORS EXECUTIVE DIRECTOR AND BOARD DISCUSSION OF LEGISLATIVE ISSUES FOR THE 2015 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY

The purpose of this item was to hear a presentation from Julie White, the Executive Director of the NC Metro Mayors Coalition and to request that the Board of Aldermen discuss legislative issues to present to our local delegation at the breakfast. The delegation may be able to pursue some of the issues presented during the upcoming session of the NC General Assembly.

Julie White, Executive Director of the NC Metro Mayors Coalition, presented the legislative goals of the Coalition to the Board.

Alderman Slade asked for a response from Rep. Price regarding the Trans-Pacific Partnership resolution passed by the Board. He also asked for the attorney to check on the housing code proposed legislation from last year.

Alderman Chaney asked for affordable housing financing strategies to be discussed along with the protection of roads from damage due to truck routes related to fracking. She also requested that the Town support historic tax credits and low-income tax credits. Alderman Chaney asked that the Board ask for the delegation's perception on the University System and current changes.

Alderman Gist asked that the Board discuss HB 150 with the delegates.

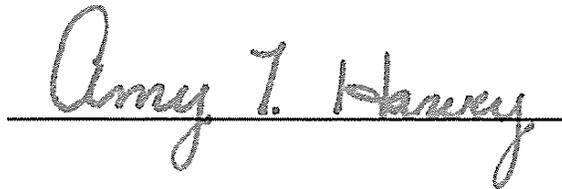
Mayor Lavelle asked that the Board discuss the proposed bill for religious freedoms and its anti-GLBT platform. She also asked that the delegation take a look at the way vacancies on the Court of Appeals are filled.

Alderman Seils asked that municipal rental inspection and registration programs be discussed along with strengthening of gun control in parks and schools. He asked that the Charter amendment to add sexual orientation, gender identity and gender expression to the list of bases upon which the Board may prohibit housing discrimination be pursued again during this session.

DISCUSSION ON USE OF TOWN OWNED PROPERTY LOCATED 110 EAST MAIN

I, Amy T. Harvey, Acting Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2015-03-09/R-4) adopted by the Chapel Hill Town Council on March 9, 2015.

This the 10th day of March, 2015.

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written in black ink and is positioned above a solid horizontal line.

**Amy T. Harvey
Acting Town Clerk**



RESOLUTION**A RESOLUTION APPROVING AMENDING THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT MODIFYING LANGUAGE TO ENSURE AGRICULTURAL ACTIVITIES ARE ALLOWED THROUGHOUT THE RURAL BUFFER (2015-03-09/R-4)**

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro have engaged in a cooperative planning effort for the area known as the Rural Buffer as detailed within a Joint Planning Land Use Plan (hereafter 'the Plan'), adopted October 13, 1986, and amended from time to time; and

WHEREAS, the administration of this Joint Planning Land Use Plan is laid out within the Joint Planning Agreement (hereafter 'Agreement'), originally adopted on September 22, 1987, and amended from time to time; and

WHEREAS, Orange County initiated amendments to the Plan and Agreement seeking to ensure agricultural activities are allowed throughout the area; and

WHEREAS, these amendments to the Plan and Agreement are necessary to ensure consistency with the County's existing land use management program; and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on November 19, 2014 and March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW, THEREFORE, the Town Council hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages labeled Attachment A-4 through A-9.

BE IT FURTHER RESOLVED that the Town Council recommends approval of all but four (i.e., Agricultural Processing Facility, Microbrewery with Major Events, Winery with Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved. The Town Council's approval is predicated on the removal of these uses.

BE IT FURTHER RESOLVED that the Town Council recommends that the Agricultural Preservation Board, the County's appointed agricultural advisory board, be given the opportunity to comment on rezoning and land use permits related to Agricultural Support Enterprises (ASE) in the Rural Buffer.

BE IT FURTHER RESOLVED that the Town Council recommends that reuse of existing farm buildings, especially those 50 years or older, into new agricultural support enterprises be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving

the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Town Council requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that Vet Clinics and Hospital Uses are preferred for only large animal care.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land Use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

This the 9th day of March, 2015.

PAGE 60-a – JPA LAND USE PLAN

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural and not require urban services (public utilities and other Town services). The Rural Buffer is expected to contain low density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses¹ and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained. In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

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¹ The amendments necessary for Agricultural Support uses are shown in *italic and underlined text*.

PAGE 83 – JPA LAND USE PLAN

Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural¹**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property.

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PAGE 84 – JPA LAND USE PLAN

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Text below the section proposed for amendment has been removed.

Page 3 of Joint Planning Agreement

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning

Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

The amendments necessary for Agricultural Support uses are shown in italic and underlined text.

H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in

- C. Orange County shall notify the respective towns and the towns shall notify Orange County as soon as practicable thereafter of any such claim, action or proceeding.

Section 2.6 Text and Map Amendments

- A. Proposed amendments to the Joint Planning Area Land Use Plan and/or the Joint Planning Area Land Use Map may be initiated by (i) Orange County or (ii) the Towns or any other party by filing a request for such an amendment with Orange County. Any petition or request to amend the Joint Planning Area Land Use Plan received by the County shall be referred to the respective Towns. No such amendment may become effective until after it has been adopted by Orange County, Chapel Hill and Carrboro following a joint public hearing by all three governing bodies.
- B. Except as provided herein, proposed amendments to the text of the Orange County ~~Zoning and Subdivision Ordinances~~ Unified Development Ordinance³ that are applicable within the Rural Buffer as well as proposed changes in zoning district classifications (i.e., zoning map changes) that affect property within the Rural Buffer shall be initiated and adopted in accordance with the procedures set forth in those County ordinances. All such proposals that affect the CHJDA shall be referred to Chapel Hill for review and recommendation, and all such proposed amendments that affect the CJDA shall be referred to Carrboro for review and recommendation. Orange County may not adopt such proposed amendments until the respective Towns have made their recommendations, or until the expiration of thirty (30) days following such referral, whichever occurs first.

In the case of agricultural support uses, both the ASE-CZ conditional zoning districts and the agricultural support uses added to the RB (Rural Buffer) general use zoning district in

³ Since the County now uses a Unified Development Ordinance, the language in this section should be changed to reflect the current name of the County's land use regulations.

2014, Orange County shall not materially change the text of its Unified Development Ordinance, as it pertains to the Rural Buffer, unless the amendment is heard at a joint public hearing and adopted by Orange County, Chapel Hill, and Carrboro. Examples of material changes, in this case, are adding or deleting uses to/from the Table of Permitted Uses and/or adding, deleting, or changing the use-specific standards in Article 5 of the Unified Development Ordinance.⁴

- C. Whenever Chapel Hill proposes to amend the text of its Land Development Ordinance, and whenever Carrboro proposes to amend the text of its Land Use Ordinance, the respective towns shall deliver a copy of the full text of the proposed amendment to Orange County not later than thirty (30) days before the date of the public hearing on any such amendment. However, with the written consent of the Orange County Manager or his designate, this thirty (30) day period may be reduced to not less than ten (10) days. Unless Orange County files with the respective towns a written objection on or before the date of the public hearing on the proposed ordinance amendment, then adoption of the amendment by the respective town shall automatically effect a corresponding amendment to the applicable ordinance adopted by reference by Orange County as provided in Section 2.1C. Any such objection shall be based on a determination by Orange County that the proposed amendment is inconsistent with the adopted Joint Planning Area Land Use Plan. If a town adopts an amendment despite Orange County's objection, then it shall refer such amendment to Orange County with a request that the County make corresponding changes as expeditiously as reasonably possible so that the town may continue to enforce within its

⁴ This text is proposed to be added to address concerns that Orange County could significantly change its Unified Development Ordinance after the Towns of Carrboro and Chapel Hill approve amendments to the Joint Planning documents and those changes would be subject only to a staff-level review by Town staff.

**A RESOLUTION AMENDING
THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT TO
ALLOW FOR THE POSSIBILITY OF LOCATING APPROPRIATE
AGRICULTURAL SUPPORT ENTERPRISES IN THE
RURAL BUFFER LAND USE CLASSIFICATION**

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as "Agricultural Support Enterprises Within the Rural Buffer Land Use Classification," a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement, and

WHEREAS, the topic was further discussed by the three governments at the November 19, 2014 Assembly of Governments meeting, and

WHEREAS, the Towns of Chapel Hill and Carrboro have made recommendations regarding the proposed amendments to the County's Unified Development Ordinance (UDO) which would implement the Agricultural Support Enterprises program within the Rural Buffer land use classification, and

WHEREAS, Orange County will incorporate the recommendations made by the Towns into the proposed UDO text amendments which are scheduled to be considered at a later date.

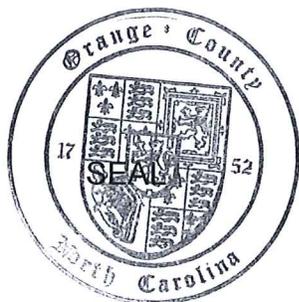
NOW THEREFORE, the Board of Commissioners of Orange County hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages.

BE IT FURTHER RESOLVED THAT the amendments to the Joint Planning Land Use Plan and Agreement shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

Upon motion of Commissioner Jacob, seconded by Commissioner Pelissier, the foregoing resolution was adopted this 7 day of April, 2015.

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 April 7, 2015 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 8 day of April, 2015.



Donna S. Baker
Clerk to the Board of Commissioners

Excerpted Pages of Joint Planning Land Use Plan

***Suburban Residential Areas** are designated for housing densities ranging from one (1) to five (5) dwelling units per acre. Such areas are located where land is changing from rural to urban, suitable for urban densities, and to be provided with public utilities and services. Housing types range from single-family to duplexes to multi-family dwellings.

*However, densities may be lower than one dwelling unit per acre in Suburban Residential Areas. Chapel Hill as part of its Southern Small Area Plan has identified certain areas in the Southern Triangle as being suitable for densities not exceeding one (1) unit per acre for areas immediately east of U.S. 15-501 and densities not exceeding one (1) unit per five (5) acres for areas immediately west of Old Lystra Road.

*Amended 2/1/93

Urban Residential Areas are similar to Suburban Residential Area in terms of both housing types and public services availability. However, densities are higher, ranging from six (6) to thirteen (13) dwelling units per acre.

Office-Institutional Areas is a category consisting of establishments which offer an array of financial, insurance, real estate, legal, medical, and business services. Such areas generally have public utilities and services available and are located adjacent to heavily traveled streets.

Future UNC Development is a category established for lands owned by the University of North Carolina, including Horace Williams Airport and adjacent parcels. Such lands are contemplated for expansion of the UNC campus, provided the Airport is relocated.

Retail Trade Areas are limited in Transition Areas, including existing establishments at Starpoint and Calvander. Modest room for expansion was projected in Transition Areas.

Light Industrial Areas are singular, consisting of the Chapel Hill Industrial Park on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

Disposal Use Areas consist of landfill sites, either existing or future. The existing landfill on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

***Rural Buffer and Conservation**

*Amended

4/2/90

2/3/92 (effective 2/24/92)

6/9/14

6/17/14

The basic categories of Rural Buffer and Conservation have been combined in the Joint Planning Area Land Use Plan to form a single land use classification – Rural Buffer.

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural and not require urban services (public utilities and other Town services). The Rural Buffer is expected to contain low density residential uses, **as well as** agricultural uses exempt from zoning regulations, **and low-intensity agricultural support uses** and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to 1 acre in area, are allowed so long as established density limits for the entire subdivision are maintained. In

***University Lake Watershed Area**

*Amended
4/2/90
6/9/14

The University Lake Watershed Area includes all lands which drain into the University Lake Reservoir. Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres. Based on a preferred watershed protections strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-density residential uses are permitted. Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed so long as density limits are adhered to. There is an allowance for the creation of 5 lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989. Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.

***Rural Residential and Agricultural**

*Amended
4/2/90
6/9/14
6/17/14

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to 1 acre in area, are allowed as long as established density limits are maintained. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses, **and** agricultural uses exempt from zoning regulations, **and low-intensity agricultural support uses**; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgfield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

Excerpted Pages of Joint Planning Agreement

~~agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CJJDA.~~

~~F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.~~

G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, agricultural uses exempt from zoning regulations, **and low-intensity agricultural support uses** and not require urban services (public utilities and other town services). **Agricultural support uses are those designated in the County's Unified Development Ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.**

H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in

~~harmless, to the extent they can legally do so, Orange County, its Board of Commissioners, its advisory boards, its staff and all members of its boards and staffs, in their official and individual capacities, from any and all claims, actions, proceedings, expenses, damages or liabilities, including attorneys' fees and courts costs, resulting from the towns' administration of the ordinances specified in Sections 2.1(C).~~

- ~~C. Orange County shall notify the respective towns and the towns shall notify Orange County as soon as practicable thereafter of any such claim, action or proceeding.~~

Section 2.6 Text and Map Amendments

- A. Proposed amendments to the Joint Planning Area Land Use Plan and/or the Joint Planning Area Land Use Map may be initiated by (i) Orange County or (ii) the Towns or any other party by filing a request for such an amendment with Orange County. Any petition or request to amend the Joint Planning Area Land Use Plan received by the County shall be referred to the respective Towns. No such amendment may become effective until after it has been adopted by Orange County, Chapel Hill and Carrboro following a joint public hearing by all three governing bodies.
- B. Except as provided herein, proposed amendments to the text of the Orange County ~~Zoning and Subdivision Ordinances~~ **Unified Development Ordinance**¹ that are applicable within the Rural Buffer as well as proposed changes in zoning district classifications (i.e., zoning map changes) that affect property within the Rural Buffer shall be initiated and adopted in accordance with the procedures set forth in those County ordinances. All such proposals that affect the CHJDA shall be referred to Chapel Hill for review and recommendation,

¹ Since the County now uses a Unified Development Ordinance, the language in this section should be changed to reflect the current name of the County's land use regulations.

and all such proposed amendments that affect the CJDA shall be referred to Carrboro for review and recommendation. Orange County may not adopt such proposed amendments until the respective Towns have made their recommendations, or until the expiration of thirty (30) days following such referral, whichever occurs first.

In the case of agricultural support uses, both the ASE-CZ conditional zoning districts and the agricultural support uses added to the RB (Rural Buffer) general use zoning district in 2015, Orange County shall not materially change the text of its Unified Development Ordinance, as it pertains to the Rural Buffer, unless the amendment is heard at a joint public hearing and adopted by Orange County, Chapel Hill, and Carrboro. Examples of material changes, in this case, are adding or deleting uses to/from the Table of Permitted Uses and/or adding, deleting, or changing the use-specific standards in Article 5 of the Unified Development Ordinance.²

- C. Whenever Chapel Hill proposes to amend the text of its Land Development Ordinance, and whenever Carrboro proposes to amend the text of its Land Use Ordinance, the respective towns shall deliver a copy of the full text of the proposed amendment to Orange County not later than thirty (30) days before the date of the public hearing on any such amendment. However, with the written consent of the Orange County Manager or his designate, this thirty (30) day period may be reduced to not less than ten (10) days. Unless Orange County files with the respective towns a written objection on or before the date of the public hearing on the proposed ordinance amendment, then adoption of the amendment

² This text was added to address concerns that Orange County could significantly change its Unified Development Ordinance after the Towns of Carrboro and Chapel Hill approve amendments to the Joint Planning documents and those changes would be subject only to a staff-level review by Town staff.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

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

SUBJECT: Housing and Community Development Consolidated Plan – FY 2015-2020

DEPARTMENT: Housing, Human Rights and
Community Development

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

Resolution

INFORMATION CONTACT:

Audrey Spencer-Horsley, Director,
919.245.2490

**UNDER SEPARATE COVER – ONLY
PROVIDED ELECTRONICALLY**

*FY 2015-2020 Consolidated Plan – Available
at*

<http://orangecountync.gov/housing/Publications.asp>

PURPOSE: To:

- 1) Receive comments from the public regarding the FY 2015-2020 Consolidated Plan for Housing and Community Development Programs in Orange County; and
- 2) Adopt a resolution approving the Consolidated Plan – FY 2015-2020 for Orange County, North Carolina.

BACKGROUND: The Consolidated Plan for housing and community development programs is a five-year document required by the U.S Department of Housing and Urban Development (HUD) for all communities receiving HOME funds (Orange County Consortium) and Community Development Block Grant (CDBG) entitlement funds (Chapel Hill). The Orange County Consortium consists of the Towns of Carrboro, Chapel Hill, Hillsborough and Orange County. Orange County is the lead entity.

The Consolidated Plan details housing and needs of very low income, low income and moderate-income families and special needs population groups in addition to outlining the strategies and plans for addressing those needs. Additionally, the Consolidated Plan can serve as the foundation for the development of a long-range affordable housing plan for Orange County. The last Consolidated Plan was completed in May 2010 for years FY 2010-2015, thus a new plan is needed for the upcoming five-year period (2015-2020). The Consolidated Plan must be submitted to HUD by May 15, 2015.

Urban Design Ventures (consultants) through consultation with County, Town staffs and members of the community has developed the FY 2015-2020 Consolidated Plan. The full plan is available electronically at <http://orangecountync.gov/housing/Publications.asp>.

A thirty (30) days comment period was required by HUD and was established from March 28 – April 27, 2015; with public notice in *The Herald Sun* and *The Chapel Hill Herald*. The Consolidated Plan document and the Annual Action Plan were made available to the public, at the Towns and County Housing, Human Rights and Community Development offices as well as on the County website, public libraries and through other community outreach.

The Consolidated Plan must be approved by all jurisdictions including the Towns of Chapel Hill, Hillsborough and Carrboro prior to submission of the document to the Greensboro HUD Office no later than May 15, 2015.

FINANCIAL IMPACT: An approved Consolidated Plan for Fiscal Years 2015-2020 must be on file with the Greensboro HUD Office in order for the Orange County HOME Consortium to continue to receive HOME Partnership Program funding.

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

- 1) Receive comments from the public as additional information;
- 2) Close the public hearing; and
- 3) Adopt the resolution approving the FY 2015-2020 Consolidated Plan.

ORANGE COUNTY BOARD OF COMMISSIONERS**RESOLUTION AUTHORIZING THE SUBMISSION OF
THE FY 2015-2020 CONSOLIDATED PLAN FOR THE CONSORTIUM
ORANGE COUNTY, NORTH CAROLINA**

BE IT RESOLVED, by the Orange County Board of Commissioners, that the Commissioners authorize the County Manager to submit the FY 2015-2020 Consolidated Plan for housing and community development programs to the U.S. Department of Housing and Urban Development for the Orange County Consortium including all understandings, assurances, and certifications required therein.

BE IT FURTHER RESOLVED, that the Manager is hereby designated as the authorized representative of the County to act in connection with the submission of the FY 2015-2020 Consolidated Plan and the annual updates to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This 5th day of May 2015.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

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

SUBJECT: Consolidated Plan Annual Action Plan/HOME Program

DEPARTMENT: Housing/Human Rights and
Community Development

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):
Resolution

INFORMATION CONTACT:
Audrey Spencer-Horsley, Director, 919-
245-2490

PURPOSE: To:

- 1) Receive comments from the public regarding the FY 2015-2016 Annual Action Plan for the HOME Program in Orange County.
- 2) Adopt a Resolution approving the FY 2015-2016 Consolidated Housing Plan Annual Action Plan; and approving the proposed HOME Program Activities for 2015-2016; and
- 3) Authorize the Manager to implement the HOME Program as approved by the BOCC including the ability to execute agreements with partnering non-profit organizations after consultation with the County Attorney.

BACKGROUND:

Consolidated Plan Annual Action Plan

The last Consolidated Plan was completed in May 2010 for years FY 2010-2015, thus a new plan is needed for the upcoming five-year period (2015-2020). The Consolidated Plan must be submitted to HUD by May 15, 2015.

In 2015, 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. The Consolidated Plan is required for all communities receiving HOME funds (Orange County HOME Consortium) and CDBG entitlement funds (Town of Chapel Hill).

Each year, local communities are also required to submit an Annual Action Plan for the Consolidated Plan to the HUD Office by May 15th. The FY 2015-2016 is the first Annual Action Plan under the new Five Year Plan. Public hearings were held by the Chapel Hill Town Council

on February 9, 2015, regarding housing and community development needs and by the Board of County Commissioners (BOCC) on March 3, 2015 to receive public comments regarding housing and community development community needs. Public comments received at the hearings are summarized in the FY 2015-2020 Consolidated Plan and Annual Action Plan.

A thirty (30) day public comment period as required by HUD was established for March 28, 2015-April 27, 2015 by notice in *The Herald-Sun* and *The Chapel Hill Herald*.

FY 2015-2016 HOME Program Activities

The current Orange County HOME Consortium Agreement establishes a HOME Program Review Committee to provide general oversight of the program. The Committee is authorized to provide policy oversight for planning, operations, and evaluation of the HOME Program. The Manager or his/her designee from each participating unit of local government and one (1) elected official from each jurisdiction shall be a member. For Orange County, Commissioner Mark Dorosin serves on this Committee.

The HOME Program Review Committee prepares a proposed HOME program design each year and Consortium program application to HUD, in compliance with federal program regulations and requirements. This includes reallocation of any funds from previous years not expended or any repayments or other program income. The proposed HOME program design defines a strategy in sufficient detail to accommodate the collective and individual needs and priorities of the County and Towns. Each year proposed HOME program design and the Consortium program application should be consistent with the Consolidated Plan.

For the FY 2015-2016 program year, the HOME Program Review Committee reviewed HOME applications and developed the following HOME program design. A total of seven (7) applications were received from local non-profit organizations requesting \$764,683. There is **\$412,638** in HOME funds including program income and match funds available for FY 2015-2016. The recommended program design is detailed in the attached Resolution.

In accordance with the Orange County HOME Consortium Agreement approved in May 2011, the HOME program design for each year must be approved by all jurisdictions prior to submission to HUD. The BOCC is therefore requested to consider approval of the attached HOME Program Resolution.

HOME Program Implementation

After approval of the FY 2015-2016 HOME Program design by all consortium participants, authorization is also requested to allow the Orange County Manager to execute agreements with partnering non-profit organizations as necessary to implement the approved HOME Program design. All agreements will receive the review and approval the County Attorney's office.

FINANCIAL IMPACT: The Orange County HOME Consortium is scheduled to receive **\$311,832** in FY 2015 HOME Program funding. The required total local government match is \$70,162. There is also \$30,644 in HOME program income so there is a total of \$412,638 available for programming for the 2015-16 fiscal year.

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

- 1) Receive comments from the public as additional information;
- 2) Close the public hearing;
- 3) Adopt a Resolution approving the FY 2015-2016 Consolidated Housing Plan Annual Action Plan; and approving the proposed HOME Program Activities for 2015 - 2016; and
- 4) Authorize the Manager to implement the HOME Program as approved by the BOCC including the ability to execute agreements with partnering non-profit organizations after consultation with the County Attorney.

**ORANGE COUNTY BOARD OF COMMISSIONERS
RESOLUTION AUTHORIZING
THE ORANGE COUNTY FY 2015-2016 HOME PROGRAM DESIGN**

BE IT RESOLVED, by the Orange County Board of Commissioners as a member of the Orange County HOME Consortium approves the submission of the FY 2015-2016 Consolidate Plan Annual Action Plan HOME Program activities.

Homeownership Assistance

Funds would be allocated to Orange County Habitat for Humanity to provide deferred payment zero interest second mortgages for ten (11) homes throughout Orange County. Homes will be sold to households earning between 30 percent and 65 percent of the area median income.

(Requested amount: \$270,000) \$100,455

New Construction

Funds would be allocated to the Downtown Housing Improvement Corporation, Inc. (DHIC) to support the new construction of 80 apartment homes for households at less than 60% AMI on Legion Road in Chapel Hill. Greenfield Place will have a mix of one, two and three bedroom units along with a community building and other amenities.

(Requested amount: \$300,000) \$154,500

Acquisition

Funds would be allocated to EmPOWERment, Inc., for the acquisition of a single family property for lease to households earning 80% or less AMI.

(Requested amount: \$60,000) \$30,000

Housing Rehabilitation

Funds would be allocated to EmPOWERment, Inc., for rehabilitation of a single family property for lease to veteran households earning 80% or less AMI.

(Requested amount: \$46,500) \$46,500

Tenant Based Rental Assistance

Funds would be provided to Housing for New Hope to support homeless outreach and increase housing support that assist the homeless of Orange County acquire permanent housing.

(Requested amount: \$50,000) \$50,000

Program Administration \$ 31,183

TOTAL FY 2015-2016 HOME PROGRAM FUNDS **\$412,638**

BE IT FURTHER RESOLVED, that the County Manager is hereby designated as the authorized representative of the County to act in connection with the submission of this plan and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development

This the 5th day of May 2015.

Earl McKee, Chair
Orange County Board of Commissioners

SEAL

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

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

SUBJECT: MINUTES

DEPARTMENT:

PUBLIC HEARING: (Y/N)

ATTACHMENT(S):

INFORMATION CONTACT:

Draft Minutes

Donna Baker, 245-2130

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

March 26, 2015
March 26, 2015

Assembly of Governments Meeting
Joint Meeting with the Town of Chapel Hill

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.

Attachment 1

DRAFT

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
HILLSBOROUGH BOARD OF COMMISSIONERS
CARRBORO BOARD OF ALDERMEN
March 26, 2015
ASSEMBLY OF GOVERNMENTS

The Orange County Board of Commissioners met with the Towns of Chapel Hill, Carrboro and Hillsborough for an Assembly of Governments meeting on Thursday, March 26, 2015 at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Earl McKee and Commissioners Mia Burroughs, Mark Dorosin, Barry Jacobs, Bernadette Pelissier, Renee Price, and Penny Rich

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Assistant County Manager Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

CHAPEL HILL TOWN COUNCIL MEMBERS/STAFF PRESENT: Mayor Mark Kleinschmidt, Ed Harrison, Jim Ward, Lee Storrow, George Cianciolo, Maria Palmer, Donna Bell, Sally Greene and Town Manager Roger Stancil

CHAPEL HILLTOWN COUNCIL MEMBERS ABSENT:

CARRBORO BOARD OF ALDERMEN MEMBERS/STAFF PRESENT: Mayor Lydia Lavelle, Aldermen Damien Seils, Jacquelyn Gist, Michelle Johnson, Randee Haven O'Donnell, Sammy Slade, Bethany Chaney and Town Manager David Andrews

CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT: Jacquelyn Gist

TOWN OF HILLSBOROUGH COMMISSIONERS/STAFF PRESENT: Town Commissioners Eric Hallman, Brian Lowen, Evelyn Lloyd, Kathleen Ferguson, Jan Wenn, and Town Manager Eric Peterson

TOWN OF HILLSBOROUGH COMMISSIONERS ABSENT: Mayor Tom Stevens and Evelyn Lloyd

Chair McKee called the meeting to order at 7:03 p.m.

Welcome and Opening Remarks

Chair McKee said there is only one item on this agenda tonight and that is the Solid Waste Advisory Group (SWAG) presentation of the solid waste program fee options. He asked the Mayors and the Town of Hillsborough Mayor Pro Tem for their comments.

Mayor Kleinschmidt said the SWAG has been working on this for nine months, and he is happy for the opportunity to have this conversation with the elected officials

Mayor Lavelle noted that Jacquelyn Gist would not be able to attend tonight.

Mayor Pro Tem Brian Lowen said he looked forward to coming to an amicable agreement, and he noted that Mayor Stevens was not able to attend tonight.

Chair McKee asked Commissioner Jacobs, as Chair of the SWAG, to lead off the conversation.

1 **1. Solid Waste Program Fee Options Recommendation – Solid Waste Advisory**
 2 **Group**

3 Commissioner Jacobs said the Solid Waste Advisory Group (SWAG) has been meeting
 4 since August of 2014, and he asked the members to acknowledge themselves by raising their
 5 hands.

6 Commissioner Jacobs said there has been good joint participation by staffs. He said
 7 work has been done on basic agreements, and there has been discussion about the fees for
 8 basic recycling. He said everyone agreed to do things in a way that would make it easy for all
 9 of the governments to budget for this coming fiscal year with regard to any fees.

10 Commissioner Jacobs said the group started out with four staff proposals for possible
 11 fees for the recycling program, and then this was reduced down to two options. He introduced
 12 Gayle Wilson to review these choices.

13 Gayle Wilson said option 1 and option 2 are similar in that the revenue requirements are
 14 the same, but are achieved in a slightly different way.

15 He reviewed the following information from the abstract attachments regarding the two
 16 options:

17
 18 **Option 1** is a two part annual fee; One Comprehensive Solid Waste Program Fee for all
 19 Municipal Units - \$94/year (based on FY 14/15 budget revenue requirement), and One
 20 Comprehensive Solid Waste Program Fee for all Rural units - \$118/year (based on FY 14/15
 21 budget revenue requirement).

22 Option 1 would establish an urban fee and a rural fee that would be applied to each developed
 23 property and multi-family units throughout the county, including tax exempt properties, except
 24 for UNC-CH properties that are served by the University's separate recycling program. Option 1
 25 would incorporate an approximate 33% solid waste convenience center costs into the urban fee
 26 component and an approximate 66% solid waste convenience center costs into the Rural fee
 27 component.

28
 29 **Option One:**

- 30 • Simplified fee structure
 31 • Easy to administer, manage, and explain
 32 • Includes phased expansion of rural curbside service, increasing recycling and waste
 33 reduction rate
 34 • Flexibility in providing services without being constrained by rigid categories
 35 • Example: If a business is located on a residential route (urban or rural) and generates
 36 recyclables in quantities similar to a residence, it can be assigned to a residential route
 37 without concern that there is not an appropriate fee category.

38
 39 **Key Factors**

- 40 • Rural curbside service is proposed to be phased in to entire unincorporated area over three
 41 year period, equalizing services by the fourth year. The rural fee will increase incrementally over
 42 phasing period.
 43 • Efforts to provide more equitable services among all the program users could be implemented
 44 over time by improving service efficiencies and availability of services.
 45 • Single family, multi-family and developed non-residential property owners in the rural sector
 46 pay \$24 more than property owners in the urban sector.

47
 48 **Option 2** is a Single Comprehensive Fee - \$103/year (based on FY-14/15 budget revenue
 49 requirement) that would be applied equally to all developed properties and multi-family units
 50 throughout the county, including tax exempt properties, except for UNC-CH properties that are

1 served by the University's separate recycling program. Option 2 would evenly distribute solid
 2 waste convenience center costs across all sectors.

3 4 Option 2

- 5 • Most simplified fee structure
- 6 • Easiest option to administer, manage, and explain
- 7 • Includes phased expansion of rural curbside service, increasing recycling and waste
8 reduction rate
- 9 • Flexibility in providing services without being constrained by rigid categories is
10 maximized
- 11 • Example: If a business is located on a residential route (urban or rural) and generates
12 recyclables in quantities similar to a residence, it can be assigned to a residential route
13 without regard to changing

14 15 Key Factors

- 16 • Rural curbside service is proposed to be phased in to entire unincorporated area over three
17 year period, equalizing services by the fourth year. The program fee will increase incrementally
18 over phasing period.
- 19 • All developed properties pay the same amount, although eligibility for services may vary
20 between jurisdictions and sectors.
- 21 • Efforts to provide more equitable services among all the program users could be implemented
22 over time by improving service efficiencies and availability of services.
- 23 • This option presents a new funding paradigm and new way of viewing solid waste program
24 funding by offering a singular fee. This holistic approach to funding eliminates any division
25 between rural and urban boundaries, creating a truly integrated and comprehensive approach
26 to program funding county-wide.

27 28 Universal Elements for Both Options

- 29 • Undeveloped properties do not pay a fee.
- 30 • All developed properties including tax-exempt properties pay a fee.
- 31 • The fee structure is stable and predictable.
- 32 • Fee impacts for potential service expansions, improvements, and changes can be easily
33 determined and made available for elected boards to consider.
- 34 • Some property owners may consider the proposed fee rates a significant increase because no
35 fee for rural or urban curbside service or multi-family service has been assessed for the past
36 two years.
- 37 • Failure of elected boards to approve a funding mechanism for the FY 2015-16 Budget may
38 lead to suspension of services or further debiting of the solid waste landfill closure and post-
39 closure reserves account.
- 40 • Orange County will continue to provide financial assistance for qualifying low-income residents
41 who are unable to pay for solid waste program fees. In 2014, approximately 700 parcels were
42 provided assistance through the County's 3R Fee Financial Assistance program.
- 43 • Funding option proposals are based on FY 2014-15 budget revenue requirements. For FY
44 2015-16, minor fee adjustments may be implemented to align with the actual FY 2015-16
45 budget revenue requirements.

46
47 Gayle Wilson noted that the current year's budget was used in this analysis, and the
48 fees in the packet reflect calculations based on the current year solid waste budget and
49 expenditures. He said the rate of the fee could vary next year once the new budget is
50 completed.

1 Mayor Kleinschmidt noted the fact that the Solid Waste Convenience Center (SWCC)
2 fees allocated to the rural portion of option 1 is twice that of the municipal portion. He said the
3 basic 3-r fee for the municipal portion looks to be about 70 percent lower than the rural fee for
4 that amount. He said he wants to be fair in noting the substantial differences in the basic fees
5 in option 1.

6
7 *Council Member Bell arrived at 7:11pm.*

8
9 Commissioner Burroughs asked for more information about the services included in the
10 fee.

11 Gayle Wilson said the basic fee includes almost everything except the urban curbside,
12 rural curbside and the multifamily program. He said the fee includes the food waste collection
13 program, commercial services, park and ride lot collections, parks collections, government
14 building collections, unstaffed recycling drop-off centers, hazardous waste and electronics
15 collection, several landfill based recycling services, as well as education and outreach.

16
17 *Alderman Slade arrived at 7:13pm.*

18
19 Chair McKee opened the floor for comments.

20 Alderman Slade said his original perspective on this was to choose an option that
21 reflects where the costs are located. He said, as he has further looked at the formulas, he feels
22 it is a rough way to allocate costs based on the number of people in the rural and urban areas.
23 He said this does not reflect the costs he would want to have reflected in a fee, specifically with
24 regard to fuel costs.

25 He said he is not sure which option he prefers, but he would like for this group to
26 consider either option as a pilot option. He said this would allow a fee to be put in place before
27 the deadline, given the amount that has already been drawn funds from the landfill closing fund.

28 Alderman Slade said he is not sure if the costs for the roll out carts were paid for by the
29 rural residents, but his understanding is that both rural and urban will be paying for this in the
30 universal option, whereas it would be separated in the other option. He said the rural option
31 would be a 3 to 5 percent increase over the next three years and then would taper off. He said
32 this would mean residents would pay about \$20 more on top of an already increased amount,
33 and he felt this needs to be considered in the deliberation.

34 Mayor Kleinschmidt said he likes the idea of a pilot program. He said the SWAG was
35 challenged by using the data to justify the fee. He said the two main conversation drivers were
36 equity and the principle that everyone is in this together with the goal of promoting increased
37 recycling.

38 Mayor Kleinschmidt said he and the other Chapel Hill representative, Council Member
39 Ward, were struck by the way the fees are structured for the funding of the SWCCs. He said
40 these fees supplement the general fund contribution from Orange County, and with both
41 options 35 percent of the proposed fee would go to support the SWCCs. A survey was done to
42 determine who uses these centers, and the snapshot showed the municipal residents make up
43 11 percent of the users. He said the \$1.8 million in general funds from the County comes
44 largely from the municipal residents. He said 42 percent is from the Town of Chapel Hill
45 residents. He said there were some concerns about this as it related to equity.

46 Mayor Kleinschmidt said both options have 35 percent going to the SWCCs, and he and
47 Council Member Ward saw this as a compromise. He said the two fee system is a better
48 compromise.

49
50 *Alderman Johnson arrived at 7:23pm.*

1
2 Mayor Kleinschmidt said it would be easier to pilot a program with two fees rather than a
3 single fee. He said his Town Council has talked about this and felt that it would be more
4 difficult to change a fee once it is implemented as a single fee. He said data could continue to
5 be gathered over a pilot period in order to determine whether the fee structure should be further
6 adjusted.

7 Council Member Ward said Mayor Kleinschmidt summarized it well. He said he
8 articulated at the SWAG meetings as a representative of his constituents, that option 1 more
9 closely sets the fee rate at the cost of services that the citizens are actually getting. He said
10 the snapshot survey does show that Chapel Hill is paying more for the SWCCs than the citizens
11 actually use. He said there is no need to parse that out at this time, and the Town is supportive
12 of option 1 on a trial basis of one year. He said the goal would be to have the SWAG continue
13 to look at this issue or to investigate this trial period later in the year in order to make a more
14 informed decision for 2016-17.

15 Mayor Lavelle said, at the SWAG meetings, she was in favor of funding option 2. She
16 liked the idea of roll out carts going to everyone and the idea of establishing a holistic
17 countywide approach. She found it difficult to look at all of the services that Orange County
18 provides and to parse out those things that benefitted County residents versus urban residents.
19 She said she looks at this as a countywide effort; everyone pays property taxes, and everyone
20 pays the same fee. She said the survey illustrates that people in the County are continuing to
21 use the SWCCs more because they do not have roll out carts yet. She said there has been a
22 21 percent increase in recycling with the rollout carts in the urban areas, and there may be such
23 an increase with the rollout to the County. In her view, it feels like it makes more sense to go
24 forward with one fee.

25 Commissioner Price said she concurs with Mayor Lavelle. She said option 2 is fair to
26 everyone. She said some services are just basic to the County. She pays for education in the
27 County and she is glad to do it, even though she does not have children in the system. She
28 said she feels there should be a flat fee for everyone.

29 Town Commissioner Wenn said she is supportive of a flat fee. She said any countywide
30 issues are in need of countywide support, and a flat fee is an easier sale to their constituents.

31 Town Commissioner Ferguson said the other element that she felt was important was to
32 encourage usage. She said there are rural residents who have concerns with the higher fees.
33 She said the single fee lowers the barrier to usage, which has an impact. She said this needs
34 to be looked at holistically.

35 Commissioner Pelissier said she supports a flat fee. She said the goal is to get people
36 to recycle for all of the environmental benefits. She said equity is not the primary goal here, but
37 it is equity to say that there is a flat fee for everyone in this County. She said part of this is a
38 perception issue, and she would not want to tell farmers and other rural residents that they have
39 to pay more because they live in a rural environment.

40 Alderman O'Donnell said everyone is in this together as a county, and she supports the
41 flat fee. She is a teacher and she spends time teaching kids to understand that the mindset
42 should not just be about taking care of their own recycling. She said the goal is to get people to
43 understand the value of taking care of the existing waste as a whole as well as individually.
44 She said the flat fee says that we are going to take care of recycling together as a County.

45 Commissioner Burroughs said she has become increasingly focused on the \$9
46 difference between option 1 and option 2. She thinks of this \$9 and the constituency, and this
47 amount could be a struggle for some people. She said she wants to work together to help
48 struggling homeowners. She said it is important to focus on what that \$9 means and to whom it
49 means something.

1 Mayor Kleinschmidt said these are all good responses, and it is important to improve
2 recycling capabilities countywide, but he does not want to miss an important aspect of this
3 decision. He said both options provide for the increased curbside recycling, and neither option
4 creates a barrier for people because of where they live. He said a lot of this comes down to
5 solid waste convenience centers, and these centers provide a broader service than just
6 recycling. He said the primary use of these centers is the disposal of municipal solid waste. He
7 said the residents of the towns pay a portion, through their taxes, for the disposal of their
8 household waste. He said Chapel Hill is satisfied with 35 percent of the fee supporting the
9 SWCC, because this moves toward the mindset of being in it together.

10 Mayor Kleinschmidt said if people believe there is a barrier related to option 1, he would
11 like to hear that articulated, because he does not understand what that is.

12 Commissioner Rich said there are options for people who can't afford these fees.

13 Commissioner Jacobs said Orange County is currently assisting 700 households.

14 Commissioner Rich gave an example of the Rogers Road area where one side of the
15 street would pay one fee and the other side another fee. She said this is a picture of how
16 equity does not always work out. She said this same scenario happened with the roll carts and
17 this, along with the discussions of the SWAG is part of what convinced her to go with the flat
18 fee.

19 Commissioner Rich said a decision does not have to be made tonight.

20 Chair McKee said this will be a discussion tonight and then it will be taken back to their
21 respective boards for final decisions. He said a decision will need to be made within a timeline
22 that adheres to the budgets moving forward.

23 Town Commissioner Ferguson said the situation in Hillsborough is similar to the Rogers
24 Road situation, but there are neighbors with lots beside each other that have different fees.
25 She said the \$22 difference is greater than the \$9 savings. She said the per capita income
26 tends to be lower in the County. She said we are in this together and this difference does
27 create a barrier and an artificial us versus them mentality.

28 Council Member Bell said there are many times where it is clear that we are not all in
29 this together. She said in the end, this may be a conversation about supporting a unified
30 recycling service. She said the town pays more taxes and then certain things are harder and
31 easier when you live in the County. She said neither of these options is onerous, and they are
32 divided by the thinnest of lines. She said the question is who will be the unifying voice. She
33 said it is a good idea to use option 1 for a year to see how it works, and it is easier to move
34 from a two tier system to a one tier system if changes are necessary. She said there is a larger
35 conversation to have about supporting one another and being in this together.

36 Town Council Member Palmer said the trash problem needs to be solved long term.
37 She said this is taking pieces of huge environmental and social justice issues and trying to
38 figure out how to make progress. She said her neighbors in the County understand the
39 differences associated with living there. She said if there is any confusion, people can be
40 educated about this.

41 She said most of the people in Chapel Hill who would struggle to pay for the fee would
42 not be among the 700 people who apply for assistance. She said most of these people are
43 renting, and the owners will just up the rent to cover the fee. She said there is a lot that Chapel
44 Hill could do with \$212,000 to help its residents.

45 Town Council Member Palmer said it would be important to have people in place to
46 explain the fees to residents. She said she is hoping that this ends up as one fee, but she
47 understands the difficulty of explaining the taxes and fees to residents, some of whom are
48 struggling. She suggested a trial period with monitoring.

49 Alderman Chaney said she agreed that this program is a system, and it is not a la carte.
50 She said residents can choose whether or not to access the system. She said it is also

1 foundational to the solid waste program in reducing the waste stream, and because of this she
2 is less inclined to agree that it makes sense to pay proportionally. She said it is important to
3 send a message about the value of reducing the waste stream. She said she does not want to
4 ask people to pay more for the services that they do not have, when those same people have
5 been subsidizing those services by others by virtue of the fact that they have not had them.
6 She said there have been investments in the towns before the rural areas, and this investment
7 has included the wear and tear on rural resident's cars as they travel to the convenience
8 centers, and it has been on their time and the neglect on the waste stream in rural areas. She
9 said the towns are just going to return that investment.

10 Alderman Chaney said the fee is going to be lower under either one of these options,
11 and single family properties will pay lower fees, so a lot of people will already see savings. She
12 said both plans put a higher burden on the commercial sector, and to some degree, the multi-
13 family sector, which is somewhat troubling. However, she said these are also the sectors with
14 the highest burden on the system. She said single fee system allows a reduction in stress on
15 some users, and sends a clear message to others that the goal is increasing service and better
16 meeting needs. She said she is not opposed to a pilot program, but she thinks this pilot should
17 be the single fee system, and it should be for three years, to allow for more data. She said the
18 data should be about real cost, and if fuel cost is going to be considered, the fuel cost for
19 residents using the SWCC should be considered.

20 Commissioner Price said she agreed with Alderman Chaney. She noted that option 1
21 will mean that rural residents will pay \$24 more for a service they will not get for three years,
22 and this is unfair.

23 Commissioner Dorosin said the two tiered system is inherently divisive. He said this is a
24 place where a one-size-fits-all would work. He said he is not sure a pilot program is needed,
25 but if it is, it would need to go longer than a year. He said everyone feels there is some service
26 they are subsidizing but not using. He said a single fee makes sense, and this is where it
27 should start.

28 Commissioner Jacobs said the County does subsidize 700 households, and this could
29 be looked at as just the start. He said one component that is not quantified is the educational
30 component, and this could be built upon.

31 Commissioner Jacobs said there are a lot of issues involved in the solid waste
32 enterprise that could do with more analysis. He does not understand the necessity of a pilot
33 program, but he thinks there should be a requirement to scrutinize all of the numbers and
34 assumptions. He said Orange County will be upgrading and re-opening the Eubanks SWCC
35 next year, and the number of users from the towns will increase over time. He said the smart
36 thing to do is to take a comprehensive look at this as it goes along, and there may be a need
37 for reasonable changes to some of these components. He said these are the numbers and
38 data that have to be used right now.

39 Commissioner Jacobs said there are many other weighty issues, but recycling is
40 something that everyone agrees is a high value for the community. He said nothing has to be
41 decided tonight, but it will be important next week for the respective boards to have given some
42 indication of where they want this to go.

43 Commissioner Jacobs said that he went into the process with the SWAG thinking that
44 either option was fine, but he was persuaded by other representatives about the benefit of one
45 flat fee. Commissioner Jacobs said too much has been spent talking about the urban-rural
46 divide. He said there is also too much time spent talking about who is putting something over
47 on someone else. He said it is important to be united and look at the bigger picture. He said
48 this is an example of how to start moving in that direction.

49 Commissioner Jacobs said he has been convinced to go with option 2.

1 Town Council Member Cianciolo said he came out of the council meeting feeling like he
2 could go with either option. He said the SWCC equity issue does not concern him very much,
3 and he can make an argument that these are a valued asset for the entire County. He said it is
4 important to work together more, and he noted that there are 75 percent more citizens living in
5 the City of Durham than there are in the whole of Orange County, and there is also competition
6 with things happening at the state level. He said the council members would have to sell the
7 single fee option to residents if that is what is chosen.

8 He said a recent report listed Orange County as the healthiest county in the state. He
9 said having people drive less frequently to drop off their trash should have a positive effect on
10 the environment, and this is one of the things that can be discussed in convincing the
11 community of the value. He has no objections to the single fee with option 2.

12 Alderman Seils said this is an opportunity to do something positive for all residents in
13 Orange County. He said this will expand recycling and do something everyone can feel good
14 about. He said it is important to create opportunities to participate in the program, and the feels
15 the two tier program is divisive. He is supportive of the flat fee option.

16 Town Council Member Palmer asked Alderman Chaney about her earlier comment and
17 how people would be saving money.

18 Alderman Chaney said she based this on the information on the spreadsheet attached
19 to their agenda abstract.

20 Gayle Wilson said there are some winners and losers in this process. He said single
21 family homeowners in the towns will be paying less than the rural areas, but the urban multi-
22 family will be paying more. He read through these numbers from the chart.

23 Gayle Wilson said generally the single family homes are paying less and non-residential
24 and multi-family dwellings will be paying more.

25 Town Council Member Palmer said she did not study the chart well enough to see the
26 cost savings, and she feels that her Council needs to discuss this further. She expressed
27 appreciation for this discussion.

28 Mayor Kleinschmidt said this has been a good discussion, and it has given everyone a
29 chance to talk about what they care about most. He said it is possible to be respectful of the
30 differing views and recognize the value of the principles that everyone brings to these
31 conversations, and this will lead to a more satisfying outcome.

32 Mayor Kleinschmidt said the Chapel Hill Town Council has some things to talk about.
33 He does not see any difference in these two options creating barriers, and he would appreciate
34 hearing how option 1 creates barriers to the larger goal. He does have concerns about the
35 County's general waste stream being funded disproportionately from this fee. He would like to
36 see his colleagues continue to provide comments and perspective.

37 Chair McKee said this has been the best AOG meeting he has attended in the last five
38 years. He said the points have been well stated and respectful. He said the County has a
39 great recycling program now, and everyone in the room wants to make it better. He said he
40 originally thought this goal could not be reached, but he sees now that the target will be
41 reached, and possibly exceeded.

42 Chair McKee said some good points were made about the convenience centers, and he
43 thinks the center on Eubanks Road is going to provide a better service.

44 Chair McKee said he is supportive of the single fee. He said there is no way to make it
45 fair for every person in the County, but this is a good place to start.

46 Town Council Member Palmer asked about the timeline going forward.

47 Bonnie Hammersley said the SWAG will be meeting on April 1st and will make a
48 recommendation for the respective governing boards to decide on.

49 Chair McKee said the point for tonight was to lay concerns on the table. He said
50 everyone is moving into budget season, so there are decisions to be made.

1 Council Member Ward said his perspective is that if he goes for the flat fee option, it
2 means getting the less divisive option by asking Chapel Hill taxpayers to pay more for a service
3 they are not getting. He asked for clarification on this fiscal iniquity. He said right now he is
4 unwilling to ask his constituents to pay more for a one fee system. He said the figures being
5 presented show that Chapel Hill is paying for more than they are getting in services with either
6 option, but with option two this is especially true. He said part of good government is having a
7 rational nexus between taxes and services.

8
9 The meeting was adjourned at 8:40 p.m.

10
11 Earl McKee, Chair

12
13 Donna Baker, Clerk to the Board

Attachment 2

DRAFT

**MINUTES
JOINT MEETING
ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
March 26, 2015**

The Orange County Board of Commissioners met with the Town of Chapel Hill for a joint meeting on Thursday, March 26, 2015 following the AOG meeting (7:00 p.m.) at the Southern Human Services Center in Chapel Hill, N.C.

COUNTY COMMISSIONERS PRESENT: Chair McKee and Commissioners Mia Burroughs, Mark Dorosin, Barry Jacobs, Bernadette Pelissier, Renee Price and Penny Rich

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Assistant County Manager Cheryl Young and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

CHAPEL HILL TOWN COUNCIL MEMBERS/STAFF PRESENT: Mayor Mark Kleinschmidt, Ed Harrison, Jim Ward, Lee Storrow, Matt Czajkowski, George Cianciolo, Maria Palmer, Donna Bell, and Sally Greene and Town Manager Roger Stancil

CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT

Chair McKee called the meeting to order at 8:46pm.

Welcome and Opening Remarks

Mayor Mark Kleinschmidt and BOCC Chair Earl McKee (no opening remarks).

1. Bond Referendum Updates

a) Town of Chapel Hill November 2015 Bond Referendum

Mayor Kleinschmidt said this has not been officially approved yet, but there has been preliminary approval of the bond order.

Roger Stancil reviewed the following information, as included in the abstract: The Town of Chapel Hill is planning a General Obligation Bond Referendum for November of 2015. The planned referendum will be about \$40.3 million and will include streets & sidewalks, trails and greenways, recreation facilities, a solid waste transfer station and stormwater improvements. The Town finances its long-term capital improvement through its Debt Management Fund. The Debt Fund uses a dedicated portion of the property tax that, along with other revenues such as transfers from enterprise funds, is used to fund debt service payments. Based on our projections, the proposed referendum bonds can be paid using the existing capacity in the Debt Management Fund. In other words, it is expected that the Town will not need to increase taxes in order to pay the debt service on the planned referendum debt.

Bond Orders

The planned bond orders (categories of projects that will be presented on the ballot) include projects that have been prioritized through the Town's internal review process. Among other things, this process took into consideration the following:

- Priority in various Master Plans, including the Parks & Greenways, Stormwater, Streetscape, Bike and Sidewalks Master Plans.

- Whether the project was contemplated in the Town's 2020 planning process.
- The project's importance score in the Community Survey.

Streets & Sidewalks \$ 16,200,000

Trails and Greenways \$ 5,000,000

Recreation Facilities \$ 8,000,000

Solid Waste Transfer Station \$ 5,200,000

Stormwater Improvements \$ 5,900,000

Schedule

The Town Council is scheduled to take its first official action for the planned referendum on April 27th when they take up the preliminary findings resolution. Other important milestones in the referendum process include introduction of bond orders and setting of the public hearing scheduled for May 27th and holding the public hearing, adoption of bond orders and setting of ballot questions on June 22nd.

Debt Affordability

The Town has manageable debt levels as evidenced by its low debt per capita and debt to assessed value benchmarks compared to its triple A rated municipal peer group. The Town's debt pay-out ratio (amount of debt service payable in the next ten years) is 77.9%, which is considered very strong. In addition, the Town's annual debt service as a percent of governmental revenues is currently about 9.2%, which is well below historic levels.

b) Potential November 2016 Orange County Bond Referendum

Chair McKee said Orange County has discussed a possible referendum on two separate occasions.

Paul Laughton said both school systems are looking at about \$330 million worth of repairs and renovations to their older schools. He said the County is still gathering information on this, and it would be a large portion of a potential bond referendum.

He said information was shared at the Board of County Commissioners' retreat regarding the 2001 bond and its process, two key debt ratios and where Orange County stands regarding this. He said that the County debt capacity is 15 percent and currently the county is at 13.24 percent. He said that Orange County is AAA bond rated and is therefore in the strong category. He said that debt to assess value is also important. The County sets the maximum debt to assess value at 3 percent, and it is currently at 1.17 percent. He said this again puts the County in a strong rating category.

Paul Laughton said the Board of County Commissioners discussed at their March 3rd meeting the intent to schedule a bond referendum in November 2016 to address County and school needs. The Board also discussed the creation of a Capital Needs Advisory Task Force. The Board of County Commissioners asked for additional information from the schools. He said Orange County schools will present their priorities in May.

Paul Laughton said staff has looked at possible timeframes with appointing a task force in late spring. He said the task force could meet over summer break and could come back with recommendations by October 6, 2015 if not before.

Paul Laughton said they are looking at a potential \$125 million bond. The total of \$330 million in repairs cannot be accomplished in one bond referendum; therefore priorities will be important.

Bonnie Hammersley said that more information will be given to the Board of County Commissioners. She said the process for doing so has not yet been determined.

Chair McKee said the County is restrained as to when they can put a bond forward, and that would be 2016.

Commissioner Rich asked when Chapel Hill will finalize their bond.

1 Roger Stancil said the process is to be concluded by April 26th.

2 Mayor Kleinschmidt said that the information used to determine bond priorities came
3 from plans that the Council initiated over the past several years, identifying various needs of
4 departments and the priorities within those needs. Chapel Hill puts money aside to pay debt,
5 thus not raising taxes when bonds are issued.

6 Council Member Ward asked about the tax implications of a \$125 million bond.

7 Paul Laughton said this would be about a 5 cent tax rate equivalent.

8 Chair McKee said it would be staggered over cycles.

9 Council Member Ward asked if the schools would ever get caught up with this backlog
10 of renovations.

11 Bonnie Hammersley said one of the efforts in remediation is that it will create more
12 seats for students and thus would push out the need for new schools going forward. She said
13 Chapel Hill Carrboro City Schools (CHCCS) has a figure of \$170 million for schools built before
14 1990.

15 16 **2. Discussion on Town and County Properties**

17 Mayor Kleinschmidt said he and Chair McKee had breakfast after a meeting of Town
18 Council in which the Town was assessing their properties, and the discussion had come up
19 about putting County facilities in town buildings and vice versa.

20 21 **a) Town Hall/Visitors Bureau/Skills Development Center**

22 Mayor Kleinschmidt said the town is going to be undertaking a renovation of the old own
23 Hall on the corner of Rosemary Street and Martin Luther King Drive (MLK) and possibly putting
24 the visitor's bureau in this location, thus freeing up space downtown where the bureau is now.

25 Council Member Lee Storrow said both he and Commissioner Rich are representatives
26 on the Visitor's Bureau Board, and he said there is excitement about shifting the Bureau to this
27 location, since the current location does not invite foot traffic, and possibly pairing this new
28 location with a destination location that would be of high interest to visitors.

29 Commissioner Rich said their director was excited about a multi-purpose Visitor's
30 Bureau.

31 Commissioner Rich said she was interested in the timing and cost. She said that the
32 building seemed in need of heavy renovation.

33 Roger Stancil said the old Town Hall would need to be gutted; but it would be three
34 years before the Inter-Faith Council (IFC) would be able to vacate the premises. He said the
35 IFC is unsure to where the new facilities will be. He said that there is an ongoing discussion
36 about how to respectfully address the needs of the homeless population during the time of
37 transition.

38 Roger Stancil said that discussions are ongoing regarding actual renovations and how
39 they would be completed. He said Developers have expressed interest in the project, and
40 preservation of the building is a high priority, but there is a possibility of developing around the
41 building.

42 Commissioner Rich asked if the property includes the old Town Hall and parking lot.

43 Roger Stancil said yes.

44 Roger Stancil said that agreements would have to be reached with the neighboring
45 property owners.

46 Mayor Kleinschmidt said he would like a program plan to bring the Town and the County
47 together to propose functions and do the logistical work ahead of time. He said that may be a
48 driver to move this forward.

49 Council Member Bell said that the Visitors' Bureau could be used as a centralized base
50 for various programming to better serve the Town and the County. She said that in moving

1 forward with any discussion it is prudent to be strategic in thinking about how to maximize the
2 functionality of a space.

3 Council Member Greene said she would want to see it connected to larger missions and
4 transit; to see the building preserved; and she would like to consider involving Preservation
5 North Carolina. She reminded the Board of a transit transfer station downtown, as suggested in
6 Rosemary Imagine drafts. She said it would boost the potential of the Visitors' Bureau.

7 Town Council Member Palmer said she would like to see space for artist exhibits,
8 offering support to artists while earning some revenue. She would also like to see support for
9 local agriculture.

10 Town Council Member Cianciolo said he does not know what is going to happen to the
11 IFC kitchen and shelter at this point. He said that a future location is unknown and that IFC will
12 not be expected to move until an alternate location is secured. He said that the larger issue of
13 homelessness will require partnership between the Town and the County.

14 Council Member Greene said moving forward there will need to be a conversation with
15 the Partnership to End Homelessness and she said the current shelter is not in accordance with
16 modern best practices.

17 Council Member Harrison said he heard there is a three year time frame for this facility
18 and he discussed incorporation of a new Chapel Hill museum into the Visitor's Bureau location.
19 He said that the historic museum in Durham County took at least three years to establish their
20 museum. He said he believes a historic county museum should be in historic Hillsborough. He
21 said that this time should be used to have a group of non elected officials to consider the best
22 way to move forward. He said there are many ideas for the use of the old Town Hall that would
23 be great.

24 Commissioner Price said this is an exciting idea, and seeing the building serving
25 residents and visitors alike will bring people more in to the center of town.

26 Commissioner Rich said the County would need to decide what to do with the proposed
27 vacated Visitor's Bureau site.

28 Council Member Bell asked if the County has talked about what to do with the space
29 where the bureau is now. She said if this space were modernized it would create more density
30 in that part of West Franklin Street.

31 Mayor Kleinschmidt said he would encourage the county to offer comments toward their
32 downtown improvement plans, since Orange County is a major property owner in downtown
33 Chapel Hill. He said he would like to explore how the County may use it to help advance the
34 neighborhood.

35 Commissioner Price said she and Chair McKee sit on the internal Orange County Space
36 Study Needs Taskforce. She said a conclusion has not been reached, but the value of the
37 property is recognized. She said the services currently being offered in that building are not
38 convenient. She said she is interested in seeing the Town's overall plans for the area.

39 Council Member Ward said the low hanging fruit is economic development for the old
40 Town Hall space, and economic development can come in various forms. He suggested an
41 incubator space to be a mutually beneficial possibility that could be done in the current space or
42 with greater space through renovation.

43 Commissioner Jacobs said there is another partner with the Skills Development Center,
44 and that is Durham Tech. He said they prefer to be located to public transportation allowing
45 greater access. He said that Durham Tech would be amenable to moving, depending on the
46 location.

47 Town Council Member Palmer said the Durham Tech Orange Campus is not serving its
48 students adequately. She said in order to best serve the community there must be greater
49 partnership in order to provide sufficient options as well as better services and technology. She
50 said this will better prepare students to enter the work force.

1 Council Member Ward said skills development activities should be arm in arm with an
2 innovation center, and there is a synergy that can be achieved. He said working as a
3 partnership can be more complicated, but involving UNC, Durham Tech, the Town and the
4 County together leads to a higher investment in the outcome.

5 Commissioner Price said the location of the Skills Development Center is good in some
6 ways but is inconvenient for parking. She said Durham Tech would be happy to move if able to
7 stay in the same general area. She said the current satellite offices of Durham Tech need to be
8 consolidated into a campus in Orange County at Waterstone, in addition to Durham and RTP
9 campuses.

10 Chair McKee said these two properties have possibilities.

11 **b) Joint Parks and Recreational Opportunities**

12 David Stancil noted the lateness of the hour and said he is happy to answer any
13 questions.

14 Council Member Ward asked if there was access to summary information on artificial
15 turf and its success.

16 Chapel Hill Parks and Recreation Director Jim Orr said with the joint partnership
17 between Orange County and Chapel Hill, an artificial turf complex was opened at Cedar Falls in
18 December 2013. He said in the first year there was an increase of 67,200 participants using
19 that field compared to the prior year when condition was subpar. He said the participants
20 rented the field, and it was opened to the public as well on Fridays and Sunday afternoons. He
21 said approximately 7500 people used the fields during that time. He said the fields offered
22 greater use due to the artificial turf and it brought in \$80,000 in revenue compared to \$2,000 of
23 maintenance cost. He said every two to three years the field is lightly top dressed at an
24 expense of approximately \$10,000. He said the fields are not booked to capacity, and additional
25 users for the field are being explored. He concluded that the partnership between Orange
26 County and Chapel Hill regarding the artificial turf seemed to be beneficial and should continue.

27 Commissioner Jacobs said he hoped staff could continue to talk about doing fields
28 across from the Town's Operation Center.

29 Council Member Ward said this is a piece of land that the County owns, and he asked
30 that staffs be instructed to move forward with a plan for this site and how it may play to the
31 bond issue.

32 David Stancil said the Millhouse Road Park is in both of their master plans.

33 **3. Update on Rogers Road Project**

34 Mary Darr from Orange Water and Sewer Authority (OWASA) said they have been
35 working with the Towns and the County on sewer projects. She said engineers went out in the
36 field to verify the table top plans previously created for the project in 2012. She said that a
37 consulting engineer, the Jackson Center, as well as the stakeholders in the Rogers Road area
38 have been consulted. She reported that this preliminary engineering report showed no
39 surprises. Some items from the table top report have been improved. She said the estimated
40 cost is \$5.7 million for 3.5 miles of sewer. She said this does not include private plumbing costs,
41 easement acquisitions, and connection fees. She said the anticipated timeline is at least two
42 years, starting with engineering plans with design and permitting in FY 2016 at a cost of
43 \$370,000. She said this would be followed by construction bids and the construction itself in FY
44 2017-2018.

45 Commissioner Dorosin asked if there is any possibility of moving this forward
46 expeditiously.
47
48
49

1 Mary Darr said there is a 10 month design period. She said parallel to that is an
2 easement acquisition process of undetermined time. She said that work can begin as soon as
3 design and permits were secured.

4 Commissioner Dorosin said this is a long drawn out process. He said there are no
5 surprises, and the community desires the project. He asked if there is any way to expedite the
6 process, including paying a higher cost, if necessary.

7 Chair McKee said maybe the Managers and OWASA can talk about this and bring back
8 information back to the Boards.

9
10 **4. Economic Development Potential for Ephesus/Fordham Development Project**

11 **Update**

12 Mayor Kleinschmidt said in 14 years on the Council they have approved one project that
13 got built in this district.

14 Dwight Bassett said they are in final stages of securing easements, and the project is at
15 90 percent plan stage. He said comments have been taken from Department of Transportation
16 (DOT) and the plans are being revised. He said the only thing that will prevent meeting the
17 June 2015 first phase bidding deadline is entering a municipal agreement with the North
18 Carolina DOT. He said a scope for phase two has been negotiated for the roadway systems.
19 He said they will initiate that contract in the coming weeks. He said two projects are pending
20 along with several other smaller ones. He said a larger project being worked on is extending
21 Elliot Road, and this is in the very early stages.

22 Mayor Kleinschmidt said two of the three projects are 100 percent retail.

23 Commissioner Price asked for clarification on Chapel Hill's definition of affordable
24 housing in this district.

25 Mayor Kleinschmidt said Chapel Hill did not abandon their commitment to affordable
26 housing when they re-zoned this district. He said it is not a simple answer. He said the Town
27 will take a district wide approach to affordable housing rather than a building by building
28 approach. He said the Town committed to 30 percent affordable housing, which will be
29 achieved in two ways. He said the first part will leverage the town's resources to provide for an
30 affordable housing site. He said this is being done through an on-going application with DHIC
31 on the north eastern part of the district. He said the second part is an incentive package built
32 into the zone laid on the western side of Elliot Road. He said this goal is the highest affordable
33 housing goal that they have ever had in a single housing project.

34 Commissioner Price asked if it is more of the work force housing or lower income.

35 Mayor Kleinschmidt said if you want to live in Chapel Hill, it is important to make sure
36 there is a safe, quality place for you to afford to live. He said that means that their Planning
37 Department has been reorganized to have efforts to develop strategies for affordable rental
38 housing targeting 30 to 60 percent income earners. He said there is a long term program with
39 the Home Trust targeting 80 percent income earners for home ownership, which is the most
40 successful of its kind in the nation.

41 He said that innovative approaches are being developed that accommodate state laws
42 prohibiting rental caps. He said this includes creative ideas to inspire private developers to
43 create affordable rentals within their developments. He said examples of this are the Timber
44 Hollow Project, a rebuild project that either created affordable housing where there had
45 previously been none; and the new build Graduate Project behind the Franklin Hotel, which
46 created affordable housing despite it not being a requirement of the project.

47 Council Member Ward said the Town did not abandon affordable housing but gave
48 away the bank in terms of having one lever - to increase density in that district - to leverage
49 affordable housing. He said that was abandoned and he hoped that they would revisit this for
50 this entire area.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

**Action Agenda
Item No.** 6-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 twelve (12) taxpayers with a total of twelve (12) bills 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 \$4,619.33 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2014-2015 is \$38,957.07.

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 release/refund resolution.

NORTH CAROLINA

RES-2015-027

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 _____, 2015.

Clerk to the Board of Commissioners

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

**BOCC REPORT - REGISTERED MOTOR VEHICLES
 MAY 5, 2015**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Armstrong, Edward	24332837	2014	65,700	0	(779.47)	Double billed (illegal tax)
Austin, Dallas	9961777	2014	27,840	0	(266.68)	Military exempt LES home of record (FL) (illegal tax)
Bench, Jeannette	25072155	2014	68,138	500	(1,089.24)	Antique plate (appraisal appeal)
Bergey, Ronald	24959795	2014	25,000	500	(410.57)	Antique plate (appraisal appeal)
Gregory, James Overton	25231450	2014	36,950	0	(625.04)	Military exempt LES home of record (TX) (illegal tax)
Grigg, Wendell Randolph Jr.	25155443	2014	87,881	87,881	(470.63)	Situs error (illegal tax)
Guthrie, Charles	25202339	2014	6,810	539	(108.80)	Price paid (appraisal appeal)
Liegl, Joseph	24880985	2014	10,270	0	(202.10)	Durham County (illegal tax)
Martin, Marvin Miller Jr.	25461915	2014	12,250	500	(111.40)	Antique plate (appraisal appeal)
Martin, Roy Pemelton IV	25220216	2014	23,200	500	(216.02)	Antique plate (appraisal appeal)
Montgomery, Royce	16115933	2014	15,200	500	(236.74)	Antique plate (appraisal appeal)
Palmer, Brent	16094848	2014	21,068	10,534	(102.64)	Military exempt LES home of record (FL) (illegal tax)
				Total	(4,619.33)	

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: May 5, 2015

**Action Agenda
Item No.** 6-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 three (3) taxpayers with a total of three (3) bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received three 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 \$2,619.13 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-2015-028

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 _____, 2015.

Clerk to the Board of Commissioners

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

**BOCC REPORT - REAL/PERSONAL
 MAY 5, 2015**

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Albarazanji, Kamal	203962	2014	130,500	112,850	(284.24)	Assessed in error (illegal tax)
LunaPops LLC	1002525	2014	90,329	0	(1,600.12)	Assessed in error (illegal tax)
Orange Community Housing and Land Trust	312242	2010	44,918	0	(734.77)	Assessed in error (illegal tax)
				Total	(2,619.13)	

March 19, 2015 thru April 15, 2015

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: May 5, 2015

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

SUBJECT: Comprehensive Plan and Unified Development Ordinance (UDO) Amendment
Outlines and Schedules for Four (4) Proposed Text Amendments

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Amendment Outline for Recreational Uses/Shooting Ranges (UDO/Zoning 2015-04)
2. Amendment Outline for Sexually Oriented Businesses (UDO/Zoning 2015-05)
3. Amendment Outline for Automotive Sales (UDO/Zoning 2015-06)
4. Amendment Outline for Airports (UDO/Zoning 2015-07)

INFORMATION CONTACT:

Michael Harvey Planner III, (919) 245-2597
Craig Benedict, Planning Director, (919) 245-2585

PURPOSE: To consider and approve process components and schedules for four (4) government initiated Unified Development Ordinance (UDO) text amendments.

BACKGROUND: Staff has been completing the preliminary work on several text amendments over the last few months and is seeking final authorization from the BOCC to move forward with their completion and presentation at future Quarterly Public Hearings. These include:

1. Revision of existing standards and processes associated with the review and approval of recreational uses (profit and non-profit) including the development of standards governing the development of shooting ranges for private (i.e. personal) and commercial facilities. Please refer to Attachment 1 for more information.
2. Adoption of regulations governing the development of sexually oriented businesses. This would include revisions to the County Ordinances establishing business licensing requirements as well. Please refer to Attachment 2 for more information.
3. Revision of existing standards governing the display/storage of vehicles at automotive sales centers. Please refer to Attachment 3 for more information.
4. Revision of existing standards and processes associated with the review and approval of airports. This amendment package will include providing distinctions for private (i.e. personal landing strip) and commercial facilities. Please refer to Attachment 4 for more information.

As with all text amendments, there is a staff review/comment period of proposed language in accordance with the provisions of Section 1.9 *Development Advisory Committee* of the UDO, which includes external Departments (i.e. Environment, Agriculture Parks and Recreation, Solid Waste, the County Attorney's office, etc.).

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process these amendments.

RECOMMENDATION(S): The Manager recommends the Board approve the attached Amendment Outline forms and direct staff to proceed accordingly.

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

UDO / Zoning-2015-04

Revision(s) of existing definitions and regulations governing the development of recreational facilities within the County.

A. AMENDMENT TYPE

Map Amendments

- Comprehensive Plan – Future Land Use Element Map:
From: - - -
To: - - -
- Zoning Map:
From: - - -
To: - - -
- Other:

Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:

- UDO General Text Changes
- UDO Development Standards
- UDO Development Approval Processes

Section(s): Section(s):

1. 5.2.1 *Table of Permitted Uses – General Use Zoning Districts;*
2. 5.2.2 *Table of Permitted Uses – Economic Development Districts;*
3. 5.2.3 *Table of Permitted Uses – Conditional Use Districts;*
4. 5.7 *Standards for Recreational Uses, and*
5. *Article 10 Definitions.*

- Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to revise existing regulations and definitions of recreational uses.

While reviewing an issue with the Attorney's office it was determined the County's existing definitions and classification methodology for recreation uses (i.e. relying on the profit/non-profit status of said operation) was not appropriate and inconsistent with acceptable legal practice. The regulation and permitting of recreational uses should be based anticipated impacts of said use rather than on its 'tax status'.

2. Analysis

As required under Section 2.8.5 of the UDO, 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'*.

Recreational uses are defined as follows within the UDO:

- *Recreation Use, Non-Profit:* An indoor or outdoor recreation use owned by a not-for-profit corporation, according to the laws of North Carolina.
- *Recreation Use, Profit:* An indoor or outdoor recreation use owned by an entity other than a not-for-profit corporation.

Recreation Use, Non-profit land uses are allowed, through the issuance of a Class B Special Use Permit (i.e. reviewed and acted upon by the Board of Adjustment) in:

1. All residential zoning (i.e. Rural Buffer (RB), Agricultural Residential (AR), Rural Residential (R-1), Low (R-2), Medium Residential (R-3, R-4), and High Intensity(R-5, R-8, and R-13) districts.
2. Commercial zoning (i.e. Local Commercial (LC-1), Neighborhood Commercial (NC-2), Community Commercial (CC-3), General Commercial (GC-4), and Office Institutional (OI)) districts.
3. All industrial (i.e. Light Industrial (I-1), Medium Industrial (I-2), Heavy Industrial (I-3)) districts.
4. Within a Master Planned Development Conditional Zoning (MPD-CZ) district.

Recreation Use, Profit is allowed within the Community Commercial (CC-3), General Commercial (GC-4), and Light Industrial (I-1) zoning districts as a permitted use (i.e. administrative review and approval by staff).

Within the Buckhorn and Eno Economic Development districts both Recreation Use, Profit and Non-profit land uses are only allowed within both the Low and High Intensity general use zoning designations with the review and approval of a Conditional Use (i.e. rezoning and Class A Special Use Permit) application by the BOCC. There are specific recreational land uses, including a golf driving range,

listed as a permitted use of property within these districts.

Staff has been working to address local resident concern(s) over the purported development of commercial shooting ranges. Currently the County has no land use standards governing the development of such uses (i.e. setbacks, development of protective berms to absorb bullets, etc.).

Staff is proposing to overhaul our current regulations by:

- a. Establishing new definitions for recreational uses;
- b. Reviewing the types of recreational land uses permitted in each zoning district and suggesting revisions;
- c. Developing new standards governing the development of recreational land uses; and
- d. Developing standards governing the discharge of firearms from both a commercial business and personal enjoyment standpoint.

The amendments are necessary to address outdated regulations governing the development of recreational land uses, update existing development standards and requirements, complete a review of acceptable recreational land uses throughout the County, and establish land use regulations governing the discharge of firearms.

Nothing within the proposed amendments will impact the development of parks/recreational amenities by Orange County.

Additional analysis will be part of the public hearing materials.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Land Use Goal 2: Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

May 5, 2015

- b. Quarterly Public Hearing

September 8, 2015

c. BOCC Updates/Checkpoints

May 5, 2015 – Approval of UDO Amendment Outline Form
July 1, 2015 – Planning Board Ordinance Review Committee (ORC) (BOCC receives materials)
September 8, 2015 – Quarterly Public Hearing
November 5, 2015 – Receive Planning Board Recommendation

d. Other

N/A

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

July 1, 2015 – Ordinance Review Committee
October 7, 2015 – Recommendation

b. Advisory Boards:

Orange County Parks Advisory Board
– DEAPR staff

c. Local Government Review:

Staff will transmit copies of the proposed text amendments to our planning partners in the Towns of Chapel Hill, Carrboro, and Hillsborough for their review and comment in August of 2015.

The Orange County Sheriff’s office will also be asked to comment.

d. Notice Requirements

Legal advertisement published in accordance with the provisions of the UDO.

e. Outreach:

General Public: Consistent with NC State General Statutes and Orange County Ordinance requirements.

Small Area Plan Workgroup: _____

Other: _____

3. **FISCAL IMPACT**

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

The amendment will revise existing, outdated, regulations governing the categorization and development of recreational land uses.

E. SPECIFIC AMENDMENT LANGUAGE

Will be available as part of the quarterly public hearing meeting materials.

Primary Staff Contact:

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Planning

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

UDO / Zoning-2015-05

Amendment(s) addressing establishment of regulations for sexually oriented businesses.

A. AMENDMENT TYPE

Map Amendments

- Comprehensive Plan – Future Land Use Element Map:
From: - - -
To: - - -
- Zoning Map:
From: - - -
To: - - -
- Other:

Text Amendments

- Comprehensive Plan Text:

Section(s):

- UDO Text:

- UDO General Text Changes
 UDO Development Standards
 UDO Development Approval Processes

Section(s): Section(s)

1. 5.2.1 *Table of Permitted Uses*,
2. 5.17 *Standards for Miscellaneous Uses*, and
3. Article 10 *Definitions*

- Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified*

Development Ordinance Amendments of the UDO, the Planning Director has initiated a text amendment to establish regulations governing the development of sexually oriented businesses. Proposed UDO text amendments shall be presented in conjunction with amendments to the County Code of Ordinances establishing business licensing provisions for these businesses as well.

As defined within NCGS 14-202.10 a sexually oriented business means, “*Any businesses, or enterprises that have as one of their principal business purposes, or as a significant portion of their business, an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities.*”

Sexually oriented businesses, because of their very nature, are recognized as having potentially objectionable operational characteristics. Regulation of these uses are necessary to ensure adverse secondary effects do not contribute to the blighting of surrounding neighborhoods and to regulate acts, omissions or conditions that could be construed as detrimental to the public health, safety or welfare. This includes ensuring development of such businesses does not create a disincentive for additional economic development in a given area.

Such regulations, however, are required to be content neutral and shall not have the effect of imposing a limitation or restriction on the content of any communicative materials or deny access by adults to sexually oriented materials protected by the US Constitution’s First Amendment. Regulations also cannot be so restrictive as to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

Currently, Orange County does not permit the development of sexually oriented businesses within any general use zoning district. Existing definitions, including adult uses as contained in Article 10 of the UDO, are out of date and inconsistent with State regulations and recent court decisions.

Proposed amendments shall establish locational criteria for such businesses including mandatory setbacks from identified sensitive uses (i.e. church, school, single-family residence, etc.) while allowing for their development consistent with applicable State and Federal requirements.

2. **Analysis**

As required under Section 2.8.5 of the UDO, 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 amendment(s) are necessary to ensure the County is consistent with provisions of State and Federal law. The County cannot prohibit sexually oriented businesses outright but is afforded the opportunity to regulate their location and certain operational characteristics in an effort to ensure identified secondary impacts are mitigated as much as possible.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Land Use Goal 2: Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

May 5, 2015

- b. Quarterly Public Hearing

November 23, 2015

- c. BOCC Updates/Checkpoints

May 5, 2015 – Approval of UDO Amendment Outline Form

August 5 and September 2, 2015 (if necessary) – Planning Board Ordinance Review Committee (ORC)

November 23, 2015 – Quarterly Public Hearing

February 2016 – Receive Planning Board Recommendation

- d. Other

N/A

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

- a. Planning Board Review:

August 5 and September 2, 2015 (if necessary) – Ordinance Review Committee

December 2, 2015 and January 6, 2016 (if necessary) – Recommendation

- b. Advisory Boards:

N/A

-
-
- c. Local Government Review:
 Staff will transmit the proposed amendment to the Towns of Chapel Hill, Carrboro, and Hillsborough for courtesy review in the month of September 2015.

The Orange County Sheriff's office will also be asked to comment on the proposal.

- d. Notice Requirements

Legal advertisement published in accordance with the provisions of the UDO..

- e. Outreach:

General Public: Consistent with NC State General Statutes and Orange County Ordinance requirements.

Small Area Plan Workgroup:

Other:

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

The amendment will establish comprehensive regulations governing the development and operation of sexually oriented businesses consistent with applicable State and Federal law.

E. SPECIFIC AMENDMENT LANGUAGE

Will be available as part of the quarterly public hearing meeting materials.

Primary Staff Contact:

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

UDO / Zoning-2015-06

Amendment(s) establishing regulations for automotive sales and rental business
addressing the display and advertising of cars for sale

A. AMENDMENT TYPE

Map Amendments

- Comprehensive Plan – Future Land Use Element Map:
From: - - -
To: - - -
- Zoning Map:
From: - - -
To: - - -
- Other:

Text Amendments

- Comprehensive Plan Text:
Section(s):
- UDO Text:
 - UDO General Text Changes
 - UDO Development Standards
 - UDO Development Approval Processes
 Section(s):
- Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to establish regulations governing the development and operation of automotive sales.

Staff has seen an increase in the number of automotive sale business operating within the County and has begun receiving complaints related to the storage and display of vehicles being offered for sale, specifically too many cars being placed on a parcel of property blocking or impeding access for both customers and emergency vehicles. In certain instances, cars have been parked in required land use buffer areas killing required landscaping or have been encroaching into adjacent rights-of-way creating additional enforcement problems.

Staff is proposing to develop comprehensive regulations designed to limit the overcrowding of automotive sales operations within all general use zoning districts where such land uses are permitted.

2. Analysis

As required under Section 2.8.5 of the UDO, 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'*.

Automotive sales are allowed in the following general use zoning districts as a permitted use (i.e. administrative approval) of property:

1. Neighborhood Commercial (NC-2) with special standards;
2. General Commercial (GC-4);
3. Existing Commercial (EC-5);
4. Existing Industrial (EI);
5. Light Industrial (I-1);
6. Medium Industrial (I-2);
7. Heavy Industrial (I-3);
8. Economic Development Eno High Intensity (EDE-2); and
9. Master Planned Development Conditional Zoning (MPD-CZ) district.

This use is also permitted within the Economic Development Buckhorn Low and High Intensity (EDB-1 and EDB-2) districts with the review and approval of a Conditional Use (i.e. a rezoning and Class A Special Use Permit) application by the BOCC.

Currently, the County only limits the total number of cars that can be parked and/or displayed for an automotive sales business located within the Neighborhood Commercial (NC-2) general use zoning district. It should be noted that staff has an active code enforcement case against an existing business along Highway 70 within the Cheeks Township.

The amendments are necessary to address congestion at automotive sales operations due to too many vehicles being displayed for sale.

Additional analysis will be part of the public hearing materials.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Land Use Goal 2: Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

May 5, 2015

- b. Quarterly Public Hearing

November 23, 2015

- c. BOCC Updates/Checkpoints

May 5, 2015 – Approval of UDO Amendment Outline Form

September 2, 2015 – Planning Board Ordinance Review Committee (ORC)

November 23, 2015 – Quarterly Public Hearing

January 2016 – Receive Planning Board Recommendation

- d. Other

N/A

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

- a. Planning Board Review:

September 2, 2015 – Ordinance Review Committee

December 2, 2015 – Recommendation

- b. Advisory Boards:

N/A

_____	_____
_____	_____
_____	_____

c. Local Government Review:

N/A

d. Notice Requirements

Legal advertisement published in accordance with the provisions of the UDO..

e. Outreach:

General Public: Consistent with NC State General Statutes and Orange County Ordinance requirements.

Small Area Plan Workgroup:

Other:

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

The amendment will establish comprehensive regulations governing the number and placement of vehicles being offered for sale at an automotive sales operation in an effort to address overcrowding concerns and eliminate impediments to vehicular ingress/egress from the property.

E. SPECIFIC AMENDMENT LANGUAGE

Will be available as part of the quarterly public hearing meeting materials.

Primary Staff Contact:

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

UDO / Zoning-2015-07

Revision(s) of existing regulations governing the development of airports.

A. AMENDMENT TYPE

Map Amendments

- Comprehensive Plan – Future Land Use Element Map:
From: - - -
To: - - -
- Zoning Map:
From: - - -
To: - - -
- Other:

Text Amendments

- Comprehensive Plan Text:
Section(s):

- UDO Text:
 - UDO General Text Changes
 - UDO Development Standards
 - UDO Development Approval Processes

Section(s): Section(s):

1. 5.2.1 *Table of Permitted Uses – General Use Zoning Districts;*
2. 3.8 *Conditional Use Districts;*
3. 5.17.5 *General Aviation Airports, STOL, and Heliports;* and
4. *Article 10 Definitions*

- Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to revise existing regulations governing the review and approval of airports. This is one of the items in the UDO implementation bridge.

During the development of the UDO, there were efforts by the State and the University of North Carolina at Chapel Hill to locate a new airport in rural Orange County. The State General Assembly created a new airport authority in Orange County for the purpose of developing a new facility intended to take the place of Horace-Williams airport, which was slated to be closed with the development of Carolina North, in the Town of Chapel Hill.

These efforts were, ultimately, abandoned due to local community concerns over the process initiated by the State Legislature and the University. The State rescinded the airport authority and, as of the writing of this document, no additional activity has occurred.

At that time staff identified a need to revise existing regulations governing the development of airports. Work on this issue was delayed while more pressing UDO amendments were pursued.

2. Analysis

As required under Section 2.8.5 of the UDO, 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'*.

Airport and other similar facilities are combined into a central land use category, specifically *Airports, General Aviation, Heliports, STOL*, defined within the UDO as follows:

- *"Airport (Heliport: S.T.O.L. Port), Air Carrier:* A public airport served by a certified air carrier. This includes any runways, land areas or other facilities designed or used for landing, taking off, processing passengers or cargo.
- *Airport, Commuter Service (Heliport: S.T.O.L. Port):* A public airport, not served by a certified air carrier, but is served by one or more commuter airlines which enplaned 2500 or more passengers in the preceding calendar year.
- *Airport, General Aviation (Heliport: S.T.O.L. Port):* A public airport serving aviation other than airlines. This includes any runway, land area, or other facility designed or used for the landing and taking off of small aircraft."

Such use(s) are only permitted through the review and approval of a Class A Special Use Permit by the BOCC in the following general use zoning districts:

1. Rural Buffer (RB);

2. Agricultural Residential (AR);
3. Rural Residential (R-1);
4. Light Industrial (I-1);
5. Medium Industrial (I-2); and
6. Heavy Industrial (I-3).

Staff is proposing to create a new Conditional Zoning District allowing for the development of an airport. This would require the BOCC to act on a petition to amend the zoning atlas to create a new airport district. Staff believes this mechanism will be the most appropriate as it would:

- a. Require the applicant to obtain approval of the site plan by the BOCC before the project can move forward;
- b. Allow for the review of the project in a legislative setting rather than the quasi-judicial setting associated with a Special Use Permit;
- c. Allow for a process whereby the County can negotiate with the applicant to address potential impacts of the project on surrounding property owners; and
- d. Give greater flexibility to the BOCC with respect to acting on the petition.

The proposed amendments will also clarify the development of private facilities for local plane enthusiasts and/or commercial operators (i.e. crop dusters).

The amendments are necessary to address previously expressed concerns over the development of an airport in the County, update existing development standards/regulations, and provide the County with greater flexibility in terms of acting on the petition.

Additional analysis will be part of the public hearing materials.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Land Use Goal 2: Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. New Statutes and Rules

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

- a. BOCC Authorization to Proceed

May 5, 2015

b. Quarterly Public Hearing

February 22, 2016 (NOTE: this date is subject to change with the adoption of the BOCC 2016 meetings calendar)

c. BOCC Updates/Checkpoints

May 5, 2015 – Approval of UDO Amendment Outline Form
 November 4, 2015 and January 6, 2016 (if necessary) – Planning Board Ordinance Review Committee (ORC)
 February 22, 2016 (projected date) – Quarterly Public Hearing
 May 2016 – Receive Planning Board Recommendation

d. Other

N/A

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

November 4, 2015 and January 6, 2016 (if necessary) – Ordinance Review Committee
 April 6, 2016 – Recommendation

b. Advisory Boards:

Commission for the Environment –
 November/December 2015
 Economic Development Advisory Board – November 2015

c. Local Government Review:

Staff will transmit copies of the proposed text amendments to our planning partners in the Towns of Chapel Hill, Carrboro, and Hillsborough and the City of Durham for their review and comment in December of 2015.

d. Notice Requirements

Legal advertisement published in accordance with the provisions of the UDO.

e. Outreach:

General Public: Open House Meetings to review project with interested property owners/residents – October 2015 and January 2016. Advertising shall be in local paper and County website.

Small Area Plan Workgroup:

Other: Submit regulations to the FAA for review/comment November 2015

3. FISCAL IMPACT

Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2015-16 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

D. AMENDMENT IMPLICATIONS

The amendment will revise existing, outdated, regulations governing the development of an airport.

E. SPECIFIC AMENDMENT LANGUAGE

Will be available as part of the quarterly public hearing meeting materials.

Primary Staff Contact:

Michael D. Harvey

Planning

(919) 245-2597

mharvey@co.orange.nc.us

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

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

SUBJECT: Amendment and Extension to Existing Interlocal Agreement with the Town of Hillsborough for Plan Review, Inspection, Building Official and Related Services

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

ATTACHMENT(S):

- 1. Existing Interlocal Agreement
- 2. Amended Interlocal Agreement

INFORMATION CONTACT:

Daniel Bruce, Building Official 245-2604
Craig Benedict, Planning Director,
245-2592

PURPOSE: To amend and extend the formal agreement between Orange County and the Town of Hillsborough to provide enforcement of the North Carolina Building Codes including plan review, building official and related services pertaining to the North Carolina State Building Codes.

BACKGROUND: Currently, the Orange County Building Inspections division provides the administration and enforcement of the North Carolina State Building Codes for the Town of Hillsborough working under a 2011 Interlocal Agreement between the Town of Hillsborough and Orange County, to include the following:

- North Carolina Administrative Code and Policies
- North Carolina Building Code
- North Carolina Residential Code
- North Carolina Plumbing Code
- North Carolina Mechanical Code
- North Carolina Fuel Gas Code
- North Carolina Energy Code
- North Carolina Accessibility Code
- North Carolina Electrical Code
- Modular Construction Regulations
- North Carolina Existing Building Code
- North Carolina Manufactured/Mobile Home Regulations
- North Carolina Rehabilitation Code

The current Interlocal Agreement with Hillsborough (Attachment 1) has been in force since February 2011 and will expire at midnight on December 31, 2015 with a ninety (90) day grace period for renewal or cancellation.

This amended Interlocal Agreement (Attachment 2) would be effective until midnight December 31, 2016, with an automatic renewal for three additional five (5) year terms. There is a one hundred and eighty (180) day grace period upon expiration for renewal or cancellation. Changes from the existing agreement are highlighted in yellow.

The Town of Hillsborough is in agreement with the contract extension and amendment.

FINANCIAL IMPACT: The County's Inspection division collects permit fees directly from the permit applicant for all projects within Hillsborough's jurisdiction for receipt into the General Fund. Orange County school impact fees within the Town of Hillsborough are also assessed and collected by the Inspections division. Permit revenues within the Town are approximately 30% of the Inspection division's revenue or approximately \$250,000. Current project permitting and field inspection requests within the Town's jurisdiction amount to 35% of the division's total activity, or on average 24 inspection requests per day and 1,200 individual permits per year.

The division's current procedures actively work toward a goal of eight inspections per day per inspector to allow for concise inspections and a high standard of customer service. Accordingly the North Carolina Department of Insurance uses a level of service (LOS) standard of eight inspections per day, per Inspector to maintain the Insurance Services Office (ISO) rating. Accounting for number of working days per year (250) and factoring in annual leave and sick leave, the field inspections and permitting activities within the Hillsborough jurisdiction require three full time field Inspectors, one third of a full time Property Development Specialist, one half of a full time commercial Plans Reviewer, one third of a full time residential Plans Reviewer, and one third of a full time Property Development Technician at the front counter.

Due to the close proximity of Hillsborough to the base office, the County can efficiently recoup the costs for service. The division's customer service aspect for future businesses, as part of pre-development meetings conducted jointly with Hillsborough staff, is an incentive to economic development.

RECOMMENDATION(S): The Manager recommends the Board approve the Interlocal Agreement contained in Attachment 2 and authorize execution of the Agreement.

North Carolina

Orange County

**INTERLOCAL AGREEMENT FOR PLAN REVIEW, PERMITTING,
INSPECTIONS, AND RELATED SERVICES
TO BE PERFORMED BY THE
ORANGE COUNTY BUILDING INSPECTIONS DIVISION
DEPARTMENT OF PLANNING AND INSPECTIONS**

This is an Interlocal Agreement, made and entered into by and between Orange County, (hereinafter referred to as "County"), and the Town of Hillsborough, (hereinafter referred to as "Town") shall have an effective date as of the date on which it is executed by County.

WHEREAS, this Agreement is entered into pursuant to North Carolina General Statutes § 160A-413, which permits the Town to request the Board of County Commissioners to direct one or more county building inspectors to exercise their powers within the Town's jurisdiction, and they shall thereupon be empowered to do so until the Town officially withdraws its request in the manner provided in G.S. 160A-360(g). (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 64; 1993, c. 232, s.3.)

WHEREAS, the County has created an Inspections Division consisting of building inspectors, plumbing inspectors, mechanical inspectors and electrical inspectors and building permit technicians, and is headed by the Chief Building Official, pursuant to G.S. 153A-351; and

WHEREAS, County maintains a Department of Planning and Inspections which includes a Building Inspections Division ("Building Division") that conducts plan review and inspections, issues permits, enforces the building codes, authorizes facilities and capital improvements, retains administrative records and provides building official services and other support services relating to the Building Division operations (hardware and software) for the County and in, coordination with Town of Hillsborough Fire Marshal, Planning and Zoning, and

WHEREAS, the Town is desirous of procuring some of the services of the County's Building Division for the performance of plan examinations, permitting and inspection services within the municipal and extraterritorial jurisdictional (ETJ) boundaries of the Town as may be changed from time to time; and

WHEREAS, County, through said Building Division, is willing to perform such services pursuant to the terms and conditions hereafter set forth;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, County and Town agree as follows:

ARTICLE 1 – SCOPE OF SERVICES

1.1. Town thereby appoints, designates and empowers the County with authority to enforce, all applicable State Building Codes as adopted by the State of North Carolina and the Town of Hillsborough. The Town empowers the County to exercise its powers and authority to perform the Services as outlined below pursuant to the requirements of G.S. 160A-413, within the Town of Hillsborough and its extraterritorial zoning jurisdiction.

ENFORCEMENT OF NORTH CAROLINA BUILDING CODE INCLUDING: PERMITTING, INSPECTIONS, PLAN REVIEW AND RELATED SERVICES AS THEY PERTAIN TO THE NORTH CAROLINA STATE BUILDING CODES, WITH THE EXCEPTION OF THE FIRE CODE, INCLUDING THE FOLLOWING:

- North Carolina Administration and Enforcement Requirements Code
- North Carolina Building Code
- North Carolina Residential Code
- North Carolina Plumbing Code
- North Carolina Mechanical Code
- North Carolina Fuel Gas Code
- North Carolina Energy Code
- North Carolina Accessibility Code
- North Carolina Electrical Code
- Modular Construction Regulations
- North Carolina Existing Building Code
- North Carolina Manufactured/Mobile Home Regulations
- North Carolina Rehabilitation Code

Indicate service requested:

“FS” for full service, “PS” for partial service, “NS” for no service

	INSPECTIONS	PLANS REVIEW	PERMITTING
Building (commercial)	___ "FS" ___	___ "FS" ___	___ "FS" ___
Residential (1 & 2 family)	___ "FS" ___	___ "FS" ___	___ "FS" ___
Plumbing	___ "FS" ___	___ "FS" ___	___ "FS" ___
Electrical	___ "FS" ___	___ "FS" ___	___ "FS" ___
Mechanical	___ "FS" ___	___ "FS" ___	___ "FS" ___
Mobile / Manufactured	___ "FS" ___	___ "FS" ___	___ "FS" ___
Modular construction	___ "FS" ___	___ "FS" ___	___ "FS" ___

1.2. The County shall perform the above Services through its Building Division, or any successor division/department that the County Manager may designate.

1.3. It is understood and agreed that the County may be required to employ additional personnel to perform the Services required under this Agreement.

1.4 The County shall perform the Services listed in this Article and shall charge appropriate fees for such Services as set out in the Orange County Fee Schedule, attached as Exhibit A, and as it may be amended from time to time.

1.5 The County shall by the 5th of the following month, provide the Town with a monthly activities statement detailing the number and type of permits issued, the number and type of inspections and plan reviews completed.

ARTICLE 2 – FUNCTIONS AND DUTIES NOT TRANSFERRED TO COUNTY

2.1. It is specifically understood and agreed that all rights and powers as may be vested in the Town through any law or ordinance or Charter provision of the Town not specifically addressed by this Agreement, shall be retained by Town. It is further understood and agreed that this Agreement is not intended to address any of the functions listed below:

- a) Legal Services, (For The Enforcement Of Services Outlined in Article 1)
E.g.: Enforcement actions taken by County for Stop Work Orders, Condemnation etc. would not be pursued in Court by County legal staff if order is not complied with. This would be the responsibility of Town legal staff.
- b) Professional Engineering.

2.2. In the event Town desires to have the County provide any of the Services identified in paragraph 2.1(a) or (b) above, a separate agreement shall be required between the Town and the County. Other independent agreements are necessary to effectuate these or other service areas not listed in Article 1.

ARTICLE 3 – RESPONSIBILITIES OF TOWN OF HILLSBOROUGH

3.1 The Town shall deliver a projection of “approved and proposed developments” by December 7th, each year of contract; which will describe in detail the scope and timeline of proposed and approved development then pending within the Town’s zoning jurisdiction, so that required plan review and permit building square footage and associated Services may be determined by the County, except as provided in Section 3.2.

3.2 The Town shall deliver to the County a projection of “approved and proposed developments” for the contract year 2011, within one (1) week of the effective date of this Interlocal Agreement.

ARTICLE 4 – COMPENSATION

- 4.1. Permits shall be issued by the County and in accordance with the fees charged by the County, as such fees may be amended from time to time. All fees shall be based on the approved Orange County Fee Schedule to provide the Services set forth in Article 1.1 above. County shall retain all fees collected from the building permit applicant and no other reimbursement from Town will be required.

ARTICLE 5 – TERM OF INTERLOCAL AGREEMENT

5.1. This Agreement shall become effective upon execution by the County and shall continue in full force and effect until midnight, December 31, 2011, unless terminated by either party as provided for herein. The Interlocal Agreement may be renewed up to four (4) additional one-year terms upon the written agreement of both parties. If, at the expiration of the initial one-year term of any subsequent one-year term, the parties have not renewed this Interlocal Agreement, and if the Town has not established other means of providing the services set out in Article 1 above, the terms and conditions of this Interlocal Agreement will continue in full force and effect for a period of ninety (90) days from the date of the expiration of the one-year term. The purpose of this ninety (90) day extension is to allow the Town sufficient time to establish provision of the services set out in Article 1 above or to allow the parties sufficient time to extend this Interlocal Agreement. Upon the expiration of the ninety (90) day extension, in no event and under no circumstances will the County provide or be obligated to provide further services of any kind pursuant to this Interlocal Agreement or any extension thereof.

5.2. This Agreement shall remain in full force and effect until it expires or through the termination date or any extended termination date, as set forth above or in Article 8 – Termination below. .

ARTICLE 6 – GOVERNMENTAL IMMUNITY

The Town will indemnify and hold the County harmless from any and all claims, demands or actions whatsoever arising from the County's provision of services under this Agreement unless the same results from the intentional or negligent conduct of the County. It is the intent of this Section that the Town indemnifies the County to the fullest extent permitted by law.

ARTICLE 7 – INSURANCE

The County and the County's employees performing services pursuant to this Agreement are insured to the extent permitted by law. The parties acknowledge and represent that the Agreement does not create an obligation on part of the County to insure the Town or employees of the Town for actions relating to or undertaken in accordance with this Agreement.

ARTICLE 8 – TERMINATION

Either party may terminate this Interlocal Agreement, with or without cause, by providing notice to the other party of termination in writing at least one (1) year prior to the effective date of termination. This Interlocal Agreement may also be terminated by court order upon the finding that there has been substantial breach of this Interlocal Agreement by the non-

complaining party so as to entitle the complaining party to be relieved of its obligations under this Interlocal Agreement.

ARTICLE 9 – NOTICES

Any and all notices given or required under this Agreement shall be in writing and may be delivered in person or by United States mail, postage prepaid, first class and certified, return receipt requested, addressed as follows:

To County: Frank Clifton
 Orange County Manager
 200 S. Cameron Street
 P.O. Box 8181
 Hillsborough, N.C. 27278

With copy to: Craig N. Benedict, AICP
 Orange County Planning & Inspections Director
 P.O. Box 8181
 131 W. Margaret Lane, Suite 201
 Hillsborough, N.C. 27278

To Town: Eric Peterson
 Hillsborough Town Manager
 101 E. Orange Street
 Hillsborough, N.C. 27278

With copy to: Margaret Hauth, AICP
 Hillsborough Planning & Inspections Director
 101 E. Orange Street
 Hillsborough, N.C. 27278

Jerry Wagner
 Fire Marshal
 Town of Hillsborough
 PO Box 429
 Hillsborough, N.C. 27278

ARTICLE 10 – MISCELLANEOUS PROVISIONS

10.1 **ASSIGNMENT:** County shall perform the selected Services provided for in this Agreement exclusively and solely for the Town which is a party to this Agreement. Neither party shall have the right to assign this Agreement.

10.2 **WAIVER:** The waiver by either party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement shall not be construed as a waiver of any future or continuing similar or dissimilar failure.

10.3. SEVERABILITY: The invalidity of any provision of this Agreement shall in no way affect the validity of any other provision.

10.4. ENTIRE AGREEMENT: It is understood and agreed that this Agreement incorporates and includes all prior negotiations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations of agreements, whether oral or written.

10.5. MODIFICATION: It is further agreed that no modifications, amendments or alterations in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. This section shall not apply to the Orange County Fee Schedule attached hereto as Exhibit A.

10.6. CHOICE OF LAW; WAIVER OF JURY TRIAL: Any controversies or legal disputes arising out of this transaction and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the State of North Carolina, seated at Orange County, North Carolina, and shall be governed by the laws of the State of North Carolina. To encourage prompt and equitable resolution of any litigation that may arise hereunder, each party hereby waives any rights it may have to a trial by jury of any such litigation and will submit to bench trial.

10.7. DRAFTING: This Agreement has been negotiated and drafted by all parties hereto and shall not be more strictly construed against any party because of such party's preparation of this Agreement.

10.8. RECORDING: This Agreement may be recorded in the public records of Orange County, in accordance with the North Carolina General Statutes.

IN WITNESS WHEREOF, the parties hereto have made and executed this Interlocal Agreement Between Orange County and Town of Hillsborough for selected Services to be Performed by the Orange County Planning and Inspections Department, Building Division on the respective dates under each signature: Orange County through its Board of County Commissioners, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the 15 of February, 2011 (date) and the Town, signing by and through its Tom Manay, authorized to execute same by Commission action on the 24th day of January, 2011 (date).

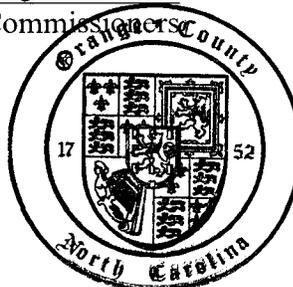
Orange County, North Carolina

By: Bernadette Pelissier

Bernadette Pelissier, Chair, Board of Commissioners

ATTEST:

Donna S. Baker
Donna S. Baker, Clerk to the Board



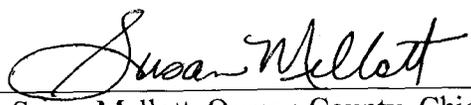
Orange County Board of Commissioners

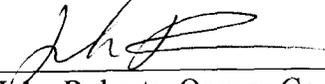
Town of Hillsborough, North Carolina

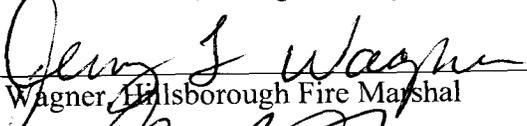
By: 
Eric Peterson, Town Manager

ATTEST:



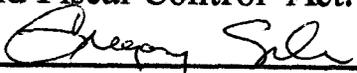
Approved as to technical content:  
Susan Mellott, Orange County Chief Building Official

Approved as to form and legal sufficiency: 
John Roberts, Orange County Attorney

Approved as to technical content: 
Jerry Wagner, Hillsborough Fire Marshal

Approved as to form and legal sufficiency: 
Robert Horn, Hillsborough Town Attorney

This instrument has been
preaudited in the manner required
by the Local Government Budget
and Fiscal Control Act.


Finance Director

North Carolina
Orange County

**INTERLOCAL AGREEMENT FOR PLAN REVIEW, PERMITTING,
 INSPECTIONS, AND RELATED SERVICES
 TO BE PERFORMED BY THE
 ORANGE COUNTY BUILDING INSPECTIONS DIVISION
 DEPARTMENT OF PLANNING AND INSPECTIONS**

This is an Interlocal Agreement, made and entered into by and between Orange County, (hereinafter referred to as “County”), and the Town of Hillsborough, (hereinafter referred to as “Town”) shall have an effective date as of the date on which it is executed by County.

WHEREAS, this Agreement is entered into pursuant to North Carolina General Statutes § 160A-413, which permits the Town to request the Board of County Commissioners to direct one or more county building inspectors to exercise their powers within the Town’s jurisdiction, and they shall thereupon be empowered to do so until the Town officially withdraws its request in the manner provided in G.S. 160A-360(g). (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 64; 1993, c. 232, s.3.)

WHEREAS, the County has created an Inspections Division consisting of building inspectors, plumbing inspectors, mechanical inspectors and electrical inspectors and building permit technicians, and is headed by the Chief Building Official, pursuant to G.S. 153A-351; and

WHEREAS, County maintains a Department of Planning and Inspections which includes a Building Inspections Division (“Building Division”) that conducts plan review and inspections, issues permits, enforces the building codes, authorizes facilities and capital improvements, retains administrative records and provides building official services and other support services relating to the Building Division operations (hardware and software) for the County and in coordination with Town of Hillsborough Fire Marshal, Planning and Zoning, and

WHEREAS, the Town is desirous of procuring some of the services of the County’s Building Division for the performance of plan examinations, permitting and inspection services within the municipal and extraterritorial jurisdictional (ETJ) boundaries of the Town as may be changed from time to time; and

WHEREAS, County, through said Building Division, is willing to perform such services pursuant to the terms and conditions hereafter set forth;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, County and Town agree as follows:

ARTICLE 1 – SCOPE OF SERVICES

1.1. Town thereby appoints, designates and empowers the County with authority to enforce, all applicable State Building Codes as adopted by the State of North Carolina and the Town of Hillsborough. The Town empowers the County to exercise its powers and authority to perform the Services as outlined below pursuant to the requirements of G.S. 160A–413, within the Town of Hillsborough and its extraterritorial zoning jurisdiction.

ENFORCEMENT OF NORTH CAROLINA BUILDING CODE INCLUDING: PERMITTING, INSPECTIONS, PLAN REVIEW AND RELATED SERVICES AS THEY PERTAIN TO THE NORTH CAROLINA STATE BUILDING CODES, INCLUDING THE FOLLOWING:

- North Carolina Administration and Enforcement Requirements Code**
- North Carolina Building Code**
- North Carolina Residential Code**
- North Carolina Plumbing Code**
- North Carolina Mechanical Code**
- North Carolina Fuel Gas Code**
- North Carolina Energy Code**
- North Carolina Accessibility Code**
- North Carolina Electrical Code**
- Modular Construction Regulations**
- North Carolina Existing Building Code**
- North Carolina Manufactured/Mobile Home Regulations**
- North Carolina Rehabilitation Code**

Indicate service requested:

“FS” for full service, “PS” for partial service, “NS” for no service

	INSPECTIONS	PLANS REVIEW	PERMITTING
Building (commercial)	___ "FS" ___	___ "FS" ___	___ "FS" ___
Residential (1 & 2 family)	___ "FS" ___	___ "FS" ___	___ "FS" ___
Plumbing	___ "FS" ___	___ "FS" ___	___ "FS" ___
Electrical	___ "FS" ___	___ "FS" ___	___ "FS" ___
Mechanical	___ "FS" ___	___ "FS" ___	___ "FS" ___
Mobile / Manufactured	___ "FS" ___	___ "FS" ___	___ "FS" ___
Modular construction	___ "FS" ___	___ "FS" ___	___ "FS" ___

1.2. The County shall perform the above Services through its Building Division, or any successor division/department that the County Manager may designate.

1.3. It is understood and agreed that the County may be required to employ additional

1.4 The County shall perform the Services listed in this Article and shall charge appropriate fees for such Services as set out in the Orange County Fee Schedule, attached as Exhibit A, and as it may be amended from time to time.

1.5 The County shall by the 5th of the following month, provide the Town with a monthly activities statement detailing the number and type of permits issued, the number and type of inspections and plan reviews completed.

ARTICLE 2 – FUNCTIONS AND DUTIES NOT TRANSFERRED TO COUNTY

2.1. It is specifically understood and agreed that all rights and powers as may be vested in the Town through any law or ordinance or Charter provision of the Town not specifically addressed by this Agreement, shall be retained by Town. It is further understood and agreed that this Agreement is not intended to address any of the functions listed below:

- a) Legal Services, (For The Enforcement Of Services Outlined in Article 1)
E.g.: Enforcement actions taken by County for Stop Work Orders, Condemnation etc. would not be pursued in Court by County legal staff if order is not complied with. This would be the responsibility of Town legal staff.
- b) Professional Engineering.

2.2. In the event Town desires to have the County provide any of the Services identified in paragraph 2.1(a) or (b) above, a separate agreement shall be required between the Town and the County. Other independent agreements are necessary to effectuate these or other service areas not listed in Article 1.

ARTICLE 3 –RESPONSIBILITIES OF TOWN OF HILLSBOROUGH

3.1 The Town shall deliver a projection of “approved and proposed developments” by December 7th, each year of contract; which will describe in detail the scope and timeline of proposed and approved development then pending within the Town’s zoning jurisdiction, so that required plan review and permit building square footage and associated Services may be determined by the County, except as provided in Section 3.2.

3.2 The Town shall deliver to the County a projection of “approved and proposed developments” for the contract year **2015**, within one (1) week of the effective date of this Interlocal Agreement.

ARTICLE 4 – COMPENSATION

4.1. Permits shall be issued by the County and in accordance with the fees charged by the County, as such fees may be amended from time to time. All fees shall be based on the approved Orange County Fee Schedule to provide the Services set forth in Article 1.1 above. County shall retain all fees collected from the building permit applicant and no other reimbursement from Town will be required.

ARTICLE 5 – TERM OF INTERLOCAL AGREEMENT

5.1. This Agreement shall become effective upon execution by the **BOTH PARTIES** and shall continue in full force and effect until midnight, **December 31, 2016**, unless **sooner** terminated by either party as provided for herein. The Interlocal Agreement will automatically renew for three (3) additional five-year terms **unless either party notifies the other party in writing of its intention not to renew at least 180 days prior to expiration of the then-current term.**

5.2. This Agreement shall remain in full force and effect until it expires or through the termination date or any extended termination date, as set forth above or in Article 8 – Termination below.

ARTICLE 6 – GOVERNMENTAL IMMUNITY

The Town will indemnify and hold the County harmless from any and all claims, demands or actions whatsoever arising from the County's provision of services under this Agreement unless the same results from the intentional or negligent conduct of the County. It is the intent of this Section that the Town indemnifies the County to the fullest extent permitted by law.

ARTICLE 7 – INSURANCE

The County and the County's employees performing services pursuant to this Agreement are insured to the extent permitted by law. The parties acknowledge and represent that the Agreement does not create an obligation on part of the County to insure the Town or employees of the Town for actions relating to or undertaken in accordance with this Agreement.

ARTICLE 8 – TERMINATION

Either party may terminate this Interlocal Agreement, with or without cause, by providing notice to the other party of termination in writing at least one (1) year prior to the effective date of termination. This Interlocal Agreement may also be terminated by court order upon the finding that there has been substantial breach of this Interlocal Agreement by the non-complaining party so as to entitle the complaining party to be relieved of its obligations under this Interlocal Agreement.

ARTICLE 9 – NOTICES

14

Any and all notices given or required under this Agreement shall be in writing and may be delivered in person or by United States mail, postage prepaid, first class and certified, return receipt requested, addressed as follows:

To County: Bonnie Hammersley
Orange County Manager
200 S. Cameron Street
P.O. Box 8181
Hillsborough, N.C. 27278

With copy to: Craig N. Benedict, AICP
Orange County Planning & Inspections Director
P.O. Box 8181
131 W. Margaret Lane, Suite 201
Hillsborough, N.C. 27278

To Town: Eric Peterson
Hillsborough Town Manager
101 E. Orange Street
Hillsborough, N.C. 27278

With copy to: Margaret Hauth, AICP
Hillsborough Planning & Inspections Director
101 E. Orange Street
Hillsborough, N.C. 27278

Jerry Wagner
Fire Marshal
Town of Hillsborough
PO Box 429
Hillsborough, N.C. 27278

ARTICLE 10 – MISCELLANEOUS PROVISIONS

10.1 ASSIGNMENT: County shall perform the selected Services provided for in this Agreement exclusively and solely for the Town which is a party to this Agreement. Neither party shall have the right to assign this Agreement.

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10.6. CHOICE OF LAW; WAIVER OF JURY TRIAL: Any controversies or legal disputes arising out of this transaction and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the State of North Carolina, seated at Orange County, North Carolina, and shall be governed by the laws of the State of North Carolina. To encourage prompt and equitable resolution of any litigation that may arise hereunder, each party hereby waives any rights it may have to a trial by jury of any such litigation and will submit to bench trial.

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IN WITNESS WHEREOF, the parties hereto have made and executed this Interlocal Agreement Between Orange County and Town of Hillsborough for selected Services to be Performed by the Orange County Planning and Inspections Department, Building Division on the respective dates under each signature: Orange County through its Board of County Commissioners, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the _____ day of _____ and the Town, signing by and through its Town Manager, authorized to execute same by Town Board of Commissioners action on the _____ day of _____.

Orange County, North Carolina

Earl McKee, Chair, Board of Commissioners

ATTEST:

Donna S. Baker, Clerk to the Board
Orange County Board of Commissioners

Town of Hillsborough, North Carolina

By:

Eric Peterson, Town Manager

ATTEST:

Katherine M. Cathey, Town Clerk

Approved as to technical content: _____
Daniel Bruce, Orange County Chief Building Official

Approved as to form and legal sufficiency: _____
John Roberts, Orange County Attorney

Approved as to technical content: _____
Jerry Wagner, Hillsborough Fire Marshal

Approved as to form and legal sufficiency: _____
Robert Hornik, Hillsborough Town Attorney

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

**Consent Agenda
Item No.** 6-f

SUBJECT: Request for Road Additions to the State Maintained Secondary Road System
(Eno Ridge Subdivision)

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

N

ATTACHMENT(S):

1. Vicinity Maps of New Salou Drive, Trumpet Court, Vine Court, Bee Balm Court, Onslow Court, High Ridge Drive, and Climbing Aster Court in Eno Ridge Subdivision
2. Eno Ridge Subdivision Final Plat
3. Eno Ridge Subdivision Petition Information

INFORMATION CONTACT:

Abigaile Pittman, 245-2567

Tom Altieri, 245-2575

Michael Harvey, 245-2597

Craig Benedict, 245-2585

PURPOSE: To make a recommendation to the North Carolina Department of Transportation (NCDOT), and the North Carolina Board of Transportation (NCBOT) on a petition to add seven (7) subdivision roads in Eno Ridge Subdivision to the State Maintained Secondary Road System.

BACKGROUND: In accordance with North Carolina General Statute §136-62, the BOCC is required to make a recommendation regarding petitions for addition of roads to the North Carolina Board of Transportation (NCBOT) before NCDOT can consider the petition.

This request includes a petition for seven (7) road additions to the State Maintained Secondary Road System. The roads and their respective lengths and widths are as follows:

Road Name	Length in Miles	No. of Lots with Frontage	Pavement/Right-of-way Widths in Feet
New Salou Drive	0.36	0	20/60
Trumpet Court	0.05	5	18/50
Vine Court	0.05	4	18/50
Bee Balm Court	0.08	7	18/50
Onslow Court	0.04	4	18/50
High Ridge Drive	0.09	0	20/50
Climbing Aster Court	0.17	11	20/50
TOTALS	0.84	31	N/A

Eno Ridge Subdivision is located in the western part of the county, south of Lebanon Road (Attachment 1). The final plat for Eno Ridge Subdivision was recorded on February 6, 2004 (Attachment 2). The seven roads in the above table are private roads in the interim, but pursuant to the adopted subdivision, intended to be public roads when conditions meet NCDOT maintenance responsibility and ownership criteria and therefore were constructed to public road standards.

A total of 0.84 mile of roads in the subdivision, providing access for 31 lots, is being petitioned for addition to the State Maintained Secondary Road System. Six of the roads have a right-of-way width of 50 feet, and a pavement width ranging from 18 to 20 feet. One road, the primary access road (New Salou Drive), has a right-of-way width of 60 feet and a pavement width of 20 feet. The subdivision is zoned Rural Residential (R-1) and all of the roads are located in Orange County's zoning and subdivision jurisdiction. The developer/homeowners have built and maintained the roadway to a public road standard.

NCDOT has investigated this request and has submitted a petition to the Board of County Commissioners (BOCC) for its recommendation (Attachment 3).

Conclusion

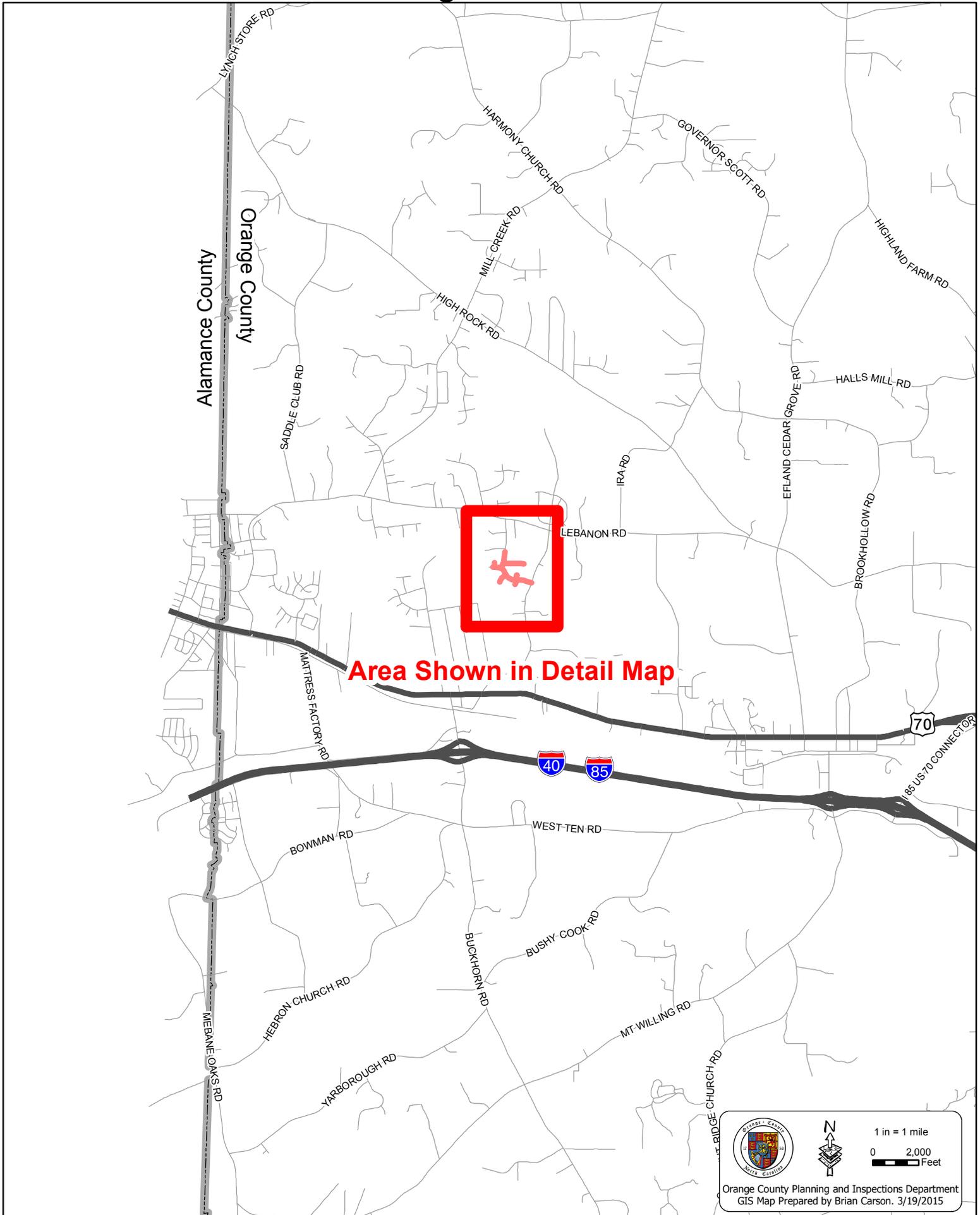
The above-referenced applications meet the criteria endorsed by the BOCC for recommending acceptance of public roads into the State Maintained System for roads approved through the governing jurisdiction's major subdivision process (*NCDOT Subdivision Roads Minimum Construction Standards, January 2010*).

FINANCIAL IMPACT: There is no direct financial impact to the County associated with this item. NCDOT will incur additional maintenance responsibilities and costs.

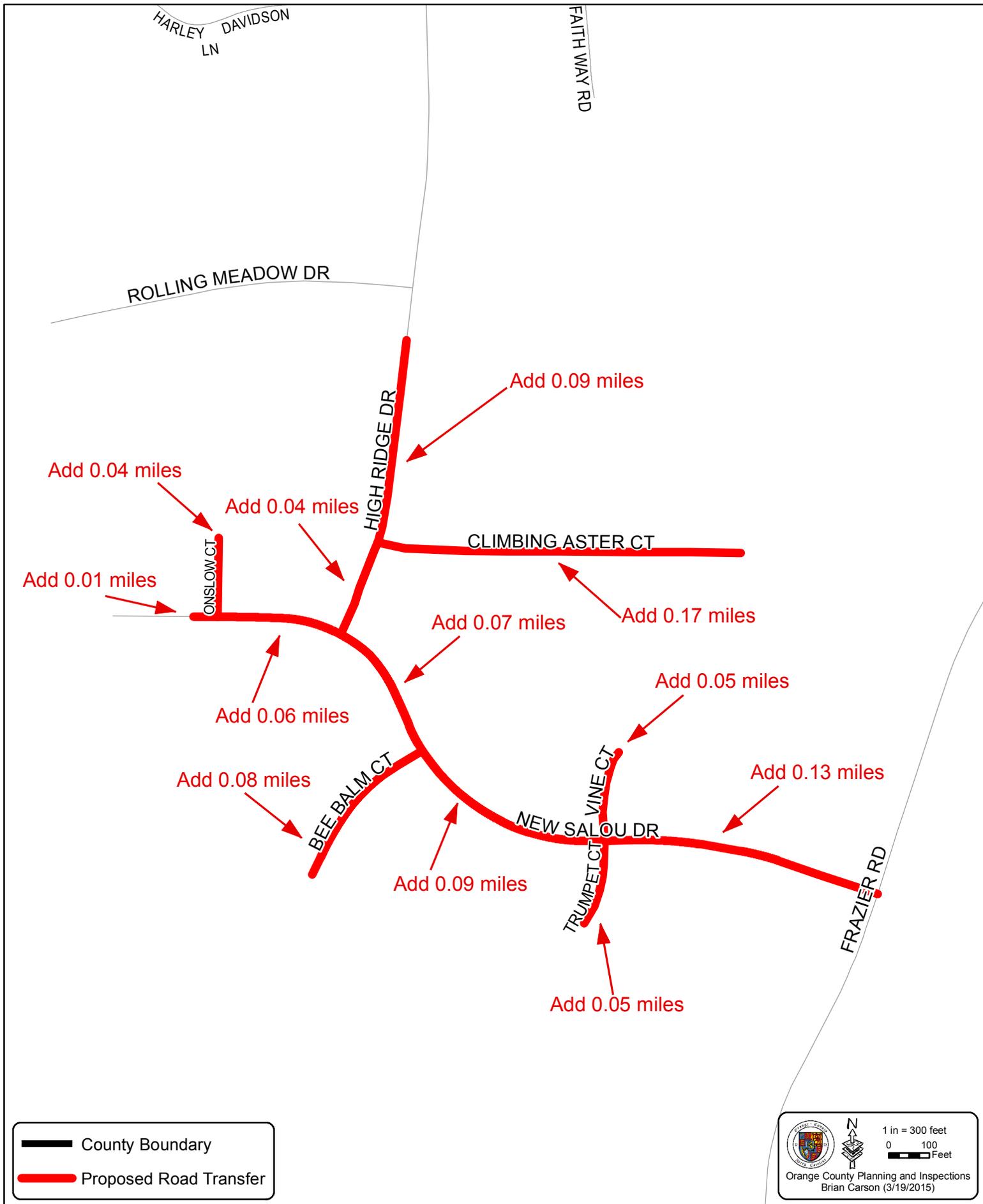
RECOMMENDATION(S): The Manager recommends the Board:

1. Forward the Petition for Addition to the State Maintained System to the North Carolina Department of Transportation for New Salou Drive, Trumpet Court, Vine Court, Bee Balm Court, Onslow Court, High Ridge Drive and Climbing Aster Court in Eno Ridge Subdivision; and
2. Recommend the North Carolina Department of Transportation accept the roads for maintenance as State Secondary Roads.

Attachment 1 Eno Ridge Subdivision



Detail Map of Eno Ridge Subdivision





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

March 11, 2015

ORANGE COUNTY

Ms. Bonnie Hammersley
County Manager
Orange County
P.O. Box 8181
Hillsborough, North Carolina 27278

SUBJECT: Request for Road Addition
 New Salou Drive – 0.36 miles
 Trumpet Court – 0.05 miles
 Vine Court – 0.05 miles
 Bee Balm Court – 0.08 miles
 Onslow Court – 0.04 miles
 High Ridge Drive Ext. SR 1451 – 0.09 miles
 Climbing Aster Court – 0.17 miles

 Eno Ridge Subdivision

Dear Ms. Hammersley,

Please find attached is Form SR-4 Secondary Road Addition Investigation Report, Form SR-1 Petition for Road Addition, recorded plat, and a location map for the above subject.

This is being forwarded to you for consideration by your Board of Commissioners.

Sincerely,

C.N. Edwards, Jr., P.E.
District Engineer

Attachments
/tcs



**DEPARTMENT OF TRANSPORTATION INTEROFFICE
MEMO**

**RIGHT OF WAY BRANCH
P. O. BOX 14996
GREENSBORO, N.C. 27415-4996**

Phone: 336-334-3515

Fax: 336-334-5331

February 5, 2015

MEMO TO: Mr. Chuck Edwards, District Engineer

MEMO FROM: Alan Rothrock

COUNTY: Orange

SUBJECT: Addition to System—Eno Ridge Subdivision

I have examined the Eno Ridge Subdivision plats of the Orange County Registry, furnished by your office. Based on my examination of the plats it appears that the Right of Way for the roads is as follows, as well as sight distances and Utility Easements as shown on plats.

New Salou Dr.	60 ft.
Trumpet Ct.	50 ft.
Vine Ct.	50 ft.
Bee Balm Ct.	50 ft.
Onslow Ct.	50 ft.
High Ridge Dr. (Ext. of SR-1451)	50 ft.
Climbing Aster Ct.	50 ft.

If any additional information is needed, please contact me at the number above.

North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report

County: Orange Co. File No: O-14-04 Date: 01-13-15
Township: Cheeks Div. File No: _____ Div. No: 7

Local Name: New Salou Drive Subdivision Name: Eno Ridge Subdivision
Length: 0.36 miles Width: 20 feet Surface: SF9.5A PVMT Condition: Good
Surface Thickness: 2.5 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-06-2004 Book: 93 Page: 140

Number of homes having entrances into road: None.

Other uses having entrances into road: Serves as an access/connector road for subdivision.
Est. ADT 192

Right-of-Way Width: 60 feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition.

Submitted by: C.N. Edwards, Jr., PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-14-04 Date: 01-13-15
Township: Cheeks Div. File No: _____ Div. No: 7

Local Name: Vine Court Subdivision Name: Eno Ridge Subdivision
Length: 0.05 miles Width: 18 feet Surface Type: SF9.5A PVMT Condition: Good
Surface Thickness: 2.5 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-06-2004 Book: 93 Page: 140

Number of homes having entrances into road: 4

Other uses having entrances into road: None.

Right-of-Way Width: 50 feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition.

Submitted by: C.N. Edwards, Jr., PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-14-04 Date: 01-13-15
Township: Cheeks Div. File No: _____ Div. No: 7

Local Name: Bee Balm Court Subdivision Name: Eno Ridge Subdivision
Length: 0.08 miles Width: 18 feet Surface: SF9.5A PVMT Condition: Good
Surface Thickness: 2.5 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-06-2004 Book: 93 Page: 140

Number of homes having entrances into road: 7

Other uses having entrances into road: None.

Right-of-Way Width: 50 feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition.

Submitted by: C.N. Edwards, Jr., PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-14-04 Date: 01-13-15
 Township: Cheeks Div. File No: _____ Div. No: 7

Local Name: High Ridge Drive Ext. SR 1451 Subdivision Name: Eno Ridge Subdivision
 Length: 0.09 miles Width: 20 feet Surface: SF9.5A PVMT Condition: Good
 Surface Thickness: 2.5 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-06-2004 Book: 93 Page: 140

Number of homes having entrances into road: None.

Other uses having entrances into road: Serves as connector road for subdivision. Est. ADT 66

Right-of-Way Width: 50 feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition.

Submitted by: C.N. Edwards, Jr., PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit Petition #
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North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report

County: Orange Co. File No: O-14-04 Date: 01-13-15
Township: Cheeks Div. File No: _____ Div. No: 7

Local Name: Climbing Aster Court Subdivision Name: Eno Ridge Subdivision
Length: 0.17 Width: 20 feet Surface Type: SF9.5A PVMT Condition: Good
Surface Thickness: 2.5 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-06-2004 Book: 93 Page: 140

Number of homes having entrances into road: 11

Other uses having entrances into road: None.

Right-of-Way Width: 50 feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition.

Submitted by: C.N. Edwards, Jr., PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report**

County: Orange Co. File No: O-14-04 Date: 01-13-15
Township: Cheeks Div. File No: _____ Div. No: 7

Local Name: Onslow Court Subdivision Name: Eno Ridge Subdivision
Length: 0.04 miles Width: 18 feet Surface Type: SF9.5A PVMT Condition: Good
Surface Thickness: 2.5 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? Yes

Recording Date: 02-06-2004 Book: 93 Page: 140

Number of homes having entrances into road: 4

Other uses having entrances into road: None.

Right-of-Way Width: 50 feet If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? Yes

Is the County Commissioners Approval (SR-2) attached? Yes If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? Yes

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition.

Submitted by: C.N. Edwards, Jr., PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

**Consent Agenda
Item No.** 6-g

SUBJECT: Request for Road Additions to the State Maintained Secondary Road System
(Ashwick Subdivision)

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

N

ATTACHMENT(S):

1. Vicinity Maps of Ashwick Drive, Glenwick Lane, Norwich Court, Farnswick Place, Chadwick Lane, and Benwich Lane in Ashwick Subdivision
2. Ashwick Subdivision Final Plats for Phases 1, 2, 3 and 4
3. Ashwick Subdivision Petition Information

INFORMATION CONTACT:

Abigaile Pittman, 245-2567
Tom Altieri, 245-2575
Michael Harvey, 245-2597
Craig Benedict, 245-2585

PURPOSE: To make a recommendation to the North Carolina Department of Transportation (NCDOT), and the North Carolina Board of Transportation (NCBOT) on a petition to add six (6) subdivision roads in Ashwick Subdivision to the State Maintained Secondary Road System.

BACKGROUND: In accordance with North Carolina General Statute §136-62, the BOCC is required to make a recommendation regarding petitions for addition of roads to the North Carolina Board of Transportation (NCBOT) before NCDOT can consider the petition.

This request includes a petition for six (6) road additions to the State Maintained Secondary Road System. The roads and their respective lengths and widths are as follows:

Road Name	Length in Miles	No. of Lots with Frontage	Pavement/Right-of-way Widths in Feet
Ashwick Drive	0.31	7	20/50
Glenwick Lane	0.10	8	18/50
Norwich Court	0.07	5	18/50
Farnswick Place	0.04	6	18/50
Chadwick Lane	0.09	11	18/80
Benwich Lane	0.19	7	18/50
TOTALS	0.80	44	N/A

Ashwick Subdivision is located in the Efland-Mebane corridor, north of US 70, west of Efland-Cedar Grove Road and east of Richmond Road (Attachment 1). There are two final plats recorded for the subdivision. The final plat for Phases 1 & 2 was recorded on December 27, 2002; and the final plat for Phases 3 & 4 was recorded on July 3, 2006 (Attachment 2). The roads in Ashwick are private roads in the interim, but pursuant to the adopted subdivision, intended to be public roads when conditions meet NCDOT maintenance responsibility and ownership criteria and therefore were constructed to public road standards.

A total of 0.80 mile of roads in the subdivision, providing access for 44 lots, is being petitioned for addition to the State Maintained Secondary Road System. All roads have a right-of-way width of 50 feet, and a pavement width ranging from 18 to 20 feet. All of the roads are located in Orange County's zoning and subdivision jurisdiction. The developer/homeowners have built and maintained the roadway to a public road standard.

NCDOT has investigated this request and has submitted a petition to the Board of County Commissioners (BOCC) for its recommendation (Attachment 3).

Straywick Court

There is one cul-de-sac in Ashwick Subdivision that has not been included for addition to the State Maintained Secondary Road System – Straywick Court. The homeowners association proposed the cul-de-sac for public road dedication, but it was denied. NCDOT states that Straywick Court does not meet the following requirement that must be satisfied for addition of subdivision streets to the State system:

- There must be at least two occupied residences for each one tenth of a mile. A minimum of four occupied homes is required for the addition of roads less than two tenths of a mile in length. If four occupied homes are not served, it will be considered a private drive. An exception may be made if a cul-de-sac less than two tenths of a mile in length serves at least four platted lots, and has four occupied homes that abut the road. A minimum of two homes must have primary access to the cul-de-sac.

Per Chuck Edwards, NCDOT District Engineer, the following is a summary of NCDOT's actions relative to Straywick Court:

In December 2001, the NCDOT District 7 office reviewed and approved the Ashwick Subdivision street construction plans. As part of this review, staff is required to confirm that sufficient buildable lots are present to meet the above requirements. The approved plan in 2001 indicated that Straywick Court served four (4) lots, thus satisfying the requirement. In June of 2006, the developer presented a plat to the District 7 office for review and certification of minimum NCDOT standards. Upon review, staff noted that the number of residential lots shown abutting Straywick Court had been reduced to three (3). District staff notified the developer that this configuration did not meet the above requirements

and, as such, would not be eligible for addition. District staff encouraged the developer to reconfigure the lots such that it would be eligible. The developer indicated that the change was necessary to meet open space requirements and that it was not feasible to add a fourth lot and he advised NCDOT that he wished to proceed with recording the plat as submitted. A note indicating that Straywick Court was not eligible for State maintenance in the current configuration was added to the plat under the District Engineer Certification and the plat was subsequently recorded (Book 100, Page 36).

In September 2013, the NCDOT received a petition for road addition from the homeowners association (HOA). Staff performed an investigation of the streets and provided correspondence identifying all administrative items and necessary repairs that were required to be completed by the petitioner prior to addition of the streets. The HOA was again notified that Straywick Road was not eligible for addition. The HOA acknowledged this and proceeded with the necessary items for addition of the remaining streets. The HOA has gone to significant effort and expense to meet the requirements for addition. Upon satisfactory completion of these items, NCDOT staff prepared the road addition package and forwarded to the Board of County Commissioners (BOCC) for consideration prior to sending to the State Board of Transportation (BOT) for approval, which is pending at this time.

Conclusion

The application meets the criteria endorsed by the BOCC for recommending acceptance of public roads into the State Maintained System for roads approved through the governing jurisdiction's major subdivision process (*NCDOT Subdivision Roads Minimum Construction Standards, January 2010*).

FINANCIAL IMPACT: There is no direct financial impact to the County associated with this item. NCDOT will incur additional maintenance responsibilities and costs.

RECOMMENDATION(S): The Manager recommends the Board:

1. Forward the Petition for Addition to the State Maintained System to the North Carolina Department of Transportation for Ashwick Drive, Glenwick Lane, Norwich Court, Farnswick Place, Chadwick Lane, and Benwick Lane in Ashwick Subdivision; and
2. Recommend the North Carolina Department of Transportation accept the roads for maintenance as State Secondary Roads.

PHILIP ASSOCIATES
 &
 POST
 PHILIP
 PLANNERS
 ARCHITECTS
 101 PROGRESS ROAD
 CHARLOTTE, NC 28214
 (919) 252-1173
 (919) 252-7711

GRANDE COUNTY, NC
 CHECKS TOWNSHIP
 PHASE 1 & 2
 ASHWICK
 FINAL SUBDIVISION PLAN

SCALE 1"=100'
 SHEET 1
 1

REVISIONS
 1. 7/12/03 REVISION PER GRANDE COUNTY COMMENTS
 2. 8/1/03 REVISION PER GRANDE COUNTY COMMENTS

Book 91 Page 124

I hereby certify that the above plat meets the requirements of the subdivision laws of the State of North Carolina and that the same conform to the provisions of the laws of the State of North Carolina relating to the subdivision of land.

Philip Associates, Inc.
 Philip
 President

I hereby certify that the above plat meets the requirements of the laws of the State of North Carolina relating to the subdivision of land.

Granville
 Granville
 Surveyor

CERTIFICATE OF APPROVAL

I hereby certify that the subdivision plat shown on this sheet meets the requirements of the laws of the State of North Carolina relating to the subdivision of land and that the same conform to the provisions of the laws of the State of North Carolina relating to the subdivision of land.

Granville
 Granville
 Surveyor

ACCEPTANCE OF SIGNATURE REGISTRATION

I hereby certify that the signature of the person named in the above plat is a true and correct signature of the person named and that the same conform to the provisions of the laws of the State of North Carolina relating to the subdivision of land.

Philip Associates, Inc.
 Philip
 President

CERTIFICATE OF IMPROVEMENTS

I hereby certify that the improvements shown on this plat are in accordance with the laws of the State of North Carolina relating to the subdivision of land and that the same conform to the provisions of the laws of the State of North Carolina relating to the subdivision of land.

Philip Associates, Inc.
 Philip
 President

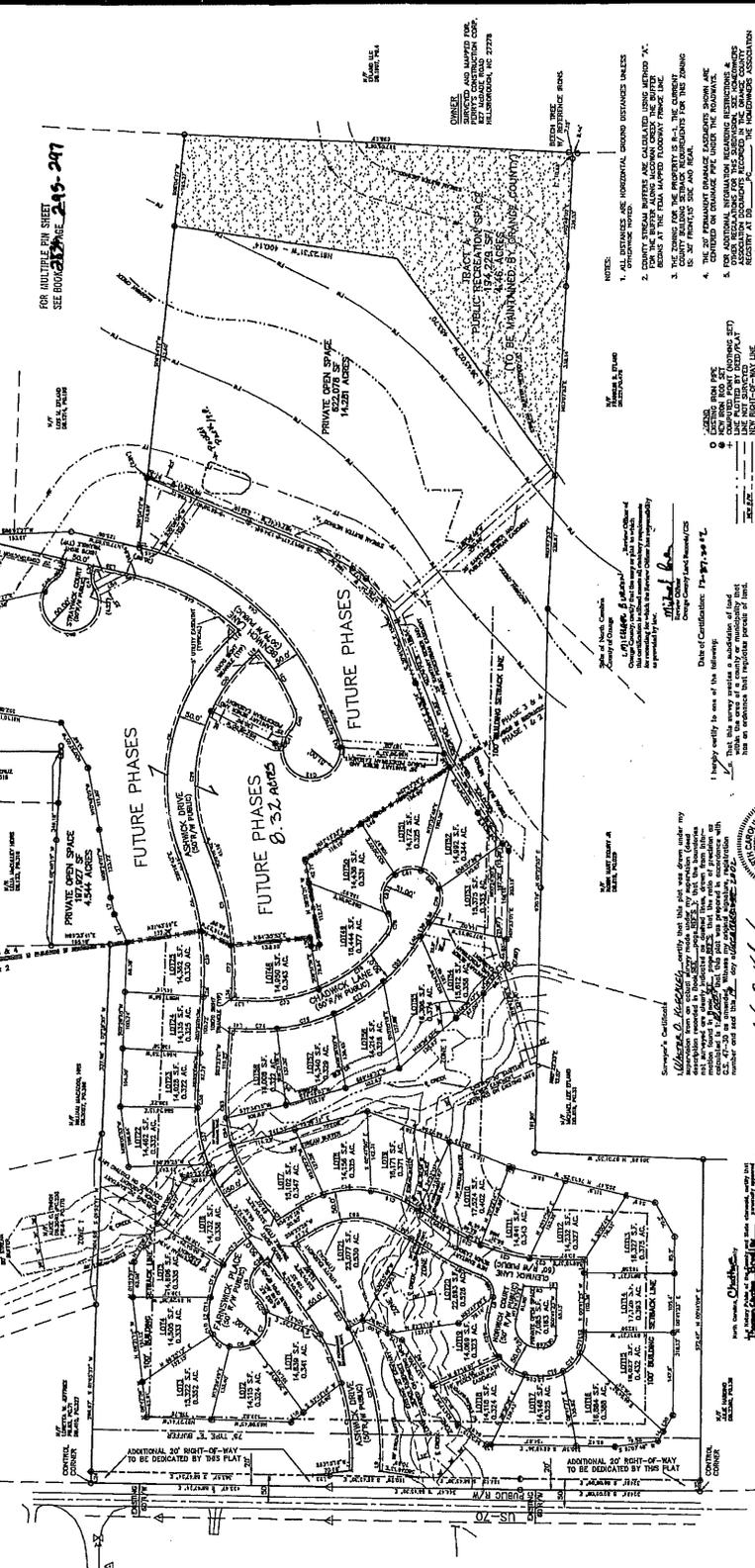
FILED

RECORDED IN GRANDE COUNTY RECORDS BOOK 91 PAGE 124

Philip Associates, Inc.
 Philip
 President

NEIGHBORHOOD MAP

Map showing the location of the subdivision in relation to the surrounding area.



LOT	AREA								
1	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
2	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
3	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
4	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
5	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
6	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
7	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
8	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
9	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
10	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
11	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
13	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
14	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
15	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
16	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
17	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
18	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
19	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
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22	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
23	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
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26	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
27	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
28	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
29	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
30	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
31	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
32	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
33	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
34	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
35	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
36	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
37	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
38	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
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42	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
43	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
44	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
45	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
46	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
47	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
48	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
49	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12	0.12
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NOTES

1. DIMENSIONS ARE INDICATED UNLESS OTHERWISE NOTED.
2. COUNTY STREAM BARRIERS ARE CALCULATED USING METHOD "A" AS SHOWN ON SHEET 1 OF THIS PLAT.
3. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
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MAINTENANCE OF SURFACE CALCULATIONS

1. THE INFORMATION CONTAINED ON THIS PLAT IS THE PROPERTY OF PHILIP ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PHILIP ASSOCIATES, INC.

2. THE INFORMATION CONTAINED ON THIS PLAT IS THE PROPERTY OF PHILIP ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PHILIP ASSOCIATES, INC.

3. THE INFORMATION CONTAINED ON THIS PLAT IS THE PROPERTY OF PHILIP ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PHILIP ASSOCIATES, INC.

4. THE INFORMATION CONTAINED ON THIS PLAT IS THE PROPERTY OF PHILIP ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PHILIP ASSOCIATES, INC.

REVIEWER'S CERTIFICATE

I hereby certify that the above plat meets the requirements of the laws of the State of North Carolina relating to the subdivision of land and that the same conform to the provisions of the laws of the State of North Carolina relating to the subdivision of land.

Granville
 Granville
 Surveyor

REVIEWER'S CERTIFICATE

I hereby certify that the above plat meets the requirements of the laws of the State of North Carolina relating to the subdivision of land and that the same conform to the provisions of the laws of the State of North Carolina relating to the subdivision of land.

Granville
 Granville
 Surveyor

TYPICAL LOT LANDSCAPING PLAN

LANDSCAPING PLAN
 MAXIMUM IMPERVIOUS SURFACE
 AREA ON EACH LOT = 3,775 SF

NEIGHBORHOOD MAP

Map showing the location of the subdivision in relation to the surrounding area.

Book 91 Page 124

PHILIP & ASSOCIATES
PLANNERS & ARCHITECTS
401 Providence Road
Spring Hill, TN 37174
(615) 223-1173
(615) 223-1174
(615) 223-1175
822 North Elm Street
Greenville, NC 27401
(813) 773-7711

ORANGE COUNTY, NC
CHEERS TOWNSHIP
ASHWICK
PHASE 3 & 4
FINAL SUBDIVISION PLAT

SCALE 1"=100'
DRAWN BY: MKP
DATE: 8/12/2005
PROJECT NO.: 01018
DRAWING NO.: B2380S

REVISIONS 1. 8/17/08, COUNTY COMPLETION
SHEET 1

FOR MULTIPLE PHASE SHEET
SEE BOOK 273 PAGE 177

DATE: 8/12/2005

LINE	TABLE	CONST.
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DATE: 8/12/2005

777 SHAWNEE DRIVE
FOR MULTIPLE PHASE SHEET
SEE BOOK 273 PAGE 177

DATE: 8/12/2005

777 SHAWNEE DRIVE
FOR MULTIPLE PHASE SHEET
SEE BOOK 273 PAGE 177

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SEE BOOK 273 PAGE 177

DATE: 8/12/2005

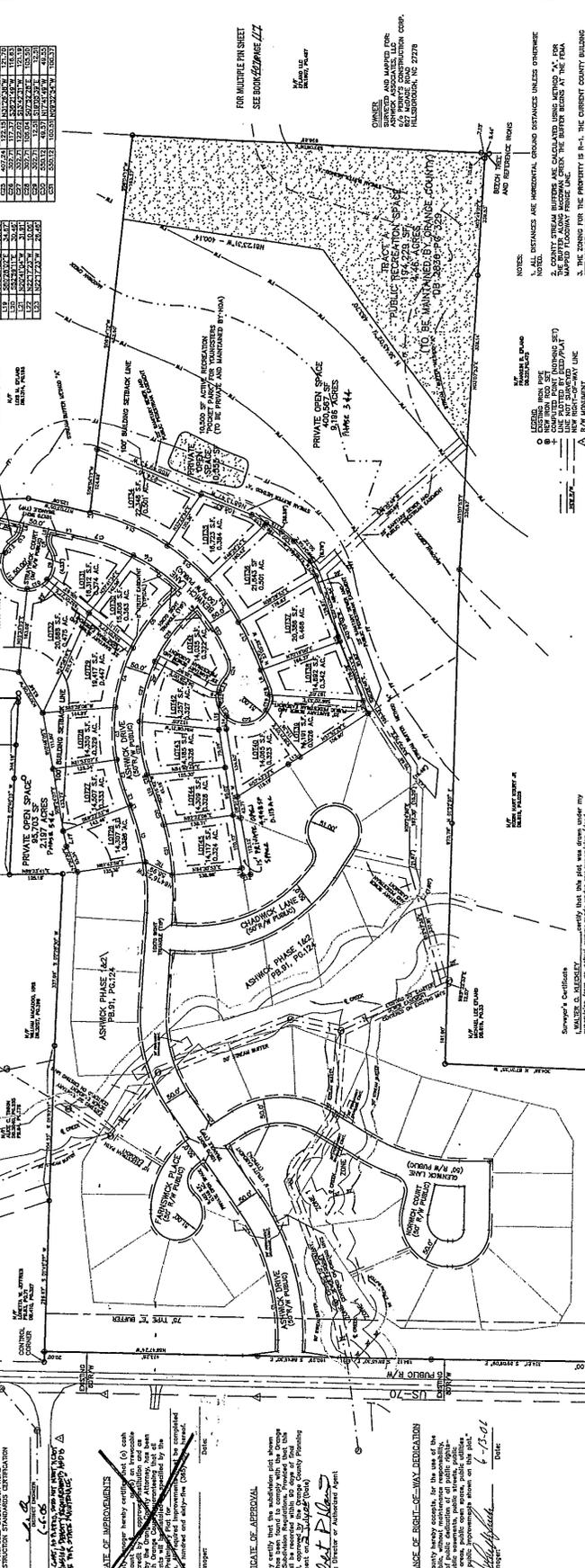
777 SHAWNEE DRIVE
FOR MULTIPLE PHASE SHEET
SEE BOOK 273 PAGE 177

DATE: 8/12/2005

777 SHAWNEE DRIVE
FOR MULTIPLE PHASE SHEET
SEE BOOK 273 PAGE 177

DATE: 8/12/2005

777 SHAWNEE DRIVE
FOR MULTIPLE PHASE SHEET
SEE BOOK 273 PAGE 177



NOTE: DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

1. DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

2. COUNTY STREAM BUFFERS ARE CALCULATED USING METHOD "A" FOR WATERSHEDS AND METHOD "B" FOR OTHER STREAMS.

3. THE ZONING FOR THE PROPERTY IS "R-1", THE CURRENT COUNTY BUILDING CODE IS "R-1".

4. FOR ADDITIONAL INFORMATION REGARDING REQUIREMENTS & OTHER REGULATIONS, CONTACT THE PLANNING DEPARTMENT AT 777 SHAWNEE DRIVE, ORANGE COUNTY, NC 27559.

5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

6. THE SURFACE OF THE EARTH IS ASSUMED TO BE FLAT.

7. THE SURFACE OF THE EARTH IS ASSUMED TO BE FLAT.

8. THE SURFACE OF THE EARTH IS ASSUMED TO BE FLAT.

9. THE SURFACE OF THE EARTH IS ASSUMED TO BE FLAT.

10. THE SURFACE OF THE EARTH IS ASSUMED TO BE FLAT.

REMAINING TOTAL ALLOTMENT: 72,800 SQ. FT.

LOT #	AREA (SQ. FT.)
1	1,000
2	1,000
3	1,000
4	1,000
5	1,000
6	1,000
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DATE: 8/12/2005

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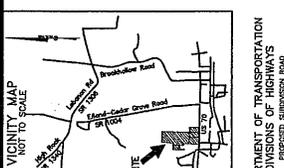
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777 SHAWNEE DRIVE
FOR MULTIPLE PHASE SHEET
SEE BOOK 273 PAGE 177



DEPARTMENT OF TRANSPORTATION
DIVISIONS OF HIGHWAYS
CONSTRUCTION STANDARDS DIVISION

APPROVED: [Signature]

DATE: 8/12/2005

CERTIFICATE OF IMPROVEMENTS

The undersigned hereby certifies that the subdivision plat shown hereon is in accordance with the provisions of the laws of the State of North Carolina and the rules and regulations of the Department of Transportation, and that the same are in compliance with the provisions of the laws of the State of North Carolina and the rules and regulations of the Department of Transportation.

DATE: 8/12/2005

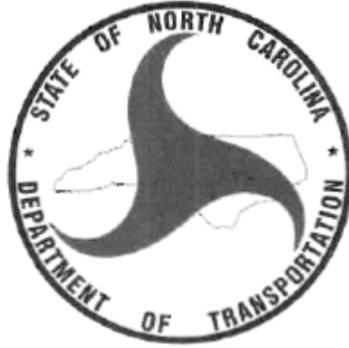
CERTIFICATE OF APPROVAL

I hereby certify that the subdivision plat shown hereon is in accordance with the provisions of the laws of the State of North Carolina and the rules and regulations of the Department of Transportation, and that the same are in compliance with the provisions of the laws of the State of North Carolina and the rules and regulations of the Department of Transportation.

DATE: 8/12/2005

RECORDED PLAT BOOK 100, PAGE 36

7-03-06



**DEPARTMENT OF TRANSPORTATION INTEROFFICE
MEMO**

**RIGHT OF WAY BRANCH
P. O. BOX 14996
GREENSBORO, N.C. 27415-4996**

Phone: 336-334-3515

Fax: 336-334-5331

February 5, 2015

MEMO TO: Mr. Chuck Edwards, District Engineer
MEMO FROM: Alan Rothrock
COUNTY: Orange
SUBJECT: Addition to System—Ashwick Subdivision

I have examined the Ashwick Subdivision plats of the Orange County Registry, furnished by your office. Based on my examination of the plats it appears that the Right of Way for the roads is as follows, as well as sight distances and Utility Easements as shown on plats.

Ashwick Dr.	50 ft.
Glenwick Ln.	50 ft.
Norwich Ct.	50 ft.
Farnswick Pl.	50 ft.
Chadwick Ln.	50 ft.
Benwich Ln.	50 ft.

If any additional information is needed, please contact me at the number above.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

February 6, 2015

ORANGE COUNTY

Ms. Bonnie Hammersley
County Manager
Orange County
P.O. Box 8181
Hillsborough, North Carolina 27278

SUBJECT: Request for Road Addition
 Ashwick Drive
 Glenwick Lane
 Norwich Court
 Farnswick Place
 Chadwick Lane
 Benwich lane
 Ashwick Subdivision

Dear Ms. Hammersley,

Please find attached is Form SR-4 Secondary Road Addition Investigation Report, Form SR-1 Petition for Road Addition, recorded plat, and a location map for the above subject.

This is being forwarded to you for consideration by your Board of Commissioners.

Sincerely,

C.N. Edwards, Jr., P.E.
District Engineer

Attachments
/tcs

**North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report**

County: ORANGE Co. File No: O-13-09 Date: 01-20-2015
Township: CHEEKS Div. File No: _____ Div. No: 7

Local Name: ASHWICK DRIVE Subdivision Name: ASHWICK SUBDIVISION
Length: 0.31 MI. Width: 20 feet Surface: SF9.5A PVMT Condition: Good
Surface Thickness: 2 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? YES

Recording Date: 12-27-02 Book: 91 Page: 124
07-03-06 100 36

Number of homes having entrances into road: 7

Other uses having entrances into road: Serves as connector road for subdivision

Right-of-Way Width: 50 FEET If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? YES

Is the County Commissioners Approval (SR-2) attached? YES If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? YES

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards, Jr., PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report**

County: ORANGE Co. File No: O-13-09 Date: 01-20-2015
Township: CHEEKS Div. File No: _____ Div. No: 7

Local Name: GLENWICK LANE Subdivision Name: ASHWICK SUBDIVISION
Length: 0.10 MI. Width: 18 feet Surface: SF9.5A PVMT Condition: Good
Surface Thickness: 2 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? YES

Recording Date: 12-27-02 Book: 91 Page: 124

Number of homes having entrances into road: 8

Other uses having entrances into road: NONE

Right-of-Way Width: 50 FEET If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? YES

Is the County Commissioners Approval (SR-2) attached? YES If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? YES

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards, Jr, PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report**

County: ORANGE Co. File No: O-13-09 Date: 01-20-2015
Township: CHEEKS Div. File No: _____ Div. No: 7

Local Name: NORWICH COURT Subdivision Name: ASHWICK SUBDIVISION
Length: 0.07 MI. Width: 18 feet Surface Type: SF9.5A PVMT Condition: Good
Surface Thickness: 2 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? YES

Recording Date: 12-27-02 Book: 91 Page: 124

Number of homes having entrances into road: 5

Other uses having entrances into road: NONE

Right-of-Way Width: 50 FEET If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? YES

Is the County Commissioners Approval (SR-2) attached? YES If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? YES

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards, Jr, PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report

13

County: ORANGE Co. File No: O-13-09 Date: 01-20-2015
Township: CHEEKS Div. File No: _____ Div. No: 7

Local Name: CHADWICK LANE Subdivision Name: ASHWICK SUBDIVISION
Length: 0.09 MI. Width: 18 feet Surface: SF9.5A PVMT Condition: Good
Surface Thickness: 2 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? YES

Recording Date: 12-27-02 Book: 91 Page: 124

Number of homes having entrances into road: 11

Other uses having entrances into road: NONE

Right-of-Way Width: 50 FEET If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? YES

Is the County Commissioners Approval (SR-2) attached? YES If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? YES

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards, Jr, PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report**

County: ORANGE Co. File No: O-13-09 Date: 01-20-2015
 Township: CHEEKS Div. File No: _____ Div. No: 7

Local Name: BENWICH LANE Subdivision Name: ASHWICK SUBDIVISION
 Length: 0.19 MI. Width: 18 feet Surface Type: SFF9.5A PVMT Condition: Good
 Surface Thickness: 2 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? YES

Recording Date: 07-03-06 Book: 100 Page: 36

Number of homes having entrances into road: 7

Other uses having entrances into road: NONE

Right-of-Way Width: 50 FEET If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? YES

Is the County Commissioners Approval (SR-2) attached? YES If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? YES

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards, Jr, PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit Petition #
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North Carolina Department of Transportation
Division of Highways
Secondary Road Addition Investigation Report

County: ORANGE Co. File No: O-13-09 Date: 01-20-2015
Township: CHEEKS Div. File No: _____ Div. No: 7

Local Name: FARNSWICK PLACE Subdivision Name: ASHWICK SUBDIVISION
Length: 0.04 MI. Width: 18 feet Surface: SF9.5A PVMT Condition: Good
Surface Thickness: 2 inches Base Type: ABC Base Thickness: 8 inches

*Bridges Yes___ No_X * Pipe > 48" Yes___ No_X *Retaining Walls Within Right of Way Yes___ No_X

*** If Yes -Include Bridge Maintenance Investigation Report**

Is this a subdivision street subject to the construction requirements for such streets? YES

Recording Date: 12-27-02 Book: 91 Page: 124

Number of homes having entrances into road: 6

Other uses having entrances into road: NONE

Right-of-Way Width: 50 FEET If right-of-way is below the desired width, give reasons under "Remarks and Recommendations."

Is petition (SR-1) attached? YES

Is the County Commissioners Approval (SR-2) attached? YES If not, why not? _____

Is a map attached indicating information for reference in locating road by the Planning Department? YES

Cost to place in acceptable maintenance condition: Total Cost: \$ 0.00

Grade, drain, stabilize: \$ 0.00 Drainage: \$ 0.00 Other: \$ 0.00

Remarks and Recommendations: Road meets minimum requirements. Recommend addition

Submitted by: C.N. Edwards, Jr, PE Reviewed and Approved: J.M. Mills, PE
DISTRICT ENGINEER DIVISION ENGINEER

Reviewed and Approved

BOARD OF TRANSPORTATION MEMBER: _____

	Do not write in this space- For Use by Secondary Roads Unit
	Petition #

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

**Action Agenda
Item No.** 7-a

SUBJECT: Designation of the White Cross School as an Orange County Local Historic Landmark

DEPARTMENT: Environment, Agriculture, Parks and Recreation (DEAPR) **PUBLIC HEARING: (Y/N)**

N

ATTACHMENT(S):

Proposed Ordinance Designating the White Cross School as an Orange County Local Historic Landmark

INFORMATION CONTACT:

Peter Sandbeck, 245-2517

PURPOSE: To consider and adopt an ordinance to designate the White Cross School as an Orange County Local Historic Landmark.

BACKGROUND: In 1991 Orange County adopted the “Ordinance Creating the Historic Preservation Commission (HPC) of Orange County,” also referred to as the “Historic Preservation Ordinance”. In 1997 the County adopted the Local Landmark Program, a voluntary program allowing the HPC to designate properties of local historic and/or architectural significance, as authorized by NC General Statute 160A-400.1-400.14. One of the HPC’s duties is to recommend properties to the BOCC for local landmark designation. Properties must meet a high standard of historic and/or architectural significance to be designated as an individual landmark. The higher standard is appropriate since landmark property owners are eligible for a 50 percent property tax deferral as provided by state law, as long as the property is preserved and retains its historic character.

The adoption of the attached landmark ordinance is the final step in the County’s historic landmark designation process, outlined in Article 3 of the County’s Historic Preservation Ordinance. The BOCC, at its March 3, 2015 meeting, held a required joint public hearing with the HPC to obtain public input and comment about the proposed landmark designation for the White Cross School. At the close of that hearing, the BOCC returned the draft landmark designation ordinance back to the HPC to allow for final editing and review.

The attached final version of the proposed landmark ordinance has been approved by the HPC and the County Attorney and is ready for consideration and adoption by the BOCC at this meeting.

FINANCIAL IMPACT: The designation of the White Cross School as a Local Historic Landmark will make the owner of the property eligible for a 50% (fifty percent) property tax reduction as provided by state law and the County's local ordinance, as an incentive to maintain the property in its historic condition for the public benefit. The 50 percent property tax reduction applies only to the valuations of the historic school building and the immediate lot around the school, but will not include several rental houses located on the northern half of the lot. As for any proposed landmark, the exact valuation is determined by the County's Tax Administration Office, which provided the following figures for guidance:

Valuation of historic school and immediate lot before landmark designation: \$323,934

Valuation of same property after landmark designation (50% reduction): \$161,967

Approximate reduction in annual property tax = (-\$1,519.25)

RECOMMENDATION(S): The Manager recommends that the Board adopt and authorize the Chair to sign the attached ordinance to designate the White Cross School as an Orange County Local Historic Landmark, and also thank the owners, Jay and Danielle Sunde, for their ongoing efforts to preserve this important historic rural school building.

DRAFT

**AN ORDINANCE OF THE ORANGE COUNTY BOARD OF COMMISSIONERS
DESIGNATING THE PROPERTY KNOWN AS THE
WHITE CROSS SCHOOL
IN ORANGE COUNTY, NORTH CAROLINA
AS A LOCAL HISTORIC LANDMARK**

Whereas, all of the prerequisites to the adoption of this ordinance prescribed in Part 3C, Article 19, Chapter 160A (Historic Districts and Landmarks) of the General Statutes of North Carolina and an Ordinance Creating the Historic Preservation Commission of Orange County (the “Historic Preservation Ordinance”) have been met; and

Whereas, the Orange County Board of Commissioners has taken into full consideration all statements and information in the application and the designation report prepared by the Orange County Historic Preservation Commission and presented to the Board of County Commissioners on the 3rd day of March, 2015, on the question of designating the property known as the White Cross School as a historic landmark; and

Whereas, the property known as the White Cross School, located in Bingham Township in the County of Orange and more particularly described in Exhibit A attached hereto, is significant as one of only three brick consolidated schools still standing in the County; and

Whereas, the original building constructed in 1933 and enlarged in 1948 retains a high degree of architectural integrity, with most of its original historic exterior and interior features still preserved; and

Whereas, the White Cross School is an important and increasingly rare example of a rural school built according to the plans promoted by the State Department of Public Instruction in the 1920s and 1930s to provide modern, well-lit and sanitary facilities for students; and

Whereas, the White Cross School played a pivotal role in the social and cultural life of the White Cross community and lower Bingham Township until it was closed in 1961; and

Whereas, the Orange County Historic Preservation Commission has recognized the historic, architectural and cultural significance of the property known as the White Cross School and has recommended that the property be designated a “historic landmark” as outlined in Article 3 of the Historic Preservation Ordinance; and

Whereas, the State Historic Preservation Office, an agency of the Office of Archives and History of the North Carolina Department of Cultural Resources, has reviewed and commented on the findings of the Orange County Historic Preservation Commission, and has approved the White Cross School for designation as a local historic landmark;

Now, therefore, be it ordained by the Board of County Commissioners of Orange County, North Carolina that:

Section 1. The property known as the White Cross School, located in Bingham Township, Orange County, North Carolina jurisdictional area, consisting of approximately 1.4 acres more particularly described in Exhibit B, is hereby designated a historic landmark pursuant to Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Orange County Historic Preservation Ordinance.

Section 2. The owner(s) and occupant(s) of the property known as the White Cross School be given notice of this ordinance as required by applicable law, and that copies of this ordinance be filed and indexed in the office of the County Clerk, Orange County Register of Deeds, Orange County Tax Supervisor and Orange County Department of Environment, Agriculture, Parks and Recreation, as required by the applicable law.

Section 3. In accordance with Part 3C, Article 19, Chapter 160A of the General Statutes of North Carolina and the Orange County Historic Preservation Ordinance, the exterior and site features of all historic landmarks are always under the purview of the Historic Preservation Commission’s Certificate of Appropriateness provisions. The jurisdiction of the Historic Preservation Commission may also extend over interior spaces with the consent of the owner. The HPC shall determine Certificates of Appropriateness for the White Cross School based on the HPC’s approved design standards, with reference to the designation ordinance, the application materials and the designation report.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with this ordinance.

Section 5. Any part of this ordinance determined by a court of competent jurisdiction to be in violation of any law or constitutional provision shall be deemed severable and shall not affect the validity of the remainder.

Section 6. This ordinance shall become effective immediately upon its adoption.

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners does hereby officially designate the White Cross School as an Orange County Local Historic Landmark.

This the 5th day of May, 2015.

Earl McKee, Chair
Orange County Board of Commissioners

Attest

Donna Baker, Clerk to the Board

EXHIBIT A

White Cross School

3501 Highway 54 West
Chapel Hill, NC

Aerial view showing
present parcel: 2.69 acres

PIN: 9749402837



PIN 9749402837

White Cross
School

Highway 54 West

6

EXHIBIT B

White Cross School

3501 Highway 54 West, Chapel Hill, NC
Plat of subject property showing
portion of parcel proposed for
Orange County Local Landmark
designation (approx. 1.4 acres)



Approx. 260 feet

White Cross School

EVERETT LN

Highway 54 West

7

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

**Action Agenda
Item No.** 7-b

SUBJECT: Orange County Solar Development Initiatives Update

DEPARTMENT: Asset Management Services,
Department of Environment,
Agriculture, Parks &
Recreation

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):
Solar Development Model Illustration

INFORMATION CONTACT:
Brennan Bouma, 919-245-2626
Jeff Thompson, 919-245-2658
David Stancil, 919-245-2522

PURPOSE: To:

- 1) receive an update and provide feedback on the County's discussions to further educate and develop solar energy initiatives (rooftop photovoltaic, ground-mounted solar arrays, solar power storage technology, etc.) within Orange County in alignment with the 2015 "Solarize" Campaigns organized by NextClimate (Orange County, Carrboro, Chapel Hill, and Hillsborough);
- 2) endorse the development of a pilot solar photovoltaic system within County facilities, beginning with the Rogers Road Community Center; and
- 3) include this proposed pilot within the 2015 Orange County "Solarize" campaigns.

BACKGROUND: Orange County is a leader in North Carolina (among both the public and private sectors) in successfully developing and delivering alternative and more sustainable energy for County facilities and assets. The success of the geothermal ground source heat pump technology within the Hillsborough east campus of public facilities is a prime example.

The Board may recall that Asset Management Services has been studying the economics of solar energy for several years and has reserved recommendation to the Board for solar photovoltaic ("PV") alternative energy investment until the economics of this technology made sense as more reasonable material and development cost structures emerged. After an initial County facility solar energy assessment and the market acceptance of new financing models, staff recommends the Board endorse pilot phase of solar energy development within County facilities. The attachment, "Solar Development Model Illustration", provides a basic guide to a solar development project using these market-accepted models.

Staff analysis has identified principles to help guide County solar infrastructure deployment. Staff recommends that the development model be piloted with County facilities with new or recently replaced roofing, adequate structural integrity to carry the panels, little or no shade, and good exposure to the South where incoming solar energy is the strongest. Pilot projects should be kept to a smaller scale for management, learning, and in order to be facilitated through Board appropriated "Energy Bank" funds. Staff has employed the "PVWatts" calculator from the National Renewable Energy Laboratory to assist in modeling, sizing, and prioritizing solar photovoltaic infrastructure investments (<http://pvwatts.nrel.gov/pvwatts.php>).

Parallel with this analysis, a team of interested residents and solar experts approached Orange County about the feasibility of installing solar panels on the Rogers Road Community Center for the benefit of the Rogers-Eubanks community. Brennan Bouma, Orange County Sustainability Coordinator, has been working closely with this group to assess the feasibility and benefits of this project as a potential pilot solar project for Orange County.

After specifically considering this location, staff recommends the Rogers Road Community Center to benefit from being the County's first pilot solar photovoltaic supported facility. Together with Rob Pinder, Executive Director of NextClimate, Brennan will present an update of the solar initiative collaboration for the Board's comment and feedback.

Background on local "Solarize" campaigns (<http://www.solarizenc.org/>)

The intent of these "Solarize" campaigns is to lower the cost of rooftop photovoltaic systems through pulling together interested households and commercial users into a group-purchasing deal. NextClimate, a local 501c (3) non-profit organizes the four Solarize campaigns that are active in Orange County (Orange County, Hillsborough, Chapel Hill, and Carrboro).

In 2014, NextClimate brought together two solar installation companies (Yes! Solar Solutions and Southern Energy Management), and two financing organizations (Admiral's Bank and Self Help Credit Union) with the mission to bring affordable solar power to the people of Orange County, Carrboro, Chapel Hill, and Hillsborough. Their efforts resulted in new solar installations on 90 homes and small businesses across Orange County in 2014.

In 2015, NextClimate is expanding its reach to create Solarize Research Triangle, bringing solar investment and benefits to Research Triangle Park workplaces.

NC WARN is also running a series of "Solarize" campaigns in the Triad, Western Wake, Chatham, and Durham counties, and there are other organizations running similar "Solarize" programs in the City of Charlotte as well as the Sandhills and Western NC regions.

Next Steps

Should the Board agree with the Manager's recommendation, staff will move forward with the solar pilot project as a part of the 2015 Orange County "Solarize" campaigns, pursue both solar investors and development partners through the appropriate statutory procurement processes, and provide ongoing progress reports to the Board. Staff projects that the initial pilot project will be completed and operational no later than December 2015, and that this could be the first of many facility photovoltaic solar systems providing renewable energy in lieu of less sustainable energy sources.

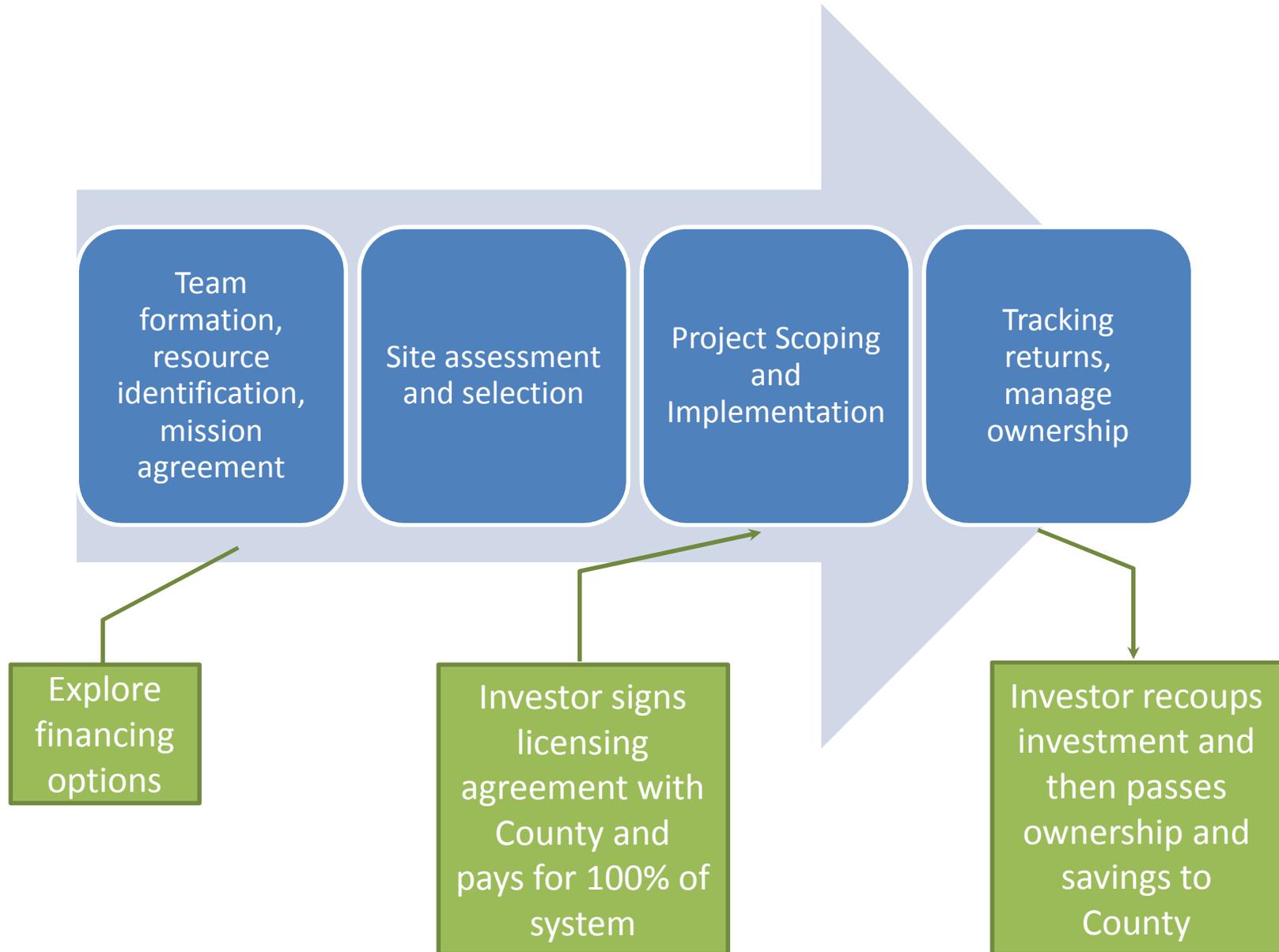
FINANCIAL IMPACT: The development model contemplates an investor development partner to contribute the entire installation cost for the system (see attachment, “Solar Development Model Illustration”) after acquiring the leasehold/licensing property right to install on County property. Once the initial investment has been recouped by the investor partner, the significant utility savings provided by the system would be passed on to the County to be distributed according to a Board-adopted operating budget.

At such time that the development tax credits and other financial incentives are exhausted by the development partner(s), the County may choose to purchase the depreciated asset at its negotiated fair market value with appropriated Energy Bank funds.

RECOMMENDATION(S): The Manager recommends the Board:

- 1) receive an update and provide feedback on the County’s discussions to further educate and develop solar energy initiatives (rooftop photovoltaic, ground-mounted solar arrays, solar power storage technology, etc.) within Orange County in alignment with the 2015 “Solarize” Campaigns organized by NextClimate (Orange County, Carrboro, Chapel Hill, and Hillsborough);
- 2) endorse the development of a pilot solar photovoltaic system within County facilities, beginning with the Rogers Road Community Center; and
- 3) include this proposed pilot within the 2015 Orange County “Solarize” campaigns.

Solar Development Model Illustration



**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 5, 2015

Action Agenda

Item No. 7-c

SUBJECT: Proposed Veterans Memorial Site on the Southern Campus

DEPARTMENT: Asset Management Services,
Department of Environment,
Agriculture, Parks &
Recreation

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

- 1) Site Locator
- 2) Copy of April 29, 2015 Electronic Letter to BOCC Chair

INFORMATION CONTACT:

Jeff Thompson, 919-245-2658
David Stancil, 919-245-2522
Commissioner Barry Jacobs, 919-245-2130
Commissioner Renee Price, 919-245-2130

PURPOSE: To approve in principle the siting of a future Veterans Memorial upon the Southern Campus in accordance with the recently approved Campus Master Plan and authorize the Manager and staff to participate in the ongoing project planning process.

BACKGROUND: Over the past several years, interested Orange County residents and supporters of honoring the contributions and service of Orange County veterans have organized in an effort to raise funds, site and construct a Veterans Memorial ("Memorial") within Orange County. In the past several months, these supporters have raised modest funds for this effort and have focused efforts on siting the Memorial in the Chapel Hill area, working in conjunction with Town of Chapel Hill staff.

In the spring of 2015, representatives from the Board (Commissioners Barry Jacobs and Renee Price) and County staff began meeting with the committee. During these meetings, the potential for locating the memorial on County-owned sites in southern Orange County was discussed, and ultimately, strong interest was reflected for the Southern Human Services Center campus. On April 13, a class of students at C.W. Stanford Middle School, which had been working independently on a class project to design a veteran's memorial, presented their designs to the committee. The committee also had the opportunity to walk the Southern Campus site with the project designer to look at possible locations, and expressed interest in the former home site within the campus.

On April 21, 2015, a meeting of the Veterans Memorial Committee with Town and County staff was held at the Chapel Hill Library to discuss and reach consensus on requesting the siting of the Memorial on or near the former Hoyle home site in compliance with the recently approved

Southern Campus Master Plan (note Attachment 1, "Site Locator"). Attendees of this meeting included residents and supporters from southern, central and northern Orange County - all of whom participated in the consensus.

This resident group submitted an April 29, 2015 electronic letter (with the formal signed letter to be provided) to the Board Chair outlining the consensus and the desire to site the Memorial according to the Site Locator. The letter (Attachment 2) emphasized the desire to begin raising funds for the design, construction and maintenance of the Memorial.

Should the Board approve the site in principle, staff recommends the Board reserve the right of final construction approval contingent upon Board approval of: 1) ownership, 2) design; 3) budget and certification of adequate development and construction funds raised; and 4) the approval of an ongoing operations and maintenance agreement for the Memorial. Additionally, the development will also be contingent upon the approval of the Memorial according to the design guidelines and other requirements stipulated within the approved Special Use Permit issued by the Town of Chapel Hill.

The time frame of this potential project aligns with that of the development of the Southern Human Services Center expansion capital project currently contemplated for FY2016-17. Fundraising activities will be the priority task and has an estimated duration of 2 years.

FINANCIAL IMPACT: None at this time. The preliminary recommendation is for the County to own the property underlying the Memorial as well as the finished Memorial itself. Final Board approval is contingent upon ownership structure, the project budget, certification of adequate funds raised for the project, design approval, and operations and maintenance agreements acceptable to the Board. These elements will be developed and presented to the Board as the project progresses.

RECOMMENDATION(S): The Manager recommends the Board:

- 1) Approve in principle the siting of a future Veterans Memorial upon the Southern Campus in accordance with the recently approved Campus Master Plan, with development contingent upon the approval of the Memorial according to the design guidelines and other requirements stipulated within the approved Special Use Permit issued by the Town of Chapel Hill;
- 2) Authorize the Manager and staff to participate in the ongoing project planning process; and
- 3) Reserve the right of final construction approval contingent upon Board approval of: 1) ownership, 2) design; 3) budget and certification of adequate development and construction funds raised; and 4) the approval of an ongoing operations and maintenance agreement for the Memorial.



Attachment 2

April 29, 2015

The Honorable Earl McKee
Chairman, Orange County Board of Commissioners
5200 Kiger Road
Rougemont, NC 27572

Dear Commissioner McKee:

On November 22, 2010, Colonel Fred Black, U.S. Army (Retired) and a Vietnam Veteran, then serving as the Veterans Memorial Committee Chairman, petitioned the Town Council to approve the siting of a proposed Veterans Memorial at Chapel Hill at the Chapel Hill Memorial Cemetery. This request was approved and the Veterans Memorial Committee began the design phase.

A preliminary concept design was developed and brought before the Town Council and approved in April 2013.

This memorial is for all veterans and includes veterans in neighboring communities. We are now formulating the plan for project funding where we will solicit funds needed for memorial construction.

Concurrent with our efforts, veterans, students, and families of veterans of Orange County have also asked the question, "Why don't we have a County Veterans Memorial?" That challenge has created an opportunity for the veterans of Chapel Hill to join with county veterans to build a noble memorial for the Town of Chapel Hill and Orange County within Chapel Hill. We have shared our memorial's concept with Orange County veterans and it has been well received.

This county memorial may be a good and appropriate fit for the Orange County Southern Human Services complex on Homestead Rd. Space for a memorial on the "homestead" site area may be available. The Veterans Committee has looked at this alternate site and, if available, would provide a premiere location for a Veterans Memorial at Chapel Hill. It is well-suited for a memorial on the upper hillside. There is ample parking, public transportation, and the center is frequently visited by both Chapel Hill and county citizens.

I share this information with you now, as we have been asked to consider combining efforts. The county will soon be asked about a memorial and an appropriate site. We think that Homestead Road site in Chapel Hill would be well-served to be the home for a veterans' memorial for the veterans of Orange County.

Most respectfully,

JIM MERRITT
Veterans Memorial Committee Chairman

BRUCE RUNSBERG
Co-Chairman

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
4/21/15	Review and consider request by Commissioner Price that the County consider the Southern Human Services Center Campus as a possible site for a Veterans Memorial	6/2/2015	Chair/Vice Chair/Manager & Jeff Thompson	DONE Item included on May 5, 2015 Regular Meeting Agenda
4/21/15	Review and consider request by Commissioner Rich that staff provide a plan to the Board on a summer internship program for County government to begin in summer 2016	12/7/2015	Brenda Bartholomew Bonnie Hammersley	Manager and Human Resources Director to develop proposed formal program
4/21/15	Review and consider request by Commissioner Burroughs that staff develop information on interest and projected costs of providing sit/stand desks to County employees	6/16/2015	Jeff Thompson	Information Item to be provided with costs and interest information
4/21/15	As part of updates on legislative bills, also include links to the actual bills so Board members can access exact language	5/5/2015	John Roberts	DONE
4/21/15	Consider additional Board discussion at a work session on the Announcements & Petitions by Board Members/BOCC Comments structure to determine if it is working as the Board intended	6/2/2015	Chair	Chair to consult with Board members as initial step

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Effective Date of Report: April 17, 2015						
Tax Year 2014	Amount Charged in FY 14-15	Amount Collected	Accounts Receivable	Amount Budgeted in FY 14-15	Remaining Budget	% of Budget Collected
Current Year Taxes	\$ 135,734,649.00	133,757,598.62	\$ 2,014,147.21	\$ 135,734,649.00	\$ 1,977,050.38	98.54%
Prior Year Taxes	\$ 3,764,940.44	1,239,591.01	\$ 2,486,753.36	\$ 994,130.00	\$ (245,461.01)	124.69%
Total	\$ 139,499,589.44	134,997,189.63	\$ 4,500,900.57	\$ 136,728,779.00	\$ 1,731,589.37	98.73%
Tax Year 2013	Amount Charged in FY 13-14	Amount Collected	Accounts Receivable	Amount Budgeted in FY 13-14	Remaining Budget	% of Budget Collected
Current Year Taxes	\$ 130,682,492.00	128,841,178.92	\$ 2,236,603.68	\$ 130,682,492.00	\$ 1,841,313.08	98.59%
Prior Year Taxes	\$ 4,163,721.00	1,587,994.46	\$ 2,436,870.43	\$ 994,130.00	\$ (593,864.46)	159.74%
Total	\$ 134,846,213.00	130,429,173.38	\$ 4,673,474.11	\$ 131,676,622.00	\$ 1,247,448.62	99.05%
Current Year Overall Collection Percentage Tax Year 2014			98.52%			
Current Year Overall Collection Percentage Tax Year 2013			98.31%			

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

Fiscal Year 2014-2015

Effective Date of Report: March, 2015													
	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	76	67	77	90	28	38	13	46	28				463
Bank attachments	8	12	15	35	12	8	-	7	12				109
Certifications	-	-	-	-	-	1	-	1	-				2
Rent attachments	-	-	-	1	-		2	3	-				6
Housing/Escheats/Monies	81	46	32	47	47	1	37	1	1				293
Levies	4	4	3	19	8	9	-	-	-				47
Foreclosures initiated	4	8	2	6	-	-	-	-	1				21
NC Debt Setoff collections	\$ 971.64	\$ 1,057.80	\$ 140.00	\$ 1,426.97	\$ 2,217.83	\$ -	\$ -	\$ 4,026.48	\$ 2,461.42				\$ 12,302.14

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2014-2015. It gives a breakdown of enforced collection actions by category, and it provides a year-to-date total.

The Tax Collector will update these figures once each month, after each month's reconciliation process.

NAME	ABSTRACT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO
Balch, Deborah Jean	16121752	2014	8,840	5,532	(31.69)		(31.69)	Damage (appraisal appeal)	RMV-VTS	Approved	4/8/2015
Bryant, Rolande	175934	2013	3,429	0	(35.68)		(35.68)	Out of County (illegal tax)	Personal	Approved	4/8/2015
Bryant, Rolande	175934	2014	3,258	0	(35.41)		(35.41)	Out of County (illegal tax)	Personal	Approved	4/8/2015
Clouatre, Spencer	10548868	2013	2,500	2,500	(39.51)	(30.00)	(69.51)	Military exempt (illegal tax)	RMV-VTS	Approved	3/25/2015
Dollar, Jason Lee	16111806	2014	8,580	6,349	(34.76)		(34.76)	High mileage (appraisal appeal)	RMV-VTS	Approved	4/8/2015
Freebird, Marie Elena	25591002	2014	500	500	(3.64)	(30.00)	(33.64)	Situs error (illegal tax)	RMV-VTS	Approved	4/15/2015
Gattis, Grant	25182053	2014	4,430	4,430	(59.02)	(20.00)	(79.02)	Situs error (illegal tax)	RMV-VTS	Approved	4/15/2015
Harrison, Charles	1020044	2014	750	0	(9.21)		(9.21)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Harrison, Charles	84750	2014	1,630	0	(19.33)		(19.33)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Harrison, Charles	1020044	2013	830	0	(11.92)		(11.92)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Karowski, John Etal	988601	2013	500	0	(9.84)		(9.84)	Double billed (illegal tax)	Personal	Approved	4/15/2015
Karowski, John Etal	988601	2014	500	0	(9.22)		(9.22)	Double billed (illegal tax)	Personal	Approved	4/15/2015
Larkins, John Carl Jr	22829170	2014	2,680	1,340	(21.58)		(21.58)	Damage (appraisal appeal)	RMV-VTS	Approved	4/5/2015
Maya, Erika	1052019	2014	2,190	0	(24.38)		(24.38)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Maya-Garcia, Erika	268638	2014-2013	2,360	0	(25.42)		(25.42)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Mayfield, Steven	25237151	2013	1,220	1,220	(8.83)	(30.00)	(38.83)	Situs error (illegal tax)	RMV-VTS	Approved	4/15/2015
Omland, Gregory	16097590	2014	6,410	4,450	(1.57)	(30.00)	(31.57)	Price paid (appraisal appeal)	RMV-VTS	Approved	4/15/2015
Perez, Jose	324031	2013	3,890	0	(45.54)		(45.54)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Perez, Jose	324031	2014	3,630	0	(40.83)		(40.83)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Pratt, Robert	22522840	2014	1,530	1,530	(11.29)	(30.00)	(41.29)	Situs error (illegal tax)	RMV-VTS	Approved	3/25/2015
Price, Dorothy Walker	25143910	2014	2,110	2,110	(15.29)	(30.00)	(45.29)	Situs error (illegal tax)	RMV-VTS	Approved	4/8/2015
Renteria, Fermin	1051715	2014	1,210	0	(22.34)		(22.34)	Double billed (illegal tax)	Personal	Approved	4/8/2015
Reteria, Fermin	286710	2014	950	0	(17.42)		(17.42)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Reteria, Fermin	286710	2013	950	0	(18.59)		(18.59)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Reteria, Fermin	286710	2012	950	0	(19.56)		(19.56)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Reteria, Fermin	286710	2011	950	0	(20.78)		(20.78)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Reteria, Fermin	286710	2010	1,000	0	(21.48)		(21.48)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rodriguez, Adrian Sandez	316686	2014	950	0	(17.42)		(17.42)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rodriguez, Juan	303254	2010	1,000	0	(11.97)		(11.97)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rodriguez, Juan	303254	2011	950	0	(11.71)		(11.71)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rodriguez, Juan	303254	2012	950	0	(10.90)		(10.90)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rodriguez, Juan	303254	2013	950	0	(10.09)		(10.09)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rodriguez, Juan	303254	2014	950	0	(9.49)		(9.49)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rubalcava, Hermilio	286491	2014	3,340	0	(36.43)		(36.43)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rubalcava, Hermilio	286491	2013	3,580	0	(41.56)		(41.56)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rubalcava, Hermilio	286491	2012	3,750	0	(46.01)		(46.01)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rubalcava, Hermilio	286491	2011	4,209	0	(55.12)		(55.12)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rubalcava, Hermilio	286491	2010	4,430	0	(56.72)		(56.72)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Rubalcava, Hermilio	286491	2009	4,720	0	(70.77)		(70.77)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Ryals, Sandra Parson	22148142	2014	1,450	1,450	(9.97)	(30.00)	(39.97)	Situs error (illegal tax)	RMV-VTS	Approved	4/15/2015
Ryals, Sandra Parson	24197129	2014	1,540	1,540	(10.60)	(30.00)	(40.60)	Situs error (illegal tax)	RMV-VTS	Approved	4/15/2015
Sain, Carl Edward	25632051	2014	660	660	(4.78)	(30.00)	(34.78)	Situs error (illegal tax)	RMV-VTS	Approved	4/15/2015
Santanter, Stephanie	219187	2014	7,210	0	(77.82)		(77.82)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Santanter, Stephanie	219187	2013	7,710	0	(88.56)		(88.56)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Schaub, Rebecca	201953	2014	3,070	0	(34.16)		(34.16)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Sharpe, Judy Faye	25444084	2014	6,980	6,980	(51.50)	(30.00)	(81.50)	Situs error (illegal tax)	RMV-VTS	Approved	4/5/2015
Sosa, Erkia	1031456	2013	950	0	(18.59)		(18.59)	Double billed (illegal tax)	Personal	Approved	4/15/2015
Suazo, Walter Benjamin	1029184	2013	5,550	0	(64.41)		(64.41)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Suazo, Walter Benjamin	1029184	2014	5,180	0	(56.48)		(56.48)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Vargas, Luz	321771	2014	2,380	0	(25.96)		(25.96)	Double billed (illegal tax)	Personal	Approved	3/25/2015
Vargas, Luz	321771	2010	3,100	0	(43.92)		(43.92)	Double billed (illegal tax)	Personal	Approved	4/8/2015
Vargas, Luz	321771	2011	2,945	0	(38.80)		(38.80)	Double billed (illegal tax)	Personal	Approved	4/8/2015
Vargas, Luz	321771	2012	2,798	0	(31.40)		(31.40)	Double billed (illegal tax)	Personal	Approved	4/8/2015
Vargas, Luz	321771	2013	2,570	0	(30.03)		(30.03)	Double billed (illegal tax)	Personal	Approved	4/8/2015
Velasquez, Carlos	364643	2014	950	0	(10.56)		(10.56)	Mobile home sold (illegal tax)	Personal	Approved	3/25/2015
Wegner, Marianne	25023127	2014	800	800	(5.80)	(30.00)	(35.80)	Situs error (illegal tax)	RMV-VTS	Approved	3/25/2015
Williams, Felicia	25457532	2014	1,050	1,050	(37.61)		(37.61)	Situs error (illegal tax)	RMV-VTS	Approved	4/15/2015
Wilson, James F	1050767	2014	31,016	31,016	(36.78)		(36.78)	Late fee listed in error (clerical error)	Personal	Approved	3/25/2015
						Total	(2,020.05)				

INFORMATION ITEM



EARL MCKEE, CHAIR
BERNADETTE PELISSIER, VICE CHAIR
MIA BURROUGHS
MARK DOROSIN
BARRY JACOBS
RENEE PRICE
PENNY RICH

Orange County Board of Commissioners
Post Office Box 8181
200 South Cameron Street
Hillsborough, North Carolina 27278

April 29, 2015

Dear Commissioners,

At the Board's April 21, 2015 regular meeting, petitions were brought forth which were reviewed by the Chair/Vice Chair/Manager Agenda team. The petitions and responses are listed below:

- 1) Review and consider a request by Commissioner Price that the County consider the Southern Human Services Center Campus as a possible site for a Veterans Memorial.

Response: Item included on May 5, 2015 Regular Meeting Agenda.

- 2) Review and consider request by Commissioner Rich that staff provide a plan to the Board on a summer internship program for County government to begin in summer 2016.

Response: County Manager and Human Resources Director to develop proposed formal program.

- 3) Review and consider a request by Commissioner Burroughs that staff develop information on interest and projected costs of providing sit/stand desks to County employees.

Response: Information Item to be provided with costs and interest information.

- 4) Review and consider a request to consider additional Board discussion at a work session on the Announcements & Petitions by Board Members/BOCC Comments structure to determine if it is working as the Board intended.

Response: Chair to consult with Board members as an initial step.

Regards,

A handwritten signature in cursive script that reads "Earl McKee".

Earl McKee, Chair
Orange County Board of Commissioners