

**Orange County
Commission for the Environment**

Meeting Summary

December 14, 2015

Richard Whitted Meeting Facility, Hillsborough

PRESENT: Lynne Gronback (Acting Chair), May Becker, Peter Cada, Loren Hintz, David Neal, Jan Sassaman, Gary Saunders, Sheila Thomas-Ambat

ABSENT: Tom Eisenhart, Bill Newby, Jeanette O'Connor, Rebecca Ray, David Welch, Lydia Wegman

STAFF: Rich Shaw, Tom Davis GUEST: Michael Harvey (OC Planning & Inspections)

- I. **Call to Order** – Gronback called the meeting to order at 7:35 pm.
- II. **Additions or Changes to Agenda** – There were none
- III. **Minutes** – Gronback asked for comments on the November 9 meeting summary. Hintz motioned approval as written; seconded by Saunders. Approved unanimously.
- IV. **Proposed Rule Changes for Airport Development** – Michael Harvey (Current Planning Supervisor, Orange Co. Planning & Inspections) presented a draft amendment to the regulations governing the development of public airports and private air strips in Orange County. The draft amendment was referred to the CFE, Economic Development Advisory Board, and towns of Hillsborough, Chapel Hill and Carrboro for comments.

Harvey began by noting that some key dates in the written materials had changed. The open houses that had been scheduled for December 17 and 21 were postponed until spring 2016. Draft rule change won't be ready for public hearing until September 2016.

Harvey noted the proposed rule changes are not in anticipation of any applications to be filed. The rules for airport development were one of several key issues that the Planning Board chose not to address when the Unified Development Ordinance was created in 2009-10. Harvey said the current rules are about 30 years old and in need of updating; staff feels there is ample need to improve the standards and process for permitting airports and air strips. He noted, for instance, that currently the same rules apply to both private airstrips and public airports.

Harvey said the amendment would provide a different process and set of standards for private airstrips and public airports. Private airstrips would require a special use permit (SUP) and be limited to five airplanes, prohibit drones, and require hazardous materials plan. Public airports would require conditional zoning, which he described as a "floating district." A proposed airport district would allow for a heightened level of public review than is allowed in the current SUP process. Harvey said, unlike the SUP process, the general public could provide comments without having to go to the expense of obtaining expert testimony. Also, the BOCC and applicant could negotiate on conditions to be applied toward the airport development.

Harvey provided examples of key standards that would be applied to public airports, such as no residential housing allowed in the district, and airports could not be sited in

the Rural Buffer surrounding Carrboro and Chapel Hill. He noted applicants would need to provide additional site data, including hydrological and environmental information.

Harvey asked the CFE to consider the draft rule changes and provide any comments. He noted further changes to the draft are expected, but comments at this stage would be helpful. He has also requested comments from the Economic Development Commission.

- Sassaman asked if there is any reason to suspect a public airport is being planned for anytime soon. Harvey said there has been no indication of that.
- Sassaman asked the status of the airport in Chapel Hill. Harvey said UNC's expansion at Carolina North is on hold; the existing airport remains in use and there are better accommodations for local air traffic at RDU airport.
- Hintz noted that private airstrips can have grass runways with little or no impervious surfaces. Harvey said the type of surface is important for permitting.
- Hintz asked if a local dairy producer would need a permit for an airstrip used for delivering milk for sale from the farm. Harvey said if the airstrip is for local farm products predominantly then it would not require a SUP or a conditional zoning permit. The same would be true for a crop dusting operation.

Hintz suggested the CFE members mull it over until the next meeting. He said he is supportive of allowing private air strips in the Rural Buffer.

Sassaman said he supports having the different rules and processes for airports and airstrips, and he supports the conditional use permit for public airports. He would not support there being an absolute ban on new airports in Orange County.

Gronback thanked Harvey for sharing this information and said the CFE would consider the proposal and provide comments at a later date.

- V. **Orange County Stream Buffer Requirements** – Michael Harvey provided an overview of the County's plan to address 2015 legislation intended to curtail local governments' abilities to protect surface water quality (and riparian habitat) by requiring wider stream buffers for new and existing development.

Harvey said Orange County has some of the most restrictive stream buffer requirements in the state. He said the NC Department of Environmental Quality (DEQ) has provided three options for local governments to justify maintaining current rules. Harvey said the first option is to document that local rules were implemented prior to 1989, which was not the case for Orange County. The second option is to present scientific evidence that justifies the need for more restrictive stream buffers to protect water quality. Harvey said Orange County intends to pursue this option—perhaps in collaboration with other local governments in the Upper Neuse River Basin Association. Harvey said the County also plans to pursue a third option: to make the case that Orange County's stream buffer rules are implemented under a different enabling legislation than that which is addressed in the 2015 legislation. The Orange County standards were initially intended to protect water quality in so-called "critical areas" of public water supply watersheds, but were extended to provide further protection throughout those water supply watersheds.

Harvey said the NC DEQ requires local governments to submit their justification by August 2016. The NC DEQ will provide its response by November 2016.

Gronback thanked Harvey for sharing this information. There was no action required.

VI. **CFE News Articles / Outreach** – The CFE reviewed the latest news articles intended to educate/inform the public about issues highlighted in the Orange County State of the Environment. CFE members commented on the draft article by Cada and Davis about the adequacy of fresh water supplies in Orange County. Sassaman suggested some additional information be added that explains the reasons for fluctuations in total public water supplies provided by the different water utilities. After further discussion, the CFE decided to make no changes to the article and approved it as written. Cada suggested the Water Resources Committee prepare a follow-up article that provided more details about changes in the total public water supplies provided by water utilities over time.

Neal reported he has prepared a draft article summarizing the successful Solarize Orange campaign, which resulted in many installations of rooftop solar in the county. He said he sent the draft article to Brennan Bouma for initial review and edits before it is sent to the full CFE for final approval. Shaw said the article should be ready in January.

VII. **CFE Committee Priorities** – CFE members reviewed a list of priority issues/projects identified by each committee in 2014-15 in anticipation of the committees meeting to discuss and update the list in early 2016.

VIII. **Updates and Information Items** – Information on the following subjects was provided in the meeting package; selected items were discussed: a) CFE resolution on green building incentives, b) CFE memo about herbicides/pesticides used at County facilities, c) CFE annual report & work plan 2015-16, d) impact of 2015 legislation on County's dev. rules, e) County exploring new ways to recycle organic waste, f) effects of “solar bees” on Jordan Lake water quality, g) State clean energy mandates in jeopardy, h) climate change, i) ways to reduce carbon emissions, j) Orange Co wins Smart Fleet Leader award, and k) Duke Forest news.

IX. **Adjournment** – Gronback adjourned the meeting at 9:13 pm.

Summary by Rich Shaw, DEAPR Staff