Orange County
Board of Commissioners

Agenda

Business Meeting
May 2, 2023
7:00 p.m.
Donna S. Baker Meeting Room
Whitted Building
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# 919-644-3045.

1. Additions or Changes to the Agenda

PUBLIC CHARGE

The Board of Commissioners pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, county staff and the commissioners. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. The BOCC asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate. Please be kind to everyone.

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 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, Petitions and Comments by Board Members (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/ Special Presentations

a. Presentation of Manager's Recommended Fiscal Year 2023-24 Annual Operating Budget

5. **Public Hearings**

   a. Public Hearing on the Financing of Various Capital Investment Plan Projects
   b. Public Hearing on Renaming Judah Benjamin Court to Aspen Court
   c. Zoning Atlas Amendment – 4801 and 4901 Dairyland Road (PINs 9841-52-7281, 9840-79-5091), Hillsborough, Bingham Township

6. **Regular Agenda**

   a. Proposed Orange County FY 2023-2024 Annual Action Plan and HOME Activities

7. **Reports**

8. **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. Approval of Memorandum of Agreement between the Orange County Board of Commissioners and North Carolina State University
   e. North Carolina Local Government Commission Audit Contract with Mauldin & Jenkins, LLC – First Renewal
   f. Application for North Carolina Education Lottery Proceeds for Chapel Hill Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #8-B Related to CHCCS Capital Project Ordinances
   g. Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #8-C Related to OCS Capital Project Ordinances
   h. Older Americans Month Proclamation
   i. Provider Appreciation Day Proclamation
   j. Mental Health Awareness Month Proclamation

9. **County Manager's Report**

10. **County Attorney's Report**

11. ***Appointments**

12. **Information Items**

    - April 18, 2023 BOCC 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
    - Memorandum – Orange County Participation Results of the Solarize the Triangle Program
    - Memorandum – Recognizing Retirements from January 1, 2023 through March 31, 2023

13. **Closed Session**

14. **Adjournment**

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

***Subject to Being Moved to Earlier in the Meeting if Necessary**

Orange County Board of Commissioners' meetings and work sessions are available via live streaming video at orangecountync.gov/967/Meeting-Videos and Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 4-a

SUBJECT: Presentation of Manager's Recommended Fiscal Year 2023-24 Annual Operating Budget

DEPARTMENT: County Manager's Office

ATTACHMENT(S):

UNDER SEPARATE COVER
Recommended FY 2023-24 Annual Operating Budget (To be provided prior to the meeting)- Will also be available at: https://www.orangecountync.gov/budget

PowerPoint Presentation (To be provided under separate cover prior to or at the meeting)

INFORMATION CONTACT:

Bonnie Hammersley, (919) 245-2300
Travis Myren, (919) 245-2308
Kirk Vaughn, (919) 245-2153

PURPOSE: To receive a presentation on the Manager's Recommended FY 2023-24 Annual Operating Budget.

BACKGROUND: Each year in the month of May, the County Manager presents the Board of County Commissioners with a recommended spending plan for the next fiscal year. During the meeting, the Manager will provide a brief presentation of the Recommended FY 2023-24 Annual Operating Budget.

The Board of County Commissioners will conduct two Public Hearings - the first at 7:00 p.m. on Tuesday, May 9, 2023, and the second on Thursday, June 1, 2023 at 7:00 pm. In addition, the Board has scheduled the following Budget Work Sessions:

- May 11, 2023 - Budget Work Session with Chapel Hill-Carrboro City Schools, Orange County Schools, Durham Tech Community College and Outside Agencies.

- May 18, 2023 - Budget Work Session with Fire Districts and County Departments within the following **Functional Leadership Teams**: **Public Safety** (Courts, Criminal Justice Resource Department, Emergency Services and the Sheriff's Office); **Human Services** (Child Support, Department of Social Services, Department of Aging, Health, Housing and Community Development, Human Rights and Relations, Library Services and Alliance Health).

- May 23, 2023 - Budget Work Session with County Departments within the following **Functional Leadership Teams**: **Support Services** (Asset Management Services, Community Relations, Finance and Administrative Services, Human Resources and Information Technology); **General Government** (Board of County Commissioners, Board of Elections, County Attorney, County Manager, Register of Deeds and Tax Administration); **Community Services** (Animal Services, Cooperative Extension, Department of Environmental, Agriculture, Parks and Recreation, Economic Development, Orange Public Transportation, Planning and Inspections, Solid Waste and Sportsplex) including Non-Departmental items.

- June 8, 2023 - Budget Work Session for Board to review budget amendments and finalize decisions (Resolution of Intent to Adopt) on the FY 2023-24 Annual Operating Budget and the FY 2023-2033 Capital Investment Plan.

- June 20, 2023 - Business Meeting for the Adoption of the FY 2023-24 Annual Operating Budget and the FY 2023-2033 Capital Investment Plan.

All meetings start at 7:00 p.m.

FINANCIAL IMPACT: There is no financial impact associated with the presentation of the Manager's Recommended FY 2023-24 Annual Operating Budget. Decisions that the Board makes as part of its discussion on the Manager's Recommended FY 2023-24 Annual Operating Budget will have financial impacts.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board receive the presentation of the Manager's Recommended FY 2023-24 Annual Operating Budget.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 5-a

SUBJECT: Public Hearing on the Financing of Various Capital Investment Plan Projects

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):
Attachment 1. Copy of Public Hearing Notice
Attachment 2. Resolution
Attachment 3. PowerPoint Presentation

INFORMATION CONTACT:
Gary Donaldson, (919) 245-2453
Chaz Offenburg, (919) 245-2071
Robert Jessup, (919) 933-9891

PURPOSE: To conduct a public hearing on a financing contract for up to $16.5 million to pay for capital investment projects and equipment for the fiscal year, and to approve a related resolution supporting the County's application to the Local Government Commission (LGC) for its approval of the financing arrangements. The financing and transaction costs are included in the loan amount.

BACKGROUND: County staff estimates that the total amount to be financed for capital investment projects and equipment will be not exceed $16.5 million. The law requires that the County conduct a public hearing on the proposed financing. A copy of the published hearing notice is provided at Attachment 1.

The notice of public hearing was advertised in *The Herald Sun*.

After conducting the public hearing and receiving public input, the Board will consider the adoption of the resolution (Attachment 2). This resolution formally requests the required LGC approval, makes certain "finding of fact" as required under the LGC's guidelines, and authorizes County staff to continue the process. The Finance Officer has been in contact with the LGC staff, and expects no issues in receiving LGC approval.

If the Board adopts the resolution indicating its intent to continue with the financing plan, the Board will be asked to consider a resolution giving final approval to the financing plans at its Business meeting on May 16, 2023. Under the current schedule, County staff expects to set the final interest rates and close by the end of June.

Collateral: For this type of County installment financing, the County secures its obligations to the lender by a mortgage-type interest in some or all of the property being acquired or improved through the financing. The County plans to secure this 2023 financing through a pledge of several

school properties. County staff is discussing with both school boards the particular schools to be used. The school boards will convey the selected schools to the County for the financing term so that the County can utilize them as collateral. The Board will be asked to approve the transfer of the particular schools as part of a May 16, 2023 Business meeting agenda item.

Lenders generally require that the County offer collateral equal to at least 50% of the loan amount. The County expects to offer collateral well in excess of the loan amount, but transferring schools to the County now will facilitate future school improvements and financings over the next several years. The County has flexibility to release schools individually from the financing lien if that becomes appropriate.

FINANCIAL IMPACT: There is no financial impact related to this action. However, there will be a financial impact in proceeding with the financing. A preliminary estimate of maximum debt service applicable to this financing would require the highest debt service payment of approximately $2.01 million in FY 2025 (based on the lowest interest rates provided by potential bank lenders and the $16.5 million Not-to-Exceed financing amount). The tax rate equivalent for the estimated highest debt service payment based on the current (FY 2023) tax value of one cent ($2,212,097) is approximately $0.0091 (0.91 cents). These debt service amounts are well within the County's debt model parameters.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impacts are applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
  Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.
- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
  Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

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

1) Conduct the public hearing;
2) Close the public hearing; and
3) Adopt the resolution supporting the application to the Local Government Commission for approval of the financing.

Attachment 1

Orange County, North Carolina -- Notice of Public Hearing
2023 Installment Financing for Various Projects

The Board of Commissioners (the "Board") of Orange County (the "County"), North Carolina, will hold a public hearing on May 2, 2023, at 7:00 p.m. (or as soon thereafter as the matter may be heard). The purpose of the hearing is to take public comment concerning a proposed financing contract, under which the County would borrow an amount expected not to exceed $16,500,000 to pay for the various public improvements and acquisitions shown below, and to pay financing costs:

Project	Est. Amount ($)
School Projects (Combined for both Orange County and Chapel Hill – Carrboro Schools)	9,449,740
County Vehicles	1,742,927
Roof and Building Façade Projects	1,431,681
HVAC Projects	1,084,341
County IT Projects	897,070
Emergency Services Warehouse	583,757
County Communications System/Radio Upgrades	556,447
Facility Accessibility, Safety and Security Improvements	331,215
Emergency Services Renewals and Replacements	110,997
Project Totals	**16,188,175**
Financing Costs and Contingencies	311,825
TOTAL	**$16,500,000**

The total amount financed will not exceed the amounts estimated for the project costs and financing costs.

The hearing will be held in the Board's usual meeting room in the County's Whitted Building, 300 West Tryon Street, Hillsborough, North Carolina.

The proposed financing would be secured by a lien on some or all of the property purchased or improved through the financing as well as the County's promise to repay the financing, but there would be no recourse against the County or its property (other than the pledged property) if there were a default on the financing. The County expects that the County's Whitted Building and several schools will serve as the collateral.

All interested persons will be heard. The County's plans are subject to change based on the comments received at the public hearing and the Board's subsequent discussion and consideration. The County's entering into the financing is subject to obtaining approval from the North Carolina Local Government Commission.

Persons wishing to make written comments in advance of the hearing or wishing more information concerning the subject of the hearing may contact Gary Donaldson, Orange County Chief Financial Officer, Post Office Box 8181, Hillsborough, NC 27278 (telephone 919/245-2453, email gdonaldson@orangecountync.gov).

Resolution supporting an application to the Local Government Commission for its approval of a County Financing Agreement – 2023 Multiple Project Installment Financing

Introduction --

The Orange County Board of Commissioners has previously determined to carry out various public improvements and acquisitions, as identified in the County's capital improvement plan and as described in Exhibit A.

The Board has also determined to finance the costs of these projects through an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes. In an installment financing, the County's repayment obligation is secured by a mortgage-type interest in all or part of the property being financed, but not by any pledge of the County's taxing power or any specific revenue stream.

North Carolina law requires that the County's financing be approved by the North Carolina Local Government Commission (the "LGC"), a division of the North Carolina State Treasurer's office. Under the LGC's guidelines, this governing body must make certain findings of fact to support the County's application for the LGC's approval of the County's financing arrangements.

1. THEREFORE, BE IT RESOLVED by the Orange County Board of Commissioners, as follows:

(a) The County makes a preliminary determination to finance approximately $16,500,000 to pay capital costs of public improvements and acquisitions, and in particular those described in Exhibit A, and to pay financing costs.

(b) The Board will determine the final amount to be financed by a later resolution. The final amount financed may be slightly lower or slightly higher than $16,500,000. Some of the financing proceeds may represent reimbursement to the County for prior expenditures on project costs.

2. The Board makes the following findings of fact in support of the County's application to the LGC:

(a) The proposed projects are necessary and appropriate for the County under all the circumstances.

(b) The proposed installment financing is preferable to a bond issue for the same purposes.

The County has no meaningful ability to issue non-voted general obligation bonds for these projects. It is appropriate for the County to balance its capital program between various types of financings, and the County has made extensive use of voter-approved and two-thirds general obligation bonds. The County expects that in the current interest rate environment for municipal securities there would be no material difference in the overall financing costs between general obligation bonds and installment financings for these projects. These projects will produce no revenues that could be used to support a self-liquidating financing.

(c) The estimated sums to fall due under the proposed financing contract are adequate and not excessive for the proposed purpose. The County will closely review proposed financing rates against market rates with guidance from the LGC and the County's financial adviser. All amounts financed will reflect either approved contracts, previous actual expenditures, or professional estimates.

(d) As confirmed by the County's Finance Officer, (i) the County's debt management procedures and policies are sound and in compliance with law, and (ii) the County is not in default under any of its debt service obligations.

(e) Although the County expects there will be tax increases associated with the County's overall ten-year capital improvement program, there will be no tax increase directly attributable to the current proposed financing.

(f) The County Attorney is of the opinion that the proposed projects are authorized by law and are purposes for which public funds of the County may be expended pursuant to the Constitution and laws of North Carolina.

3. Additionally, the Board resolves as follows:

(a) The County intends that the adoption of this resolution will be a

declaration of the County's official intent to reimburse project expenditures from financing proceeds. The County intends that funds that have been advanced for project costs, or which may be so advanced, from the County's general fund, or any other County fund, may be reimbursed from the financing proceeds.

(b) The Board directs the County Manager and the Finance Officer to take all appropriate steps toward the completion of the financing, including (i) completing an application to the LGC for its approval of the proposed financing, and (ii) soliciting one or more proposals from financial institutions to provide the financing. The Board ratifies all prior actions of County representatives in this regard.

(c) This resolution takes effect immediately.

* * * * * * * * * * * * * * * * *

I certify as follows: that the foregoing resolution (which includes the attached Exhibit A) was properly adopted at a meeting of the Board of Commissioners of Orange County, North Carolina; that this meeting was properly called and held on May 2, 2023; that a quorum was present and acting throughout this meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

Dated this ____ day of _____, 2023.

[SEAL]

_____
Laura Jensen
Clerk, Board of Commissioners
Orange County, North Carolina

Exhibit A – tentative project list with amounts to be financed

Project	Est. Amount ($)
School Projects (Combined for both Orange County and Chapel Hill – Carrboro Schools)	9,449,740
County Vehicles	1,742,927
Roof and Building Façade Projects	1,431,681
HVAC Projects	1,084,341
County IT Projects	897,070
Emergency Services Warehouse	583,757
County Communications System/Radio Upgrades	556,447
Facility Accessibility, Safety and Security Improvements	331,215
Emergency Services Renewals and Replacements	110,997
Project Totals	**16,188,175**
Financing Costs and Contingencies	311,825
TOTAL	**$16,500,000**

ORANGE COUNTY
NORTH CAROLINA

Series 2023 Limited Obligation Bonds

Spring Financing Resolution

Gary Donaldson, Chief Financial Officer

May 2, 2023

Purpose

- Conduct Public Hearing for Limited Obligation Bonds pursuant to NC Statute Section 160A-20
- Close Public Hearing
- Obtain Board Approval of Resolution to Proceed with Filing Local Government Commission Application for Series 2023 Limited Obligation Bonds
- Funds our FY 2022-23 Capital Investment Plan through this Series 2023 Limited Obligation Bonds are secured by a Deed of Trust, with a security interest in various County and School facilities.
- The Series 2022 Limited Obligation Bonds will fund various County projects including:

- Vehicles and Equipment (7 Years useful life):	$1.7 Million
- County Projects (up to 20 years useful life):	$5 Million
- School Projects (up to 20 years useful life):	$9.4 Million
TOTAL:	$16.1 Million

ORANGE COUNTY
NORTH CAROLINA

FY 2023 Projects

	Project	LGC Application Amount	Amortization	Project Status
1	**AMS**			
2	Facility Accessibility, Safety and Security Improvements	$ 331,215	20-Year Level Principal	Reimbursment Resolution/Purchase Order
3	HVAC Projects	1,084,341	15-Year Level Principal	Reimbursment Resolution/Purchase Order
4	Emergency Services Warehouse	583,757	20-Year Level Principal	Reimbursment Resolution/Purchase Order
5	Roofing/Façade Projects	1,431,681	20-Year Level Principal	Reimbursment Resolution/Purchase Order
6	**AMS TOTAL**	**3,430,995**		
7				
8				
9	**Emergency Services**			
10	Communication System Improvements	207,561	8-Year Level Debt Service	Quote/Purchase Order
11	Orange County Radio/Paging Upgrades			
12	BDA Testing Engineering	50,904	8-Year Level Debt Service	Quote/Purchase Order/Awaiting Invoice
13	Paging Equipment Replacements/Upgrades	297,982	8-Year Level Debt Service	Quote Received 12-2/Under Legal Review
14	ES Renewals and Replacements	110,997	15-Year Level Principal	Quote/Puchase Orders/Invoices/Payments
15	**EMERGENCY SERVICES Total**	**667,444**		
16				
17	**Information Technologies**			
18	ITGC	21,621	5-Year Level Debt Service	Full Details to Come
19	IT Infrastructure	875,449	5-Year Level Debt Service	Full Details to Come
20	**Information Technologies Total**	**897,070**		
21				
22	**Public Transportation**			
23	DEAPR Vehicles	97,801	7-Year Level Debt Service	Reimbursment Resolution/Purchase Order
24	DSS Vehicles	29,945	7-Year Level Debt Service	Reimbursment Resolution/Purchase Order
25	Emergency Services Vehicles	1,555,291	7-Year Level Debt Service	Reimbursment Resolution/Purchase Order
26	Health Vehicles	59,890	7-Year Level Debt Service	Reimbursment Resolution/Purchase Order
27	**Public Transportation Total**	**1,742,927**		
28				
29	**Schools**			
30	**CHCCS**			
31	Classroom Improvements	301,374	20-Year Level Principal	Reimbursment Resolution/Purchase Order
32	Fire Safety	155,001	20-Year Level Principal	Reimbursment Resolution/Purchase Order
33	Athletice Facilities	13,766	20-Year Level Principal	Reimbursment Resolution/Purchase Order
34	Recurring Capital	1,058,040	8-Year Level Principal	Reimbursment Resolution/Purchase Order
35	Technology	1,065,991	20-Year Level Principal	Reimbursment Resolution/Purchase Order
36	Deferred Maintenance	555,430	20-Year Level Principal	Reimbursment Resolution/Purchase Order
37	**CHCCS Total**	**3,149,602**		
38				
39	**OSC**			
40	Recurring Capital	1,920,060	8-Year Level Principal	Reimbursment Resolution/Purchase Order
41	Deferred Maintenance	4,227,420	20-Year Level Principal	Reimbursment Resolution/Purchase Order
42	Fire Safety	53,800	20-Year Level Principal	Reimbursment Resolution/Purchase Order
43	Classroom/Building Improvements	61,794	20-Year Level Principal	Reimbursment Resolution/Purchase Order
44	Athletic Facilities	20,081	20-Year Level Principal	Reimbursment Resolution/Purchase Order
45	Mechanical Systems	8,531	20-Year Level Principal	Reimbursment Resolution/Purchase Order
46	Food Services	8,452	20-Year Level Principal	Reimbursment Resolution/Purchase Order
47	**OSC Total**	**6,300,138**		
48				
49	**LOB Total**	**$ 16,188,176.02**		

ORANGE COUNTY
NORTH CAROLINA

Key Financing Terms

- Security Pledge- County Assets serve as Collateral and subject to Annual County Appropriations
- Maturity Term- 7- 20 Year maturities matches the useful life of the assets
- February 1 and August 1 Repayment Dates to Bank Trustee; First Interest Payment February 2024 consistent with the Debt Model
- Estimated Interest Rates- Between 3-4% subject to market conditions
- Series 2023 Limited Obligation Bonds Maximum Annual Debt Service not exceeding $2.01 million in FY 2025 (based on current market interest rates)
- Source of Repayment- Property Taxes, there is no Enterprise Fund Projects with this financing.
- Limited Obligation Bonds are Subordinate Lien to AAA General Obligation Bonds
- Current Limited Obligation Bonds- AA1/AA+/AA+ from Moody's, Standard & Poor's and Fitch Ratings

ORANGE COUNTY
NORTH CAROLINA

Debt Service Model Metrics

Debt Ratios	10-year Payout	Debt to AV	DS to GF Revenues
2023	65.42%	1.42%	14.63%
2024	67.05%	1.61%	13.65%
2025	68.63%	1.75%	12.79%
2026	70.88%	1.63%	14.16%
2027	73.92%	1.76%	15.02%
2028	77.53%	1.69%	14.17%
2029	82.37%	1.80%	15.04%
2030	87.43%	1.66%	15.17%
2031	91.10%	1.71%	15.70%
2032	94.83%	1.61%	15.60%
2033	97.15%	1.50%	15.68%

ORANGE COUNTY
NORTH CAROLINA

Questions

ORANGE COUNTY
NORTH CAROLINA

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 5-b

SUBJECT: Public Hearing on Renaming Judah Benjamin Court to Aspen Court

DEPARTMENT: Tax Administration

ATTACHMENT(S):
Petition to Rename a Public Road Known as Judah Benjamin Court to Aspen Court
Map of the Road to be Renamed
Resolution

INFORMATION CONTACT:
Nancy Freeman, Tax Administrator and Address Administrator, (919) 245-2726

PURPOSE: To conduct a public hearing on a petition to rename Judah Benjamin Court (State Road 2207) to Aspen Court and adopt and authorize the Chair to sign a resolution approving the petition for further approval by the North Carolina Board of Transportation.

BACKGROUND: North Carolina General Statute (NCGS) § 153A-239.1 (NCGS §153A-239.1) grants a county the authority to rename any road within a county as provided by the statute and by a County Ordinance after the Board of County Commissioners has held a public hearing. The public hearing must be held at least ten days prior to the renaming the road and a notice of the time, place and subject matter of the hearing prominently posted at the courthouse, in at least two public places in the township where the road is located, and the notice of the hearing must be published in a newspaper of general circulation published in the County. The County may not change the name given a road by the North Carolina Board of Transportation unless the Board of Transportation agrees.

The Orange County Board of Commissioners adopted an Ordinance entitled “An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County” (the “Addressing Ordinance”) on December 13, 2011. The Addressing Ordinance § 6-34(b)(2)(b) allows property owners to request to rename a public road for personal reasons. In order to do so, the property owners must provide a petition including the existing road name, the proposed road name, the reason why the person(s) are requesting the name change, and the signatures of seventy-five percent (75%) of those persons owning property addressed on the road in question. The proposed road name must conform to the requirements of Addressing Ordinance § 6-34(b) and the name change may only be approved after a public hearing is held on the matter as provided in Addressing Ordinance § 6-36 and the Board of County Commissioners have approved the petition for a road name change.

Property owners have provided a petition requesting a road name change of Judah Benjamin Court (State Road 2207) to Aspen Court (see attached “Petition to Rename a Public Road Known

as Judah Benjamin to Aspen Court" and "Map of the Road to be Renamed"). There are twelve parcels on Judah Benjamin, each with different owners. Nine of the twelve parcel owners have provided signatures agreeing to the proposed renaming. Therefore, the petition includes the requisite signatures of seventy-five percent (75%) of those persons owning property on the road in question. The remaining property owners did not respond to the request for signatures.

The Address Administrator contacted the North Carolina Department of Transportation and determined that State Board of Transportation approval is required to rename this road in accordance with NCGS §153A-239.1.

As required by North Carolina law, a Notice of this Public Hearing was published in the *News of Orange* and the *News & Observer* on April 19, 2023 and was posted at the following locations:

- Orange County Courthouse
- 4800 North Carolina Highway 54 West
- Intersection of Judah Benjamin Court and Walter Clark Drive

NCGS §153A-239.1 requires that after renaming a road, the County shall notify the local postmaster with jurisdiction over the road, the Board of Transportation, and to any city within five miles of the road.

Ordinance § 6-34(b)(2)(b)(iii) requires the Petitioners to pay to Orange County the cost of purchasing new signs and erecting them prior to the name change becoming effective.

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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

1) conduct the public hearing;
2) close the public hearing; and
3) adopt and authorize the Chair to sign the attached resolution approving the petition for further approval by the North Carolina Board of Transportation.

April 11, 2023

Britney Pendleton, GIS Technician II
Orange County Tax Administration - GIS/Addressing/Land Records Division
228 S. Churton Suite 200
PO Box 8181
Hillsborough NC 27278

Attached please find, per request, the signed statement of homeowners on Judah Benjamin Court stating their reason for wanting to change the name of the street to Aspen Court.

Owners	**Property Address**	**PIN**
DAN D EUBANKS	2300 JUDAH BENJAMIN CT	9873577631
ANDREW SOMMERVILLE	2301 JUDAH BENJAMIN CT	9873576467
REBECCA LOUISE NELSON & THOMAS BRANNON HUBARD IV	2304 JUDAH BENJAMIN CT	9873578487
JAN YOPP & MARGARET ELLIOTT	2305 JUDAH BENJAMIN CT	9873576490
SARA H HAMMOND	2306 JUDAH BENJAMIN CT	9873578480
ROSLYN FULTON DAHLIE	2307 JUDAH BENJAMIN CT	9873577305
BRIAN & LAURA SUVICK	2308 JUDAH BENJAMIN CT	9873578392
MICHAEL & MARY PETERSON	2309 JUDAH BENJAMIN CT	9873577229
ERIK LADD SULLIVAN	2312 JUDAH BENJAMIN CT	9873579204

If you have any questions, you may contact our committee at wildwoodrenamingcommittee@gmail.com or reach out to our representative, Natalie Ziemba at (970) 310-4369 or natalieziemba@yahoo.com
Best,
Wildwood Renaming Committee

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Dan Eubanks

Name (printed)

Dan Eubanks

Signature

12-4-2022

Date

PIN: 9873577631

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Andrew Sommerville

Name (printed)

Signature

12/3/22

Date

PIN: 9873576467

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Rebecca Nelson

Name (printed)

Signature

12-3-22

Date

PIN: 9873578487

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Margaret Elliott

Name (printed)

Margaret Elliott

Signature

12/4/22

Date

PIN: 9873576490

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Sara Hammond

Name (printed)

Signature

1/6/2023

Date

PIN: 9873578480

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Roslyn Fulton-Dahlie

Name (printed)

Signature

2/10/2023

Date

PIN: 9873577305

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Brian Surick	Laura Surick
Name (printed)	
Signature	
1-21-23	1/31/23
Date	

PIN: 9873578392

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Michael Peterson

Name (printed)

Signature

12/3/22

Date

PIN: 9873577229

Street Name Change Statement

The streets in the Wildwood neighborhood are currently named for members of the Confederacy and we would like to change the name of the street to native plants and trees to make our neighborhood a more respectful and welcoming community.

Erik Ladd Sullivan

Name (printed)

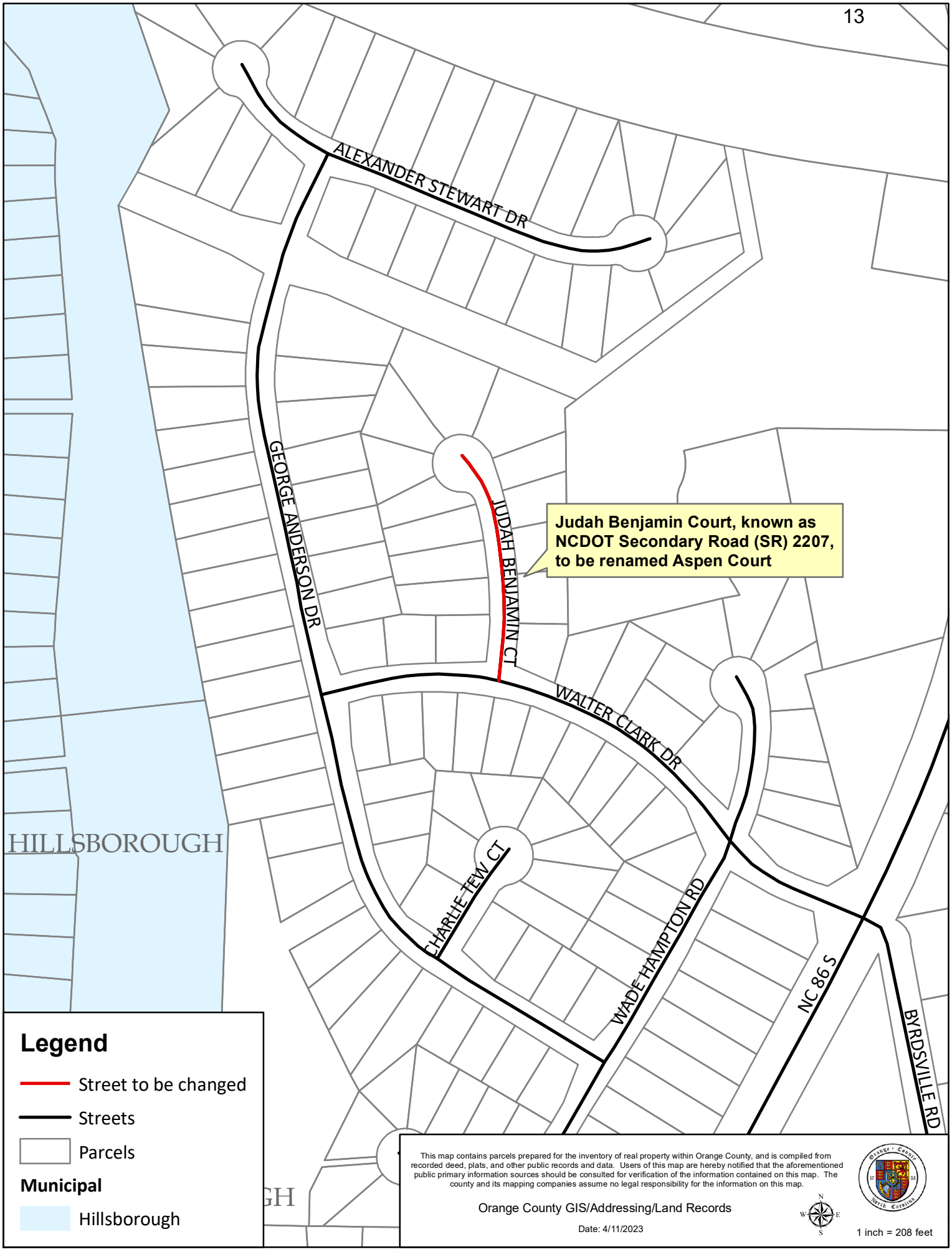
EL Sullivan

Signature

12-4-22

Date

PIN: 9873579204



This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The county and its mapping companies assume no legal responsibility for the information on this map.

Orange County GIS/Addressing/Land Records

Date: 4/11/2023

1 inch = 208 feet

RES-2023-033

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION APPROVING PETITION TO RENAME A PUBLIC ROAD KNOWN AS JUDAH BENJAMIN COURT TO ASPEN COURT

WHEREAS, North Carolina General Statute § 153A-239.1 grants a county the authority to rename any road within a county as provided by the statute and pursuant to a procedure established by Ordinance; and

WHEREAS, the Orange County Board of Commissioners on December 13, 2011 adopted an Ordinance entitled "An Ordinance to Assign and Regulate Road Names, House and Building Numbers in Orange County" ("the Addressing Ordinance") establishing, among other things, a procedure for renaming roads in Orange County; and

WHEREAS, the Board of County Commissioners in adopting the Addressing Ordinance authorizes property owners to have the name of a public road changed for personal reasons pursuant to the procedure established by Ordinance Sec. 6-34(b)(2); and

WHEREAS, that property owners on Judah Benjamin Court have provided a petition requesting a road name change of Judah Benjamin Court (State Road 2207) to Aspen Court for personal reasons; and

WHEREAS, that the petition includes the requisite signatures of seventy-five percent (75%) of those persons owning property on Judah Benjamin Court; and

WHEREAS, that the proposed road name of Aspen Court conforms to the requirements of the Addressing Ordinance; and

WHEREAS, that the North Carolina Board of Transportation (BOT) took action to name the road when it approved a petition for the addition of the subdivision streets to the State system on March 15, 1988, and therefore BOT approval is required to rename the road; and

WHEREAS, the Board of County Commissioners has at least ten days prior to the public hearing being held on the renaming the road, has caused notice of the time, place and subject matter of the hearing to be prominently posted at the courthouse, in at least two public places in the township where the road is located, and published notice of such hearing in a newspaper of general circulation published in the County; and

WHERAS, a public hearing was held on the matter;

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of County Commissioners approves the Petition to rename **JUDAH BENJAMIN COURT,** known as NCDOT Secondary Road (SR) 2207, and further identified in Attachment A which is attached and hereby incorporated into this document, to **ASPEN COURT**, upon approval of the road name change by the North Carolina Board of Transportation; and

BE IT FURTHER RESOLVED, upon approval of the renaming of Judah Benjamin Court to Aspen Court by the North Carolina Board of Transportation, the Address Administrator shall cause notice of this action to be given to the local postmaster with jurisdiction over this road, to the Board of Transportation, and to any city or town within five miles of the road.

Adopted by the Orange County Board of County Commissioners this the 2nd day of May, 2023.

By:

Attest:

_____
Jamezetta Bedford, Chair
Orange County Board of Commissioners

_____
Laura Jensen, Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 5-c

SUBJECT: Zoning Atlas Amendment – 4801 and 4901 Dairyland Road (PINs 9841-52-7281, 9840-79-5091), Hillsborough, Bingham Township

DEPARTMENT: Planning and Inspections

ATTACHMENTS:

1. Application, Including Site Plan and Supplemental Materials
2. Staff Report
3. Notification Materials and Certification
4. Neighborhood Information Meeting Report Form
5. Project Correspondence and Development Advisory Committee Comment(s)
6. Excerpt of Draft April 5, 2023 Planning Board Minutes and Signed Statement of Consistency
7. Statement of Consistency
8. Draft Ordinance, Including Proposed Conditions

INFORMATION CONTACT:

Taylor Perschau, Current Planning & Zoning Supervisor, (919) 245-2597
Cy Stober, Director, (919) 245-2592

PURPOSE: To hold a public hearing, receive the Planning Board and staff recommendations and public comment, close the public hearing, and consider action on an applicant-initiated Zoning Atlas Amendment to rezone 190 +/- acres (PINs: 9841-52-7281, 9840-79-5091) located at 4801 and 4901 Dairyland Road, Hillsborough, within the Bingham Township of Orange County. The proposed rezoning is:

FROM: AR (Agricultural Residential)
TO: R-CD (Residential Conditional District)

BACKGROUND: On December 8, 2022 a Conditional Zoning Atlas Amendment application was received, proposing to rezone 190+/- acres of property at 4801 and 4901 Dairyland Road, Hillsborough, in Bingham Township. Please review the Staff Report in Attachment 2 for additional information and analysis. Approval of a site-specific plan is part of the conditional district rezoning process, and the site plan and any agreed-upon conditions are binding to the development footprint permitted for the zoning district.

Basic Review Process: A conditional district rezoning application requires submission of a site plan and other documents, in accordance with Section 2.9.1(C) of the UDO. The typical cadence for the review is as follows:

- **First Action** – Applicant holds a Neighborhood Information Meeting (NIM).

  Staff Comment – The Neighborhood Information Meeting was held on March 22, 2023 at 5:15 p.m. at the Orange County Public Library. The report form from this meeting are in Attachment 4.

- **Second Action** – The Planning Board reviews the application at a regular meeting and makes a recommendation to the BOCC.

  Staff Comment. The Planning Board reviewed this application at its regular meeting on April 5, 2023.

- **Third Action** – The BOCC receives the Planning Board and staff recommendations at an advertised public hearing and makes a decision on the application.

  Staff Comment – The public hearing is scheduled for May 2, 2023.

Per Section 2.9.1 (F) (3) of the UDO, mutually agreed upon conditions can be imposed as part this process only if they address:

a. The compatibility of the proposed development with surrounding property,
b. Proposed support facilities (i.e. roadways and access points, parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, storm water drainage, the provision of open space, etc), and/or
c. All other matters the County may find appropriate or the petitioner may propose.

A formal site plan is required as part of a conditional rezoning application and has been submitted (Attachment 1). The applicant is proposing a conservation cluster flexible subdivision featuring 38 lots and a minimum of 33.33% open space, in addition to all applicable development standards for this use, as detailed in Section 7.12 of the Orange County UDO. Staff has recommended the imposition of conditions, as included in the Ordinance in Attachment 7. The following conditions have been proposed and agreed to by the applicant:

1. Application: Project shall be completed as presented in approved site plan/application packet;
2. The uses on the farm and associated permanent conservation areas will be limited to only those uses that are currently allowed on existing farms in the Orange Grove Community as of the date of approval;
3. Additional plantings will be added to the western property line of lot #34 to screen the view from parcel PIN 9841-32-2556;
4. The site property line will be marked with signage that reads, “DANGER, NO TRESPASSING – FARM EQUIPMENT IN USE” at lots 7 through 11 with signage facing both directions;
5. The developer will install a fence with no trespassing signage along the shared property line with tax parcel 9841-73-4586;

6. The developer will notify prospective new property purchasers of the Eden View Acres subdivision of the presence of a Shooting Range and associated noise on the adjacent property, so long as that use continues.
7. The Developer will notify prospective new property purchasers that this is a voluntary agriculture district.

Public Notifications: In accordance with Section 2.8.7 of the UDO, notices of the Public Hearing were mailed via first class mail to property owners within 1,000 ft. of the subject parcel. These notices were mailed on April 11, 2023, 21 days before the hearing. Staff also posted the subject parcel with signs on April 11, 2023, 21 days before the hearing. See Attachment 3 for the notification materials.

Planning Board Recommendation: The Planning Board reviewed the zoning atlas amendment at its April 5, 2023 regular meeting. At this meeting the Board voted **unanimously** to recommend **approval with specific changes** of the Statement of Consistency (Attachment 7) and the proposed Zoning Atlas Amendment (Attachment 8). Two conditions are being recommended by the Planning Board and the applicant offered four additional conditions after the Planning Board meeting, based upon comments made at the meeting. All conditions are accepted by the applicant and have been incorporated into the Ordinance in Attachment 8.

Excerpts of the minutes from the meeting, as well as the Board's signed statement of consistency, are included in Attachment 6. Agenda materials from the meeting can be viewed at: https://www.co.orange.nc.us/AgendaCenter/Planning-Board-26.

Planning Director's Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Consistency indicating the zoning atlas amendment(s) are reasonable and in the public interest as contained in Attachment 7.
2. Ordinance amending the Zoning Atlas, as well as imposing development conditions, for the identified parcels as contained in Attachment 8.

FINANCIAL IMPACT: This request has been reviewed by various County departments which have determined that the approval of the request would not create the need for additional funding for the provision of County services. Costs associated with advertising, including meeting and public hearing notice and mailings, are covered by the application fee.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICIES**
  The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board:

1. Conduct the public hearing and receive the Planning Board and staff recommendations and public comments;
2. Close the public hearing; and
3. **Vote to Approve** the Statement of Consistency (Attachment 7) and Zoning Atlas Amendments (Attachment 8).
   OR
   Vote to Deny the Zoning Atlas Amendments along with a stated rationale of inconsistency with the County's adopted plans.

Orange County Planning & Inspections Department
131 W. Margaret Lane, Suite 200, Hillsborough, NC 27278
919-245-2575 or planningapps@orangecountync.gov

Zoning Atlas Amendment – Rezoning Application

Please check all applicable boxes and complete the required documentation. Additional information and submittal requirements are contained in Sections 2.8 and 2.9 of the Unified Development Ordinance (UDO).
If completing by hand, please use black or blue ink.

Date: 11/23/22 **Rezoning Request:** ☐ Conventional District ☒ Conditional District

Contact Information

Property Owner(s): Elizabeth C. Snipes; Laura Anne Snipes Hawkins

Mailing Address: 5512 Dairyland Road, Hillsborough, NC 27278 — 919-971-8918 — betsi_snipes@unc.edu; 181 Stonegate Drive, Roxboro, NC 27574 — 919-819-6328 — ahawk57@bellsouth.net

Phone: (see above) **Email:** (see above)

Applicant (if different than property owner)**:** Daniel Jewell - CJT, PA (a subsidiary of Thomas & Hutton)

Mailing Address: 111 West Main Street Durham, NC 27701

Phone: 919-682-0368 **Email:** jewell.d@tandh.com

Property Information

Parcel ID Number (PIN): 9841527281 & 9840795091 **Total Acreage:** 190.61

Address: 4901 Dairyland Road

Future Land Use Map Classification: Agricultural Residential

Current Zoning Designation: AR

Requested Zoning Designation: R-CD

If applicant/owner are different people, include a signed, notarized, statement indicating that the owner has authorized the applicant to submit the request. In cases where there are multiple property owners, please attach an additional document containing their signatures authorizing the submission of the application or other legal documentation establishing the applicants' right to file on their behalf.

Other Submittal Requirements

Conventional District Rezoning Application

Based on Section 2.8.3 of the Unified Development Ordinance (UDO):

☐ A map, at a legible scale, showing the property(s) subject to the request. A map may be procured at the Planning Department for a fee in accordance with the adopted Orange County Fee Schedule.

☐ A legal description of the property(s) proposed for rezoning.

☐ A list showing the names and addresses of all adjacent property owners within 1000-feet of the subject property.

☐ A detailed narrative denoting the following:

i. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.

ii. The changed, or changing, conditions (if any) that makes the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
iii. How the proposed amendment is consistent with, or carries out the intent and purpose of the adopted Orange County Comprehensive Plan, or part thereof.

☐ The filing fee per the adopted Orange County fee schedule.

Conditional District Rezoning Application

Based on Section 2.9.2 (C) of the Unified Development Ordinance (UDO):

☒ A site plan prepared in accordance with the provisions of Section 2.5 of the UDO. Applications for a Master Plan Development (MPD) Conditional District (CD) shall adhere to the site plan preparation requirements outlined in Section 6.7 of the UDO.

☐ All CD applications, regardless of type, shall include a detailed landscape plan showing the location of on-site significant trees; proposed screening, buffers, and landscaping; and any proposed treatment of any existing natural features.

☐ A detailed description of the proposed use of property including an outline of the proposed development. This will include a detailed summary of proposed utility services. The utility service plan for applications for a Home Park (HP) CD shall specify if the proposed services are temporary or permanent connections.

☐ A detailed traffic survey, regardless of estimated daily trips, prepared in accordance with North Carolina Department of Transportation requirements and Section 6.17 of the UDO.

☒ The appropriate environmental document(s) prepared in accordance with Section 6.16 of the UDO.

☐ A schedule of construction of all elements of the proposal.

☒ Other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.

☒ The filing fee per the adopted Orange County fee schedule.

Certification and Signatures

I (we), the undersigned, have been made aware of the process for the review and action associated with a UDO Zoning Atlas Amendment application and understand only completed applications, containing all information required by the Orange County UDO, shall be reviewed and acted upon by the County. Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the proposed atlas amendment by the County.

L Anne S. Hawkins Elizabeth C Dyer
Owner Signature(s)

11/23/22
Date

Applicant Signature (if different from owner)

11/23/22
Date

The Story of our Farm
by Ann Snipes

Our family legacy began in the era of George Washington. Thomas Brewer who was born in 1793 a descent of Sackfield Brewer (1729 - 1810) obtained this parcel of land which was 570 acres through a land grant in 1760. From that, he came to own over a square mile of what is downtown “Orange Grove”
His son Thomas Brewer Jr gave acres of land first to the church which has been the family church since this time. Cane Creek Baptist Church was founded in 1792 and many area families are of direct descent from the founding fathers including my family. In the 1800s our great, great grandfather, Alfred Snipes Sr purchased the land after marrying into the Brewer family, from his brother-in-law. It consisted of the home place, which at one time was the largest combining Federal and Greek Revival styles antebellum homes in the Orange County area. It consisted of 734 acres which were maintained by the family until today. This area is now known as Anilorac Farms and was incorporated in 1983 and designated a Century farm in 2018. The farm was named Anilorac which is Carolina spelled backward since every member of the family is a die-hard UNC fan.

Our grandfather James Mason Snipes, Sr inherited the farm and worked the land alongside his sons, James Mason Snipes Jr, Charles Snipes, and grandsons Billy and Dan. The only surviving member of this team is Dan who still lives on the farmland with his wife. His children have built homes on farmland and reside in the area as well. Betsi resides in the home place which at one time housed the male school teachers for the Orange Grove Academy built-in 1897. He acquired this home and 55 acres of land at 18 years old.

Our family has been involved and interested in conservation for as long as they have existed. The land was our lively hood and therefore great respect has been instilled in how to best utilize and value this commodity. All decisions we make have always been about how this will impact the land and the neighbors who have equally long histories in this area.

In the mid-90s it became apparent at the death of our father and brother that continuing to operate as a dairy farm, which milked and grew crops for 350 cows twice a day, was no longer feasible. The operation was immense and the family was aging so the decision to stop the dairy operation was made. It was a very sad time but was probably one of the better financial decisions at the time. However, the land remained as well as the iconic silos with the UNC Tarheel prints marching across the top. Once again, we are facing the aging of family members and have decided that some of the lands will be designated for sale so that others can share this beautiful area.

Childrenhood was optimal and we enjoyed playing outside alongside our cousins and neighbors. We biked and horseback rode and played over all this land. We had everything we ever wanted but also learned very early that work and play went hand in hand. We helped in the

gardens and learned all the skills needed to preserve whatever was harvested. This was the expectation for the girls as the boys were required to work at the barn even at a very early age. My brothers were at the barn at 3:30 am and still were required to do well in school and learn to play an instrument. They returned every afternoon at 3:30 pm to milk. While there was a tremendous amount of work to be done daily, year-round, I view my childhood as one of the greatest parts of my life.

Sports were a tremendous part of our lives. We loved participating and spectating. Softball was a constant from early April thru September. Everyone in the family played regardless of age. There were varying levels of athletic from outstanding to sad, but she tried. To this day, we all still attend and watch and cheer for UNC. It has been the team of choice for our family and some family members are graduates.

This land holds so many wonderful memories and events. It is our hope that it will provide others, and families, an opportunity to love the land as we do!

Eden View Acres Narrative

Our goal is to create a community that is as self-sustainable as possible. We will implement thoughtful building practices, minimal grading and land disturbance, solar energy, rainwater collection, and a landscape design that focuses on producing food and useful products for the community. We are proposing Thirty-Eight lots, each lot will range from 2 to 5 acres. Each lot will have an individual well and septic system, ensuring that residents have an independent water supply and waste management system that is tailored to their specific needs. We will identify the most productive portions of existing fields, pastures, and cropland, and locate building lots on less productive land. We plan to build efficient, smart homes, sustainably built using the best quality materials. With options to build accessory dwelling units, we are seeking attainable housing, and a mixed-income, diverse community. In this Flexible Development, each Homestead will be located within a short walk of shared green space.

Eden View Acres will provide residents with an array of exceptional amenities to enhance their daily life. The Food Forest trail will wind around the farmland fields and by the houses bringing everyone closer together. Educational stations along the way will inspire learning and creativity in nature. There are two ponds teaming with birds and fish that will provide an excellent source of outdoor recreation. The pavilion will serve as a central gathering spot, where community members can come together for classes, and events, or simply to relax and recharge in the tranquil surroundings. Additionally, the development will include two large open spaces or parks for shared use, providing ample opportunities for residents to enjoy the outdoors. Eighty percent of the homesites will offer stunning views of the surrounding pastures from the edge the forest, while the other 20 percent will be nestled further into the forest, offering an emphasis on being one with nature and minimal footprints. These forested lots will be perfect for those who want to feel connected to the forest and all the natural beauty it provides. While those on the edge of the forest while looking over the meadows, will enjoy the tranquility of the long view over the pastures that have been grazing cattle for over two centuries. The community's character will flow effortlessly into the nearby farms and communities, creating a sense of unity and belonging. Eden View Acres will be an exceptional place to live, work, and play, with amenities and surroundings that promote a healthy, sustainable, and fulfilling lifestyle.

Eden View Acres will host three parks, all connected by a walking trail that will wind around the forest and into the farmland fields. The trails will be landscaped using

native edible species, providing a maturing food forest for the community. There will be educational stations along the way, designed to inspire learning and creativity in nature. Community is paramount to Eden View Acres, and we will collaborate with local groups focusing on education in nature.

The park located in the center of the neighborhood will be a hub of outdoor activity and natural fun. Designed with an eye toward sustainability and fitness, it will feature natural climbing structures, rope swings, and slides built into the surrounding hills. These features will provide an exciting and challenging environment for kids and adults alike to explore and test their limits. Additionally, the park will include a natural playground, designed to encourage imaginative play and creativity in all ages. The playground will feature materials such as logs, stumps, and boulders, and will be arranged in a way that promotes social interaction and exploration. With these unique features, the park will be a wonderful place for residents to connect with nature and stay active in a fun and engaging way.

At Eden View Acres, we are committed to adhering to the principles of the Orange County Comprehensive Plan. Our development plan takes into account the prime view sheds, such as those visible from Orange Grove Road. To preserve the natural beauty of the area, we have chosen to locate our active farm off Orange Grove Road, making our neighborhood's entrance off DairyLand. This decision ensures that the value of all view sheds is protected, and the land retains its unspoiled charm.

As we plan the development of Eden View Acres, we are taking great care to protect the beautiful trees that already exist on the land. We have identified several mature trees that are particularly stunning and unique. We are designing our proposed homesites and roads to work with the landscape to the best of our abilities while still meeting the D.O.T. standards for residential roadways. By avoiding areas with large or significant trees and choosing a path along ridges and in flatter zones, we will minimize the need for grading and land disturbance. In addition, we plan to implement a protective zone around each tree within the primary open space, that will prevent construction equipment and materials from damaging the tree's root system or trunk. All significant trees and natural features in the primary open spaces will be prioritized for protection. We plan to protect all substantial trees on any lot. We have also designed a plan to be implemented for the protection of natural features, including shared viewsheds of secondary open spaces will be preserved through careful management. Our goal is not only to preserve the natural beauty of the area but also to ensure that this land continues to thrive and mature for generations to come.

Our plan also includes the creation of a food trail, where edible plants, shrubs, and trees will be grown together in a way that mimics the natural ecosystems of the

area. This approach will help to provide food and useful products for the community while also promoting soil health, reducing erosion, and providing habitats for wildlife. We will also be incorporating pollinator-friendly plants into the landscaping plan, which will support the local bee population and other beneficial insects. The plants we choose will provide food, shelter, and nesting sites for these important species, promoting a healthy and diverse ecosystem.

In addition to the landscaping plan, we are also designing our roads and buildings to minimize our impact on the land. Our roadways will be designed to work with the existing terrain and will be built in a way that minimizes the amount of grading and land disturbance necessary. The roadways within Eden View will be built to D.O.T standards in order to be turned over to the state for maintenance. The roads will be professionally engineered to have minimal impact on the existing pastures, cropland, feedlots, and similar uses.

Our development will consider the importance of preserving the scenic views and vistas of the area, particularly as seen from public roadways. To this end, we will prioritize leaving these views unblocked or uninterrupted. We will add to the existing landscape when needed using locally found species to create a natural visual buffer. These buffers will ensure views from the road are preserved for generations to come. In addition, we will be using the local flora found on the site as a visual screen and planting more trees will be used as a visual screen to provide privacy. We will plant Maple, Cedar, Oaks, and other trees that are already flourishing in the area to ensure that our design blends in with the existing natural landscape. Our goal is to create a community that harmonizes with the environment while providing residents with a sustainable, healthy, and beautiful place to call home.

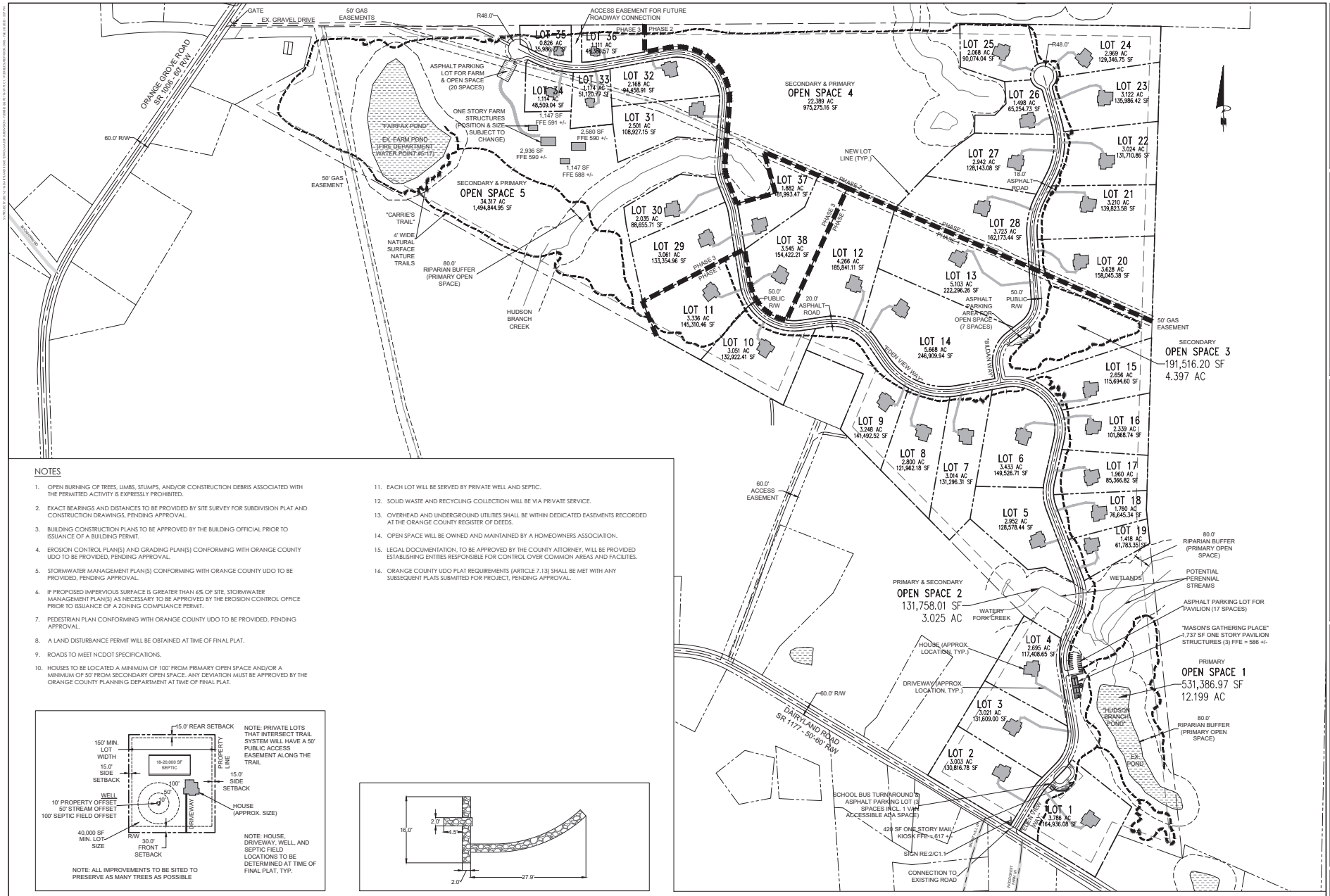
The road will be designed to provide internal access to all lots in the subdivision. Private driveways shall access existing state-maintained roads only via subdivision roads providing internal access to lots in the subdivision. Building lots will mostly be located in forested areas away from existing pastures croplands. When possible, the homes will be built within the wooded areas, preserving the viewsheds, and maximizing privacy, while maintaining the concept of a shared open space.

Two beautiful ponds will be Preserved and nourished as part of the community's commitment to preserving the natural environment. We plan to redesign them using permaculture principles, ensuring their longevity and supporting the surrounding ecosystem. The ponds will be enhanced with a variety of trees, including Willows, Cypresses, and Red Maples, which will provide shade and habitat for a variety of

species. We will also plant aquatic vegetation, such as Duckweed and Water lilies, which will oxygenate the water and create a healthy environment for fish and other aquatic life. In addition, we will incorporate native shrubs and flowers, such as Elderberry and Bee balm, to support pollinators and provide food and shelter for wildlife. By employing permaculture practices, the ponds will not only be beautiful and enjoyable for residents but will also serve as an important resource for the local ecosystem.

The neighborhood's pavilion will serve as a gathering spot for the community, providing an ideal venue for hosting classes and community events. It will be a place of learning, teaching, studying, and growing, where individuals can come together and engage in meaningful discussions and activities. With its beautiful surroundings and peaceful atmosphere, the pavilion will be the perfect place to enjoy your morning coffee or a glass of wine in the evening. Additionally, with the blazing-fast fiber internet, the pavilion will offer multiple places to work independently and efficiently, allowing residents to work and play in a comfortable and conducive environment. The pavilion will be constructed using classic timber framing techniques, utilizing the highest quality sustainable resources available. This will not only ensure the durability and longevity of the structure but also minimize its impact on the environment. The design of the pavilion will incorporate accents from the land, with natural materials and colors that seamlessly blend in with the surrounding landscape. The result will be a beautiful and harmonious structure that complements the natural beauty of the area. Whether you're attending a class or simply enjoying the scenery, the pavilion will be a welcoming and peaceful place that reflects the values of the community.

In conclusion, Eden View Acres is not just a proposed Flexible development but also a community that has been carefully designed to preserve the natural beauty of the area while providing a harmonious and healthy environment for residents to thrive. Our permaculture-based landscaping plan will promote biodiversity and support the local ecosystem, while also providing food security and useful products for the community. Our focus on green building practices, minimal grading and land disturbance, solar energy, and rainwater collection, will ensure that we are minimizing our impact on the land and conserving the farmland on the site. We are also committed to creating a diverse community, where residents can enjoy shared green spaces, scenic views, and a healthy lifestyle. Our goal is to create a place where families can thrive, while also preserving the natural beauty of the land, and we are excited to share our vision of a sustainable future with Orange County.



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16. ORANGE COUNTY UDO PLAT REQUIREMENTS (ARTICLE 7.13) SHALL BE MET WITH ANY SUBSEQUENT PLATS SUBMITTED FOR PROJECT, PENDING APPROVAL.

3 C1.1 TYPICAL LOT
1" = 200'

2 C1.1 SIGN
1" = 10'

1 C1.1 FLEXIBLE SUBDIVISION
1" = 200'
0 100 200 400

PRELIMINARY - NOT FOR CONSTRUCTION

NO.		DATE
1	MAJOR SUBDIVISION (FLEXIBLE SUBDIVISION OPTION)	11-23-22
2	ORANGE COUNTY HOMEOWNER'S AGREEMENT COMMENTS	02-28-23

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SUN FOREST SYSTEMS
CAMPBELL, LLC
EDEN VIEW
FLEXIBLE SUBDIVISION

JOB NO:	92116
DATE:	2/28/23
DRAWN:	DAJ, MTC
DESIGNED:	DAJ
REVIEWED:	ORANGE COUNTY
APPROVED:	
SCALE:	

C1.1

PRELIMINARY PLAN

OF

EDEN VIEW

HILLSBOROUGH, NORTH CAROLINA

PREPARED FOR:

SUN FOREST SYSTEMS
388 OLD PIEDMONT CIRCLE
CHAPEL HILL, NC 27516

FEBRUARY 28, 2023

CLIENT:

SUN FOREST SYSTEMS
388 OLD PIEDMONT CIRCLE
CHAPEL HILL, NC 27516
919-451-1006
CONTACT: KEITH BROWN

APPLICANT / CONSULTANT:

LANDSCAPE ARCHITECT / LAND PLANNER:
THOMAS & HUTTON
111 WEST MAIN STREET
DURHAM, NC 27701
919-682-0368
CONTACT: DANIEL JEWELL

CIVIL ENGINEER:

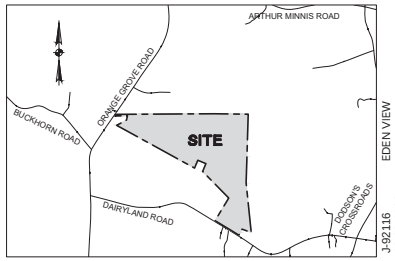
CIVIL ENGINEER:
VETERAN ENGINEERING ASSOCIATES, INC
POST OFFICE BOX 1625
DURHAM, NC 27702
919-201-2175
CONTACT: THOMAS KAGARISE

Sheet List Table	
Sheet Number	Sheet Title
C0	COVER SHEET
D1.1	EXISTING CONDITIONS & SITE ANALYSIS MAP
D1.2	SLOPE ANALYSIS MAP
D1.3	SOILS MAP
C1.1	SITE PLAN - OVERALL
L1.1	LANDSCAPE PLAN
A1.1	PAVILION LAYOUT

PREPARED BY:

THOMAS & HUTTON

SUBMITTAL HISTORY		
2	ORANGE COUNTY PLANNING DEPARTMENT COMMENTS	02-28-23
1	MAJOR SUBDIVISION (FLEXIBLE SUBDIVISION OPTION)	11-23-22
	SUBMITTED TO THE ORANGE COUNTY PLANNING DEPARTMENT	DATE



VICINITY MAP
SCALE: 1" = 2000'

PROJECT DATA

OWNERS	ELIZABETH C. SNIPES 5512 DAIRYLAND ROAD HILLSBOROUGH, NC 27278 919-971-8918	LAURA ANNE SNIPES HAWKINS 181 STONEGATE DRIVE ROXBORO, NC 27574 919-819-6328
EXISTING USE	VACANT FARMLAND	
PROPOSED USE	RESIDENTIAL SUBDIVISION	
PIN	9841527281 & 9840795091	
LAND AREA	8,302,794 SF / 190.61 AC	
EXISTING ZONING	AR	
PROPOSED ZONING	R-CD	
DEED REF.	6064/126 & 320/60	
PROPOSED # OF LOTS	38	
MAXIMUM BLDG. HT.	25 FEET	
SIDE SETBACK	15 FEET	
REAR SETBACK	15 FEET	
FRONT SETBACK	30 FEET	
MINIMUM LOT SIZE	30,000 SF (W/ MIN. 40% OPEN SPACE)	
MINIMUM LOT WIDTH	150 FEET	
BUILDINGS		
PAVILION	1,737 SF (W/ 17 PARKING SPACES)	
MAIL KIOSK	420 SF (W/ 3 PARKING SPACES)	
BARNS (4)	+ 7,810 SF (W/ 20 PARKING SPACES)	
TOTAL	9,967 SF	
TOTAL PARKING SPACES		
STRUCTURES	40 SPACES	
PARK	+ 7 SPACES	
TOTAL	47 SPACES	
TOTAL PAVED AREA	~231,134 SF (TO BE DETERMINED AT TIME OF FINAL PLAT)	
TOTAL IMPERVIOUS SURFACE	6% MAX. (498,168 SF) OR 9% MAX. (747,251 SF) WITH SCM ~6,000 SF MAX. PER LOT OR ~12,000 SF PER LOT (TO BE DETERMINED AT TIME OF FINAL PLAT)	
LINEAR FEET OF ROAD	6,038 LF (20' WIDE) + 1,595 LF (18' WIDE) 7,633 LF (TO BE DETERMINED AT TIME OF FINAL PLAT)	
AREA IN RIGHT OF WAY	408,605 SF	
OPEN SPACE	76.33 ACRES (40.0% OF SITE)	
SEPTIC SYSTEM SETBACKS:		
WELLS	100'	
STREAMS AND PONDS	50'	
TOP OF EMBANKMENTS	15'	
PROPERTY LINES	10'	

PROJECT NOTES

BOUNDARY INFORMATION TAKEN FROM A PRELIM. PLAT PREPARED BY MICHAEL GRIFFIN, REGISTERED LAND SURVEYOR, DATED APRIL 19, 2022.

TOPOGRAPHIC INFORMATION ON-SITE TAKEN FROM NC LIDAR.

SOIL INFORMATION TAKEN FROM A PLAN PREPARED BY PIEDMONT ENVIRONMENTAL ASSOCIATES, PA 216 S. SWING RD. SUITE 1 GREENSBORO, NC 27409 DATED 11/30/21

THIS SITE IS NOT AFFECTED BY A MAPPED FLOODPLAIN.

ALL SURROUNDING PROPERTY IS ZONED AS "AR"

COMMITTED ELEMENTS

- THREE PARKS THAT WILL BE CONNECTED BY A WALKING TRAIL THAT WILL WIND AROUND THE FOREST AND INTO THE FARMLAND FIELDS
- TRAILS WILL BE LANDSCAPED USING ALL NATIVE AND SOME EDIBLE SPECIES
- DESIGNATE A BIRD SANCTUARY ON PART OF THE SITE
- CREATE AN OPERATING AND WORKING FARM IN THE COMMON OPEN SPACE
- PROVIDE EXTRA IMPERVIOUS SURFACE ALLOCATION TO THOSE LOTS THAT CONSTRUCT AND RENT AN ACCESSORY DWELLING UNIT (ADU)

PRELIMINARY
- NOT FOR
CONSTRUCTION



2/28/23

NC 811 ORG
Know what's below.
811 before you dig.

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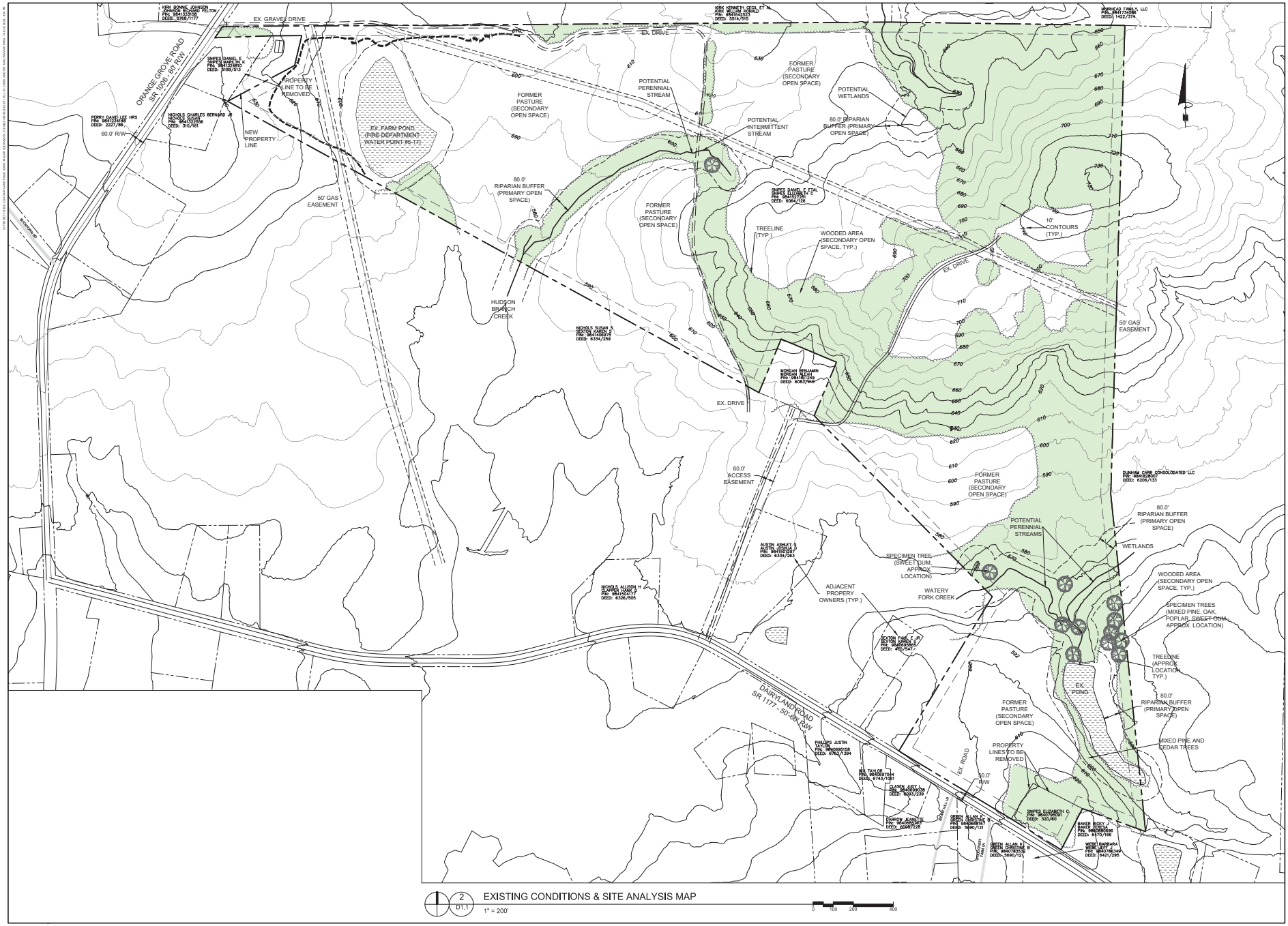

PRELIMINARY - NOT FOR CONSTRUCTION

1/25/23

NO.	DESCRIPTION	BY	DATE
1	MAJOR SUBDIVISION (FLEXIBLE SUBDIVISION OPTION) SUBMITTALS	GH	12.23.22
2	ORANGE COUNTY PLANNING DEPARTMENT COMMENTS	GH	02.28.23

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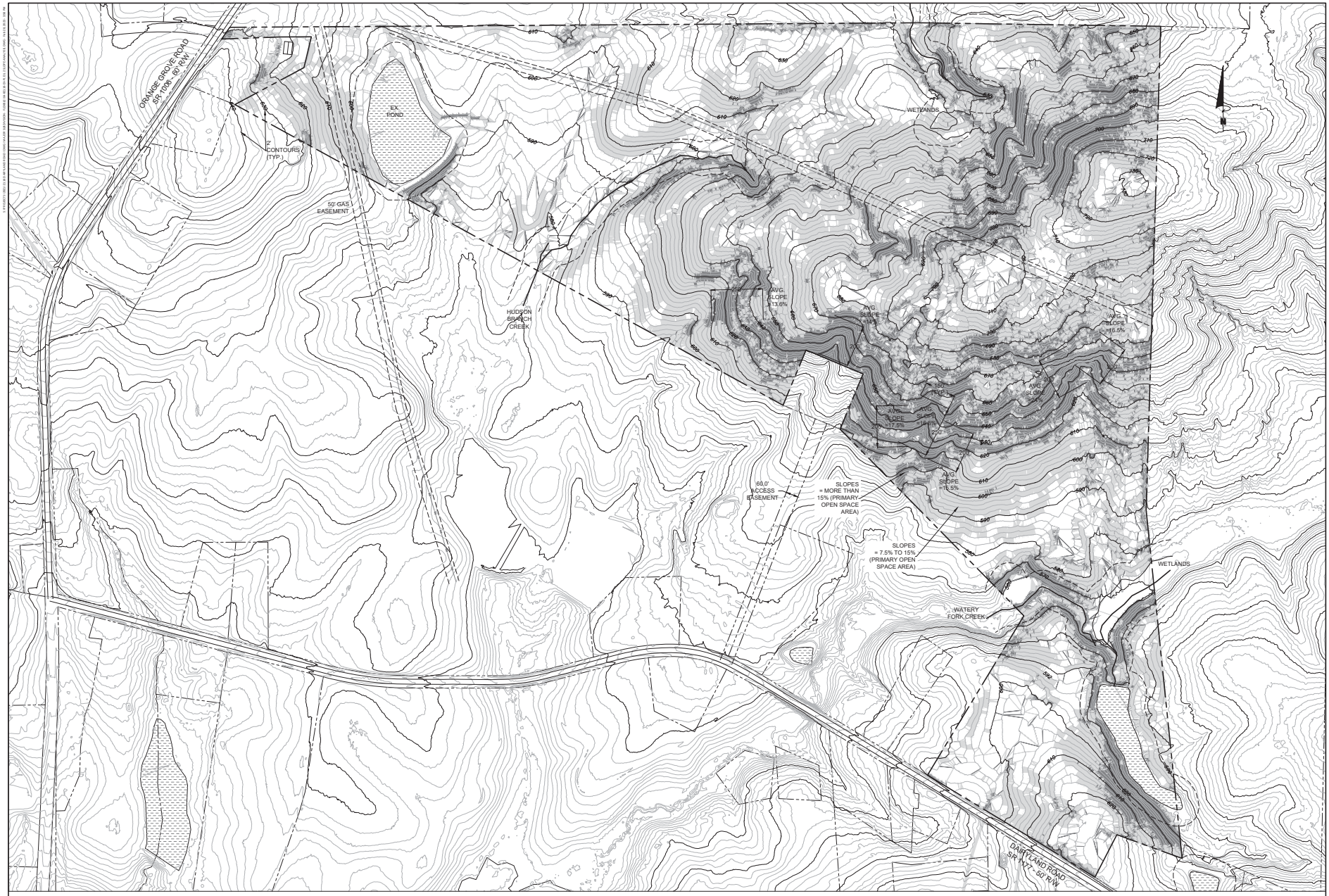
SUN FOREST SYSTEMS
CHAPEL HILL, NC

EDEN VIEW

EXISTING CONDITIONS & SITE ANALYSIS MAP

JOB NO:	92116
DATE:	2/28/23
DRAWN:	DAJ, MTC
DESIGNED:	DAJ
REVIEWED:	ORANGE COUNTY
APPROVED:	
SCALE:	

D1.1



1 D1.2 SLOPE ANALYSIS
1" = 200'
0 100 200 400

PRELIMINARY - NOT FOR CONSTRUCTION

NO.	SUBMITTALS	BY	DATE
1	MAJOR SUBDIVISION (FLEXIBLE SUBDIVISION OPTION)	GM	12.23.22
2	ORANGE COUNTY PLANNING DEPARTMENT COMMENTS	GM	02.28.23

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SUN FOREST SYSTEMS
CHAPEL HILL, NC
EDEN VIEW
SLOPE ANALYSIS

JOB NO:	92116
DATE:	2/28/23
DRAWN:	DAJ, MTC
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APPROVED:	
SCALE:	

D1.2



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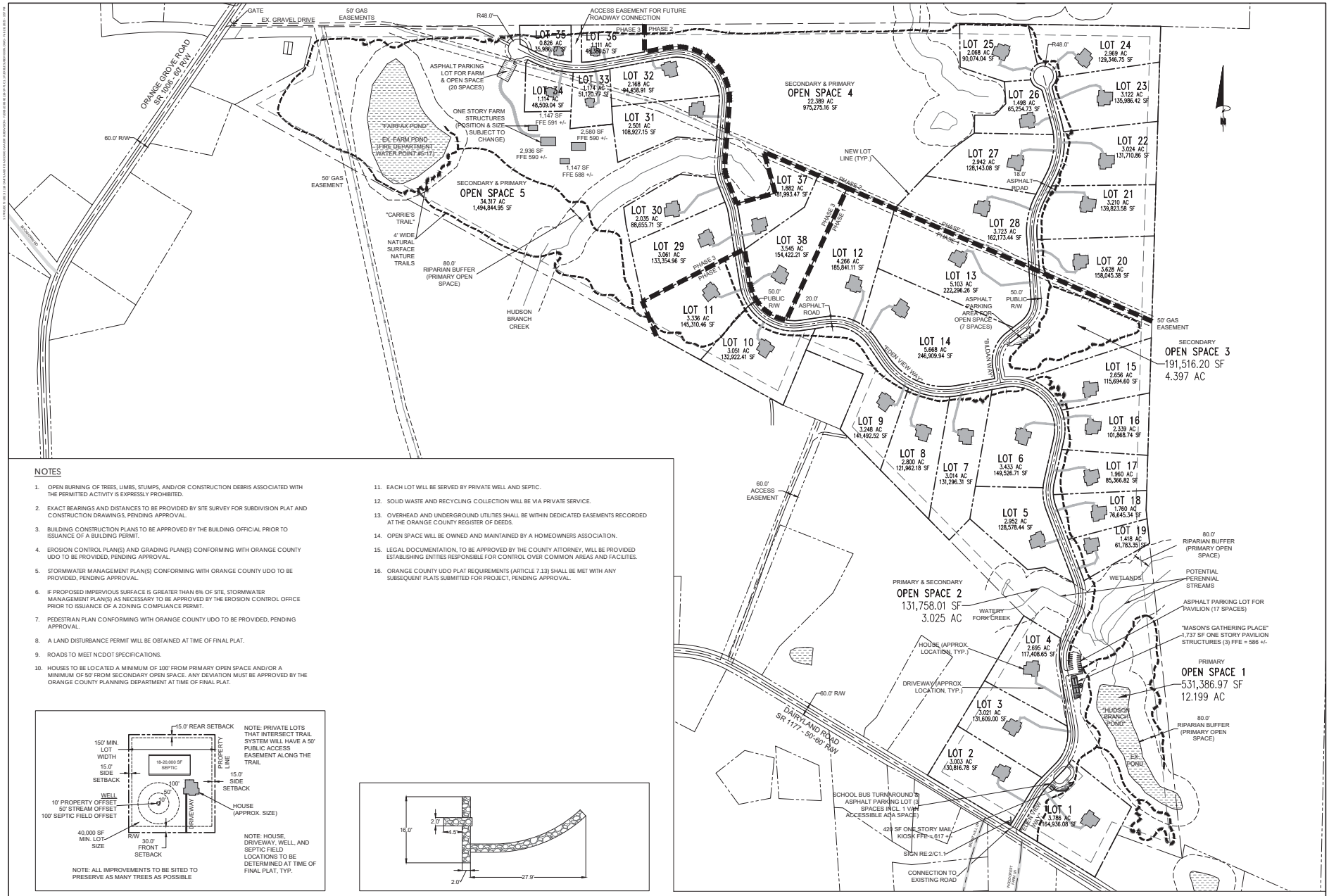
SUN FOREST SYSTEMS
CHAPEL HILL, NC

EDEN VIEW

SOILS MAP

JOB NO:	J- 92116
DATE:	2/28/23
DRAWN:	DAJ, MTC
DESIGNED:	DAJ
REVIEWED:	ORANGE COUNTY
APPROVED:	
SCALE:	

D1.3



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1" = 200'

2 C1.1 SIGN
1" = 10'

1 C1.1 FLEXIBLE SUBDIVISION
1" = 200'
0 100 200 400

PRELIMINARY - NOT FOR CONSTRUCTION
3/29/23

NO.	DATE
1	02.28.23
2	12.23.22

NO.	SUBMITTALS	BY	DATE
1	MAJOR SUBDIVISION (FLEXIBLE SUBDIVISION OPTION)	GM	12.23.22
2	ORANGE COUNTY PLANNING DEPARTMENT COMMENTS	GM	02.28.23

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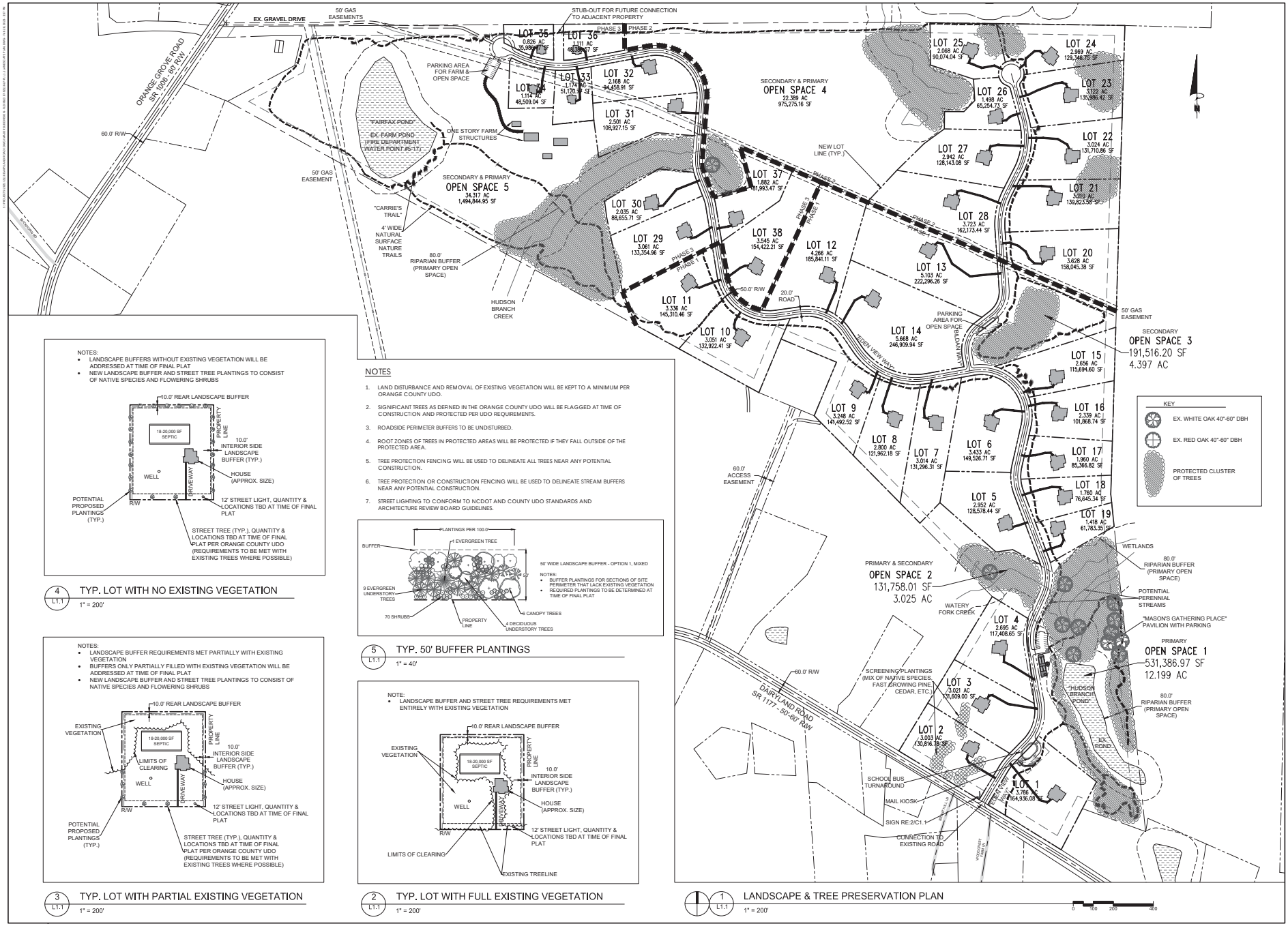
SUN FOREST SYSTEMS
CHAPEL HILL, NC
EDEN VIEW
FLEXIBLE SUBDIVISION

JOB NO:	92116
DATE:	2/28/23
DRAWN:	DAJ, MTC
DESIGNED:	DAJ
REVIEWED:	ORANGE COUNTY
APPROVED:	
SCALE:	

C1.1



NOTES:
- LANDSCAPE BUFFERS WITHOUT EXISTING VEGETATION WILL BE ADDRESSED AT TIME OF FINAL PLAT
- NEW LANDSCAPE BUFFER AND STREET TREE PLANTINGS TO CONSIST OF NATIVE SPECIES AND FLOWERING SHRUBS

4 L1.1 TYP. LOT WITH NO EXISTING VEGETATION
1" = 200'

NOTES:
- LANDSCAPE BUFFER REQUIREMENTS MET PARTIALLY WITH EXISTING VEGETATION
- BUFFERS ONLY PARTIALLY FILLED WITH EXISTING VEGETATION WILL BE ADDRESSED AT TIME OF FINAL PLAT
- NEW LANDSCAPE BUFFER AND STREET TREE PLANTINGS TO CONSIST OF NATIVE SPECIES AND FLOWERING SHRUBS

3 L1.1 TYP. LOT WITH PARTIAL EXISTING VEGETATION
1" = 200'

NOTES

1. LAND DISTURBANCE AND REMOVAL OF EXISTING VEGETATION WILL BE KEPT TO A MINIMUM PER ORANGE COUNTY UDO.
2. SIGNIFICANT TREES AS DEFINED IN THE ORANGE COUNTY UDO WILL BE FLAGGED AT TIME OF CONSTRUCTION AND PROTECTED PER UDO REQUIREMENTS.
3. ROADSIDE PERIMETER BUFFERS TO BE UNDISTURBED.
4. ROOT ZONES OF TREES IN PROTECTED AREAS WILL BE PROTECTED IF THEY FALL OUTSIDE OF THE PROTECTED AREA.
5. TREE PROTECTION FENCING WILL BE USED TO DELINEATE ALL TREES NEAR ANY POTENTIAL CONSTRUCTION.
6. TREE PROTECTION OR CONSTRUCTION FENCING WILL BE USED TO DELINEATE STREAM BUFFERS NEAR ANY POTENTIAL CONSTRUCTION.
7. STREET LIGHTING TO CONFORM TO NCDOT AND COUNTY UDO STANDARDS AND ARCHITECTURE REVIEW BOARD GUIDELINES.

NOTES:
- BUFFER PLANTINGS FOR SECTIONS OF SITE PERIMETER THAT LACK EXISTING VEGETATION
- REQUIRED PLANTINGS TO BE DETERMINED AT TIME OF FINAL PLAT

5 L1.1 TYP. 50' BUFFER PLANTINGS
1" = 40'

NOTE:
- LANDSCAPE BUFFER AND STREET TREE REQUIREMENTS MET ENTIRELY WITH EXISTING VEGETATION

2 L1.1 TYP. LOT WITH FULL EXISTING VEGETATION
1" = 200'

1 L1.1 LANDSCAPE & TREE PRESERVATION PLAN
1" = 200'
0 100 200 400

PRELIMINARY - NOT FOR CONSTRUCTION
3/29/23

NO.	DESCRIPTION	BY	DATE
1	MAJOR SUBDIVISION (FLEXIBLE SUBDIVISION OPTION) SUBMITTALS	GM	12-23-22
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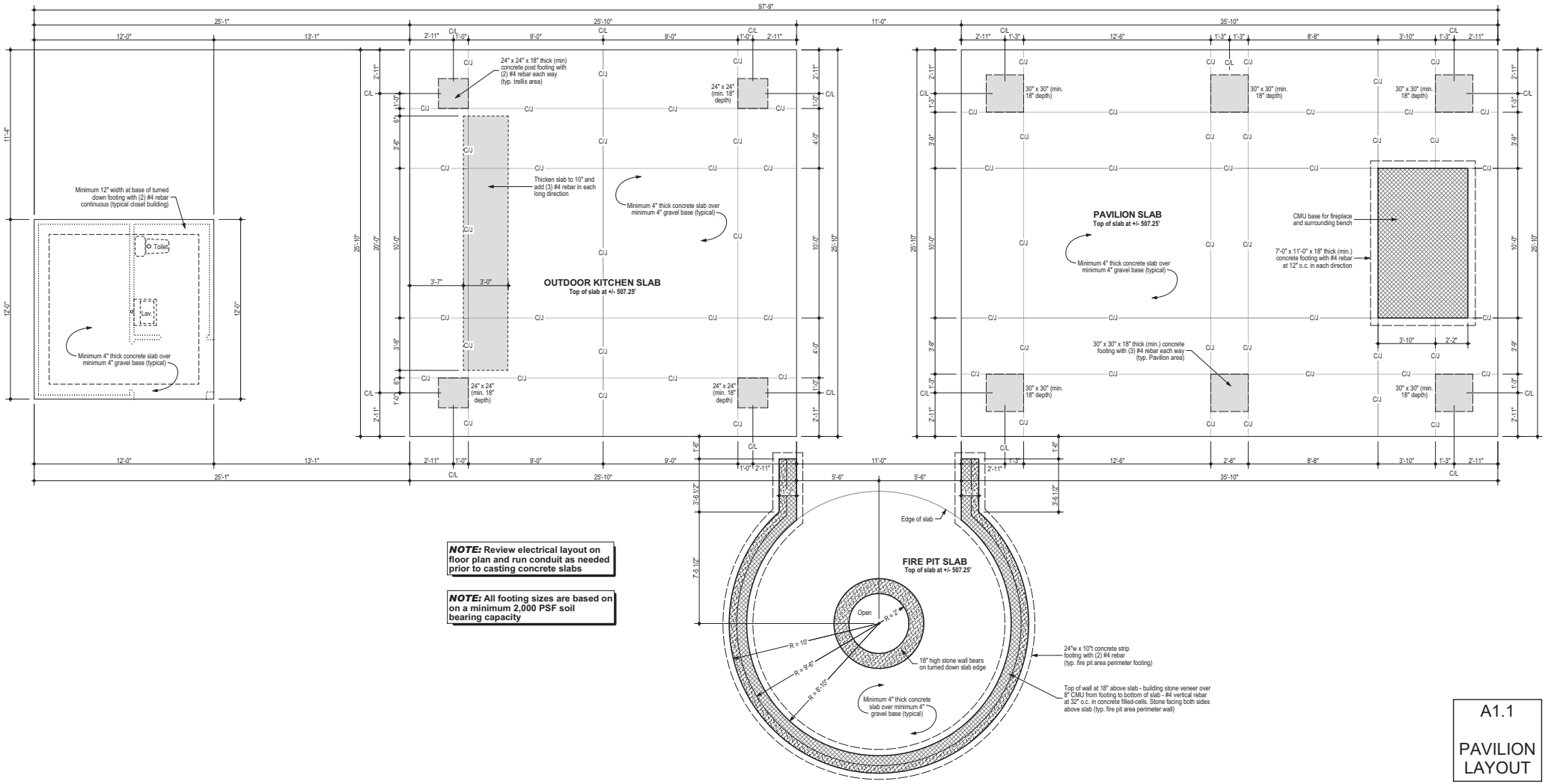
SUN FOREST SYSTEMS
CHAPEL HILL, NC
EDEN VIEW
LANDSCAPE & TREE PRESERVATION PLAN

JOB NO:	92116
DATE:	2/28/23
DRAWN:	DAJ, MTC
DESIGNED:	DAJ
REVIEWED:	ORANGE COUNTY
APPROVED:	
SCALE:	

L1.1



NOTE: **Review electrical layout on floor plan and run conduit as needed prior to casting concrete slabs**

NOTE: **All footing sizes are based on on a minimum 2,000 PSF soil bearing capacity**

A1.1

PAVILION LAYOUT

Orange County Planning & Inspections Department
131 W. Margaret Lane, Suite 200, Hillsborough, NC 27278
919-245-2575 or planningapps@orangecountync.gov

Environmental Assessment

Please check all applicable boxes and complete the required documentation.
Additional information is contained in Section 2.25 of the Unified Development Ordinance (UDO).
If completing by hand, please use black or blue ink.

An Environmental Assessment (EA) shall be required for each individual parcel proposed for development consistent with applicable criterial as detailed within the UDO.

Date: 11-23-22

Contact Information

Property Owner(s): Elizabeth C. Snipes; Laura Anne Snipes Hawkins

Mailing Address: 5512 Dairyland Road Hillsborough, NC 27278 — 919-971-8918 — betsi_snipes@unc.edu; 181 Stonegate Drive Roxboro, NC 27574 — 919-819-6328 — ahawk57@bellsouth.net

Phone: (see above) **Email:** (see above)

Applicant (if different than property owner)**:** Daniel Jewell

Mailing Address: 111 West Main Street Durham, NC 27701

Phone: 919-682-0368 **Email:** jewell.d@tandh.com

I. Property Information

Parcel ID Number (PIN): 9841527281 & 9840795091

Address: 4901 Dairyland Road

Acreage: 190.61 **Township:** Bingham

Zoning District: AR

Watershed Overlay: Cane Creek Protected

Other Overlay:

II. General Site Information

A. Adjacent Property

Zoning	**North:** AR		**South:** AR	
	East: AR		**West:** AR	
Land Use	**North:** Single-Family House & Pasture		**South:** Single-Family Houses & Pasture	
	East: Vacant / Wooded		**West:** Single-Family House & Farm	

B. Topography

- **Highest Elevation:** 732
- **Lowest Elevation:** 560
- **General direction of slope:** South

- **Estimated % of property with:**

0 – 5% slope: 1,504,298 SF

5 – 15% slope: 5,292,931 SF

15 – 25% slope: 1,277,274 SF

More than 25% slope: 228,291 SF

C. Water Features and Drainage

The following water features are located on the property:

☒ Streams ☒ Wetlands ☒ Ponds ☐ Drainage Easements ☐ Special Flood Hazard Area

Describe There are several potential intermittent and perennial streams that originate on-site and then flow off-site, protected by stream buffers. There are two ponds and two weland areas on-site that will remain.

(attach additional sheets if needed)

D. Does the property contain any of the following Inventory of Natural or Cultural Resources?

As identified in the "Inventory of Sites of Cultural, Historical, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or the "Inventory of Natural Areas and Wildlife Habitats of Orange County, North Carolina".

1. Cemeteries ☐ Yes ☒ No
2. Archaeological sites ☐ Yes ☒ No
3. Historic sites ☐ Yes ☒ No
4. Areas of geological significance ☐ Yes ☒ No
5. Designated natural areas ☐ Yes ☒ No
6. Designated habitat ☐ Yes ☒ No

For each yes answer above, please indicate the location on the site plan and complete Attachment A.

III. Project Description

A. Describe proposed use of property: The site will consist of 38 single family homes, a pavilion with parking, and a working farm with ~4 associated structures. A greenhouse will also be provided that will be used in tandem with the farm. There will be 5 open space provided that will make up 40% of the site, well above the required minimum of 33%.

B. Number of lots: 38

C. Number of structures: 119 (~3 per residential lot, ~4 farm structures, & 1 greenhouse)

D. Estimated square footage of area to be graded for development of attached residential units (excluding roads, but including parking areas)

304,000 SF

E. Estimated square footage of area to be graded for non-residential use (excluding roads)

10,000 SF

F. Estimated area to be graded for roads _____

- **Road type:** ☒ Public ☐ Private
  ☐ Class A
  ☐ Class B
- **Total road length:** 8,049 LF

IIII. State Permits Required

A. Does the project involve the mining of earth products? ☐ Yes ☒ No

- **If yes, how many cubic feet of material are expected to be excavated?** _____
- **Has an application for a Mining Permit been submitted to NCDRCD?** ☐ Yes ☒ No
  Please attach map indicating expected extent of proposed activity.

B. Does the project involve generation or storage of hazardous or toxic wastes, as identified by the Environmental Protection Agency?

☐ Yes ☒ No

- **Describe the wastes to be generated:** _____
- **How much material is expected to be generated per month?** _____
- **Will any material be treated onsite?** ☐ Yes ☒ No If yes, indicate v**olume:** _____
  Will any material be stored onsite? ☐ Yes ☒ No If yes, indicate **volume:** _____
- **Where will disposal of the material take place?** _____
- **How will materials be transported to the disposal site?** _____
- **What measures are proposed to protect water quality and air quality in case of spills?**

C. Will the project involve a land application system for treatment of wastewater?

- ☐ Yes ☒ No - If yes, describe _____

- **Has an application for a non-discharge permit been submitted to the NC Department of Environmental Management or Orange County Department of Environmental Health?** ☐ Yes ☒ No

D. Is a septic tank system proposed which has a design capacity of more than 3,000 gallons per day?

☐ Yes ☒ No - If yes, describe _____

E. Does the activity involve sludge disposal? ☐ Yes ☒ No

- **If yes, where is the source of the sludge?** _____

- **Describe where and how the sludge is being disposed** _____

- **Has a NPDES permit from the NC Division of Environmental Quality been issued?** ☐ Yes ☒ No

F. Water Usage

N/A ▪ **Estimated number of employees:** _____ x 25 gallons per day (gpd) = _____ gpd

N/A ▪ **Estimated water use for climate control =** _____ gpd

N/A ▪ **Process Water**

_____ % Consumed
_____ % Discharged to septic system
_____ % Discharged to surface (including storm sewers) - Describe: _____
_____ % Evaporated
_____ % Reclaimed/reused
_____ % Other
= 100%

N/A ▪ **Water used for cooling, heating, etc., in association with production or manufacturing**

_____ % Reused
_____ % Consumed
_____ % Discharged - Describe: _____
= 100%
_____ **gpd Total Water Usage**

- **Describe source of water:** Residential Wells

Attachment A

To be completed only if inventory sites are identified in I.D.
(attach additional sheets if necessary)

1.a. Impact on Resource from Proposed Development

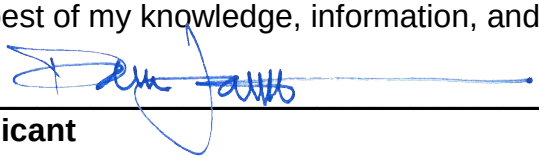
1.b. Proposed Mitigation

2.a. Impact on Resource from Proposed Development

2.b. Proposed Mitigation

Certification and Signatures

Statement by Applicant - I certify that the information presented by me in this application is accurate to the best of my knowledge, information, and belief.



11/23/22

Applicant **Date**

Memorandum

To: Tyler Sliger
300 West Tryon St
Post Office Box 8181
Hillsborough, NC 27278

Date: February 3, 2023

Project #: 39369.04

From: Andrew Topp, PE, PTOE
Senior Project Manager, VHB

Re: Eden View Trip Generation and ADT Comparison – Eden View Acres; Hillsborough, NC

This memorandum provides an assessment of trip generation (site generated traffic volumes) projected by a proposed 38-lot single-family home development, located north of Dairyland Road and east of Orange Grove Road in Hillsborough, NC.

Project Background

The Eden View Acres development is proposed in the northeast quadrant of the Dairyland Road and Orange Grove Road intersection. The Site Plan is included at the end of this memo. The Eden View Acres development is planned to contain 38 single-family home lots and is expected to have a full access driveway onto Dairyland Road. The estimated opening for the proposed development is in 2024.

Trip Generation

The trip generation for the proposed site was prepared using the *Institute of Traffic Engineers Trip Generation Manual (ITE), 11th Edition*. The land use code (LUC) for Single-Family Detached Housing (LUC 210) was utilized to determine the future site trips generated by the development. The trip generation for the site is shown in Table 1.

Table 1: Traffic Generation – Eden View Acres Development in Hillsborough, NC

Land Use Code[1]	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips[2]									
210	Single-Family Detached Housing	38 du	414	8	23	31	25	15	40

Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 11th Edition*
2. Total site trips are determined based on the suggested method in the NCDOT Rate vs Equation Spreadsheet

Trip Distribution

This type of retail development is expected to serve the surrounding community. For the purposes of the turn lane analysis, the traffic was distributed under the following assumptions:

- 25% from the north on Orange Grove Road
- 10% from the south on Orange Grove Road
- 65% from the east on Dairyland Road

Average Daily Traffic (ADT) Analysis

The ADT analysis was conducted using NCDOT's Average Annual Daily Traffic (AADT) Mapping Application. Dairyland Road is a two-lane roadway with a posted of 50 miles per hour (mph). Orange Grove Road is a two-lane roadway with

a posted speed limit of 55 mph. Based on the available information, the AADT in vehicles per day (vpd) for each year is shown in Table 2. Because AADT for 2022 is not available, AADT values from 2019 were used. For consistent comparison, the AADT from the south was projected for the 2019 year by applying a 2% annual growth rate to the 2018 traffic volume.

North Carolina Level of Service (NCLOS) Tables were used to determine the approximate road capacity based on AADT values. The standard capacity in the piedmont region for rural 2-lane highways with 10-foot lanes is 11,800 vpd.

The Existing (2019) AADT volumes were grown to the build-out year (2024) using an annual growth rate of two percent (2%) to calculate the expected background growth within the study area. The Build (2024) conditions account for both the No-Build (2024) traffic and the site traffic generated by the proposed development after the completion.

As shown on Table 2, with the addition of all site trips, the traffic flow at the site intersection and on Dairyland Road is expected to continue to operate optimally with all V/C ratios far less than 1.

Table 2: ADT – Eden View Acres Development in Hillsborough, NC

Direction	Existing (2019) AADT	No-Build (2024) AADT	Site Trips (vpd)	Build (2024) AADT	Capacity	Existing (2019) V/C	No-Build (2024) V/C	Build (2024) V/C
North: Orange Grove Road north of Dairyland Road	1,100	1,210	104	1,314	11,800	0.09	0.10	0.11
South: Orange Grove Road south of Dairyland Road	1,400	1,550	41	1,591	11,800	0.12	0.13	0.13
East: Dairyland Road east of site driveway	850	940	269	1,209	11,800	0.07	0.08	0.10
West: Dairyland Road west of site driveway	850	940	145	1,085	11,800	0.07	0.08	0.09

Level of Service (LOS) Analysis

A LOS analysis for the intersection at the site driveway and Dairyland Road was performed for the traffic volumes using *Synchro/SimTraffic Professional Version 10*. Table 3 summarizes the findings of the LOS analysis.

The peak hour mainline volumes in *Synchro* were estimated using the calculated AADT and determining the peak hour volumes by applying a Directional Split (D) value of 60% and a K factor of 10%.

Table 3: LOS – Eden View Acres Development in Hillsborough, NC

Intersection and Approach	Traffic Control	Build (2024)	
		AM	PM
Dairyland Rd & Glen Eden	Stop Control	-	-
Southbound		A-9.1	A-9.1

Conclusions

As shown in Table 2, with the addition of site trips, the calculated Volume-to-Capacity (V/C) ratio remains low on all of the surrounding public street network indicating that the development has a very minor impact and that there is plenty of roadway capacity to accommodate the projected trips.

As reported in Table 3, with the addition of site trips, the stop-controlled site driveway at Dairyland Road is expected to operate at LOS A during the AM and PM hours with a single ingress and egress lane on the site's driveway and single lane approaches along Dairyland Road.

As indicated in the Trip Generation and ADT analysis, the proposed development is projected to have a minimal impact on the traffic operations along the roadways within the study area. Therefore, no offside roadway improvements are recommended, and no turn lanes are warranted as a result of the site traffic that this development will generate.

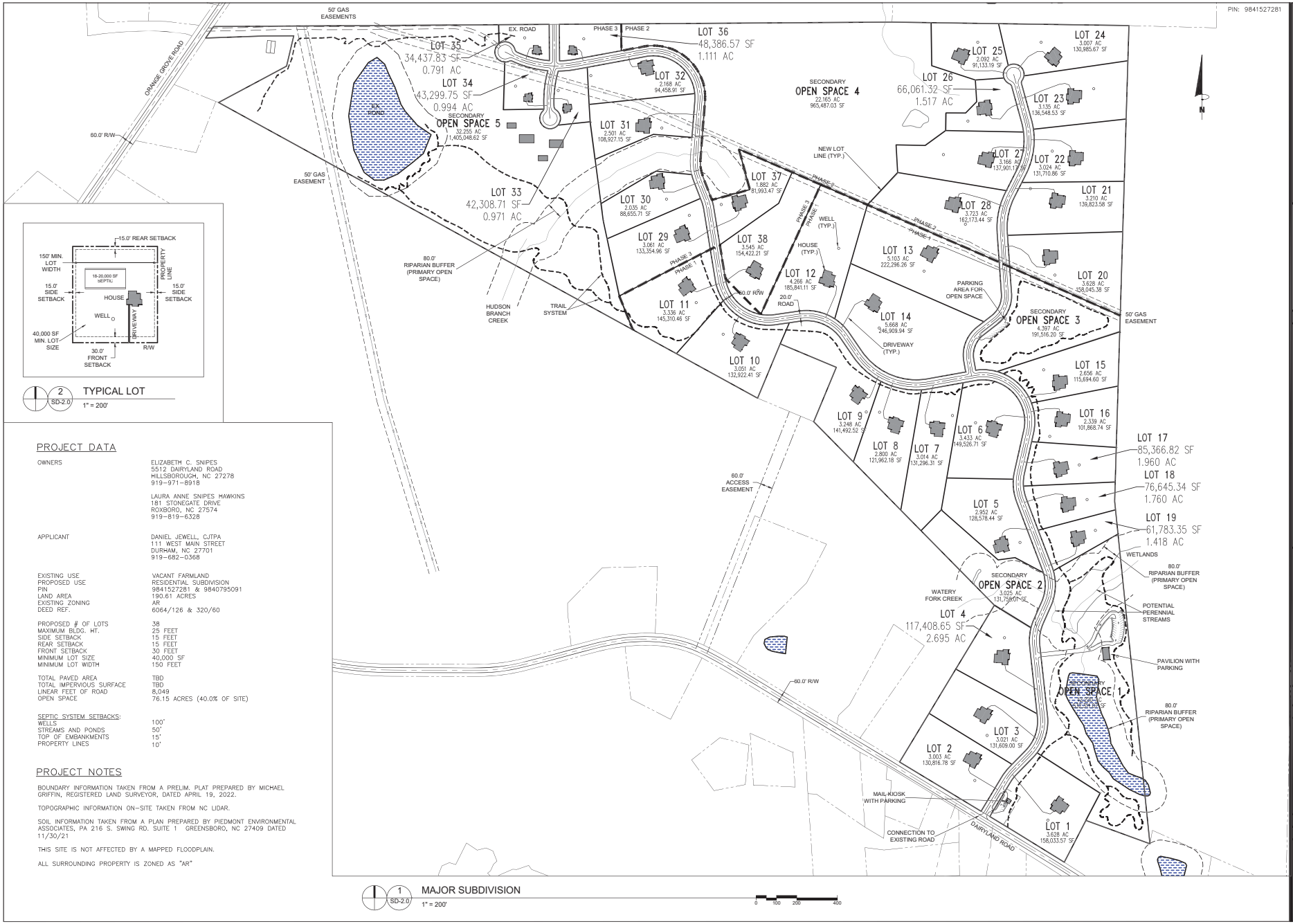


Appendices



Figure Memo-1:
Vicinity Map

Eden View Acres Trip Generation
Hillsborough, NC
Orange County



1 SD-2.0 MAJOR SUBDIVISION
1" = 200'

2 SD-2.0 TYPICAL LOT
1" = 200'

PROJECT DATA

OWNERS	ELIZABETH C. SNIPES 5512 DAIRYLAND ROAD HILLSBOROUGH, NC 27278 919-971-8918
	LAURA ANNE SNIPES HAWKINS 181 STONEGATE DRIVE ROXBORO, NC 27574 919-819-6328
APPLICANT	DANIEL JEWELL, CJTPA 111 WEST MAIN STREET DURHAM, NC 27701 919-682-0368
EXISTING USE	VACANT FARMLAND
PROPOSED USE	RESIDENTIAL SUBDIVISION
PIN	9841527281 & 9840795091
LAND AREA	190.61 ACRES
EXISTING ZONING	AR
DEED REF.	6064/126 & 320/60
PROPOSED # OF LOTS	38
MAXIMUM BLDG. HT.	25 FEET
SIDE SETBACK	15 FEET
REAR SETBACK	15 FEET
FRONT SETBACK	30 FEET
MINIMUM LOT SIZE	40,000 SF
MINIMUM LOT WIDTH	150 FEET
TOTAL PAVED AREA	TBD
TOTAL IMPERVIOUS SURFACE	TBD
LINEAR FEET OF ROAD	8,049
OPEN SPACE	76.15 ACRES (40.0% OF SITE)

SEPTIC SYSTEM SETBACKS:

WELLS	100'
STREAMS AND PONDS	50'
TOP OF EMBANKMENTS	15'
PROPERTY LINES	10'

PROJECT NOTES

BOUNDARY INFORMATION TAKEN FROM A PRELIM. PLAT PREPARED BY MICHAEL GRIFFIN, REGISTERED LAND SURVEYOR, DATED APRIL 19, 2022.

TOPOGRAPHIC INFORMATION ON-SITE TAKEN FROM NC LIDAR.

SOIL INFORMATION TAKEN FROM A PLAN PREPARED BY PIEDMONT ENVIRONMENTAL ASSOCIATES, PA 216 S. SWING RD. SUITE 1 GREENSBORO, NC 27409 DATED 11/30/21

THIS SITE IS NOT AFFECTED BY A MAPPED FLOODPLAIN.

ALL SURROUNDING PROPERTY IS ZONED AS "AR"

CJT P.A.
111 West Main Street
Durham, N.C. 27701
p 919.682.0368
f 919.688.5646
www.cjtpa.com
NC BOARD OF EXAMINERS FOR ENGINEERS AND SURVEYORS LIC # C-1209
NC BOARD OF LANDSCAPE ARCHITECTS LIC # C-104
ENGINEERING, PLANNING, LANDSCAPE ARCHITECTURE

Project:

Eden View Acres

Orange County, North Carolina

PRELIMINARY-DO NOT USE FOR CONSTRUCTION

Job Number: 2116

Drawn	DAJ, MTC
Checked	DAJ
Date	11-21-22 SP Review
Revisions	

Major Subdivision

Sheet Title:

MAJOR SUBDIVISION

Sheet Number

SD-2.0

Intersection	
Int Delay, s/veh	1.7

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	3	56	51	5	15	8
Future Vol, veh/h	3	56	51	5	15	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	3	62	57	6	17	9

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	63	0	-	0	128	60
Stage 1	-	-	-	-	60	-
Stage 2	-	-	-	-	68	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1540	-	-	-	866	1005
Stage 1	-	-	-	-	963	-
Stage 2	-	-	-	-	955	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1540	-	-	-	864	1005
Mov Cap-2 Maneuver	-	-	-	-	864	-
Stage 1	-	-	-	-	961	-
Stage 2	-	-	-	-	955	-

Approach	EB	WB	SB
HCM Control Delay, s	0.4	0	9.1
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1540	-	-	-	908
HCM Lane V/C Ratio	0.002	-	-	-	0.028
HCM Control Delay (s)	7.3	0	-	-	9.1
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.1

Intersection	
Int Delay, s/veh	1.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	9	56	51	16	10	5
Future Vol, veh/h	9	56	51	16	10	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	10	62	57	18	11	6

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	75	0	-	0	148	66
Stage 1	-	-	-	-	66	-
Stage 2	-	-	-	-	82	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1524	-	-	-	844	998
Stage 1	-	-	-	-	957	-
Stage 2	-	-	-	-	941	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1524	-	-	-	838	998
Mov Cap-2 Maneuver	-	-	-	-	838	-
Stage 1	-	-	-	-	950	-
Stage 2	-	-	-	-	941	-

Approach	EB	WB	SB
HCM Control Delay, s	1	0	9.1
HCM LOS			A

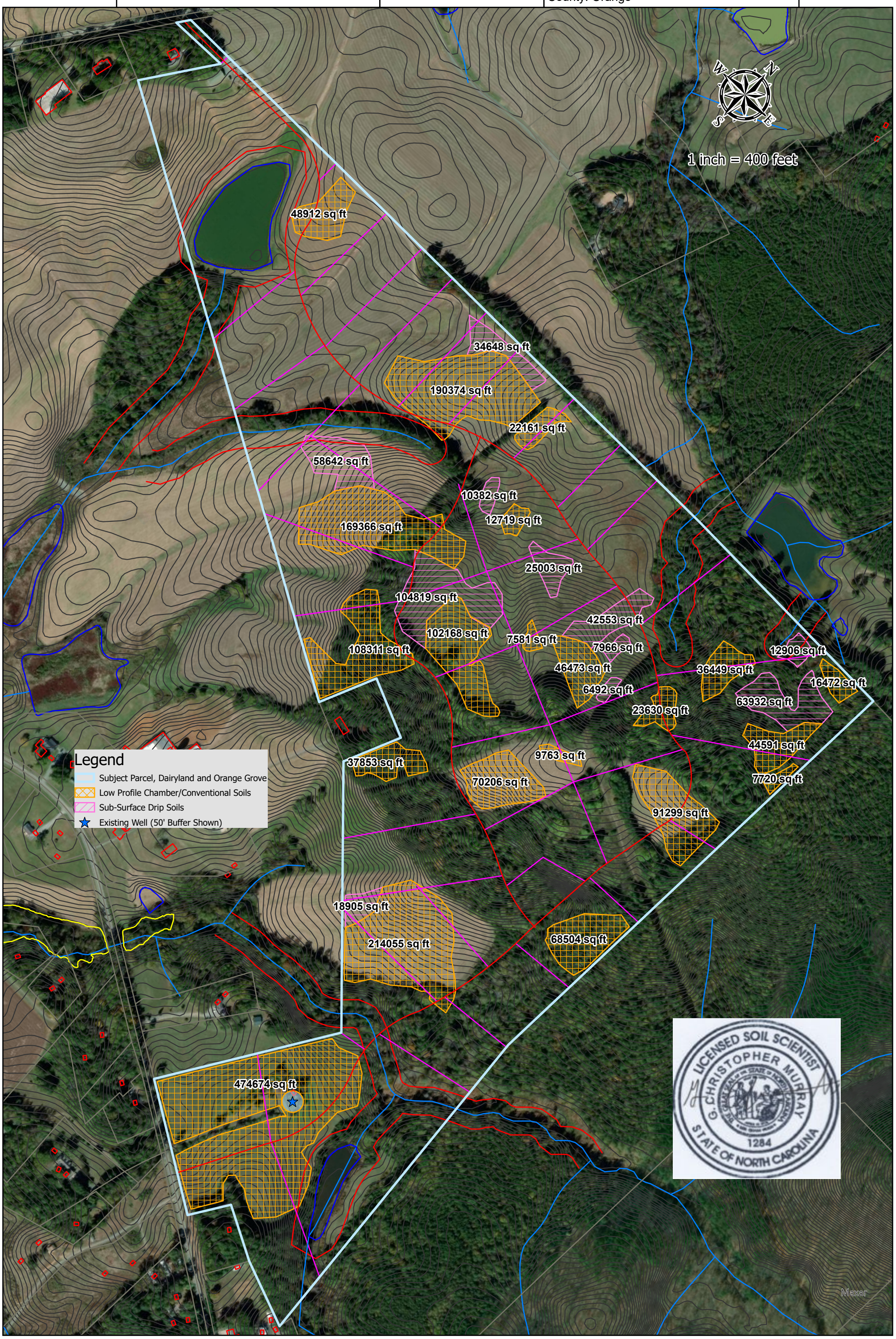
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1524	-	-	-	885
HCM Lane V/C Ratio	0.007	-	-	-	0.019
HCM Control Delay (s)	7.4	0	-	-	9.1
HCM Lane LOS	A	A	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.1

PIEDMONT ENVIRONMENTAL ASSOCIATES, P.A.

Detailed Soil Evaluation - Snipes Property, Orange Co., NC

216 S. Swing Rd. Suite 1
Greensboro, NC 27409
piedmontsoil.com

Job#: 2320
Date: 11/30/21
Client: Keith Brown
County: Orange



Mr. Keith Brown
ktb1590@gmail.com
Mr. Ian Brown
ianbrownnc@gmail.com

February 27, 2023

Subject: Groundwater Supply Evaluation Eden View

Dear Keith and Ian:

Please find attached our evaluation report on the water supply for Eden View.

Let us know if you need anything else on this.

Sincerely yours,



Eric G. Lappala, P.E., P.H.

Attachment: Evaluation Report

Assessment of Potential Groundwater Supplies, Eden View Development

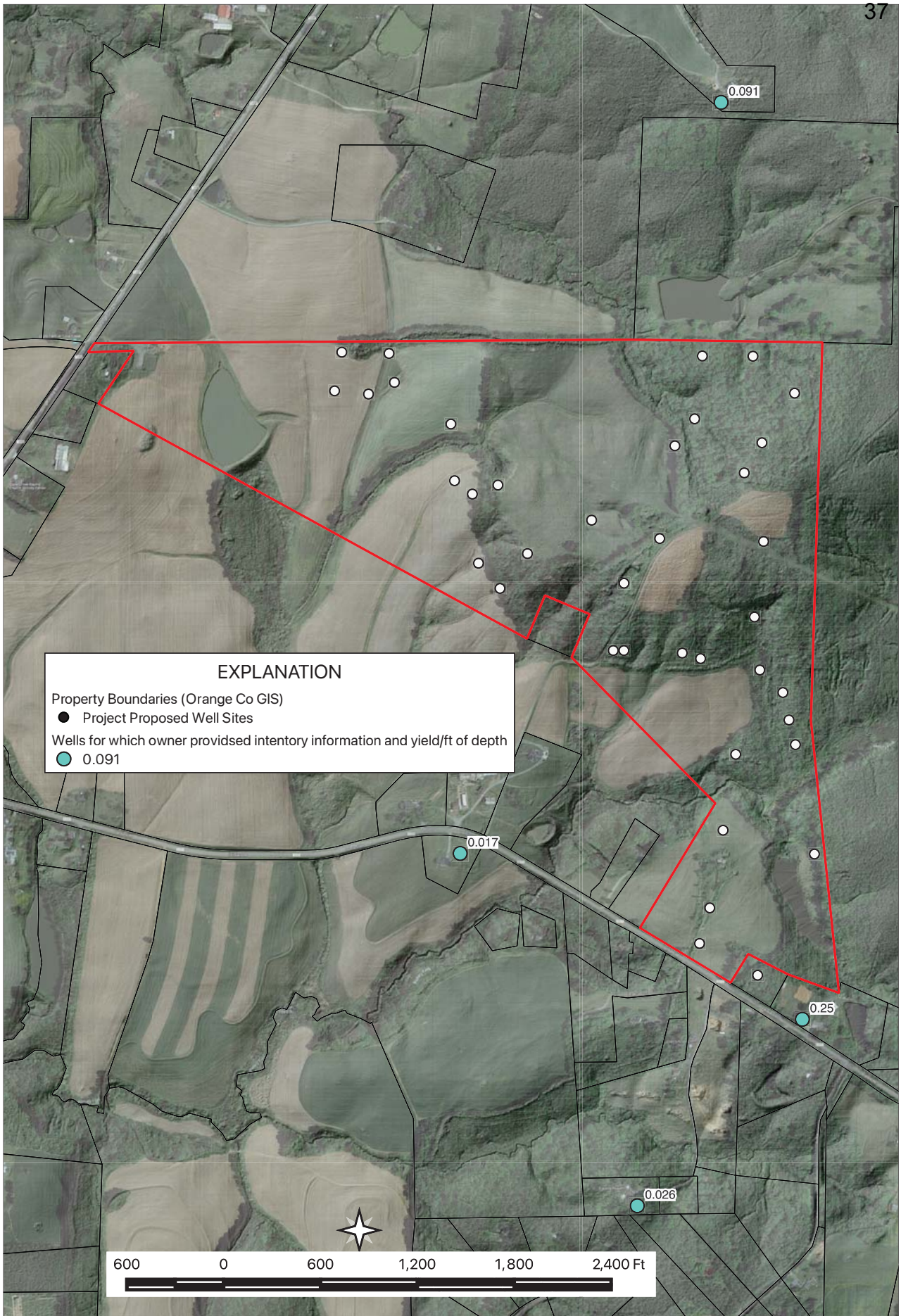
This report documents our review of available information to provide an assessment of the groundwater resources for the Eden View Development in Orange County, North Carolina. The property evaluated (Property) is shown on **Figure1** and comprises approximately 191 acres and is identified as PIN 9841527281 in the Orange County Tax Records[1]. We have used the following to prepare this assessment:

- Site plan provided as a pdf from which we located proposed well sites shown on **Figure 1** on individual lots[2];
- Records of the three (3) wells located south and one (1) well located north of the Property as shown on **Figure 1** for which well completion data were provided by the property owner from the well owners;
- Geologic bedrock map of Orange County[3];
- USGS and Orange County groundwater availability report for Orange County[4]; and
- Topography on a 5 foot grid based LIDAR surveying[5].

1 https://gis.orangecountync.gov/orangeNCGIS/default.htm
2 C205 All Subdivisions with Wells.pdf
3 Philip J. Bradley and E. F. Stoddard, 2008. Geologic Map of The White Cross 7.5-Minute Quadrangle, Orange and Chatham Counties, North Carolina: North Carolina Geological Survey Open File Report 2008-01.

4 William L. Cunningham and C. C. Daniel III, 2000. Investigation of Ground-Water Availability and Quality in Orange County, North Carolina: U.S. Geological Survey Water Resources Investigations Report 2000-4286.

5 https://sdd.nc.gov/DataDownload.aspx#



Eagle Resources, P.A.
215 West Moore Street
Southport, NC 28461
919-345-1013
elappala@eagleresources.com

Eden View Wells	Project No. 31015.1 Approved: EGL 02/16/23	Design data and recommendations included herein are provided as a matter of information and should not be used for final design. Rely only on hard copy bearing consultants original seal and signature Project propertym potentialon-lot well sitesm and wells for which owner provided inventory information.	**FIGURE** **1**

Geology

The bedrock underlying the Property is underlain by metamorphosed volcanic dacitic lavas and tuffs. These rocks are overlain by a thick layer of regolith that resulted from the in-place weathering of the parent rocks. The upper part of the regolith comprises saprolite and soil and typically does not provide significant groundwater to wells. The bottom of the regolith is referred to as Partially Weathered Rock (PWR) and generally has a greater permeability than the overlying materials. The bedrock provides water to wells from interconnected fractures and joints that are intercepted by the well bore.

The hydrogeologic units of the bedrock identified by the USGS report are shown in **Figure 2.** The site is contained in the metavolcanic felsic (MVF) unit.

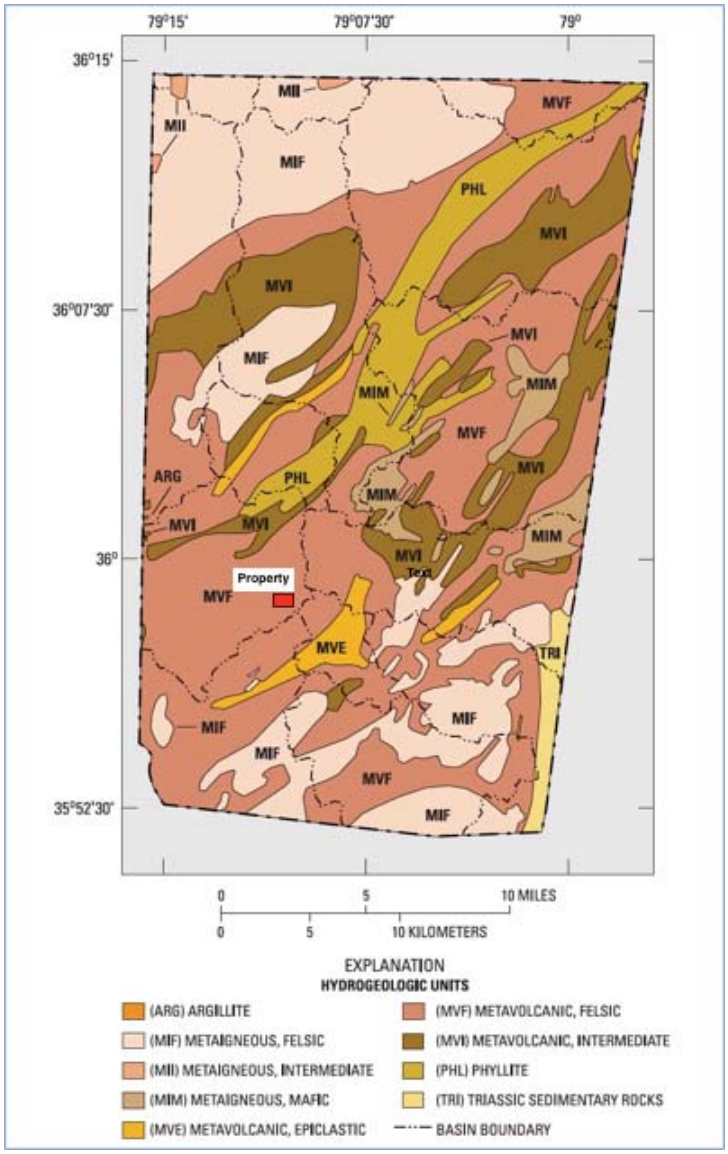


Figure 2.-- Hydrogeologic Bedrock Units.

Wells

The USGS study for well yields was based upon a county-wide inventory of 649 wells that are completed in in nine hydrogeologic units in Orange County, North Carolina. Estimates of ground-water availability were based upon the well completion records for these wells that provide information on the drilled depth, reported yields, and depths to water levels.

The USGS study concluded the following:

" The typical well in Orange County has an average depth of 208 feet, an average casing length of 53.6 feet, a static water level of 26.6 feet, a yield of 17.6 gallons per minute, and a well casing diameter of 6.25 inches. The saturated thickness of the regolith averages 27.0 feet and the yield per foot of total well depth averages 0.119 gallon per minute per foot. Two areas of the County are more favorable for high-yield wells—a west-southwest to east-northeast trending area in the northwestern part of the County, and a southwest to northeast trending area in the southwestern part of the County. Well yields in Orange County show little correlation with topographic or hydrogeologic setting."

Table 1 shows the county-wide statistics for domestic wells.

Domestic Well Statistics Orange County (USGS)					
Average Yield	Average Yield per ft	Average Depth	Average Casing Depth	Average Water Level	Number of wells in average
gpm	gpm/ft	ft	ft	ft	
16.4	0.12	206	53.50	26.4	590

Table 1.-- Statistics of well yields from USGS report.

The USGS report also computed well yield statistics for wells located in 10 different hydrogeologic units of the bedrock in which the wells were completed. The yield statistics for the hydrogeologic unit in which the Project is located unit are shown in Table 2.

MV Well Yields, gallons per minute			
Average	Minimum	Maximum	Median
17.8	0.1	240	10

Table 2.-- Yield Statistics for the MV Hydrogeologic Unit.

We have used the map in the USGS report showing the well yield per foot of drilled depth. to assess the potential yields of wells on the Property. **Figure 3** shows the map of yields per foot of well depth for the area containing the Project.

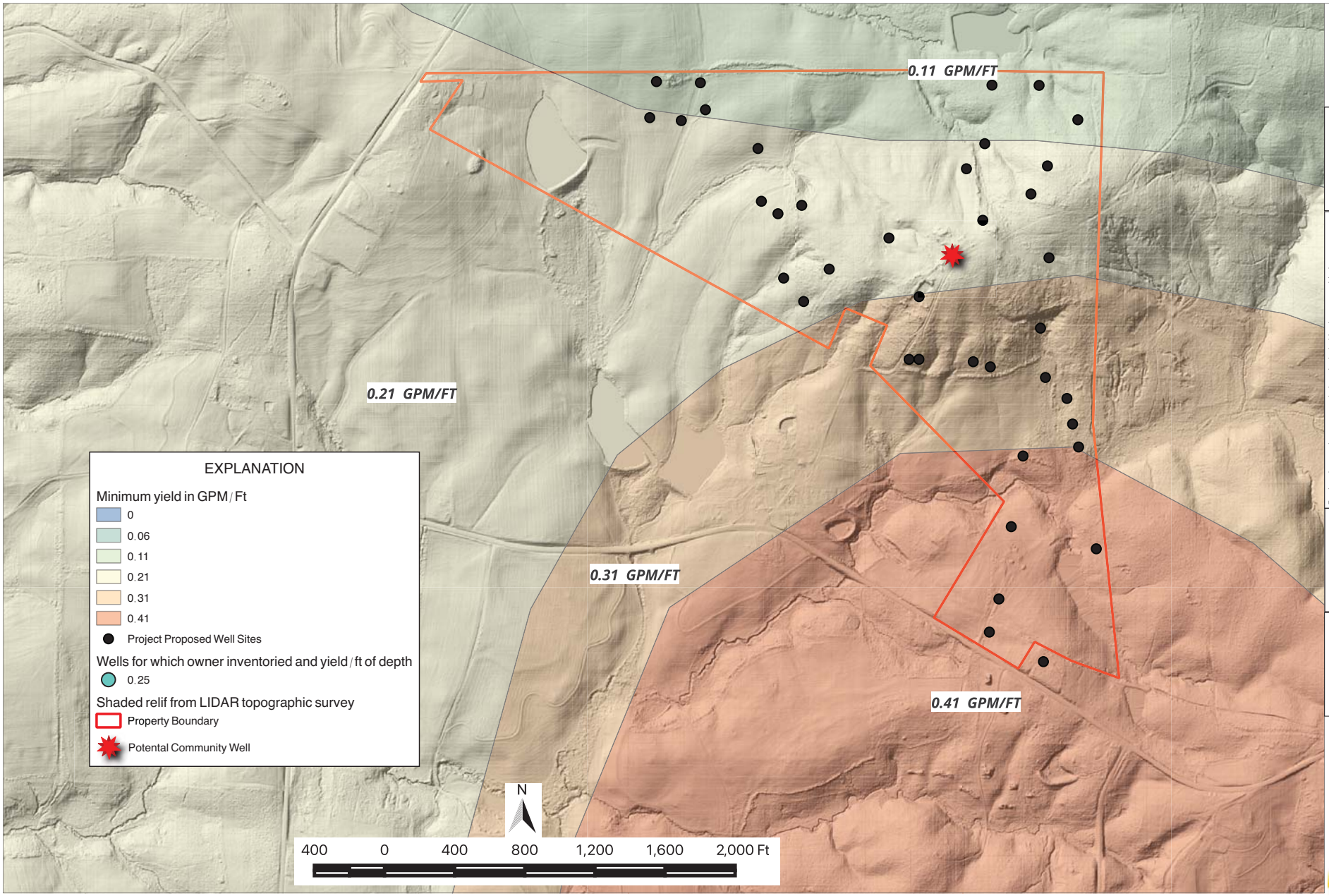


FIGURE 3

Location of proposed on-lot wells, inventoried wells with yield.ft of depth, and USGS areas of yield/ft of depth.

Design data and recommendations included herin are provided as a matter of information and should not be used for final design. Rely only on hard copy materials bearing the consultant's seal and signature.

Project No. 31015.1
Approved: EGL
02/25/23

EDEN
VIEW

Eagle Resources, P.A.
215 West Moore Street
Southport, NC 28461
919.345.1013
elappala@eagleresources.com

The yields per foot of depth for the wells for which information was provided by the owner as shown on Figure 1 are generally consistent with those shown in Figure 3.

Conclusions Regarding Likely Well Yields

Table 3 shows the required yields for individual wells and for one community well for different durations of pumping each day. Based on the foregoing analysis and the data in **Table 3**, wells installed on individual lots should provide yields that are adequate to supply two to three bedroom homes if the wells are drilled to depths of at least 150 feet.

Bedrooms /lot	Individual Lot Wells Yield Requirenent					
	Gallons /day	Required yield in gpm for pumping each day			GPM/FT of Well Depthfor well depths of:	
		24 hours	12 hours	6 hours	100	200
3	360	0.25	0.50	1.00	0.0100	0.0001
4	480	0.33	0.67	1.33	0.0133	0.0001
5	**600**	**0.42**	**0.83**	**1.67**	**0.0167**	**0.0001**
Single Community Well Yield Requirement						
No Bedrooms/lot	Gallons /day	Required yield in gpm for pumping each day			GPM/FT of Well Depth	
		24 hours	12 hours	6 hours		
3	13680	10	19	38	0.3800	0.0019
4	18240	13	25	51	0.5067	0.0025
5	**22800**	**16**	**32**	**63**	**0.6333**	**0.0032**

Table 3.-- Water Supply and Yield Requirements for the Project.

Evaluation of Likely Well Performance

Likely well performance was assessed by evaluating the potential for interference between adjacent on-lot wells and the likely drawdown while pumping for these wells and for a single community well. Based upon the conclusions in the USGS report that yields are generally greater for well sites that are on uplands and ridges than in flat lowlands, we located a potential community well at the location shown on **Figure 3**.

The assessment of the performance of wells was implemented using a 3-dimensional groundwater flow model using the industry standard USGS MODFLOW model. The model covered the area shown in **Figure 3** and comprised the following three layers and depths: Soil and Saprolite from 0 to 40 feet, Partially Weathered R (PWR) from 40 to 50 ft, and Fractured Bedrock from 50 to 200 ft. The hydraulic conductivity values for the Soil and Saprolite and PWR layers was set at 0.6 ft/day and 0.8 ft/day, respectively based upon

calibrated models we have completed in Chatham County as well as USGS and NCGS reports for similar rock units in the Piedmont. The hydraulic conductivity of the bedrock was computed using the well yield/ft of well depth and a thickness of 150 feet.

Recharge to the model was set at 4.5 inches/year based on the analysis of stream baseflows included the USGS report. We note that this value is essentially identical to the 5 inches/year determined by watershed modeling with 40 years of daily climatic data for sites we have studied in Chatham County that contain similar vegetation and land use as the Property.

The performance analysis was conducted for two alternatives to supplying water for the development: individual wells on each lot or one community well. **Figure 5** shows the drawdown from pumping a community well at a constant rate of 25 gpm and **Figure 4** shows the steady state drawdown computed with the model for pumping from individual lot wells at a rate of 1 gpm. Based on this analysis the drawdown in individual wells will be 20 to 40 feet and drawdown in a single community well will be approximately 100 feet. Using additional community wells would reduce the pumping requirement per well and the resulting drawdown.

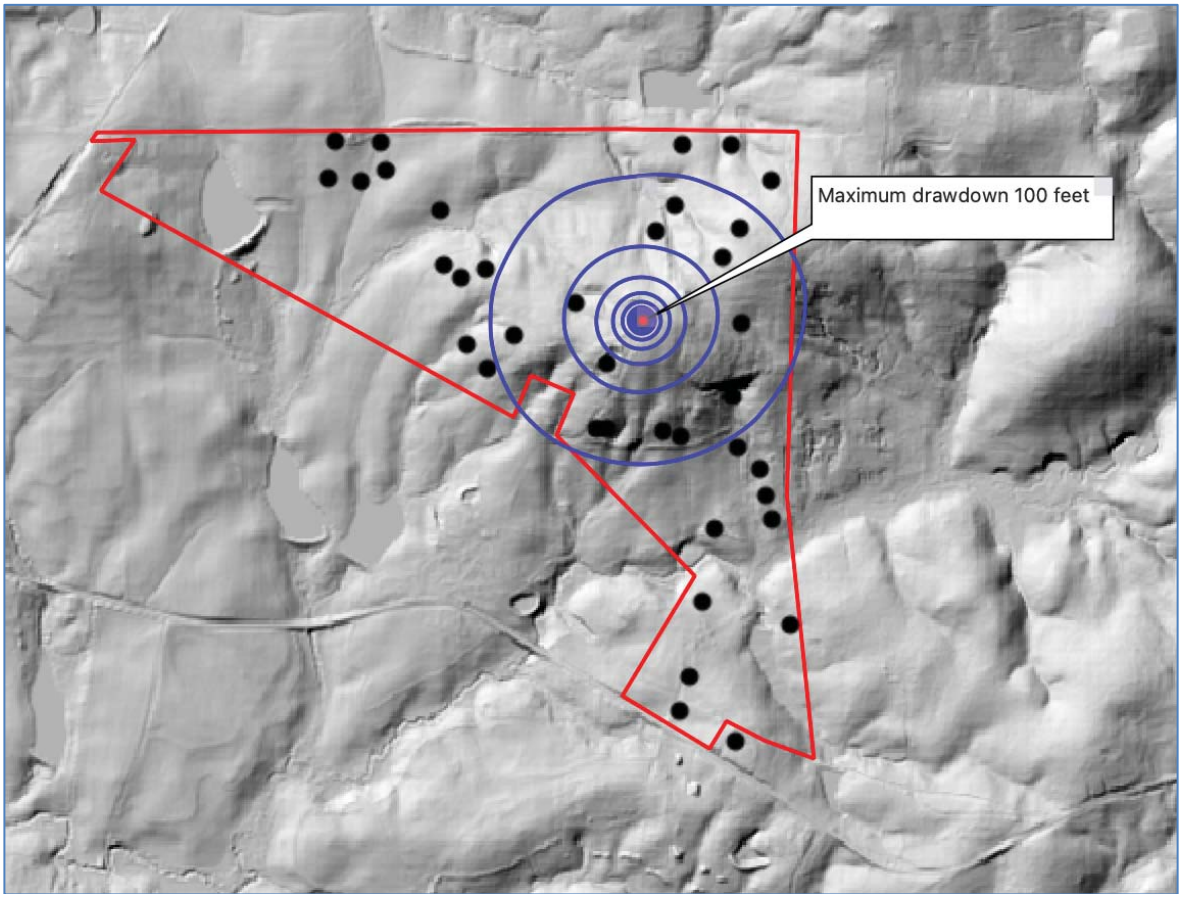


Figure 4.-- Steady state drawdown in a community well pumping at 25 gpm.

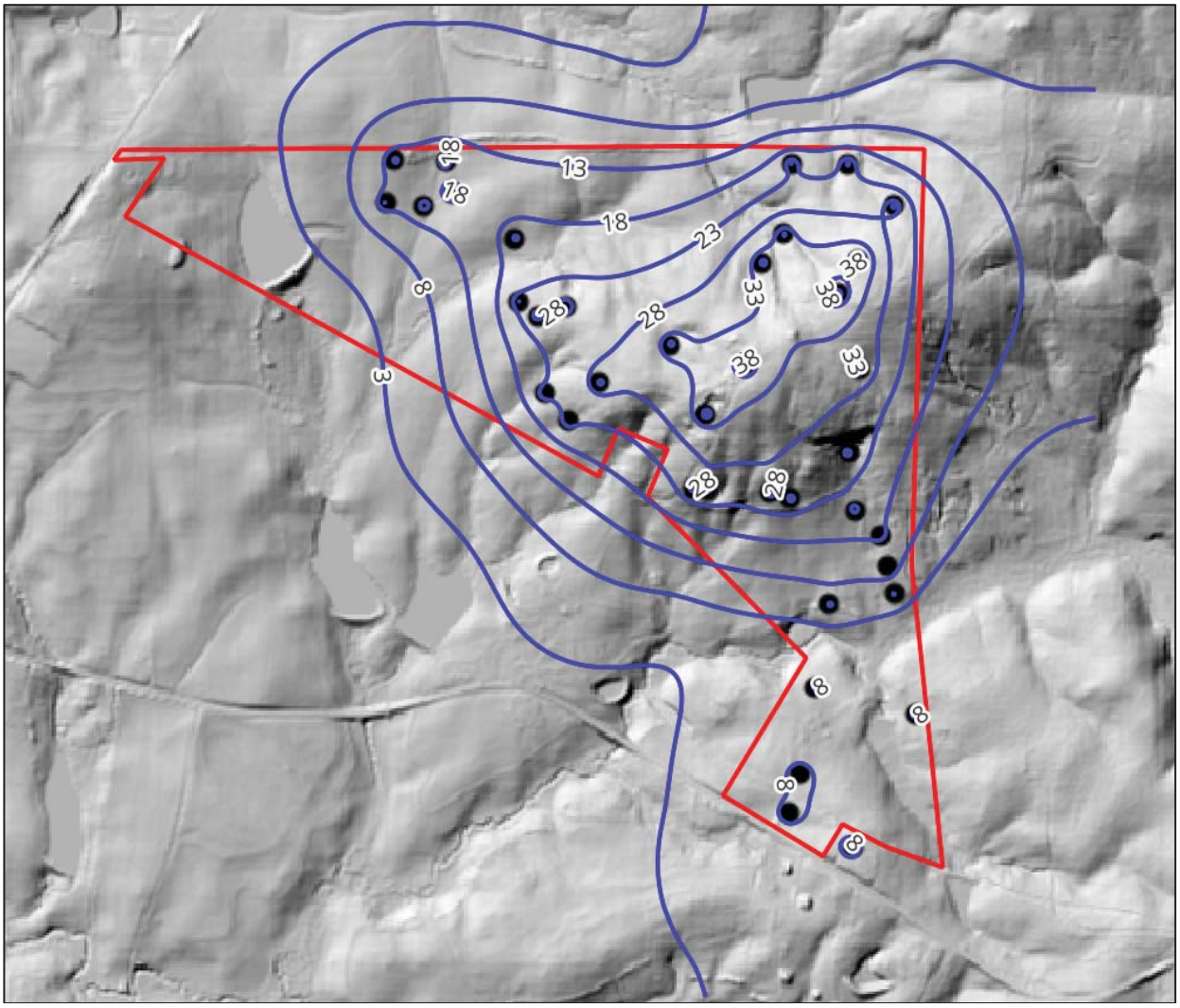


Figure 5.-- .-- Steady state drawdown from pumping all proposed on-lot wells at 1.7 gpm each to supply 5-bedroom homes.

Based upon this analysis, either alternative should provide an adequate water supply for 38 5 bedroom homes.

Water Quality

Based upon the USGS report the water quality from wells installed on the property should meet all state and federal drinking water standards. However, we recommend that each individual and/or community well be tested for all regulated constituents before being put in to use in accordance with the requirements of the Orange County Department of Environmental Health.

EDEN VIEW ACRES

ARCHITECTURAL DESIGN AND LANDSCAPE GUIDELINES

ARCHITECTURAL REVIEW BOARD PROCEDURES

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- Building Setbacks
- Square Footage Requirements

Porches and Decks
Patios
Garages and Carports
Storage and Accessory Buildings
Exterior Material Colors
Walls and Fences
Driveways and Walkways
Exterior Lighting
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Retaining and Screen Walls
Tree Removal
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Minimum Landscape Requirements
Construction Maintenance and Miscellaneous
Submittal Forms
    ARB Submittal Checklist
    Color Selection Form
    ARB Alterations and Additions Submittal Checklist
    Landscape Submittal Checklist
    Certificate of Compliance Form

ARCHITECTURAL REVIEW BOARD PROCEDURES

Architectural Guidelines Introduction

The Architectural Guidelines (Guidelines) embody what Eden View Acres is and should continue to be in the future. These Guidelines will be the primary vehicle for establishing and maintaining the architectural character for any and all residential development that is unique to Eden View Acres. The Guidelines may be periodically updated as required. The Architectural Review Board (ARB) and the Developer / Owner has full authority over the Guidelines and Review Procedures and has the right to alter, change, overrule, interpret, etc. these Guidelines and ARB decisions at its discretion and at any time. Reference the Covenants for additional requirements and regulations. Approval or inspection by the ARB does not constitute assumption of or liability for applicant's / owner's responsibilities.

All homes shall be designed by a licensed Architect and all landscapes shall be designed by a licensed Landscape Architect – Designs will follow an overall theme of a farm community as set out in the image and style portfolio presented by Eden View Acres. All improvements shall follow a limited use of only 6% impermeable surfaces or that which has been designated by Eden View per specific lot.

Architectural Review Board Procedures – Builder Section

1. The Eden View Acres ARB shall enforce the Guidelines. Proposed houses must be submitted to the ARB for final review and approval prior to beginning any construction and clearing of the lot. The homeowner / builder (Lot owner), superintendent, designer, architect, or sales agent should present each proposal in person.

2. No project permitting or construction may be started without formal ARB review and approval.

3. Approval by the ARB does not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans or approval of any local, state or national code or ordinance. It is the applicant's sole responsibility to provide safe construction practices and meet all relevant local, state and national codes and ordinances as related to each specific construction project including but not limited to verification of setbacks, utilities, existing site features, etc. The ARB shall not be held liable for any injury, damages, or loss arising out of the manner or quality or safety of construction or any modification to a home site.

4. The ARB and Developer / Owner shall also monitor the construction process in order to ensure conformance with the approved ARB plan submittals. Any non-conformance may involve special assessments as described in the Covenants. Failure to comply with ARB

requirements and approved plans and elevations, etc. may result in the required removal of any non-conforming construction, detailing, colors, etc. at the builder's / homeowner's expense The ARB and Developer / Owner reserves the right of entry to any property within the development for inspection purposes.

5. All ARB submittals, proposals, questions, etc. shall be submitted to the ARB / ARB Representative via email and / or in person to Keith T. Brown, KTB1590@gmail.com and to schedule ARB reviews and appointments. ARB Reviews and Meeting appointments will be scheduled on an as needed basis and a first-come first-served basis and may be scheduled up until the ARB Meeting if time is available. Currently there is not a specific ARB Meeting schedule and as noted will be scheduled on an as needed basis. In the future a specific day and time for ARB Meetings may be scheduled as related to additional and consistent activity.

6. Submittals shall include the ARB Submittal Checklist (see Appendix), Site Plan, Landscape Submittal Checklist / Landscape Plan, Floor Plans, Elevations (front, sides and rear), color proposals / Color Selection Form and any alternate / special details (i.e. handrails, columns, etc.). The landscape Submittal Checklist / Landscape Plan shall be submitted to Keith T. Brown as noted on the Landscape Submittal Checklist form. The landscape plan required for each specific lot may be delayed and submitted to the ARB for review and approval at least 30 days prior to landscape installation. All submittals are preferred in PDF form via email, but may also be submitted via one-side only format on 8 1/2" x 11" paper . Concept drawings or preliminary plans may be submitted to the ARB for review, comment and preliminary approval before more detailed plans and the final submittal are completed and submitted. Submittals not meeting these requirements will be returned for completion prior to ARB review.

7. The ARB generally reviews submittals for aesthetic purposes only and shall have no responsibility or liability for reviews in any other areas including but not limited to local ordinance requirements, code / covenant requirements as noted earlier, sales / market relationships, price points related to market, builder contract responsibilities / minimum SF requirements, etc.

8. The ARB will review each proposal (as marked up on the original ARB Submittal package) and determine if the proposal is either "Approved", "Approved as noted", "Not approved" or "Re-submit". "Approved" and "Approved as noted" submittals may continue into permitting and construction with the understanding that all ARB comments and directives are to be completed. "Not approved" and "Re-submit" directives shall be re-submitted to the ARB for ARB review and approval prior to proceeding with permitting and construction.

9. After initial review and approval of submittal, final on-site flagging of the approved location of house, drives, walks, etc. is required for an on site ARB review and approval prior to beginning construction and site clearing.

10. Near the completion of construction, a final inspection shall be requested by the Builder / Homeowner and completed by the ARB prior to final approval of the house. See Certificate of Compliance form in rear of Guidelines for additional reference.

11. ARB reviews will be completed within ten business days after the receipt and ARB Meetings / reviews / approvals (pending current ARB and Developer / Owner activity schedules, holidays, etc.). Reviews/approvals shall be inserted in the ARB permanent files and distributed to the builders / homeowners, attendees, etc. via email and / or fax for builder coordination. If responses are required sooner than ten business days, please coordinate a personal ARB Meeting with the ARB Representative (as previously noted) and attend the ARB Meeting in person for immediate response and / or make such a request in writing.

12. Copies of the meeting summaries will be forwarded to the builder and / or homeowner and others only as requested.

Architectural Review Board Procedures for Alterations and Additions – Homeowner (Post–closing) Section

1. After plans are approved for construction, the procedures of this section must be followed and completed for any alterations and additions.

2. The ARB Alterations and Additions Submittal Checklist (see Appendix) must be submitted to the ARB for review and approval of all exterior changes or additions to your residence or property prior to proceeding with permitting or construction. The list of changes, alterations or additions includes, but is not limited to the following and as noted in the Guidelines: Any addition to an existing dwelling (room additions, garages, etc.), exterior color revisions, fencing, landscaping projects (other than typical maintenance of original existing landscaping / beds and removal of dead trees / growth, etc.), hardscape projects (fish ponds, fountains, yard art, arbors, trellises, etc.), decks, porches, screened porches, patios, awnings, play equipment (other than typical mobile play equipment and toys not to remain outside of dwellings after specific use), dog houses, retaining walls, storage sheds, playhouses, satellite TV dishes, etc.

3. The Guidelines are in total effect concerning any alteration or addition. A copy of the Guidelines is available for reference through the ARB, Developer / Owner.

4. The Application submittal shall include the following as required to communicate the scope of the proposed new construction:

    - ARB Alterations and Additions Submittal Checklist, site plan (indicating the location of the proposed alteration or addition, existing building(s), property lines, setbacks, etc.)

    - Detailed construction drawings to scale (including a full view of the addition, with all exterior elevations, as it will look attached to the existing structure. A view of the entire structure is necessary to help determine balance.)

    - Drawings or photographs (as needed / showing the existing conditions before the proposed changes)

    - Samples of colors and materials (if different from existing building), landscape plan / Landscape Submittal Checklist Form and plant schedule (if applicable or required)

- Perspective drawings of complex projects (as determined by the ARB), etc.

- Concept drawings or preliminary plans may be submitted to the ARB for review, comment and approval to proceed before more detailed plans and the final ARB Submittal are completed. All submittals are preferred in PDF form via email, but may also be submitted viaone-side only format on 8 1/2" x 11" paper

5. The ARB will review each proposal and determine if the proposal is either "Approved", "Approved as noted", "Not approved" or "Re-submit". "Approved" and "Approved as noted" submittals may continue into permitting and construction with the understanding that all ARB comments and directives are to be completed. "Not approved" and "Re-submit" directives shall be re-submitted to the ARB for ARB review and approval prior to proceeding with permitting and construction.

6. ARB reviews will be completed within ten business days after the receipt and ARB Meetings / reviews / approvals (pending current ARB and Developer / Owner activity schedules, holidays, etc.). Reviews/approvals shall be inserted in the ARB permanent files and distributed to the builders / homeowners, attendees, etc. via email and / or fax for builder coordination. If responses are required sooner than ten business days, please coordinate a personal ARB Meeting with the ARB Representative (as previously noted) and attend the ARB Meeting in person for immediate response and / or make such a request in writing.

7. No project permitting or construction may be started without formal ARB review and approval. It is the sole responsibility of the applicant to insure compliance with all relevant building practices, zoning requirements, code permits, licensing requirements, etc. as noted in previous section.

8. Failure to comply with ARB requirements and approved plans and elevations, etc. may result in the required removal of any non-conforming construction, detailing, colors, etc.

9. Major additions often have an impact on neighboring property. Plans must be well thought out to minimize any adverse impact on neighboring properties. Changes in grade or drainage shall not adversely affect adjacent properties. Applicants shall consult with neighbors while making plans (See application).

10. The design shall be compatible in scale, massing, character, materials, and color with the original house. New windows and doors shall match, and be located to relate well with existing windows. The roof pitch shall be architecturally compatible the original roof.

11. Additions shall be located to minimize the removal of trees and the destruction of natural areas. The ARB may require supplemental landscape treatment to compensate for the removal of vegetation, or to soften the addition visually.

ARCHITECTURAL GUIDELINES

Architecture and Exterior Materials

1. Architectural diversity and stylistic integrity is very important to Eden View Acres. It is our goal to have a design influence of traditional to modern farmhouse styling. This detailing, along with other acceptable architectural styles helps achieve the diversity and classic older neighborhood features desired for the neighborhood. Each house style proposal will be reviewed on each specific merit and on a case by case basis. Detailed ARB reviews will be completed for each proposed house and lot.

2. In general, Eden View Acres is a custom neighborhood and as such the architecture and detailing shall reflect this level of quality. All elevations of a home shall reflect the same detailing and architecture as the street-facing elevation(s). For instance: Street-facing materials shall wrap corners as noted later in Guidelines. Likewise, If the street-facing elevations(s) have wide window and door trim and windows have muntins then so shall all other elevations. Corner lots and other highly visible lots as determined by the ARB (i.e. lots adjacent the main entrance, lots adjacent commons areas, etc.) may also require additional detailing due to such lots' high visibility and importance.

3. Same or similar elevations and color schemes (as determined by the ARB) on the same street will only be reviewed on a case by case basis.

4. Changes in exterior materials (siding and veneers) are allowed based on the following. Such veneers shall return to an inside corner and will be reviewed on case by case basis per the architecture and detailing of the house. There shall be no more than three material types and patterns used on the elevations of a home.

5. Shutters are allowed on architectural styles where appropriate and as approved by the ARB. Each shutter or set of shutters shall be proportioned such that, if operated, they would cover the window to which they relate. Appropriate shutter hardware including hinges, shutter dogs, etc. shall be used and mounted in correct positions relative to the window.

6. Windows may be all wood, or wood clad with vinyl, C-PVC or aluminum. When a historical architectural style is employed, the windows shall have simulated divided lites with muntin patterns consistent with the period the design seeks to emulate. When a more modern approach is desired, windows with no muntins, or patterns with less muntins will be considered by the ARB on a case-by-case basis.

7. Exposed concrete masonry units, along with Vinyl and aluminum in their various forms are not allowed as exterior siding. Pre-fabricated metal buildings are not allowed. Vinyl soffits and aluminum fascias may be considered by the ARB on a case by case basis.

8. Synthetic stone veneer, natural stone veneer, synthetic stucco and hard coat stucco are allowed where architecturally appropriate and on a case by case basis.
9. Masonry, stone veneer and/or true cement stucco on lath is required for all foundations, Exposed concrete masonry units and parged concrete block foundations are not allowed.

10. Cedar, redwood, cypress and other high grade wood siding and trim materials are most desirable. Cement fiber products, such as James Hardie and, Nichiha brand siding are also allowed.. Plywood / clapboard type siding will be considered on a case by case basis if appropriate to the architectural detailing of the house. All exterior siding shall be finished, painted, stained or otherwise protected from the elements of nature

11. Glass block is not allowed on architectural styles for which it was not historically utilized.

12. Framed / sided "chimneys" are only allowed on a case by case basis and as compatible with the proposed architecture of the house. Masonry and / or masonry veneered chimneys are encouraged. Direct vented units are allowed, however, they must be integrated into the architecture in a manner approved by the ARB. Flues for wood burning fireplaces and stoves shall include spark arrestors. Spark arrestors and chimney caps shall be appropriately proportioned and integrated into the design of the chimney and house. Flue pipes shall be concealed on all chimney caps unless an approved design feature.

13. A 12/12 roof pitch is strongly encouraged. Minimum overhangs shall be 1'-0" unless on dormers and as approved by the ARB on a case by case basis.

14. Roof top mechanical equipment and other roof penetrations must be so located to reduce or eliminate its visibility from streets, sidewalks of adjacent public and private properties and should be located on rear roof area and not visible from street. Any roof mounted equipment that changes the exterior of the roof must be approved by the ARB. Roof penetrations and equipment shall be painted to match the roof color.

15. Cantilevered bays and bay windows will be considered for approval on case by case basis. Foundations to grade are required below all bays unless approved otherwise.

16. Entrance doors shall be compatible with the house design. Door material shall be solid wood, fiberglass or metal insulated exterior. Screen or storm doors are allowed and shall be compatible with the design and color of the house. Screen and storm doors shall be full glass style.

17. Patio or pool enclosures are permitted as reviewed for approval by the ARB on a case by case basis. All detailing shall be consistent with the main house (i.e. match siding, trim and roof detailing, match colors, etc.).

18. No window or through wall air conditioning units will be allowed on elevations visible from the street or adjacent public properties and are subject to ARB approval on a case by case basis.

19. See the following sections for additional specific architectural recommendations.

Landscaping, Architect, and Builder Requirements

1. The following are requirements are for all lots. See Landscaping section for additional Landscape requirements.

2. A site specific layout of home with approach and placement shall be approved by the ARB.

3. Homes shall be designed specifically for the lot and for the client by an ARB approved registered architect.

4. There shall be a pre-approved list of architects and builders allowed on the project.

5. All lots will a have permeable surface requirements

Building Setbacks

1. Building setbacks and / or building envelopes are established for each lot by the local zoning ordinance in place at the time a home is constructed or an addition made thereto and as noted on recorded plat. Houses are to be located within the required building envelopes and consideration for preserving existing natural areas. Clearing existing trees between the street and the house is not allowed.

2. Regardless of setback requirements of the local zoning ordinance in effect at the time a home or addition to a home is permitted for construction, accessory buildings shall meet the same setback requirements as each lot specific house setback requirements. Accessory buildings shall be located in rear yards and within required setbacks.

3. No buildings shall be built in any easements, buffer areas, RCD, etc. without the approval of the ARB and municipal authorities(i.e. drives, walks, fences, play equipment, etc.). If such construction is allowed within such easements, it shall also be the owner's responsibility for cost and replacement of any damaged construction as a result of maintenance, upkeep, inspections, additional construction, etc. by others in such easements. Note additional requirements for landscape heights, etc. in sight triangles identified on the recorded neighborhood plat.

Square Footage Requirements

1. The minimum heated square footage for homes in Eden View Acres will be 1,500 SF and Auxiliary Dwelling Units (ADU's) with a maximum of 1,500SF. No house shall be more than three (3) stories in height above the basement foundation or crawl space floor system. No temporary structures are allowed except for the use of construction and during construction and / or as approved by the Developer / Owner and ARB and as noted in the covenants.

2. The minimum square footage does not include garages, covered walks or porches and unfinished spaces (attics and basements). Variances for minimum sizes may be granted by the

Developer / Owner if the site conditions present a hardship or as otherwise approved in writing. NOTE: All "finishable" floor area is counted as “heated” SF. Unfinished basements, walk-up attics and other unfinished spaces are not included in “finishable” floor area.

4. Confirm impervious surface limitations for the lot with community and local jurisdiction requirements.

Porches and Decks

1. Porches are recommended on all lots. Porches shall be functional and result in a minimum of 6’-0” clear floor space between the face of the house and the inside face of the porch column and / or handrail (whichever is most critical) Porch space that is used for circulation (i.e. stoops) only may be smaller and will be reviewed for approval on a case by case basis.

2. All stair risers, under-porch and under-deck spaces seen from the street shall be enclosed with siding, foundation walls or skirting that is at least 50% solid.

3. All exposed wood framing, trim, risers, stringers, etc. shall be painted or stained to match the home’s approved color scheme.

4. Decks and porches over 4’ above the adjacent grade shall be screened with Evergreen shrubs.

5. Thoughtful and stylistically appropriate porch column and handrail detailing is required.

6. Decking shall be #1 grade kiln dried after treatment (“KDAT”) Southern Yellow Pine, Ipe, or similar high grade natural material. Engineered synthetic composite products such as Trex, Fiberon, Azek, etc. are also allowed

Patios

1. Where grades allow, patios are strongly recommended in lieu of decks when impervious surface limitations do not limit such patio proposals.

2. All patios will be reviewed with respect to their visual impact on adjacent property.

3. Brick pavers, brick edges, textured concrete, detailed / patterned concrete surfaces and materials are required for all patios and walks.

Garages and Carports

1. As a minimum all homes must have an attached two car garage (three car garages recommended where possible and feasible). Specific lot owner vehicles should be parked within garages at all times in lieu of parking in drives, parking pad areas, street, etc. Elevations shall be designed to subordinate garages to the house.

2. A minimum of two of the garage bays shall be side loaded unless more than 3 bays are provided. In that case, for every 3rd bay, one of the bays may face the street if it is set back from the front line of the home and proportioned as subordinate to the related street and

sideyard elevation of the home. Projecting courtyard / side loaded garages which are located in front of the main body of house will be reviewed for approval only a case by case basis. Any and all variance garage approvals shall also include additional enhancements to the garage and garage doors including trellis, roof elements, upgraded garage doors with glass upper panels, etc. to de-emphasize the garage door impact on street.

3. Detached and rear load garages are allowed. Detached garages shall match the architectural detailing and colors of the main house. Rear load garages are especially encouraged on all corner lots and may be required in some cases. Detached garages shall be compatible with the primary building and visually subordinate to the main house.

4. All garages facing the street whereby it can be seen from the street shall have single car width doors. Double width garage doors are allowed only on side load garages or as approved by the ARB on a case-by-case basis. When a double door is approved by the ARB, additional architectural detailing is required including but not limited to an architectural style door with glass panels, roof or trellis element over door, recessed door opening, column elements adjacent garage door, etc. and shall have a two door appearance (i.e. hardware, glass panels, etc.). Single width garage doors where used shall be 9'-0" wide minimum.

5. Glass panes in upper garage door panels are suggested on all garage doors and are required on all corner lot / highly visible lot location garage doors.

6. Garages shall be designed and constructed properly for sufficient space for storage of vehicles and comfortable circulation around vehicles into the house. Steps, mechanical equipment, storage shelving, etc. shall not prohibit vehicle storage and circulation.

7. Garage finished floor elevations shall be coordinated with the other finished floor levels of the home to minimize the amount of siding and trim above the garage doors. Finished floor elevations on lots with moderate to severe topography shall be reviewed for approval on site by the ARB on a case by case basis prior to beginning construction. Additional architectural detailing may be required above garage doors in instances where additional exterior surface is visible above garage doors due to specific challenges of topography.

Storage and Accessory Buildings

1. Detached or attached storage and other accessory buildings (i.e. garden sheds, play houses, etc.) are allowed and shall be located within the rear yards and the required building setbacks and reviewed for approval by the ARB only on a case by case basis. Detached storage and accessory buildings shall not exceed 150 SF unless otherwise approved by the ARB. All detached buildings shall be finished to match the main house materials, detailing and colors.

2. Detached structures are not allowed in front or side yards and locations which obstruct the view of public commons areas and other natural areas by adjacent properties.

Exterior Material Colors

1. The exterior colors should be earth tone in nature and no "bright" colors are allowed without the approval by the ARB. One color scheme must be selected and submitted to the ARB on the provided Color Selection Form (at rear of Guidelines) for review and approval prior to finishing and painting of the house. In case of conflict with existing homes, another color choice may be required for ARB review and approval. Review the permanent files and adjacent existing house colors for color coordination and prevention of color duplication prior to submittal.

2. Paint colors, other than Sherwin Williams colors, shall be submitted with color chip samples (minimum 1" square in size and larger samples may be required) for ARB review, approval and record. Provide a color brochure sheet for all brick, stone, other veneers, roof, special door and window colors, etc. proposals for ARB review, approval and record.

3. Colors should be submitted with the original house submittal to best assure your first choice selection. Note: Color selection approval based on a first-come first-serve basis.

4. Various exterior colors are encouraged on the same house and where appropriate with the architectural style of the house (i.e. siding, siding in gable ends, dormers, doors, shutters, window sashes, etc.).

5. Brick colors should be in the red, brown and grey range and shall be submitted for preliminary ARB review and approval prior to proceeding with formal lot submittals / proposals. Other brick colors will be reviewed for approval by the ARB only on a case-by-case basis. Painted brick is allowed. Stone veneers are allowed as previously noted. Provide a color brochure sheet for all brick / stone / other veneers proposals for ARB review, approval and record.

6. Garage doors shall be painted to minimize their impact on the streetscape. The garage door color shall be designated / requested on the Color Selection Form.

7. Wood fences shall be painted or stained as required to either match the house trim or other accent color or darker stain color as compatible with house colors and as reviewed for approval by the ARB.

8. Asphalt shingles (three dimensional style, 25 year or better), cedar shakes, slate, synthetic slate and standing seam metal roof materials are allowed. The color and texture shall be consistent with the house's design and detailing. Shingle colors shall be submitted to the ARB for review and approval prior to beginning construction. Provide a color brochure sheet for all roofing material proposals for ARB review, approval and record. Roof flashing shall be copper or may be anodized aluminum matching the home's color scheme.

9. All roof mounted equipment and penetrations (i.e. plumbing vents, HVAC vents, ridge vents, skylights, attic fans, etc.) shall be painted or finished to match the roof color.

10. Gutters and downspouts should be copper and / or aluminum and shall be painted to match the color of the adjacent trim, wall, column, accent color, etc.

11. Electric panels, meter bases, conduit, etc. should be located where least visible from streets, adjacent property owners / lots and commons spaces and should be painted to match the exterior adjacent color of the house.

Walls and Fences

1. Fencing to establish privacy is not allowed. Fencing to restrict the movement of children or pets to or from their property is allowed, though Careful consideration shall be given to any fencing concept and execution. The use of landscaping and plant material or combinations of plants and short segments of fencing, or fencing hidden in plant material shall be required. Fencing is only allowed in rear yards (front and side yard fencing not allowed) and shall be a visual extension of a building, relating to the materials, colors, and architectural style of the home. All fencing proposals will be reviewed for approval by the ARB on a case-by-case basis.

2. Fence heights shall not exceed 6'-0" (less if required by local ordinance).

3. Fences shall not project in front of the rear edge of house (may be closer to front of house to enclose service doors, etc. on a case by case basis). Fences taller than 4' in rear side yards of corner lots shall not project any closer to street than the face of the house or a major element (i.e. porch, deck, etc.) or as approved by the ARB on a case-by-case basis.

4. Fencing finished on only one side must be constructed with the finished side facing out.

5. Pool enclosures, related to children's safety or other reasons, shall be subject to consideration by the ARB on an individual basis with heights / details as required by applicable codes.

6. Building a fence that infringes on all easements, buffers, or access of right-of-ways may result in destruction or removal of fence at the owner's expense.

7. Fences shall be constructed inside the property line and lawn and landscaping space maintained by that property owner to their respective property line.

8. Existing fences within 1 foot of a property line and parallel to a newly desired fence shall be used as that border unless the new fence is separated from the existing by at least 5 feet to facilitate maintaining the area between the fences.

9. Existing topography, drainage, and landscaping shall not be disturbed for the construction of a fence except with the approval of the ARB. All fencing and site improvements shall not impede storm water flow or affect such flow from and to adjacent properties. Wherever possible, fences should be located so that trees do not have to be removed.

10. Black aluminum or other metal type open picket fences are acceptable / strongly encouraged in lieu of other material and solid type fencing. Wood fencing is allowed if

constructed from a high grade of lumber, with decorative capitals. Masonry and any combination of wood, metal, horizontal rail, etc. fencing is also allowed. Chain-link and other roll wire type fencing is not allowed. Deer fencing, black in color and exceeding standard maximum fence height) may be considered on a case by case basis by the ARB.

11. All fence details and locations must be reviewed for approval by the ARB on a lot-by-lot and case-by-case basis prior to beginning any such fence installation.

Driveways and Walkways

1. Driveways and vehicle parking pads shall be paved with a minimally permeable surface design unless otherwise approved by the ARB. Close attention must be paid to driveway, garage, carport, etc. placement, setbacks and encroachment onto buffer areas, association owned common property and neighboring lots.

2. Provide a standard stone headwall detail at all drive entries as required and noted on the landscape requirements. The standard headwall detail shall be provided by the developer.

3. Note there may be additional drive restrictions per each specific lot location in regard to specific house plan / garage placement, three car garage drives, etc. and landscape plan reviews and requirements.

4. Additional driveways will not be permitted for parking purposes except in front of the garage or as approved by the ARB on a case-by-case basis

5. Divided "Carolina" type driveways are strongly encouraged on longer runs of drives and to give visual relief to longer driveways and provide permeable surface treatment as a priority. “Carolina” drives should begin and end with fully paved areas to allow required turning radius to avoid driving on center sod strip.

6. Parking will not be permitted on areas where the subdivision’s drainage flow may be interrupted.

7. Walkways (minimum of 36" in width) shall be provided from the front door to the street and/or or a guest parking area. Walks shall be constructed of cast-in-place concrete, stamped concrete, brick pavers, concrete pavers or stone. Patterns or alternate paving surfaces may be approved if they are in keeping with the materials of the principal structure and design detailing.

Exterior Lighting

1. Site lighting shall be low intensity warm white light, as noted and on the landscape requirements. and when used, should be used to accent entrances, landscaping and / or special features (maximum 30” in height). Overall high levels of light are not desired, or may not be allowed by the Orange County Dark Sky ordinance. Intensity should be no greater than required for pedestrian safety and as accent on landscape plantings or buildings.

2. Exterior lighting shall be shielded from adjacent properties, streets and commons areas (i.e. light source shall not be visible and all lighting shall be indirect, recessed, etc. type fixtures). Exterior lighting fixtures shall be proportioned per the scale of use and coordinated with the architectural style of the house.

3. Colored lighting is not allowed.

4. Post lights are allowed and shall be approved on a case by case basis prior to installation.

5. Holiday lighting and decorations are only allowed from November 15 to January 15. Lighting shall be tasteful as defined by the ARB. Wreaths with accent lighting are acceptable within the preceding requirements. Other symbols and religious icons, decorations, dates, etc. shall be reviewed and approved on a case by case basis.

Dog Houses

1. Dogs and other pets (as defined in the neighborhood ordinances and per local authorities and laws) shall be contained within the specific dwelling units. However, dog houses are allowed and will be reviewed for approval on a case by case basis. If such pets become a nuisance due to but not limited to noise, odor, etc., then neighborhood covenants, local ordinances and laws, etc. will take affect as required.

2. Such structures shall be located in the rear yard, centered as much as possible on house, within the building setback and be located so as not to be obtrusive. They shall be built and painted to blend with their immediate surroundings.

3. Landscaping may be required to soften the structure visually.

4.

Play Equipment and Recreation Courts

1. Play equipment, play houses, etc. shall be placed in rear yards or ot of site of the common roadway and within the building setbacks. Consideration should be given to lot size, equipment size, material, design, amount of visual screening, and relationship to neighboring property. Play equipment and play houses shall be screened with landscaping and reviewed for approval by the ARB.

2. Equipment constructed from natural materials (wood) is strongly encouraged. Painted metal play equipment, not including wearing surfaces (e.g. slides, sliding poles, and climbing rungs) shall be painted dark green or brown to blend with natural areas.

3. Play houses and tree houses shall be in scale with the size of the yard and existing buildings

4. In ground swimming pools are allowed and will be reviewed for approval on a case by case basis. Hot tubs and spas are also allowed. Such pools, hot tubs, spas, etc. shall be located in rear yards only and within the building setbacks Pools shall comply with all local, state,

etc. safety codes and requirements. Above-ground swimming pools are not allowed.

5. Permanent and / or mobile basketball goals (and other similar equipment) are allowed in rear or side yards only and are not allowed to be mounted on the front of the house, street elevations of corner lots and / or located in yards where highly visible from the street or public areas. Mobile basketball goals are not allowed near to or highly visible from any street. Basketball goals are allowed in rear yards and deep side yard side / rear load drive areas if not highly visible from the street or public areas. Basketball goals shall be a minimum of 10' from property lines. Posts shall be black or dark green in color and shall have clear plexiglass type backboards. Lighting fixtures attached to goal posts and backboards are not allowed. All basketball goals will be reviewed for approval by the ARB on a case-by-case basis.

6. Basketball, tennis and similar sports courts are allowed only in rear yards and as approved by the ARB. Such courts shall be within building setbacks and shall have additional landscape screening around perimeter. Fencing is allowed around such courts a maximum of 10' in height (per covenants and only exception for fencing above 6' in height) and as approved by the ARB. Night lighting is not recommended, however, is allowed per lighting requirements (shielded with no direct view of light source from adjacent properties, street, etc.) and low intensity lighting and as only approved by the ARB. Court material may be any material also allowed for drives and walks as previously noted.

Retaining and Screen Walls

1. Retaining walls shall be unobtrusive as possible and built to the minimum height needed to serve their function. Materials may be brick, natural stone, square corner timbers, or concrete (earth tone colors), depending on location and contextual relationship. Retaining walls shall be a minimum of 5' from property lines or only as approved by the ARB on a case by case basis.

2. The ends of retaining walls should be tapered into the ground rather than abruptly ending in space. If the height of the wall requires a railing to comply with building codes, then evergreen landscaping shall be required at the base of the wall.

3. Landscaping will usually be required to soften the visual impact of retaining walls, screen walls, and other exposed structures depending on the final detail, heights, etc. of such retaining and screen walls.

4. All garbage and recycling containment and receptacles shall be located inside the house or garage, behind the house or screened from view. Such screen walls and enclosures shall match the architectural detailing and colors of the house. Such screens shall be a minimum of 6" taller than the tallest receptacle. Landscape screening is also required around such screen walls. Garbage and recycling receptacles may remain outside near street as required for pick-up, however, they shall be returned to their concealed locations at the end of such days. .

Tree Removal

1. No existing live ornamental trees (e.g. holly, dogwood, redbud) may be removed without specific ARB written approval. No existing live deciduous or evergreen trees the trunks of which are five inches or more in diameter may be removed without specific ARB written approval. Trees may be removed for appropriate sized yards as approved by the ARB. It is required to have as much natural vegetation left as is possible.

2. Removal of live trees will be approved if their continued existence would be detrimental. In many cases, the ARB may require replacements. "Detrimental" conditions include physical intrusion by trees, roots, and branches on buildings or other structures in a way that could cause damage, excessive shade, or could block paths and sight lines from vehicles. Overgrowth may also be considered detrimental.

3. Trees and / or other landscaping that has been damaged by storms (or other events), dead or diseased, etc. may be removed without ARB submittal, review and approval.

Awnings

1. Awnings may be appropriate for rear or side-yard patios and decks, or even exposed rear entrances and will be reviewed for approval on a case by case basis. Awnings are not allowed on front elevations.

2. Awnings must be consistent with the architectural style and scale of the house. The color of the fabric must be compatible with the existing house colors. Any exposed frames must be painted to match the trim or the dominant color of the house.

Satellite Dishes

1. Provide specifications on size and color of dish and proposed location. The ARB reserves the right to deny the request if it is determined that the location of the dish would make it unsightly from the street and if another functioning acceptable location is available. Dishes larger than 1 meter in diameter are not allowed. Dishes should be painted to match house color as determined by the ARB. Landscape screening is required around ground mounted dishes where visible from street or public areas.

2. Other antennas are not allowed except as reviewed for approval on a case by case basis if they will be located on the rear of house and not visible from street.

Solar Equipment

1. Solar equipment and panels are allowed. All solar collectors and other equipment require ARB approval on a case by case basis.

2. A drawing showing location of the unit on the roof showing visibility from streets and neighboring lots must be submitted to the ARB. Solar collectors shall be located as inconspicuously as possible. Whenever possible, collectors should be placed on the rear of the home or on the side that has the least public exposure. Collectors should be attached

only to the roof, not free standing or ground mounted. Every effort must be taken to camouflage the plumbing and supports for the collectors. All metal parts should be painted to match the roof color. There should be a minimum exposure of piping with no piping running down the side of the dwelling. The ideal installation is one that is laid flat on the roof.

3. Any tree removal required to permit increased solar exposure to the collectors must adhere to the tree removal guidelines. No topping or removal of trees on association common areas shall be allowed.

Rain Barrels

1. Rain barrels are allowed per the following requirements and are reviewed and approved by the ARB on a case by case basis.

2. Rain barrels are allowed per home unless approved objected to.

3. Rain barrels may be black, dark green, or brown / terra cotta in color and as coordinated with the house architecture, exterior materials and colors. They must be made of either plastic or wood (metal containers are not allowed).

4. Rain barrels must be placed or installed at the rear of the dwelling, or on the side of the dwelling as long as the barrels are not visible from the street. Under no circumstances are rain barrels permitted on the front of the dwelling.

5. Mosquito control shall be exercised by design or by screening to eliminate any mosquito breeding.

Landscaping and Site Development

1. General: A Landscape Plan is required for each specific lot and may be delayed and submitted to the ARB for review and approval at least 30 days prior to landscape installation (per previous ARB procedures and requirements section). All landscaping shall be in accordance with the requirements of Orange County requirements and these Guidelines. Nothing herein shall be construed to be less than nor to reduce the requirements. In particular, streetscape and buffer requirements shall be adhered to. Note also that the developer / declarant and ARB will initially and periodically review the initial and additional landscape installations of the builders to insure landscaping is meeting the goals of the developer / declarant and community. Such deficient landscaping as determined by the developer / declarant and / or ARB will be required to be replaced and / or upgraded.

2. Landscape design should be integrated into the design of the home, from its inception. The use and preservation of native and naturalized landscape materials is strongly encouraged. Planting plans should strive to have as strong an impact as possible at the time of installation. New planting compositions should employ simple plant massing and a limited palette of plant types in order to build unity and cohesiveness in the design.

3. The ARB requires additional landscaping to create a connection to the street. This connection will be an integration of the natural street plantings with the type of landscaping style desired by each homeowner. For example, the streetscape of deer resistant shrubs and grasses can also be reflected in the front and backyard planting style. If a more formal planting approach is desired for the landscaping next to the house, there should be a buffer area where the natural feeling of the street plantings is transitioned into the more formal style of the home. The desired location of and type of plantings along the street will be shown on a concept plan provided by the developer adequate screening and privacy from the street and adjacent lots and most specifically areas such as but not limited to drives and walks, decks, patios, mechanical and electrical equipment, etc.

4. The paving and drainage design, drainage easements, etc., shall not be altered in any way without the expressed written requests and written approval from the Developer / Owner and Chatham County (when required). Homebuilders and homeowners shall refer to the recorded and other site development drawings for all additional information and requirements including but not limited to storm water drainage and easements, sewer easements, buffers, flood plains, RCD areas, building setbacks, other specific lot requirements, etc.

5. Buildings and landscape material shall be placed on the site so the maximum number of desirable trees and other natural features are preserved. The site shall be finish graded for positive drainage away from house and accessory buildings to prevent ponding or soil erosion on the site or adjacent properties.

6. Irrigation is required on the front lawns and to the edge of the street on each lot by the homeowner. The location of spray heads along the street edge will be shown on a concept plan provided by the developer. Individual lawn sprays and shrub/groundcover drip systems for the total property are the responsibility of each homeowner.

7. Encroachment Permits are required by Orange County for irrigation systems located in the public R/W. Irrigation coverage of front yards and corner street side yards are only required if fescue sod is proposed and installed (see below for additional requirements if warm weather grasses are used and irrigation is not used) and all yard areas are encouraged to be irrigated. The irrigation system shall be permitted by and constructed to Chatham County Standards. The irrigation system shall be automatically controlled by a time clock. Pop-up sprinklers or drip system shall be used. No permanent risers shall be allowed. An irrigation plan should be submitted on the landscape plan for record. All head locations, pipe sizes, valve locations shall be shown. All equipment shall be identified on the plan.

8. Landscape lighting shall be low intensity with a warm white color, and when used, should be used to accent entrances and special features. Overall high levels of light are not desired, or allowed. Intensity should be no greater than required for pedestrian safety, other than as accent on landscape plantings or buildings. Exterior lighting shall be shielded from adjacent properties.

9. Rear decks that are visible from the street or adjacent lots as determined by the ARB must be underpinned with horizontal or diagonal lattice and / or landscaped for screening. Evergreen shrubs are also required for decks 4’-0” or more above grade (when visible from streets).

10. Included below is a list of the minimum amount of landscape material required for each lot. Many situations will require additional large evergreen shrubs to soften the impact of blank walks and / or garage entries. Evergreen shrubs may also be required to create privacy between homes. Additional landscaping may also be required on a case by case basis on corner lots, highly visible lots, etc.

11. Any plant material that dies or becomes unsightly after installation will be replaced by approved plants within 30 days of notification by the developer / declarant and / or ARB.

12. Landscape screening shall be provided for all service areas, electric and gas meters, HVAC equipment, utility boxes or as otherwise specified and directed by the ARB. Screening shall consist of one or more of the following methods: A planting screen consisting of a minimum of two staggered rows of evergreen shrubs with a minimum height of four feet at the time of installation and spacing that will form and effective visual screen or a wall or fence of a material specifically approved by the ARB.

13. No fence, wall, hedge, shrub planting or grades, which may obstruct vehicular sight distance, shall be permitted at any driveway turnout or intersection. No fence, wall, hedge, shrub or trees may be planted on any street right of way except as approved by Chatham County, developer / declarant and / or ARB.

14. Permanent exterior clotheslines are allowed.

15. Lawn ornaments and yard art, including but not limited to, flags (limited to one house wall or column mounted flag, no in ground flagpoles allowed), lantern poles, flood lights, security lights, fishponds, bird baths, etc. also require approval of the ARB and on a case by case basis. Items not requiring approval of the ARB include holiday decorations, for sale / for rent signage, garage / yard sale signage and political campaign signs provided that such signs are in accordance with standards set forth by the Covenants, developer / declarant / ARB and Chatham County. On the items which don't require approval, the ARB reserves the right to request a homeowner to remove an item if surrounding homeowners complain and if, upon inspection, the ARB considers the item unsightly or a nuisance. Holiday decorations shall be removed per requirements of the Covenants or a maximum of 7 days after such holiday season has ended.

16. Emergency generators are allowed but shall be located in rear yards, screened and require ARB review and approval on a case by case basis.

Minimum Landscape Requirements

(Including final Orange County approved requirements)

The following shrubs are an example of landscape plants that can be used to enhance your property. However, many of these are not deer resistant and need to be protected by fencing to be most effective. The developer will enclose a further list of trees, shrubs, groundcover, grasses, and other plantings that are less susceptible to deer related damage. However, the following size and spacing suggestions should be followed.

Foundation Shrubs-Low Growing
12 minimum (more if required and determined by the ARB), 18”-24”, 30” o.c. max., Azalea, Laurel, Holley, Boxwood, Hawthorn, Abelia, Euonymus, Dwarf Buford, Nandina, etc.

Foundation: Accent Shrubs-Medium Growing
8 minimum (more if required and determined by the ARB), 3’-4’, 5’-0” o.c. max., Holly Boxwood, Acuba, Camella, Ligustrum, screen is Cleyera, Elaegnus, Juniper,Wax Myrtle, Ogmanthus, Pyracantha, etc.

Large Evergreen Screen or Accent
2 minimum, 7’-8’, 8’-0” to -10’-0” o.c., Magnolia, Wax Myrtle, Ligustrum, Osmanthus, Pines, Pyracantha, Viburum, etc.

Flowering Accent Shrubs
4 minimum, 24”-30”, Quince, Hydrangea, Jasmine, Rhododendron, Rose, Spirea, Azelea, Camellia, Forsythia, etc.

Flowering or Accent Tree
1 minimum, 1.5”-2” (7’ to 8’ minimum), Dogwood, Plum, Cherry, Serviceberry, Redbud, Japanese Maple, etc.

Street Tree
1, 2.5”-3”, Placement to be determined by the Developer / Owner.

1. Provide two 6” Caliper trees planted 15’ to 35’ from the edge of road asphalt. The goal is to bring the forest line closer to the road, and to break the edge of the natural flora as it undulates towards and away from the road breaking the hard edge of the road and its right-of-way.

2. Light bulbs / light source should not be directly visible from the street or from the neighbor’s homes. Use reflective lighting.

3. There shall be up lighting on the two 6” caliper trees (as noted in item 1. above) and additional landscape lights totaling a minimum of 10 landscape lights. These lights can be used to light the home from the ground up but using no more than half in that manner. The bulb’s color and wattage will be specified by the developer and / or ARB. The landscape lights shall be designed to allow reflective lighting illuminating the road from each home for walking down the road at night and for overall ambiance of our neighborhood.

4. All trees over an 8” caliper and all rock outcroppings shall be surveyed and noted on the site plan.

5. All trees over an 8” caliper shall not be removed without the approval of the ARB.

6. Provide two 6” Caliper trees planted 15’ to 35’ from the road asphalt (also with section 1 and 2 required as previously noted).

Construction Maintenance and Miscellaneous

1. During construction, all debris shall be placed in a single location on the lot of the construction site only. The debris shall be contained by some type of barrier (e.g. wire fencing) to assist in keeping the debris from being scattered.

2. Weekly (Fridays required) and after construction is completed there shall be no debris or trash of any kind remaining on any lot, on sidewalks or streets contiguous thereto and no excess building material, storage shed or trash shall remain on such a lot. Storage of any building materials, equipment, etc. is not allowed on any sidewalk or street. It is hereby made the duty of the homebuilder or his agent, or the homeowner, to remove or cause to be removed any and all of the above debris within 72 hours of notification by the developer / declarant and / or ARB. Failure to comply with the request will cause removal of the debris by action of the Eden View Acres Property Owners' Association and all related costs will be charged to the homebuilder or the homeowner.

3. During construction, all streets shall be kept clean of mud and trash and all broken curb or paving shall be promptly repaired.

4. It is the primary responsibility of each homeowner to maintain his property in a way that it does not detract from the overall beauty of the community. Following is a list of areas that should be reviewed on a regular basis to ensure that your home is in good repair:

    a. Landscaping (shrubbery, trees, lawns, etc.)
    b. Driveways and sidewalks
    c. Decks
    d. Fences
    e. Play equipment
    f. Roofing
    g. Wood
    h. Paint and stain
    i. Garbage can storage

5. If at any time the developer / declarant and / or ARB or the Property Owners' Association is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, representatives of the developer / declarant / Association will make a site inspection. Based on the severity of the deterioration, the homeowner will be given a specified length of time to make the necessary repairs. If after that time, the repairs have still not been made, the developer / declarant / Association may be forced to take more strenuous action per the Covenants and all related costs will be charged to the homebuilder or the homeowner.

6. There are many changes and additions that property owners can make to their property. The ones described in these Guidelines are the most common. If the proposed project is not included in the Guidelines, refer to the one that is closest in concept to your project and use it as a guide for preparing an application to the ARB.

7. Most of all, in all that is proposed, consider the neighbors and neighborhood to provide the best aesthetic and quality project possible.

EDEN VIEW ACRES

ARB SUBMITTAL CHECKLIST

BUILDER SUBMITTAL FORM

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL INFORMATION IS INCLUDED
Submit completed ARB Submittal Checklist and required information to ARB for ARB review and approval prior to proceeding with any permitting or construction as required.

Builder / Homeowner Name_____ **Lot No.**_____
Plan Name_____ **Date Submitted**_____
Street Address_____

Site Plan (8-1/2" x 11")

- ☐ Scale
- ☐ Setbacks and easements
- ☐ Building footprint and finished floor elevation
- ☐ Clearing limits not to exceed necessary construction zone (indicate on plan)
- ☐ Water meter & sewer locations (from field observation)
- ☐ Driveway (include any special materials) and finished elevation at street
- ☐ Decks and patios
- ☐ Walkways, etc.
- ☐ Fencing and retaining walls (including fence detail if proposed)
- ☐ Service areas (include method of screening)
- ☐ Accessory buildings (if any)
- ☐ Pool and pool surround and required fencing
- ☐ Impervious square footage (per local requirements for record)

Landscaping Plan (11" x 17" minimum)

- ☐ A Landscaping Plan is required for each specific lot submittal and / or as approved per landscape designer / architect representative and the Eden View Acres Guidelines' requirements.

Architectural Plans (8-1/2" x 11")

- ☐ Floor plans with finishable square footage (within limits)
- ☐ Front, sides & rear elevations (with material indications)
- ☐ Special details (porch railings, columns, etc.)

Colors and Materials

- ☐ Color Selection Form must be attached

Reviewing is only for conformance with the Eden View Acres Architectural Guidelines. The builder / owner is responsible for compliance with the Eden View Acres Architectural Guidelines, Covenants, local and other ordinances and other applicable codes, regulations, etc.

☐ **Approved** ☐ **Approved as Noted** ☐ **Not Approved** ☐ **Resubmit**

_____ _____
Reviewed By **Date**
Eden View Acres ARB Representative

EDEN VIEW ACRES

COLOR SELECTION FORM

May 2018 Note: Submit completed ARB Color Selection Form and required information to ARB for ARB review and approval prior to proceeding with any exterior finishing, painting, etc. as required.

Builder / Homeowner Name_____ **Lot No.**_____
Plan Name_____ **Date Submitted**_____
Street Address_____

All exterior colors must be selected and submitted to the Eden View Acres Architectural Review Board (ARB) for review and approval prior to painting / finishing house. In case of conflict with existing homes, another color choice may be required for ARB review and approval. Review the permanent files and adjacent house colors for color coordination and prevention of color duplication prior to submittal. Provide material manufacturer, product / model name, color name, color number, etc. as required for each material and color to best indicate / identify such material and color. Paint colors other than Sherwin Williams colors and other manufacturers that the ARB architect has easily available for reference shall be submitted with color chip samples (minimum 1" square in size and larger samples may be required) for ARB review, approval and record. Color brochure sheet for all brick, stone, other veneers, roof, special door and window colors, etc. proposals may also be requested / required for ARB review, approval and record. All exterior materials and colors should be submitted with the original house submittal to best assure your first choice selection. Note: Color selection approval based on a first-come first-serve basis. See the Guidelines for other specific exterior material and color requirements.

Brick_____ Stone_____

Siding_____ Trim_____

Shakes_____ Board and Batten_____

Front Door_____ Garage Door_____

Windows_____ Shutters_____

Roof_____ Fencing_____

Other (Accent areas, accessory buildings, etc.)_____

Reviewing is only for conformance with the Eden View Acres Architectural Guidelines. The builder / owner is responsible for compliance with the Eden View Acres Architectural Guidelines, Covenants, local and other ordinances and other applicable codes, regulations, etc.

☐ **Approved** ☐ **Approved as Noted** ☐ **Not Approved** ☐ **Resubmit**

_____ _____
Reviewed By **Date**
Eden View Acres ARB Representative

EDEN VIEW ACRES

ARB ALTERATIONS AND ADDITIONS SUBMITTAL CHECKLIST

HOMEOWNER SUBMITTAL FORM

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL INFORMATION IS INCLUDED
MaSubmit completed ARB Alterations and Additions Submittal Checklist and required information to ARB for ARB review and approval prior to proceeding with any additions and alterations project permitting or construction as required.

Builder / Homeowner Name_____ **Date Submitted**_____
Street Address_____ **Lot No.**_____
Telephone Numbers – Home:_____ **Work:**_____

Site Plan as required (8-1/2" x 11")

- ☐ Setbacks and easements
- ☐ Existing house and additions footprint and finished floor elevation(s)
- ☐ Driveway and parking improvements / additions
- ☐ Deck, patio, walkway, etc. improvements / additions
- ☐ Fencing and retaining walls (including fence details) improvements / additions
- ☐ Accessory outbuilding improvements / additions
- ☐ Pool and its pool surround and required fencing
- ☐ Other site improvements / additions as required
- ☐ Impervious square footage (per local requirements for record)
- ☐ Removal of Trees over 6" in diameter

Landscaping Plan as required (11" x 17" minimum)

- ☐ A Landscaping Plan is required for any landscape improvements other than for maintenance purposes and / or as approved per landscape designer / architect representative and the Eden View Acres Guidelines' requirements.

Architectural Plans as required (8-1/2" x 11")

- ☐ Floor plans with square footage of improvements / additions
- ☐ Front, sides & rear elevations (with material indications)
- ☐ Special details (porch railings, columns, etc.)
- ☐ Color Selection Form must be attached

Neighbor Notification

- ☐ Notification (for information purposes only and not for their "approval") of all adjacent neighbors or would reasonably view the improvement from their property required (indicate names of neighbors contacted on back)

Reviewing is only for conformance with the Eden View Acres Architectural Guidelines. The builder / owner is responsible for compliance with the Eden View Acres Architectural Guidelines, Covenants, local and other ordinances and other applicable codes, regulations, etc.

☐ **Approved** ☐ **Approved as Noted** ☐ **Not Approved** ☐ **Resubmit**

_____ _____
Reviewed By **Date**
Eden View Acres ARB Representative

EDEN VIEW ACRES

LANDSCAPE SUBMITTAL CHECKLIST

BUILDER SUBMITTAL FORM

NO SUBMITTAL WILL BE REVIEWED UNLESS ALL INFORMATION IS INCLUDED Submit completed Landscape Submittal Checklist and required information to ARB for ARB review and approval prior to proceeding with any permitting or construction as required.

Builder / Homeowner Name_____ **Lot No.**_____
Plan Name_____ **Date Submitted**_____
Street Address_____

Landscaping Plan (11" x 17" minimum)

- ☐ Scale , North arrow, Property Lines
- ☐ Setbacks and easements
- ☐ Building footprint including windows and doors
- ☐ Clearing limits not to exceed necessary construction zone (indicate on plan)
- ☐ Water meter & sewer locations (from field observation)
- ☐ Type of turf proposed and any required buffer beds or edging
- ☐ Driveway, Decks and patios
- ☐ Walkways (include 3' walkway to street sidewalk where required / suggested), etc.
- ☐ Fencing and retaining walls (including fence detail if proposed)
- ☐ Service areas (include method of screening) and Accessory buildings (if any)
- ☐ All proposed plant material shown and labeled
- ☐ Plant list with key and size of each plant
- ☐ Impervious square footage (per local requirements for record)

Partial List of crucial Landscape design elements to include on Landscape Plan:
(Please refer to Architectural Guidelines for complete Guideline information)

- ☐ Minimum two 6" caliper street trees in front per lot requirements
- ☐ HVAC and all mechanical equipment and service areas are screened
- ☐ Screening of blank walls, garage entries and property lines that are bare between adjacent lots
- ☐ Additional landscaping if lot backs up to road, is on a corner, near clubhouse or highly visible rear decks have lattice or plants when visible from road and neighbors

Reviewing is only for conformance with the Eden View Acres Architectural Guidelines. The builder / owner is responsible for compliance with the Eden View Acres Architectural Guidelines, Covenants, local and other ordinances and other applicable codes, regulations, etc.

☐ **Approved** ☐ **Approved as Noted** ☐ **Not Approved** ☐ **Resubmit**

_____ _____
Reviewed By **Date**
Eden View Acres ARB Representative

EDEN VIEW ACRES

CERTIFICATE OF COMPLIANCE

This form is to be completed and submitted to the ARB by the lot specific Builder / Owner and signifies an official request for the final ARB review and approval of construction and landscaping. Please submit this form a minimum of 14 days prior to final construction completion and / or prior to homeowner closing / occupancy of house for ARB on site review and approval. The ARB review is to be expedited only on an as needed case by case basis.

Builder / Owner Name_____ **Lot No.**_____
Street Address_____

BUILDER / OWNER CERTIFICATION

I have reviewed and verified that all construction, site work and landscaping is completed per the original reviewed / approved ARB Submittal and as set forth in the Guidelines and hereby request the ARB site visit and final post construction certification. Attached to this application are any incomplete items for ARB reference at time of site inspection. It is our understanding that all such non-compliance issues (house as well as landscaping) found during the ARB on-site inspection review shall be communicated to the homeowner and it is the builder's and homeowner's total responsibility to complete such non-compliance issues as follows: Builder shall not close on the house / lot without first either, (1) Bringing all such issues into compliance as required prior to closing and obtaining approved Certificate of Compliance from the Developer / Owner / ARB, (2) disclosing any non-compliance items to the homeowner in writing specifying the time period for which such issues will be corrected and obtaining homeowner's signature acknowledging that such items are outstanding and agreeing to such time period for correction. (If builder elects this clause, the builder shall provide a signed copy of the homeowner's acknowledgement to Developer / Owner / ARB for approval prior to closing of such property and final Certificate of Compliance will be issued after completion of such issues / after closing of property.)

Signature of Builder / Owner_____ **Date**_____

The ARB has visited the site, has completed the Final Construction Inspection Review and hereby certifies the building and site improvements (as noted) to be in compliance with the original reviewed / approved ARB Submittal and Guidelines with any review comments as noted on attached Post Construction Summary.

The Certificate of Compliance is provided by the ARB for the purposes of documenting (1) aesthetic qualities, (2) compliance with the original ARB Submittal and (3) compliance with the Guidelines. The Builder / Owner is fully responsible for compliance with all other Eden View Acres Covenants, applicable state and local building and zoning codes, regulations, ordinances, etc.

- ☐ **Approved**
- ☐ **Approved as Noted / Re-Submit (See attached comments for completion and DRC review and approval prior to occupying / closing the property and receiving the final approved Certificate of Compliance.)**

_____ _____
Reviewed By **Date**
EDEN VIEW ACRES ARB Representative

STATE OF NORTH CAROLINA
DECLARATION OF COVENANTS,
COUNTY OF ORANGE **CONDITIONS AND RESTRICTIONS**
FOR EDEN VIEW ACRES

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") is made this _____ day of _____, 2023, by **Dairyland Farm, LLC**, a North Carolina limited liability company (the "Declarant). All capitalized terms used herein shall have the meanings set forth in Article I or elsewhere in this Declaration.

W I T N E S S E T H:

Declarant owns that certain real property located in Chatham County, North Carolina, and more particularly described on Exhibit A attached hereto and incorporated hereby by reference (the "Property"), which Property is being developed by Declarant as a residential community known as "Eden View Acres."

Declarant desires to establish through these covenants a healthy environment for the community to be developed on the Property, along with a uniform theme of development, and to these ends desires to subject the Property to the easements, covenants, conditions, restrictions, charges and liens hereinafter set forth and/or described.

This Declaration creates a planned community under the North Carolina Planned Community Act (N.C. Gen. Stat. Chap. 47F).

NOW, THEREFORE, Declarant hereby subjects the Property to the easements, covenants, conditions, restrictions, charges and liens hereinafter set forth and hereby declares that (subject to certain rights of amendment, as hereinafter described) all of the Property shall be held, sold and conveyed subject to such easements, covenants, conditions, restrictions, charges and liens, all of which are for the purpose of protecting the value, desirability and attractiveness of the Project. Subject to the above-described amendment rights of Declarant, such easements, covenants, conditions, restrictions, charges and liens shall run with the Property and be binding on all parties having or acquiring any right, title or interest in the Property, or any part thereof and shall inure to the benefit of each owner of the Property or any part thereof.

Article I

DEFINITIONS

Section 1.

"Act" shall mean and refer to the North Carolina Planned Community Act, Chapter 47F, North Carolina General Statutes, as same may be amended from time to time.

"Additional Declaration" shall mean and refer to any Declaration of Covenants, Conditions and Restrictions filed in the Office of the Register of Deeds of Chatham County, North Carolina, with

regard to a certain Phase, section or portion of the Property, as more particularly described in Article II, Section 2 hereof.

Section 2.

"Additional Property" shall mean and refer to additional real estate near or contiguous to the Property, all or a portion of which may be made subject to the terms of this Declaration in accordance with the provisions of Article II of this Declaration.

Section 3.

Section 4.

Section 5.

"Architectural Review Board" shall mean and refer to the committee appointed by the Board to oversee the development and enforcement of architectural control standards and restrictions with respect to the Project and to perform certain other functions described in the Declaration.

Section 6.

"Architectural, Design and Landscape Guidelines" shall have the meaning as set forth in Article VIII hereof.

Section 7.

"Articles of Incorporation" shall mean and refer to the Articles of Incorporation for the Association.

Section 8.

"Association" shall mean and refer to Eden View Acres COMMUNITY ASSOCIATION, INC., a North Carolina non-profit corporation, its successors and assigns.

Section 9.

"Board" or "Board of Directors" shall mean and refer to the Board of Directors of the Association.

Section 10.

"Bylaws" shall mean and refer to the Bylaws for the Association, as same may be amended from time to time.

Section 11.

"Certificate of Occupancy" shall mean and refer to any required certification issued by the appropriate governmental authorities as a prerequisite to occupancy of any structure on the Property.

Section 12.

"Common Area" or "Common Areas" shall mean and refer to the Street Lights, the Roadways, including any sidewalks, drainage facilities and other improvements located therein (prior to their acceptance for maintenance by the North Carolina Department of Transportation or other governmental entity), all pedestrian trails, walking paths and amenity areas intended for the common use and enjoyment of all Owners, and any other property specifically shown and designated on any Plat as "Community Open Space," "Cemetery," "Common Area," "Common Open Area," "Common Open Space," "Open Space," "COS," or other similar designation. The Common Areas shall be initially owned by the Declarant, and ultimately owned by the Association, except as otherwise provided herein, for the common use, benefit and enjoyment of the Owners. The Declarant reserves the right, but not the obligation, to provide additional Common Areas within the Project.

Section 13.

Section 14.

"Declarant" shall mean and refer to Dairyland Farm, LLC, a North Carolina limited liability company, its successors in title and assigns, provided that any such successor-in-title or assign shall acquire for the purpose of development and/or sale all or substantially all of the remaining undeveloped or unsold portions of the Property and, provided further, that in the instrument of conveyance to any such successor-in-title or assign, such successor-in-title or assign is designated as the "Declarant" hereunder by the grantor of such conveyance, which grantor shall be the "Declarant" hereunder at the time of such conveyance.

"Declarant Control Period" shall mean and refer to the period of time during which the Declarant may appoint or remove the members of the Board of Directors of the Association. The Declarant Control Period shall terminate on the Turnover Date.

Section 15.

"Declaration" shall mean and refer to this Declaration of Covenants, Conditions and Restrictions as same may be amended and/or supplemented from time to time as herein provided.

Section 16.

"Dwelling Unit" shall mean and refer to a residential dwelling located upon a Lot.

Section 17.

Section 18.

"Guidelines" shall mean and refer to the Architectural, Design and Landscape Guidelines.

Section 19.

"Improvement" shall have the same meaning as set forth in Article VIII hereof.

Section 20.

"Lot" shall mean and refer to any numbered or lettered tract of land (excluding any Common Area) shown on any Plat which is a part of the Property and which shall be restricted for such uses as are consistent with this Declaration and any other restrictions covering the area wherein the tract of land is located. No tract of land shall become a "Lot" as that word is used herein until a Plat of the area in which the same is located is recorded in the Office of the Register of Deeds of Chatham County, North Carolina.

Section 21.

"Maintenance Areas" shall have the meaning as set forth in Article X hereof.

Section 22.

"Member" shall mean and refer to every person or entity who holds membership in the Association.

Section 23.

"Mortgage" shall mean any mortgage or deed of trust constituting a first lien on a Lot.

Section 24.

"Mortgagee" shall mean the owner and holder of a Mortgage at the time such term is being applied. Upon request, each Owner shall be obligated to furnish to the Association the name and address of the holder of any Mortgage encumbering such Owner's Lot.

Section 25.

"Occupant" shall mean and refer to any person occupying all or any portion of a Lot or the Property for any period of time, regardless of whether such person is a tenant of the Owner of such Lot or portion of the Property.

Section 26.

"Owner" shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to any Lot or other portion of the Property (excluding any Common Area), and shall include Declarant as to any Lot or other portion of the Property owned by Declarant unless otherwise qualified herein, but excluding those having such interest merely as security for the performance of an obligation.

Section 27.

Section 28.

"Person" shall mean and refer to any natural person, corporation, joint venture, partnership (general or limited), limited liability company, association, trust or other legal entity.

Section 29.

"Phase" shall mean and refer to any phase, section or portion of the Property identified by Declarant as a separate phase through a Plat or a Supplemental Declaration recorded in the Office of the Register of Deeds of Chatham County, North Carolina.

Section 30.

"Plat" shall mean and refer to any plat of the Property or any part of it which is recorded from time to time in the Office of the Register of Deeds of Chatham County, North Carolina.

Section 31.

"Project" shall mean and refer to the residential development being developed by Declarant on the Property and commonly known as Eden View Acres.

Section 32.

"Property" shall mean and refer to that certain real property located in Chatham County, North Carolina, and more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, as well as such additional property as may be made subject to the provisions of this Declaration pursuant to the provisions of Article II hereof.

Section 33.

"Roadways" shall mean and refer to the rights-of-way, roads, streets, entranceways and cul-de-sacs in the Project, as shown on the Plats, and any other rights-of-way, roads, streets, entranceways and cul-de-sacs on the Property, all to be privately maintained by the Association until accepted for maintenance by the North Carolina Department of Transportation or other governmental entity.

Section 34.

Section 35.

"Street Lights" shall mean and refer to those certain street lights owned or leased by Declarant or the Association and installed upon, along and/or over the rights-of-way of the Roadways, Parking Area(s) (if any), Maintenance Areas and Common Areas.

Section 36.

"Supplemental Declaration" shall mean and refer to any Supplemental Declaration of Covenants, Conditions and Restrictions filed in the office of the Register of Deeds of Chatham County, North Carolina, to bring additional property within the coverage of this Declaration and the jurisdiction of the Association, as more particularly described in Article II hereof.

Section 37.

"Turnover Date" shall have the meaning set forth in Article IV hereof.

Article II

PROPERTY SUBJECT TO THIS DECLARATION
AND WITHIN THE JURISDICTION OF
THE ASSOCIATION

Section 1. Property Made Subject to this Declaration

. The Property is hereby made subject to this Declaration and the Property shall be owned, held, leased, transferred, sold, mortgaged and/or conveyed by Declarant, the Association, each Owner and each party owning record title to any of the Property subject to this Declaration and the controls, covenants, conditions, restrictions, easements, development guidelines, Architectural, Design and Landscape Guidelines for Eden View Acres, charges and liens set forth in this Declaration.

Section 2. Additions to the Property

.

(a) Declarant may cause Additional Property (including Common Areas) to be made subject to the terms and scheme of this Declaration by filing one or more Supplemental Declarations in the Office of the Chatham County Register of Deeds, containing a description of the Additional Property and a statement by the Declarant of its intent to extend the operation and effect of this Declaration to the Additional Property. Notwithstanding the foregoing, the covenants and restrictions established herein as applied to, or imposed upon, the Additional Property may be altered or modified by the filing of one or more Supplemental Declarations as provided in Subparagraph (b) below.

(b) Any Supplemental Declaration may contain complementary additions to the covenants and restrictions contained herein as may be necessary in the judgment of the Declarant to reflect the different character of the Additional Property. In no event, however, shall any Supplemental Declaration revoke, modify or add to the covenants and restrictions contained herein with respect to the Property, nor revoke, modify, change or add to the covenants and restrictions established by previously filed Supplemental Declarations, without meeting the requirements for amendment set forth in this Declaration.

(c) In addition to the controls, covenants, conditions, restrictions, easements, development guidelines, charges and liens set forth in this Declaration, Declarant shall have the right, at its election without the consent of any Owner or Owners, to subject any Phase, section or portion of the Property owned by Declarant to additional controls, covenants, conditions, restrictions, easements, development guidelines, charges and liens, by filing an Additional Declaration in the Office of the Register of Deeds of Chatham County covering only such Phase, section or portion of the Property. Such an Additional Declaration may or may not provide for the establishment of a property owners' association to govern the ownership and/or maintenance of the Property affected by and the enforcement of the provisions of such Additional Declaration. Whether or not a property owners' association is formed pursuant to such Additional Declaration, the Association

shall have the right and authority to enforce all controls, covenants, conditions, restrictions, easements, development guidelines, charges and liens imposed by such Additional Declaration and any amendments thereto, whether or not such right and authority is expressly provided for in such Additional Declaration.

(d) Notwithstanding anything contained herein to the contrary, it is expressly understood and agreed that, until such time as a Certificate of Occupancy is issued for a residence on every recorded Lot in Eden View Acres, the prior written consent of Declarant shall be required for any parties to modify, change and/or amend, in whole or in part, the terms and provisions of this Declaration, any Supplemental Declaration, any Additional Declaration and/or the Bylaws or to impose new or additional covenants, conditions, restrictions or easements on any part of the Property.

Article III

PROPERTY RIGHTS

Section 1. Ownership of Common Areas

. Except as otherwise provided herein, Declarant shall convey to the Association the Common Areas to be owned and maintained by the Association (to extent such areas can be conveyed in fee simple); provided, (a) with respect to any part of the Common Areas leased by Declarant (*e.g.*, Street Lights), Declarant shall assign its rights under such lease to the Association, and (b) with respect to any part of the Common Area to which Declarant possesses easement rights, Declarant shall assign its rights under such easement to the Association. The Declarant shall have the right (but shall not be obligated) to construct within the Common Areas, among other things, (i) the Street Lights (which may be leased or purchased from a third party) and other lighting, signage and irrigation facilities, (ii) the Roadways (including sidewalks, drainage facilities and other improvements), and (iii) certain additional recreational amenities and facilities, for the use and enjoyment of the Owners who are entitled to the use of such Common Areas as provided in this Declaration, including, without limitation, monumentation and pedestrian paths in locations to be determined by Declarant. Notwithstanding the recordation of any Plat or any other action by Declarant or the Association, all Common Areas shall remain private property and shall not be considered as dedicated to the use and enjoyment of the public (with the exception of the Roadways, which may eventually be accepted for public dedication and maintenance by the North Carolina Department of Transportation or other governmental entity).

Section 2. Owners' Rights to Use and Enjoy Common Areas

. Each Owner shall have the non-exclusive easement and right to use and enjoy the Common Areas, and such right shall be appurtenant to and conveyed with title to such Owner's Lot, subject to the following:

(a) the right of the Association and the Board to promulgate and enforce reasonable regulations governing the use of the Common Areas to insure the availability of the right to use the Common Areas to the Owners;

(b) the right of the Association to suspend the voting rights of an Owner in the Association and the right of the Association to suspend the right to use certain or all of the Common Areas by an Owner for any period during which any assessment or charge against said Owner's Lot remains unpaid, and for the maximum period allowed by applicable law for any infraction of its published rules and regulations;

(c) the right of the Declarant or the Association to grant or reserve utility, drainage and other easements across the Common Areas;

(d) the right of the Association, subject to the provisions of the Act, to encumber or convey all or any part of the Common Areas.

(d) (e) any and all other applicable provisions of this Declaration, including, without limitation, the provisions of Article VII, Section 16 and of Section 4 below.

Section 3. Delegation of Use

. Any Owner may delegate, in accordance with the Bylaws, his or her right of enjoyment to the Common Areas and facilities located thereon to the members of his or her family, his or her guests, invitees, or his or her tenants.

Section 4. Bodies of Water

. By acceptance of a deed to a Lot, each Owner acknowledges that the water levels of all water bodies within the Property may vary. There is no guarantee by the Declarant or the Association that water levels will be constant or aesthetically pleasing at any particular time. In fact, water levels may be non-existent from time to time.

Article IV

THE ASSOCIATION

Section 1. Membership

. Every Owner of a Lot shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Lot, and shall be governed by the Bylaws. In addition, as long as Declarant owns any part of the Property, Declarant shall be a Member of the Association.

Section 2. Classes of Voting Members

. The Association shall have two (2) classes of voting membership:

(a) Class I. The Class I Association Members shall be all Association Members with the exception of Declarant. Class I Association Members shall be entitled to one (1) vote for each Lot owned by such Association Member. When more than one Person owns an interest (other than a leasehold or security interest) in any Lot, all such Persons shall be Members and the voting rights appurtenant to said Lot shall be exercised as they, among themselves, determine, but in no event shall more than one (1) vote be cast with respect to any Lot.

(b) Class II. The Class II Association Member shall be Declarant. The Class II Association Member shall be entitled to ten (10) votes for each Lot owned by Declarant.

Section 3. Declarant Control Period; Relinquishment of Control

. Notwithstanding any other provision of this Declaration or the Bylaws, until the expiration of the Declarant Control Period, Declarant may, in its discretion, appoint and remove all of the directors and officers of the Association. Notwithstanding anything contained herein to the contrary, the Declarant Control Period shall expire and the Class II Association Membership shall cease and be converted to Class I Association Membership upon the earliest to occur of (a) the date on which a Certificate of Occupancy has been issued for a residence on every recorded Lot in Eden View Acres, or (b) the date Declarant shall elect, in its sole discretion, that the Class II

membership cease and be converted to the Class I membership (which election may be made, if at all, upon Declarant giving written notice of its election to the Board). The earliest to occur of (a) or (b) above shall herein be referred to as the "Turnover Date." After the Turnover Date and for so long as Declarant owns any part of the Property, Declarant shall be a Class I Association Member.

Section 4. Availability of Documents

. The Association shall maintain current copies of the Declaration, the Bylaws and other rules concerning the Project as well as its own books, records, and financial statements available for inspection by all Owners, Mortgagees and insurers and guarantors of Mortgages that are secured by Lots. All such documents shall be available during normal business hours upon reasonable notice and stated purpose. In addition, any Mortgagee may, at its own expense, have an audited statement prepared with respect to the finances of the Association.

Section 5. Management Contracts

. The Association is authorized and empowered to engage the services of any person, firm or corporation to act as managing agent of the Association at a compensation level to be established by the Board and to perform all of the powers and duties of the Association. The managing agent may be an affiliate of Declarant. Any such contract shall be terminable by the Association with or without cause upon sixty (60) days prior written notice to the manager without payment of a termination fee.

Section 6. Maintenance

. Prior to their acceptance for public maintenance, the Roadways shall be maintained by the Association. Such maintenance shall include repair and reconstruction, when necessary. Maintenance of the Roadways shall conform to the standard of maintenance (if one is ascertainable) which would be required by the North Carolina Department of Transportation or other governmental entity before it would accept such Roadways for maintenance.

The Common Areas and the Maintenance Areas, together with all utilities, easements and amenities located therein and not otherwise maintained by public entities or utilities or any other party as provided herein, shall be maintained by the Association as more particularly described below:

(a) Maintenance of the entryways to the Project and other monumentation, walls and fencing shall include maintenance, repair and reconstruction, when necessary, of the entrance monuments, fencing, walls, signage, irrigation, planters and lighting located thereon and providing and paying for landscaping, utility charges for irrigation and lighting of the entrance monuments and signage located thereon.

(b) To the extent not maintained by the North Carolina Department of Transportation or other governmental entity, as the case may be, the Association shall maintain or cause to be maintained the swales and medians and associated landscaping and related improvements along and within the Roadways.

(c) The Common Areas and Maintenance Areas shall be clean and free from debris and maintained in an orderly condition, including any removal and replacement of any landscaping, utilities, or improvements located thereon.

Section 7. Reserve Fund

. The Association shall establish and maintain an adequate reserve fund for the periodic maintenance, repair and replacement of all or a portion of the Common Areas or Maintenance Areas and in order to fund unanticipated expenses of the Association or to acquire equipment or services deemed necessary or desirable by the Board of Directors. Such reserve fund shall be collected and maintained out of the Annual Assessments, as hereinafter defined. Assessments collected as reserves shall not be considered to be advance payments of Annual Assessments.

Section 8. Liability Limitations

. Neither Declarant, nor any Association Member, nor the Board, nor any members, managers, officers, directors, volunteers, agents or employees of any of them shall be personally liable for debts contracted for or otherwise incurred by the Association or for a tort of another Association Member, whether or not such other Association Member was acting on behalf of the Association or otherwise. Neither Declarant, nor the Association, nor their members, managers, directors, officers, agents or employees shall be liable for any incidental or consequential damages for failure to inspect any premises, improvements or portions thereof or for failure to repair or maintain the same. Declarant, the Association or any other person, firm or association making such repairs or maintenance shall not be liable for any personal injury or other incidental or consequential damages occasioned by any act or omission in the repair or maintenance of any premises, improvements or portions thereof. The Association shall, to the extent permitted by applicable law, indemnify and defend all members of the Board from and against any and all loss, cost, expense, damage, liability, claim, action or cause of action arising from or relating to the performance by the Board of its duties and obligations, except for any such loss, cost, expense, damage, liability, claim, action or cause of action resulting from the gross negligence or willful misconduct of the person(s) to be indemnified.

Article V

COVENANT FOR ANNUAL AND SPECIAL ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation for Annual, Supplemental Annual, Special and Special Individual Assessments

. Each Owner of any Lot, by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance document, is deemed to covenant and agrees to pay to the Association Annual Assessments, Supplemental Annual Assessments, Special Assessments and Special Individual Assessments (collectively, the "Assessments"), established and collected as hereinafter provided. Any such assessment or charge, together with interest, costs, and reasonable attorneys' fees, shall be a charge and a continuing lien upon the Lot against which each such assessment or charge is made. Each such assessment or charge, together with interest, costs and reasonable attorneys' fees, shall also be the personal obligation of the Owner, at the time when the

assessment fell due, of the Lot against which such assessment or charge is made. The personal obligation for delinquent assessments or charges shall not pass to an Owner's successors in title unless expressly assumed by them, provided such assessments or charges, together with interest, costs, and reasonable attorneys' fees, shall, as set forth above, be a continuing lien upon the Lot against which such assessments or charges are made.

Section 2. Purpose of Annual Assessments

. The assessments to be levied annually by the Association ("Annual Assessments") shall be used as follows:

(a) to operate, repair, maintain, reconstruct (when necessary) and keep clean and free from debris the Common Areas and (to the extent provided herein) the Maintenance Areas and any improvements (including landscaping) located thereon, including any necessary removal or replacement of landscaping;

(b) to maintain and repair the Roadways to the standards of the maintenance (if one is ascertainable) which would be required by the North Carolina Department of Transportation or other governmental entity before it would accept such Roadways for maintenance;

(c) to maintain, operate, repair and reconstruct, when necessary, the entryways to the Project, including the entrance monuments, signage, irrigation, planters, landscaping and lighting located thereon;

(d) to maintain and repair the swales not located on a Lot and medians, landscaping and related improvements along and within the Roadways to the extent not maintained by the North Carolina Department of Transportation or other governmental entity, as the case may;

(e) to pay any costs associated with the lease and operation of the Street Lights, including, but not limited to, any monthly lease payments and utility costs;

(f) to pay all ad valorem taxes levied against the Common Areas and any other property owned by the Association;

(g) to pay the premiums on all insurance carried by the Association pursuant hereto or pursuant to the Bylaws;

(h) to pay all legal, accounting, management, and other professional fees incurred by the Association in carrying out its duties as set forth herein or in the Bylaws;

(i) to carry out all other purposes and duties of the Association, the Board of Directors and the Architectural Review Board as stated in the Articles, the Bylaws and in this Declaration; and

(j) to maintain contingency reserves for the purposes set forth in Article IV hereof in amounts as determined by the Board of Directors.

The expenses of the Association for the foregoing are sometimes referred to herein as "common expenses."

Section 3. Payment of Annual Assessments; Due Dates

. Each Owner of a Lot shall pay to the Association Annual Assessments as hereinafter set forth.

Annual Assessments provided for herein shall commence as to all Lots shown on a Plat of any Phase of the Property as of the date of the conveyance of the first Lot in such Phase by Declarant to an Owner (other than Declarant) of such Lot. The Annual Assessment for the first year in which a Lot is subject thereto shall be prorated based upon the number of days remaining in the applicable billing period from the date of such conveyance. The Annual Assessment amount for each calendar year shall be in an amount as set by the Board of Directors, in accordance with the terms of this Article V. Annual Assessments shall be due and payable in advance on a yearly basis (or such other basis as is determined by the Board in its discretion) commencing on January 1 of each calendar year. The Board of Directors shall fix the amount of the Annual Assessment as to each Lot for any calendar year at least thirty (30) days prior to January 1 of such calendar year, and the Association shall send written notice of the amount of the Annual Assessment, as well as the amount of the payment due, to each Owner on or before January 5 of such calendar year. To the extent required by North Carolina General Statutes 47F-3-103(c) or other applicable law, such notice shall include notice of a meeting of the Members to consider ratification of the budget, including a statement that the budget may be ratified without a quorum. If such a meeting is required by N.C. General Statutes 47F-3-103(c), or other applicable law, the Board of Directors shall set a date for a meeting of the Members to consider ratification of the budget to be held not less than ten (10) nor more than sixty (60) days after mailing of the summary and notice. If such meeting is required as set forth above, there shall be no requirement that a quorum be present at the meeting. The budget is ratified unless at such meeting Members exercising all of the votes in the Association reject the budget. The failure of the Association to send, or of a Member to receive, such notice shall not relieve any Member of the obligation to pay Annual Assessments. Notwithstanding the foregoing, for calendar years beginning prior to the Turnover Date, in lieu of payment of Annual Assessments, Declarant may elect to pay for each such calendar year that portion of the annual expenses of the Association (excluding any reserves) which exceeds the total amount of the Annual Assessments paid by the Owners other than Declarant.

Section 4. Conveyance Pro-rations; Reduced Annual Assessments

.

(a) With respect to any Lot conveyed by Declarant, the purchaser of such Lot shall pay to the Association at closing the amount of the Annual Assessment for the installment period in which the closing occurs on such Lot prorated based upon the number of days remaining in such installment period. With respect to any Lot conveyed by any Owner other than Declarant, the amount of the Annual Assessment applicable to such Lot for the installment period in which such closing occurs shall be prorated between the buyer and seller thereof as of the date of closing of such conveyance.

(b) Declarant shall have the authority to reduce the Annual Assessment on any Lot on which no structure has been completed (i.e., no Certificate of Occupancy has been issued).

Section 5. Special Assessments

. In addition to the Annual Assessment authorized above, the Association may levy, in any assessment year, a special assessment ("Special Assessment") for one or more of the following purposes: (i) paying the cost of the construction of any Common Area and/or Maintenance Area improvements which are not originally constructed by Declarant; or (ii) paying the cost of the reconstruction, repair or replacement of the Common Areas and/or Maintenance Areas, including any improvements located thereon; or (iii) paying the cost of preventative actions to protect the Property or any improvements located thereon, and to further reconstruct, repair or replace any portion of the Property or such improvements following an emergency, including but not limited to, floods, hurricanes, tornadoes, fires, acts of God or other naturally occurring phenomena; or (iv) paying the costs to acquire land and/or improvements from Declarant to be used as Common Area; or (v) any other similar purpose. Provided, however, (a) Declarant shall not be obligated to pay any Special Assessments on Lots owned by Declarant except with Declarant's prior written approval, and (b) any Special Assessment must be approved by Declarant (so long as Declarant owns any part of the Property).

Section 6. Special Individual Assessments

. In addition to the Annual Assessments and Special Assessments authorized above, the Board of Directors shall have the power to levy a special assessment applicable to any particular Owner ("Special Individual Assessment") (i) for the purpose of paying for the cost of any construction, reconstruction, repair or replacement of any damaged component of the Common Areas and/or Maintenance Areas and any improvements located thereon, whether occasioned by any act or omission of such Owner(s), members of such Owner's family or such Owner's agents, guests, employees, tenants or invitees and not the result of ordinary wear and tear; or (ii) for payment of fines, penalties or other charges imposed against any particular Owner relative to such Owner's failure to comply with the terms and provisions of this Declaration, the Bylaws or any rules or regulations promulgated by the Association or the Declarant pursuant to this Declaration or the Bylaws. Provided, however, Declarant shall not be obligated to pay any Special Individual Assessment except with Declarant's prior written approval. The due date of any Special Individual Assessment levied pursuant to this Section 6 shall be fixed in the Board of Directors resolution authorizing such Special Individual Assessment. Upon the establishment of a Special Individual Assessment, the Board shall send written notice of the amount and due date of such Special Individual Assessment to the affected Owner(s) at least thirty (30) days prior to the date such Special Individual Assessment is due.

Section 7. Collection Agent

. At the option of the Board of Directors, any person or entity designated by the Board of Directors may act as collection agent for any and all assessments imposed by the Association and/or the Board against the Owners.

Section 8. Assessments Against Lots Owned by Declarant

. Anything to the contrary set forth in this Declaration notwithstanding, the Annual Assessments on each Lot owned by Declarant shall be an amount equal to ten percent (10%) of the amount of the Annual Assessments on each Lot owned by an Owner other than Declarant; provided, however, that for calendar years beginning prior to the Turnover Date, in lieu of payment of Annual

Assessments, Declarant may elect to pay for each such calendar year that portion of the annual expenses of the Association (excluding any reserves) which exceeds the total amount of the Annual Assessments paid by the Owners other than Declarant. In addition, Declarant shall be entitled to credit against any Assessments on Lots owned by Declarant any and all amounts which Declarant has paid directly for common expenses, or has paid or contributed to the Association for the Association's payment of common expenses.

Until the Turnover Date, the Declarant may elect on an annual basis, but shall not be obligated, to reduce the Annual Assessment for any fiscal year by payment of a subsidy (in addition to any amounts paid by Declarant pursuant to the immediately preceding paragraph), which may be either a contribution or an advance against future assessments due from the Declarant (if Declarant consents in writing to any such assessments), in the Declarant's discretion. Any such subsidy shall be conspicuously disclosed as a line item in the Association budget. The payment of such subsidy in any year shall under no circumstances obligate the Declarant to continue payment of such subsidy in future years.

Section 9. Operating Capital Fund

. At the time of closing of the initial sale of each Lot by Declarant to a third party purchaser, an operating capital payment shall be collected from the purchaser of such Lot (or, if Declarant so elects, from Declarant) and transferred to the Association to be used as a operating capital fund, which operating capital payment shall be in such amount that Declarant, while a Class II Membership exists, or the Board, following the termination of the Class II Membership, shall determine from time to time. The operating capital fund shall be used by Association for whatever purposes it deems necessary or desirable. Amounts paid into the fund shall not be considered advance payment of regular assessments.

Article VI

GENERAL ASSESSMENT PROVISIONS

Section 1. Certificate Regarding Assessments

. The Association or its agents shall, not more than ten (10) business days after demand therefor, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association and its agents as of the date of its issuance.

Section 2. Effect of Nonpayment of Assessments; Remedies of the Association

. Any assessment (or installment thereof) not paid by its due date as set forth herein shall bear interest from such due date at the rate of eighteen percent (18%) per annum or the highest rate then permitted by law, whichever is less. In addition to such interest charge, the delinquent Owner shall also pay such late charge as may have been theretofore established by the Board of Directors to defray the costs arising because of late payment. The Association may bring an action at law against the delinquent Owner (or foreclose the lien against the applicable portion of the Property), and interest, late payment charges, costs and reasonable attorney's fees related to such action or

foreclosure shall be added to the amount of such assessment and assessment lien. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of his or her property or the Common Areas or otherwise.

Section 3. Subordination of the Lien to Mortgages

. The lien of the assessments provided for in this Declaration shall be subordinate to the lien of any first Mortgage on a Lot. Sale or transfer of any Lot shall not affect the assessment lien. The sale or transfer of any Lot pursuant to a mortgage foreclosure under any first Mortgage on a Lot, or any proceeding in lieu thereof, however, shall extinguish the lien (but not the personal obligation of the mortgagor or any prior Owner) of such assessments as to payments which became due prior to such sale or transfer; provided, however, that the Board of Directors may in its sole discretion determine such unpaid assessments to be an Annual, Special or Special Individual Assessment, as applicable, collectable pro rata from all Owners, including the foreclosure sale purchaser. Such pro rata portions are payable by all Owners notwithstanding the fact that such pro rata portions may cause the Annual Assessment to be in excess of the maximum annual assessment permitted by applicable law, if any. No sale or transfer shall relieve the purchaser of such Lot from liability for any assessments thereafter becoming due or from the lien thereof, but the lien provided for herein shall continue to be subordinate to the lien of any first Mortgage on a Lot.

Article VII

RESTRICTIONS

Section 1. Residential Restrictions

. Each Lot shall be used exclusively for single-family for its main occupied structure with a minimum square footage of 1,500sf, with an option of an additional Auxiliary Dwelling Unit (ADU) not to exceed 1,500sf, for the use of guest or for rental purposes provided, however, Declarant and contractors authorized by Declarant shall have the right to use the Lots designated from time to time by Declarant for the purpose of construction and operation of construction offices and trailers, storage areas, parking areas and sales/marketing offices and trailers (and for related uses) for the Project. Home businesses incidental to the Lot's primary residential use, in compliance with all applicable laws and that impose no undue burden (such as traffic, parking, noise or excessive deliveries) on other residences are allowed. The Board may issue rules regarding permitted business activities. Except those to be utilized by Declarant, all structures to be erected, placed, altered, used or permitted to remain on any Lot shall first be approved in advance in writing by the Architectural Review Board pursuant to the Guidelines. No Lot and no Improvements may be used for hotel or other transient residential purposes. Any lease relating to any Lot or any Improvements thereon (or any part of either thereof) must be for a term of at least six (6) months, must be in writing, and must provide that the tenant is obligated to observe and perform all of the terms and provisions hereof applicable to such Lot and/or Improvements. In the event an Owner shall rent or lease his or her Lot or any Improvements thereon (or any part of either thereof), such Owner shall immediately give to the Association in writing: (i) the name of the tenant and the Lot rented or leased; (ii) the current address of such Owner; (iii) a true and complete copy of the lease or rental agreement; and (iv) the certification of the Owner that the tenant has been given a copy of this Declaration, any applicable amendments, and the Bylaws and that such

tenant has been advised of any obligations he may have thereunder as a tenant. In no event shall any lease or rental agreement release or relieve an Owner from the obligation to pay regular Assessments to the Association, regardless of whether the obligation to pay Assessments has been assumed by the tenant in such lease or rental agreement.

Section 2. Dwelling Unit Size

. Each Dwelling Unit shall contain not less than 1,500 square feet of heated floor area. The 1,500 square foot minimum is exclusive of the areas in vaulted ceiling areas, unheated porches of any type, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios.

Notwithstanding the foregoing requirement, the Architectural Review Board shall have the right (but not the obligation), because of restrictive topography, lot shape, dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage requirements of up to ten percent (10%) of such minimum square footage requirements by granting a specific written variance.

No Dwelling Unit erected upon a Lot shall contain more than three (3) stories above ground level (said ground level being the first level of any Dwelling Unit as viewed from the Roadway fronting same). Nothing herein shall be construed to prohibit the finishing of any walkup third floor in a Dwelling Unit. Notwithstanding the foregoing, the Architectural Review Board shall have the right (but not the obligation), because of steep topography, unique Lot configuration or dimensions, unusual site related conditions or other similar reasons, to allow Dwelling Unit heights greater than three (3) stories as viewed from rear and side elevations.

Section 3. HVAC Equipment

. No air conditioning or heating equipment or apparatus shall be installed on the ground in front of, or attached to any front wall of, any Dwelling Unit on a Lot. Additionally, air conditioning and heating equipment and apparatus shall be screened from view from Roadways by structural or landscape improvements, as more particularly provided in the Guidelines, and installation of air conditioning and heating equipment and apparatus in windows shall be prohibited.

Section 4. Exterior Lighting; Tennis and Other Sport Courts

. Exterior lighting on Lots shall be subject to the applicable requirements and limitations in the Guidelines. Tennis courts and sport courts may not be constructed on any Lot without the approval of the Architectural Review Board. Night lighting of tennis courts and other recreational facilities on Lots is not permitted unless approved in writing by the Architectural Review Board.

Section 5. Fences and Walls

. In addition to the restrictions contained elsewhere in this Declaration and except as expressly provided below, no fence or wall (including densely planted hedges, rows or similar landscape barriers) (i) shall be erected, placed, maintained or altered on any Lot nearer to any Roadway fronting such Lot than the front building corner of the main Dwelling Unit constructed on such Lot (unless otherwise approved by the Architectural Review Board) and (ii) shall not exceed six (6) feet in height, except fences enclosing approved tennis courts may be up to ten (10) feet in

height if located at least twenty-five (25) feet from all Lot boundary lines. Provided, however, and notwithstanding the foregoing, in order to accentuate certain architectural styles within the Project, the Architectural Review Board, in its sole and absolute discretion, may allow the construction and use of fencing along or near the front, side and/or rear boundary lines of certain designated Lots within the Project. All fences and walls shall be maintained in a structurally sound and attractive manner. No fence or wall shall be erected on any Lot until the Architectural Review Board has given its prior written approval of the color, size, design, materials and location for such fence or wall. The Architectural Review Board is entitled to require uniformity of fencing material, design, color and location under the Architectural, Design and Landscape Guidelines.

Section 6. Mail and Newspaper Boxes; House Numbers

. Each Lot Owner shall use the mailbox Kiosk located at the entrance of the neighborhood for the receiving of mail. House numbers may be displayed on the Dwelling Unit and/or at the entrance of the home's drive only as approved by the Architectural Review Board.

Section 7. Animals

Section 8. Signs

. Except for political signs and flags of the United States or State of North Carolina, which signs and flags shall be permitted in accordance with the Planned Community Act, no sign, banner, commercial flag, billboard or advertisement of any kind, including without limitation, informational signs, "for sale" or "for rent" signs and those of contractors and subcontractors, shall be displayed on any Lot except for sign(s), banners(s), flags(s), and billboard(s) approved in advance by the Board of Directors, and by Declarant until such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot in Eden View Acres. Declarant shall be entitled to erect and maintain signs and billboards advertising the Property, the Project or portions of either, or for any other purpose, on any portion of the Property owned by Declarant or in the Common Areas or Maintenance Areas. If permission is granted to any Owner to erect a sign on a Lot, the Board of Directors (and Declarant, as long as Declarant owns any Lot or any portion of the Property) reserve the right to restrict the size, shape, color, lettering, height, material and location of the sign, or in the alternative, provide the Owner with a sign to be used for such purposes. No sign shall be nailed or otherwise attached to trees.

Section 9. Temporary Structures; Structure Materials

. No residence or building of a temporary nature, including a construction trailer, shall be erected or allowed to remain on any Lot, and no metal, fiberglass, plastic or canvas tent, barn, carport, garage, utility building, storage building or other metal, fiberglass, plastic or canvas structure shall be erected on any Lot or attached to any Dwelling Unit. Provided, however, nothing herein shall prohibit Declarant or contractors authorized by Declarant from erecting or moving temporary buildings onto Lots owned by Declarant or such authorized contractors to be used for storage, or for construction or sales offices.

Section 10. Sight Line Limitations

. To the extent that governmental requirements shall not impose a stricter standard, no fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above Roadways shall be placed or permitted to remain on any Lot within the triangular area formed by (i) the line that runs from the point of intersection of (a) the edge of a Roadway's pavement and (b) the edge of the pavement of the driveway on such Lot for a distance of ten (10) feet along such Roadway pavement away from such driveway pavement, (ii) the line that runs from said point of intersection for a distance of ten (10) feet along such driveway pavement away from such Roadway pavement, and (iii) the straight line that connects the ending points of the lines described in the foregoing clauses (i) and (ii). No tree shall be permitted to remain within such triangular areas unless the foliage line is maintained at an appropriate height to prevent obstruction of sight lines.

Section 11. Utilities

. All utilities and utility connections shall be located underground, including electrical, telephone and cable television lines. Transformers, electric, gas or other meters of any type, or other apparatus shall be adequately screened as required by the Architectural Review Board in accordance with the provisions of this Declaration.

Section 12. Sediment Control

. Sufficient sediment control measures, including, but not limited to, installation and maintenance of silt fences, straw bale fences, storm water inlet protection and temporary seeding, to the extent deemed reasonably necessary by Declarant or the Architectural Review Board, shall be taken by the Owner or Owner's builder to ensure that all sediment resulting from any land disturbance or construction operation is retained on the Lot in question. All sediment control measures must be maintained until such Lot has been permanently stabilized with respect to soil erosion.

Section 13. Building Envelope

. No building or other Improvement on any Lot (including any stoops or porches, patios, decks, terraces, etc.) shall be erected or permitted to remain outside of the "Building Envelope" for that particular Lot as established by the minimum setbacks set forth on the recorded Plats of the Property. The Architectural Review Board shall have the right in its sole discretion to make exceptions to any Building Envelope to recognize any special topography, vegetation, Lot shape or dimension, or other site-related conditions. In the event any zoning or subdivision ordinance, floodway regulation or other ordinance, law or regulation applicable to a Lot shall prescribe greater setbacks, then all buildings erected during the pendency of such requirements shall conform thereto.

Section 14. Waste

. No Lot shall be used or maintained as a dumping ground for rubbish, trash, new or used lumber, metal scrap, discarded plant material or garbage, except that such material may be kept on the Lot or in areas of the Property designated for this purpose by the Declarant (in connection with its construction) or by the Board of Directors, provided that these materials are kept in sanitary containers in a clean and sanitary condition. Owners shall place these containers for collection only in the designated areas and only on the day these refuse materials are to be collected. Empty

containers shall be removed promptly after collection. During construction of Improvements on a Lot, all rubbish and debris shall be stored and disposed of in accordance with the rules established by the Architectural Review Board.

Section 15. Combination or Subdivision of Lots

. Should the Owner of a Lot own an adjacent Lot or Lots and desire that two (2) or more such Lots be considered as one Lot, then such Lots shall (except as provided herein) , upon receipt by the Owner of prior, written consent from the Architectural Review Board, be considered as one Lot for the purposes of this Article VII upon the recordation in the Office of the Register of Deeds of Chatham County, North Carolina, of an instrument by such Owner expressing such intent (such instrument to refer specifically to this section in this Declaration and to identify the Lots to be considered as one Lot for purposes of this Article VII, and a copy of such recorded instrument shall be promptly delivered by such Owner to the Architectural Review Board); and in each such case, Building Envelopes, setback lines, and easements reserved in this Declaration shall be adjusted accordingly by the Architectural Review Board. The Owner of any Lot which combines with all or a portion of a contiguous Lot shall be solely responsible for any costs which may result from such combination, including the costs of relocating any existing easements. With respect to combined Lots, such Lots shall constitute multiple Lots for purposes of payment of assessments. No Lot shall be subdivided by sale, lease or otherwise, nor combined without the prior written consent of the Architectural Review Board. Provided, however, Declarant reserves the right to change the size, boundaries or dimensions of any Lot owned by Declarant for any reason.

Section 16. Restricted Activities in Common Areas and Maintenance Areas

. No cutting of vegetation, dumping, digging, filling, destruction or other waste shall be committed on the Common Areas or the Landscape Easements or other Maintenance Areas, without the prior written consent of the Declarant (until such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot in Eden View Acres) and the Association. No land-disturbing activity, placement of impervious surface, removal of vegetation, encroachment or construction or erection of any structure shall occur on any property specifically shown and designated on any Plat as “Undisturbed Open Space” without the express written consent of the Declarant (until such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot in Eden View Acres), the Association and the applicable governmental authorities. There shall be no obstruction of the Common Areas or the Maintenance Areas, or of any drainage channels or facilities thereon, nor shall anything be kept or stored in the Common Areas or the Maintenance Areas, nor shall anything be altered, or constructed or planted in, or stored upon, or removed from, the Common Areas or the Maintenance Areas, without the prior written consent of the Declarant (until such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot in Eden View Acres) and the Association. Motor vehicles, including, but not limited to, mini-bikes, snowmobiles, and motorcycles, may not be driven on the Common Area by any Owner, or any occupant or guest of an Owner, except on paved driveways and parking areas designated by the Board of Directors. Each Owner shall be liable to the Association for any damage to any Common Area or the Maintenance Area caused by the negligence or willful misconduct of the Owner or his family, tenants, guests, agents, employees, or invitees. Provided, however, the provisions in this paragraph shall not apply to Declarant in connection with Declarant’s construction activities on the Property. Except for work done by the Declarant in connection with the construction and

marketing of the Lots and the Property, nothing shall be built, caused to be built or done in or to any part of the Property which will alter or cause any alteration to the Common Areas or any Improvements located thereon without the prior written approval of the Association and the Declarant. The Declarant's approval shall be required until a Certificate of Occupancy has been issued for a residence on every recorded Lot in Eden View Acres.

Section 17. Unsightly or Unkempt Conditions

. The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly, or unkempt conditions, shall not be pursued or undertaken on any Lot, other than in enclosed garages or out of the sightline of the common road. All garage doors in the Project shall be kept closed except when in use.

Section 18. Rules of the Board

. All Owners of any Lot shall abide by all rules and regulations adopted by the Board from time to time. The Board shall have the power to enforce compliance with said rules and regulations by all appropriate legal and equitable remedies, and an Owner determined by judicial action to have violated said rules and regulations shall be liable to the Association for all damages and costs, including attorneys' fees.

(a) No such recreational equipment shall be located in such a manner as to constitute a nuisance or unsightly condition.

(b) Children's play toys and other moveable equipment of any type (such as lawn mowers, garden tools, etc.) shall not remain repeatedly overnight within any front yard of any Lot, or within the side yards of any Lot located on a Roadway corner, in such number or for such a long period of time as to create a continuing, unsightly condition, and such play toys and other moveable equipment of any type shall be stored in a Dwelling Unit or an enclosed garage or in an enclosure specifically approved for such storage by the Architectural Review Board.

Section 19. Parking; Storage

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(a) All parked vehicles, RV and campers must be parked in a way as to not be visible from the main roadway.

(b) Commercial-use vehicles or trucks not involved with construction activity on the Property and having a carrying capacity and/or size designation greater than or equal to three-fourths (3/4th) ton shall not be permitted to park overnight on the Roadways, driveways or otherwise within the Property, unless stored in an enclosed garage. No vehicle of any size which transports inflammatory or explosive cargo may be kept within the Property at any time. No vehicles that are not in a condition to be normally operated or that do not have a current registration tag may be stored or situated on any Lot or on any street within the Property for more than ten (10) days unless stored in an enclosed garage.

(c) The Owner of each Lot will be responsible for providing on such Owner's Lot a sufficient paved parking area for all vehicles normally parked and/or situated on or in regard to such Lot.

(d) No recreational vehicles or related equipment, including any boat, houseboat, trailer, all terrain vehicle, motor home or "camper" vehicle may be maintained, stored or kept on any portion of the Property, unless it cannot be seen from the common roadway. If visible it shall be stored in an enclosed garage or in an enclosure specifically approved for such maintenance or storage by the Architectural Review Board.

(e) No construction office trailers may be placed, erected or allowed to remain on any Lots during construction, except as approved in writing by the Architectural Review Board. Provided, however, nothing herein shall prohibit Declarant from erecting or moving temporary buildings or trailers onto Lots owned by Declarant, as applicable, to be used as construction or sales offices or to be used as parking or storage areas. Other construction vehicles (trucks, vans, cars, construction equipment, equipment trailers, etc.) may be left overnight on the Property (including any Lot or Roadway) only in accordance with such rules as may be established by the Architectural Review Board.

Section 20. Nuisances

. It shall be the responsibility of each Owner to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on such Owner's property. No Lot shall be used, in whole or in part, for the deposit, storage or burial of any property or thing that will cause such property to appear to be in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing, or material be kept that will emit foul or obnoxious odors or that will cause any noise or other condition that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property. No noxious or offensive activity shall be carried on within any Lot, nor shall anything be done tending to cause embarrassment, discomfort, annoyance, or nuisance to any Person using any property within the Project. There shall not be maintained on any Lot any plants or animals or device or thing of any sort whose activity or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the Project. Without limiting the generality of the foregoing, no speaker, horn, whistle, siren, bell, amplifier or other sound device, except such devices as may be used exclusively for security purposes (or as otherwise specifically approved in advance and in writing by the Architectural Review Board), shall be located, installed or maintained upon the exterior of any Dwelling Unit or any unimproved Lot unless required by law.

Section 21. Sewage Disposal

. Every Lot shall be served by a wastewater collection and disposal system regulated by Orange County or the North Carolina Utilities Commission. As of the date of recordation of this Declaration, municipal sewer service is not available to the Property, and Declarant makes no representations regarding the future availability of municipal sewer service.

Section 22. Wastewater Collection System Inspection and Repair Easement

. If any inspection reveals that a wastewater collection system on the Property is not functioning properly, or is otherwise not in compliance with any applicable law, ordinance or regulations, the

Owner of such Lot shall notify the Association in writing and shall cause the inspector to notify the Association in writing and any other party or agency as required by law. Upon notice of a problem or noncompliance, such Owner shall be responsible for immediately repairing the wastewater collection system at such Owner's sole cost and expense and providing the Association, within thirty (30) days, with proof of such repair. The Association shall be authorized to notify any applicable governmental or regulatory agencies or officials of the malfunctioning or noncompliance of any wastewater collection system located within the Project.

Declarant and the Association shall have a non-exclusive perpetual easement over all property within the Project, including Lots, benefiting Declarant and the Association for the purposes of conducting inspections of the wastewater collection systems within the Project and repairing and/or replacing a wastewater collection system if an Owner fails to repair or replace the wastewater collection system within thirty (30) days of notification from an inspector of the need to repair a wastewater collection system. The Board of Directors shall have the right to levy a Special Individual Assessment against such Lot Owner pursuant to Section 6 of Article V hereof to recover the costs and expenses incurred by the Association in maintaining, repairing or replacing the Lot Owner's wastewater collection system.

The foregoing notwithstanding, neither Declarant, the Association, nor its directors, officers, agents or employees shall be responsible for damages or otherwise to anyone by reason of mistake of judgment, omission, negligence or nonfeasance arising out of the inspection services performed pursuant to this Declaration including, without limitation, any damages to any Lot or property by reason of the failure to inspect or the failure of such inspections to detect any malfunction, damage or noncompliance with law.

Section 23. Clotheslines; Vegetable Gardens

. Clotheslines, outdoor clothes drying and vegetable gardens are allowed.

Section 24. Antennae

. To the extent permitted by law and subject to the federal telecommunications act, a DBS antenna, MDS antenna or transmission-only antenna may be erected on a Lot provided it does not, in the opinion of the Architectural Review Board, create an unsightly condition. Qualified antennae must be erected on the rear of the Lot or affixed to the rear of the Dwelling Unit, unless such placement impedes reception in which event such antenna may be erected in another location on the Lot approved by the Architectural Review Board, provided that it is screened by landscaping or other material where reasonable.

Section 26. Grading and Drainage. No Person shall alter the grading of any Lot without prior approval pursuant to Article VIII of this Declaration. Catch basins and drainage areas are for the purpose of natural flow of water only. No obstructions or debris shall be placed in these areas. No Person other than Declarant may obstruct or rechannel the drainage flows after location and installation of drainage swales, storm sewers, or storm drains. The Declarant (until such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot in Eden View Acres) and the Association shall have a perpetual easement across the Property for the purpose of altering drainage and water flow. However, the exercise of such an easement shall not materially

diminish the value of or unreasonably interfere with the use of any Lot without the Owner's consent.

Section 27. Removal of Plants and Trees. No trees or shrubs, except for those which are dead or create a safety hazard, shall be removed without approval from the Architectural Review Board in accordance with Article VIII of this Declaration; provided, however, no removal of plants or trees shall occur on any property specifically shown and designated on any Plat as "Undisturbed Open Space" without the express written consent of the Declarant (until such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot within Eden View Acres), the Association and the applicable governmental authorities. In the event of an intentional or unintentional violation of this Section, the violator may be required by the Architectural Review Board to replace the removed trees or shrubs with one (1) or more comparable trees or shrubs of such size and number and in such locations as the Architectural Review Board may determine necessary, in its sole discretion, to mitigate the damage.

Section 28. Wetlands, Lakes, and Other Water Bodies. All wetlands, lakes, ponds, and streams within the Property, shall be water management areas only subject to fluctuations in water levels, and no other use thereof, including without limitation fishing, swimming, boating, playing, or use of personal flotation devices, shall be permitted without the prior approval of the Board. The Association shall not be responsible for any loss, damage, or injury to any person or property arising out of the authorized or unauthorized use of lakes, ponds, or streams within the Property. No structures shall be constructed on or over any body of water within the Property, except such as may be constructed by the Declarant or the Association. No Person shall dump grass clippings, leaves or other debris, petroleum products, fertilizers, or other potentially hazardous or toxic substances in any drainage ditch, stream, pond, or lake, or elsewhere within the Property, except that fertilizers may be applied to landscaping on Lots and Common Areas and other portions of the Property provided care is taken to minimize runoff.

Section 29. Yard Art, Exterior Sculpture, Above-Ground Pools, and Similar Items. No yard art, exterior sculpture, above-ground pools, lawn furniture, fountains, birdhouses, birdbaths, other decorative embellishments, or similar items shall be permitted unless approved by the Architectural Review Board in accordance with Article VIII of this Declaration, except for any such item installed by Declarant.

Section 30. Underground Storage Tanks; Hazardous Substances. No potentially hazardous or toxic materials or substances shall be used or stored on any Lot other than normal household, lawn, pool, and garden products which shall be used by Owner in a manner not to permit spills or runoff of such materials onto the Lot, adjacent Lots or property, wetlands areas, ponds or buffers. No activity shall be allowed which violates local, state or federal laws or regulations; provided however, the Board shall have no obligation to take enforcement action in the event of a violation.

Section 25. Section 31. Diligent Construction

. All construction, landscaping or other work which has been commenced on any Lot must be continued with reasonable diligence to completion and no partially completed Dwelling Units or other Improvements shall be permitted to exist on any Lot, except during such reasonable time period as is necessary for completion. All construction must be completed within one (2) years

after the date upon which it commenced, unless a longer time is approved by the Architectural Review Board. Any damage to the Roadways, curbs or sidewalks or any part of any Common Area, Maintenance Area or any utility system caused by an Owner or Owner's builder or such builder's subcontractors shall be repaired by such responsible Owner. Any builder of Improvements and such builder's subcontractors on any portion of the Property shall keep such portion of the Property free of unsightly construction debris, in accordance with the construction rules established by the Architectural Review Board (or, in the absence of such rules, in accordance with standard construction practices), and shall similarly keep contiguous public and private areas free from any dirt, mud, garbage, trash, or other debris which is occasioned by construction of Improvements. The Board may levy a Special Individual Assessment against an Owner's property in the Project to pay for the cost of repairing any damage to Roadways, curbs or sidewalks or any part of any Roadway, Common Area, Maintenance Area or utility system, to pay for the cost of cleaning public and private areas, including the Roadways in the Project, and to pay for the cost of the removal of garbage, trash or other debris, which are occasioned by the activities of an Owner or Owner's builder or such builder's subcontractors during the construction of Improvements.

Section 26. Section 32. Governmental Requirements

. Nothing herein contained shall be deemed to constitute a waiver of any governmental requirements applicable to any Lot and all applicable governmental requirements or restrictions relative to the construction of Improvements on and/or use and utilization of any Lot shall continue to be applicable and shall be complied with in regard to the Lots. Each Owner shall comply with all laws, regulations, ordinances and other governmental rules and restrictions in regard to the Lot(s) or other portion of the Property owned by such Owner (including, without limitation, applicable zoning and watershed laws, rules, regulations and ordinances).

Section 27. Section 33. Occupants Bound

. All provisions of this Declaration, any Additional or Supplemental Declaration and the Bylaws and any and all rules and regulations, use restrictions or Guidelines promulgated pursuant hereto or thereto which govern the conduct of Owners and which provide for sanctions against Owners shall also apply to all Occupants even though Occupants are not specifically mentioned.

Section 28. Section 34. Applicability to Declarant and Builders

. The provisions of this Article are intended to restrict certain uses that may be harmful or affect the ambience or aesthetic appeal of the Property. The restrictions are not intended to prohibit Declarant from performing such work as may be necessary in the completion of the work in the Property. The restrictions of this Article shall therefore not be binding upon Declarant in the performance of any of the work required in order to complete the development and construction of and within the Property. Furthermore, Declarant shall have the right, in its sole and absolute discretion, to exempt any Person purchasing a Lot from Declarant for the purpose of constructing a residence thereon for resale to a third party (such Person being hereinafter referred to as a "Builder") from any one or more of the provisions hereof during the period during which such Builder is constructing a residence thereon until such residence is sold by such Builder to a third party; and Declarant may furthermore grant to any such Builder, in Declarant's sole discretion, the

right to exercise any one or more of the rights, easements and privileges reserved to Declarant under the terms hereof.

Article VIII

ARCHITECTURAL AND LANDSCAPING CONTROL

General

. Notwithstanding anything contained in this Declaration to the contrary, no Improvements, including, without limitation, site preparation on any Lot, change in grade or slope of any Lot, or erection of buildings or exterior additions or alterations to any building situated upon the Property, erection of or changes or additions in fences, hedges, walls and other structures, any landscaping, or any cutting of trees on any Lot, shall be commenced, erected or maintained on any portion of the Property until: (a) the Architectural Review Board, appointed as hereinafter provided, has approved the plans, specifications and materials therefor and the location of such Improvements and has given its written approval for commencement of construction, all in accordance with the terms and requirements in the Architectural, Design and Landscape Guidelines; (b) the fees set forth in or contemplated in this Article VIII have been paid; and (c) the contracts identified in this Article VIII have been executed. In addition to any standards established pursuant to this Declaration, Declarant may establish, by Additional Declarations, architectural and landscaping control standards, guidelines and restrictions in regard to various Phases or sections of the Property. The provisions of this Article VIII shall not apply to the construction of any Improvements commenced, erected or maintained by Declarant on any Lot or upon any of the Common Areas or Maintenance Areas.

The Board may delegate to the Architectural Review Board any powers or authority reserved or granted to the Board under this Article VIII.

Section 1. Composition of Architectural Review Board

. Until such time as a Certificate of Occupancy is issued for a residence on every recorded Lot in Eden View Acres the members of the Architectural Review Board shall be appointed by Declarant. At such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot in Eden View Acres or at such earlier date as Declarant releases its right to appoint the members of the Architectural Review Board, the members of the Architectural Review Board shall thereafter be appointed by the Board. During the period that the Declarant appoints the members of the Architectural Review Board, the length of terms and number of members of the Architectural Review Board shall be determined by the Declarant in its sole discretion. Once the Board begins to appoint the members of the Architectural Review Board, the members of the Architectural Review Board shall be appointed annually, and the Architectural Review Board will be composed of at least three (3) and not more than seven (7) individuals, the exact number of members of the Architectural Review Board to be designated from time to time by the Board. The members of the Architectural Review Board need not be Owners of property in the Project. In the event of the death or resignation of any member of the Architectural Review Board, the party or body then having the authority to appoint members to the Architectural Review Board shall have full authority to designate and appoint a successor. Members of the Architectural Review Board may

be removed and replaced at any time, with or without cause, and without prior notice, by the party or body then having the authority to appoint such members. Notwithstanding anything contained herein to the contrary, the Architectural Review Board shall have the right, power and authority to employ and/or use the services of any architects, engineers, attorneys or other professionals as it deems necessary or advisable, in its sole discretion, to carry out the duties and obligations of the Architectural Review Board as described in this Article VIII.

Section 2. Architectural and Design and Landscape Guidelines

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(a) The Architectural Review Board shall, from time to time, publish and promulgate the Architectural, Design and Landscape Guidelines. The Guidelines shall be explanatory and illustrative of the general intent of the development of the Property and are intended as a guide to assist the Architectural Review Board in reviewing plans and specifications for Improvements (including landscaping). The Guidelines shall also set out, among other things, the procedures for submission, review and approval of plans and specifications to the Architectural Review Board and the fees to be imposed by the Architectural Review Board, as more specifically described in Article VIII, Section 7 hereof. In any event, the Guidelines may be revised and amended at any time by the Architectural Review Board, in its sole discretion (provided, however, after the Turnover Date, the Guidelines shall not be revised or amended to allow less restrictive standards than those in effect on the Turnover Date), and shall not constitute, in every event, the sole basis for approval or disapproval of plans, specifications and other materials (for the construction of non-landscape Improvements) submitted to the Architectural Review Board for approval.

(b) The portions of the Guidelines addressing landscaping Improvements may establish approved standards, methods and procedures for landscaping, landscape management and landscape maintenance in the Property, including the removal of trees. Such authorized standards, methods and procedures shall be utilized by Owners and their contractors and subcontractors, and the approval by the Architectural Review Board of any landscaping plan or other landscaping improvement in connection with landscaping on a Lot or other portion of the Property shall be based upon the conformity of such plan or improvement with the Guidelines.

(c) The Architectural Review Board is also hereby authorized to publish and promulgate from time to time, and revise and amend at any time in its sole discretion, construction rules to be followed by all Owners and builders performing work or constructing or installing Improvements (including landscape Improvements) on the Property.

(d) The Architectural Review Board may issue and amend the Guidelines from time to time and may publish and promulgate different Guidelines for different Phases, sections or portions of the Property.

Section 3. Definition of "Improvements"

. The term "Improvement" or "Improvements" shall mean and include any and all man-made changes or additions to a Lot, including, but not limited to, the location, materials, size and design of all buildings (including any exterior devices attached to or separate from buildings, such as heating and air conditioning equipment, solar heating devices, antennae, satellite dishes, etc.);

storage sheds or areas; roofed structures; parking areas; fences; "invisible" pet fencing; pet "runs," lines and similar tethers or enclosures; walls; irrigation equipment, apparatus and systems; landscaping (including cutting or removal of trees); hedges; mass plantings; poles; driveways; ponds; lakes; changes in grade, slope or drainage patterns; site preparation; swimming pools; hot tubs; jacuzzis; tennis courts; tree houses; basketball goals; skateboard ramps; and other sports or play apparatus; signs; exterior illumination; and changes in any exterior color or shape. The definition of Improvements includes both original Improvements and all later changes to Improvements. The definition of Improvements, however, does not include the replacement or repair of Improvements previously approved by the Architectural Review Board, provided such replacement or repair does not change exterior colors, materials, designs or appearances from those which were previously approved by the Architectural Review Board.

Section 4. Enforcement

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(a) It is Declarant's intent that the architectural control provisions of this Declaration and any Additional Declarations are to permit control of the architectural design and landscaping and to establish quality standards for construction and construction activity in the Project and to help preserve values of properties in the Project. All Owners, by purchasing property subject to this Declaration, acknowledge that a violation of any such provisions could result in irreparable harm and damage to other Owners of property in the Project and to Declarant, and to the values of their respective properties in the Project, a monetary measure of which harm and damage would be difficult to establish. Accordingly, the Association shall have the specific right (but not the obligation) to enforce and/or to prevent any violation of the provisions contained in this Article VIII by a proceeding at law or in equity against the person or persons violating or attempting to violate any such provisions. Declarant hereby specifically reserves and grants unto the Architectural Review Board, the Board and any agent or member thereof, the right of entry and inspection upon any portion of the Property for the purpose of determination by the Architectural Review Board or the Board whether there exists any construction of any Improvement which violates the terms of any approval by the Architectural Review Board, the terms of the Guidelines, the terms of this Declaration or any Additional Declaration, or the terms of any amendments hereto or thereto.

(b) As to nonconforming or unapproved Improvements, the Association may require any Owner to restore such Owner's Improvements to the condition existing prior to the construction thereof (including, without limitation, the demolition and removal of any unapproved Improvements) if such Improvements were commenced or constructed in violation of this Article. In addition, the Association may, but has no obligation to, cause such restoration, demolition and removal to be performed and to levy the amount of the cost thereof as a Special Individual Assessment against the Lot or portion of the Property upon which such Improvements were commenced or constructed. In the event that it becomes necessary to resort to litigation to determine the propriety of any constructed Improvement, to remove any unapproved Improvement or otherwise to remedy a violation of the Guidelines, the Association shall be entitled to recover court costs, attorneys' fees and expenses incurred by the Association and/or the Architectural Review Board in connection therewith, which costs, fees and expenses may be levied as a Special

Individual Assessment against the Lot or other portion of the Property upon which such Improvement was commenced or constructed.

Section 5. Failure of the Architectural Review Board to Act

. The Architectural Review Board shall approve or disapprove any plans and specifications and other submittals or reject them as being inadequate or unacceptable within forty-five (45) business days after receipt thereof. If the Architectural Review Board fails to approve or disapprove any plans and specifications and other submittals or to reject them as being inadequate or unacceptable within forty-five (45) business days after receipt thereof, it shall be conclusively presumed that the Architectural Review Board has disapproved such plans and specifications and other submittals. If plans and specifications or other submittals are not sufficiently complete or are otherwise inadequate, the Architectural Review Board may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and reject or approve the balance. The Architectural Review Board is authorized to request the submission of samples of proposed construction materials.

Section 6. Variances

. Upon submission of a written request for a variance, which request shall set forth, among other things, the extraordinary circumstances applicable to a Lot giving rise to the need for a variance, the Architectural Review Board may, from time to time, in its sole discretion, permit Owners to construct, erect or install Improvements which are at variance with restrictions, requirements or provisions of this Declaration or any Additional Declaration from which a variance is permitted, pursuant to the terms hereof or thereof. In any case, however, the Architectural Review Board may grant a variance only due to the existence of extraordinary circumstances applicable to a Lot, which extraordinary circumstance (i) has not been caused by the Owner of such Lot and (ii) materially impairs the ability of an Owner to construct a Dwelling Unit on such Owner's Lot. Any variance granted shall be in basic conformity with and shall blend effectively with the general architectural style and design of the community and shall not materially change the scheme of restrictions herein set forth. Written requests for variances shall be deemed to be disapproved in the event the Architectural Review Board has not expressly and in writing approved such request within thirty (30) business days of the submission of such request. No member of the Architectural Review Board shall be liable to any Owner for any claims, causes of action, or damages arising out of the grant or denial of any variance to any Owner. Each request for a variance submitted hereunder shall be reviewed separately and apart from other such requests and the grant of a variance to any Owner shall not constitute a waiver of the Architectural Review Board's right to strictly enforce the covenants, restrictions and architectural standards provided hereunder or under any Additional Declaration against any other Owner. If a variance is granted, the Owner receiving such variance shall comply with the more restrictive of the terms of the variance or applicable local, state or federal laws (including, without limitation, local zoning and development laws), and the granting of a variance shall not relieve any Owner from the obligation of complying with such laws.

Section 7. Fees Required by the Architectural Review Board

. The Architectural Review Board, in its sole discretion, may require that each Person submitting plans and specifications for Improvements to the Architectural Review Board pay one or more fees to the Architectural Review Board or to Declarant as a condition to commencement of construction of such Improvements. Such fees, including the amounts, payee and purposes thereof, shall be established by, and may be changed from time to time by, the Architectural Review Board and shall be set forth in the Guidelines.

Section 8. Notices and Submittals

. Notices and submittals to the Architectural Review Board shall be in accordance with the notice provisions set forth from time to time in the Guidelines.

Section 9. Limitation of Liability

. No member of the Architectural Review Board shall be liable for claims, causes of action or damages (except where occasioned by willful misconduct of such member) arising out of services performed pursuant to this Article VIII. Neither the Architectural Review Board nor the members thereof, nor the Association, nor Declarant, nor any officers, directors, members, managers, employees, agents or affiliates of any of them, shall be liable for damages or otherwise to anyone submitting plans and specifications and other submittals for approval or to any Owner by reason of mistake of judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval of, or the failure to approve or disapprove of, any plans and specifications. The approval of plans and specifications by the Architectural Review Board shall not be deemed or construed as a representation or warranty of the Architectural Review Board, Declarant, or any officer, director, member, manager, employee, agent or affiliate of any of them, (i) that Improvements constructed in accordance with such plans and specifications will comply with applicable zoning ordinances, building codes, or other governmental or quasi-governmental laws, ordinances, rules and regulations or (ii) as to the structural soundness, quality, durability, suitability, fitness or proper functioning of Improvements constructed in accordance with such plans and specifications; and any responsibility or liability therefor is hereby disclaimed. Every person who submits plans and specifications, and every Owner, agrees that he will not bring any action or suit against Declarant, the Association, the Architectural Review Board, the Board, or the officers, directors, members, managers, employees, agents or affiliates of any of them, to recover any such damages and hereby releases, demises, and quitclaims all claims, demands and causes of action arising out of or in connection with any judgment, negligence or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands and causes of action not known at the time the release is given. Declarant shall be the sole party responsible for the performance of Declarant's obligations under this Declaration, and no other person, firm or entity, including, without limitation, any entity affiliated with Declarant, shall have any obligation or liability for Declarant's obligations under this Declaration.

Section 10. Miscellaneous

. Members of the Architectural Review Board may or may not be compensated for their services; provided, however, the Association shall reimburse members of the Architectural Review Board for reasonable out-of-pocket expenses associated with their activities hereunder. All costs, expenses and attorneys' fees of the Architectural Review Board, including those incurred in

connection with the exercise of their enforcement or other powers as provided herein, shall be borne by the Association; provided, however, nothing herein shall be deemed to negate the Association's right to an award of court costs, attorneys' fees and expenses in accordance with this Article VIII.

Article IX

INSURANCE; REPAIR AND RESTORATION; CONDEMNATION

Section 1. Board of Directors

. The Board of Directors shall cause to be obtained and maintained at all times insurance of the type and kind and in no less than the amounts set forth below:

(a) Fire. All Improvements and all fixtures and personal property included in the Common Areas and Maintenance Areas and all personal property and supplies belonging to the Association shall be insured in an amount equal to the current replacement cost (exclusive of land, foundation, excavation and other normally excluded items) as determined annually by the Board with the assistance of the insurance company providing coverage. The Board shall, at least annually, review the insurance coverage required herein and determine the current replacement cost of such improvements and fixtures and personal property and supplies. Such coverage shall provide protection against loss or damage by fire or other hazards covered by a standard extended coverage endorsement, windstorm and water damage, vandalism and malicious damage and all perils covered by a standard "all risk" endorsement. In addition to the provisions and endorsements set forth in Article IX, Section 3 and Section 4, the fire and casualty insurance described herein shall contain the following provisions:

(i) standard "Agreed Amount" and "Inflation Guard" endorsements;

(ii) construction code endorsements if the Common Area becomes subject to a construction code provision which would require changes to undamaged portions of any building thereby imposing significant costs in the event of partial destruction of such building by an insured peril;

(iii) a waiver of subrogation by the insurer as to any claims against the Association, any officer, director, agent or employee of the Association, the Owners and their employees, agents, tenants and invitees; and

(iv) a provision that the coverage will not be prejudiced by act or neglect of one or more Owners when said act or neglect is not within the control of the Association or by any failure of the Association to comply with any warranty or condition regarding any portion of the Property over which the Association has no control.

The fire and casualty insurance policy shall not contain (and the insurance shall not be placed with companies whose charters or bylaws contain) provisions whereby: (1) contributions or assessments may be made against the Association or the Owners; (2) loss payments are contingent upon action by the carrier's directors, policy holders or members; and (3) there are limiting clauses (other than insurance conditions) which could prevent the Association from collecting the proceeds.

(b) Public Liability. The Board shall also be required to cause to be obtained and maintained, to the extent obtainable, public liability insurance and officer's and director's liability insurance in such limits as the Board may, from time to time, determine to be customary for projects similar in construction, location and use as the Project, covering each member of the Board, the managing agent, if any, and each Owner with respect to his liability arising out of the ownership, maintenance, or repair of the Common Areas and Maintenance Areas, or from service on the Board; provided, however, in no event shall the amounts of such public liability insurance ever be less than $1,000,000 per occurrence against liability for bodily injury, including death resulting therefrom, and damage to property, including loss of use thereof, occurring upon, in or about, or arising from or relating to, the Property or any portion thereof, nor shall the amount of such officer's and director's insurance be less than $1,000,000 unless such coverage is determined by the Board to be unreasonably expensive. Such insurance shall include endorsements covering cross liability claims of one insured against another, including the liability of the Owners as a group to a single Owner. The Board shall review such limits annually. Until the first meeting of the Board following the initial meeting of the Association Members, such public liability insurance shall be in amounts of not less than $1,000,000 per occurrence for claims for bodily injury and property damage and such officer's and director's liability insurance shall be in amounts not less than $1,000,000.

(c) Fidelity Coverage. The Board shall also be required to cause to be obtained and maintained fidelity coverage against dishonest acts on the part of all persons, whether officers, directors, trustees, employees, agents or independent contractors, responsible for handling funds belonging to or administered by the Association. The fidelity insurance policy shall be written in an amount sufficient to provide protection which is in no event less than one and one-half times the Association's estimated annual operating expenses and reserves. An appropriate endorsement to the policy to cover any persons who serve without compensation shall be added if the policy would not otherwise cover volunteers.

(d) Other. Such other insurance coverages, including flood insurance and worker's compensation, as the Board shall determine from time to time desirable.

Section 2. Premium Expense

. Premiums upon insurance policies purchased by the Board shall be paid by the Board and charged as a common expense to be collected from the Owners pursuant to the terms of this Declaration.

Section 3. Special Endorsements

. The Board shall make diligent efforts to secure insurance policies that will provide for the following:

(a) recognition of any insurance trust agreement entered into by the Association;

(b) coverage that may not be cancelled or substantially modified (including cancellation for nonpayment of premium) without at least thirty (30) days' prior written notice to the named insured and any insurance trustee; and

(c) coverage that cannot be cancelled, invalidated or suspended on account of the conduct of any officer, director or employee of the Association without prior demand in writing that the Board cure the defect and the allowance of a reasonable time thereafter within which the defect may be cured by the Association or any Owner.

Section 4. General Guidelines

. All insurance policies purchased by the Board shall name Declarant as an additional insured and be with a company or companies licensed to do business in the State of North Carolina and holding a rating of "A VIII" or better by the current issue of Best's Insurance Reports. All insurance policies shall be written for the benefit of the Association and shall be issued in the name of and provide that all proceeds thereof shall be payable to the Association. Notwithstanding any of the foregoing provisions and requirements relating to insurance, there may be named as an insured, on behalf of the Association, the Association's authorized representative, who shall have exclusive authority to negotiate losses under any policy providing such insurance.

Section 5. Insurance Proceeds

. Subject to any limitations imposed by any applicable financing documents, the Association shall use the net proceeds of casualty insurance carried by it to repair and/or replace any damage or destruction of property, real or personal, covered by such insurance. Any balance from the proceeds of casualty insurance paid to the Association remaining after satisfactory completion of repair and replacement shall be retained by the Association as part of the general reserve fund for repair and replacement of the Common Areas and/or Maintenance Areas.

Section 6. Insufficient Proceeds

. If the insurance proceeds received by the Association are insufficient to reimburse the Association for, or to repair and/or replace, any damage or destruction to person or property covered by such insurance, the Board may levy a Special Assessment against the Owners to cover the deficiency.

Section 7. Owner's Personal Property

. Neither the Association nor Declarant shall be liable in any manner for the safekeeping or condition of any personal property belonging to or used by any Owner or his family, tenants, guests or invitees, located on or used at the Common Areas. Further, neither the Association nor Declarant shall be responsible or liable for any damage or loss to or of any personal property of any Owner, his family, tenants, guests or invitees located on or used at the Common Areas. Each Owner shall be solely responsible for all personal property and for any damage thereto or loss thereof, and shall be responsible for the purchase of, at such Owner's sole cost and expense, any casualty, liability or other insurance for damage to or loss of such property.

Section 8. No Obligation to Insure Owners' Property

. By virtue of taking title to a Lot within the Project, each Owner acknowledges that neither the Association nor Declarant has any obligation to provide any insurance for any portion of such Lot or any Dwelling Unit or other property located thereon.

Section 9. Security

. The Association may, in its sole discretion, but shall not be obligated to, provide certain security and fire protection measures, and maintain or support certain other activities within the Project designed to make the Project safer than it might otherwise be. Provided, however, should the Association provide, maintain or support any such measures or activities, then neither the Association, Declarant, nor any successor of Declarant shall in any way be considered insurers or guarantors of security or fire protection within the Project, and neither the Association, Declarant nor any successor of Declarant shall be held liable for any loss or damage by reason or failure to provide or take any security or fire protection measures or for the ineffectiveness of any such measures undertaken. Each Owner and Occupant of any Lot or Dwelling Unit and each tenant, guest and invitee thereof acknowledges and understands that neither the Association, Declarant nor any successor of Declarant are insurers, and each such Owner, and Occupant of a Lot or Dwelling Unit and their tenants, guests and invitees hereby assume all risks for loss or damage to persons, property or contents belonging to any such persons.

Section 10. Condemnation

. Whenever all or part of the Common Areas shall be taken or condemned by any authority having the power of eminent domain, all compensation and damages for and on account of such taking shall be paid to the Association. The Association, acting through the Board, shall have the right to negotiate and litigate the issues with respect to taking and compensation affecting the Common Areas, without limitation on the right of the Owners to represent their own interests. Each Owner, by his acceptance of a deed to a Lot or other portion of the Property, hereby appoints the Association as his attorney-in-fact to negotiate, litigate or settle on his behalf all claims arising from the condemnation of the Common Areas. All compensation and damages paid to the Association on account of such a taking shall be used to restore the Common Areas, provided such restoration is possible, with the excess, if any, to be retained by the Association and applied to future operating expenses by the Board, in its sole discretion. Nothing herein is to prevent Owners whose Lots or other property are specifically affected by the taking or condemnation from joining in the condemnation proceedings and petitioning on their own behalf for consequential damages relating to loss of value of the affected Lots or other property, or Improvements, fixtures or personal property thereon, exclusive of damages relating to the Common Areas. In the event that the condemnation award does not allocate consequential damages to specific Owners, but by its terms includes an award for reduction in value of Common Areas, Lots or other property without such allocation, the award shall be divided between affected Owners and the Association, as their interests may appear, by the Board in its sole discretion.

Article X

EASEMENTS AND OTHER RIGHTS

Declarant and the Association and their successors and assigns, in addition to any other easements granted or reserved herein, shall have the following non-exclusive easements on, upon, over, across, through and under the Property. In addition, Declarant and its successors and assigns, shall have the right, on behalf of itself and the Association, to grant additional easements on, upon, over, across, through and under the Common Areas and any portion of the Property owned by Declarant

as Declarant deems to be in the best interests of and proper for the Project, including, but not limited to, easements in favor of Declarant, the Association, the Owners, and all their family members, guests, invitees and tenants and to various governmental and quasi-governmental authorities and agencies and private concerns for the purposes and uses hereinafter specified.

Section 1. Easements and Cross-Easements on Common Areas

. Declarant, its designees and the Association, shall have the right to impose upon the Common Areas henceforth and from time to time such easements and cross-easements for ingress and egress, installation, maintenance, construction and repair of utilities and facilities including, but not limited to, electric power, telephone, cable television, master antenna transmission, surveillance services, governmental and quasi-governmental purposes, sewer, water, gas, drainage, irrigation, storm water management, lighting, television transmission, garbage and waste removal, emergency services, pedestrian walking trails or paths and the like as it deems to be in the best interests of, and necessary and proper for, the Project or any portion thereof.

Section 2. Use of Common Areas

. Subject to any limitation or restriction set forth in this Declaration, Declarant declares that the Common Areas are subject to a perpetual nonexclusive easement in favor of Declarant, the Association and their designees, the Owners and all their family members, guests, invitees and tenants, and appropriate governmental and quasi-governmental agencies to use the Common Areas for all proper and normal purposes including, but not limited to, ingress, egress and access for the furnishing of services and utilities and for such use of the facilities as the same are reasonably intended in accordance with the terms of this Declaration and any Additional Declaration. If ingress or egress to any Lot or other portion of the Property is through any Common Area, any conveyance or encumbrance of such area is subject to this easement. Any portions of the Common Areas on which graves or cemeteries are located are subject the rights of others, if any, to maintain and visit such graves or cemeteries as may be provided by applicable laws or regulations.

Section 3. Right-of-Way Over Roadways

. Declarant is hereby granted, for the benefit of itself, its agents, employees, lessees, invitees, designees, successors and assigns, and grants to the Association, its agents, employees, tenants, invitees, designees, successors and assigns, and to each Owner of a Lot, their family members, tenants, guests, invitees, successors and assigns, and to each Occupant of a Lot and to all governmental and quasi-governmental agencies and service entities having jurisdiction over the Property while engaged in their respective functions, a perpetual non-exclusive easement, license, right and privilege of passage and use, both pedestrian and vehicular, over and across the Roadways for the purpose of providing access, ingress and egress to and from, through and between the Property and for the purpose of furnishing services and utilities and for the use of such facilities as the same are reasonably intended in accordance with the terms of this Declaration.

Section 4. Right of the Association and Declarant to Enter Upon the Common Areas and Maintenance Areas

. Declarant hereby reserves for the benefit of itself, its successors in interest and assigns, and grants to the Association and all agents, employees or other designees of the Association an

easement for ingress, egress and access to enter upon or over the Common Areas and Maintenance Areas for the purposes of inspecting any construction, proposed construction, or Improvements or fulfilling the rights, duties and responsibilities of ownership, administration, maintenance and repair of Declarant or the Association, as applicable. Such easement includes an easement in favor of the Association and Declarant to enter upon the Common Areas and Maintenance Areas now or hereafter created to use, repair, maintain and replace the same for the purposes for which they are initially designated or for such purposes as they are hereafter redesignated or as Declarant otherwise determines them to be reasonably suited. Notwithstanding the foregoing, nothing contained herein shall be interpreted as imposing any obligation upon the Association or Declarant to maintain, repair, or construct Improvements which an Owner is required to maintain, construct or repair.

Section 5. Easement for Encroachments

. Declarant hereby reserves, for the benefit of itself, its successors in interest and assigns, and grants to the Association, the Owners, their successors and assigns, and to the Occupants of Lots, easements for encroachments, to the extent necessary, in the event any portion of the Improvements located on any portion of the Property now or hereafter encroaches upon any of the remaining portions of the Property as a result of minor inaccuracies in survey, construction or reconstruction, or due to settlement or movement. Any easement(s) for encroachment shall include an easement(s) for the maintenance and use of the encroaching Improvements in favor of Declarant, the Association, the Owners and all of their designees.

Section 6. Maintenance Areas

. Declarant hereby reserves, for the benefit of itself, its successors in interest and assigns, and grants to the Association, their successors and assigns, the following nonexclusive perpetual easements over certain areas of the Property as hereinafter described for the purposes hereinafter described:

(1) Easements for the purposes of landscaping and maintaining entryways and erecting and maintaining entrance monument(s) for the Project, over, across and under those portions of the Property shown and designated as "Monument Easement" or other similar designation on the Plats and over, across and under those portions of property outside of the Property for which Declarant or the Association has secured monument signage and landscaping easements (herein referred to as the "Entrance Monument Signage and Landscaping Easements"). Declarant and/or the Association shall have the right to landscape and maintain the areas of the Property so designated as entryways to the Project, to erect and maintain entrance monument(s) thereon bearing the name of the Project, and to erect and maintain lighting for such monument(s), plantings, landscaping, irrigation systems and other improvements typically used for entryways.

(2) Easements for the installation, maintenance, repair and removal of landscaping and landscaping amenities, including signage, lighting, monuments and irrigation systems, over, across and under those portions of the Property shown and designated as "Landscape Easements" or other similar designation on the Plats (herein referred to as "Landscape Easements").

(3) Easements for the installation, maintenance, repair and removal of sidewalks, if any, over, across and under those portions of the Property shown and designated as "Sidewalk Easements" or other similar designation on the Plat (herein referred to as the "Sidewalk Easements").

(4) Easements for the installation, maintenance, repair and removal of storm drainage facilities within the areas shown as "Stormwater BMP Easement," "S.D.E.," "Storm Drainage Easement," or other similar designation on the Plats.

(5) Easements for the installation, maintenance, repair and removal of pedestrian trails and walking paths within areas designated as such on the Plats.

All of the above-described areas and items shall herein be referred to as the "Maintenance Areas." The Association shall maintain the Maintenance Areas to a consistent standard of maintenance typical of a first-class development. Notwithstanding the foregoing, the Association shall not be obligated to maintain the Maintenance Areas that are located on the Lots. The Association shall have the right, but not the obligation, to enter onto and maintain the Maintenance Areas that are located on the Lots. Each Owner shall be obligated to maintain all portions of any Maintenance Area located upon his or her Lot to the extent the Association does not maintain it.

Section 7. Utility and Drainage Easements

. The Property shall be subject to all easements and rights-of-way for utilities and drainage shown on the Plats, including, but not limited to, those certain easements shown and designated on the Plats as:

(a) "Utility Easement"; and

(b) "Stormwater BMP Easement" or "Public Storm Drainage Easement" or "Drainage Easement" or "S.D.E."

Such easements are hereby established for the use of Declarant, its successors and assigns, and are hereby established for the use of the Association, its successors and assigns, and include, without limitation, storm drainage easements of variable width, whether or not depicted on a Plat, over the entire area within all ditches along any Roadway.

Additionally, Declarant hereby reserves, for the benefit of itself, its successors and assigns, and grants to the Declarant and the Association, its successors and assigns, a non-exclusive easement and right-of-way over, under and along the Maintenance Areas for the installation and maintenance of lines, conduits, pipes and other equipment necessary for furnishing electric power, gas, telephone service, cable service, water, irrigation, septic system, sanitary sewer and drainage facilities, storm drainage and/or other utilities. Within the above-described easements no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation of utilities or which may change the direction or flow of drainage channels in the easements. This establishment of easements shall not prohibit the construction of driveways, at locations approved by the Architectural Review Board, over such easements.

Section 8. Utility Easement on Lots

. Additionally, Declarant hereby reserves, for the benefit of itself, its successors and assigns, and grants to the Declarant and the Association, its successors and assigns, a non-exclusive easement and right-of-way over, under and along the first ten feet from the edge of the Roadways right of way on each Lot for the installation and maintenance of lines, conduits, pipes and other equipment necessary for furnishing electric power, gas, telephone service, cable service, water, irrigation, septic system, sanitary sewer and drainage facilities, storm drainage and/or other utilities. Within the above-described easements no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation of utilities or which may change the direction or flow of drainage channels in the easements. This establishment of easements shall not prohibit the construction of driveways, at locations approved by the Architectural Review Board, over such easements.

Section 9. Declarant's Right to Assign Easements; Maintenance of Easement Areas

. Declarant shall have the right to assign and convey, in whole or in part, the easements created hereunder. The areas burdened by the easements and rights-of-way established in favor of Declarant on each Lot or other portion of the Property pursuant hereto, including any Improvements in such areas, which are not to be maintained by the Association or a public authority or utility, shall be maintained continuously by each Owner of such Lot or other portion of the Property, but no structures, plantings or other material shall be placed or permitted to remain upon such areas or other activities undertaken thereon which may damage or interfere with the installation or maintenance of utilities or other services, or which may retard, obstruct or reverse the flow of water or which may damage or interfere with established slope ratios or create erosion problems. Notwithstanding the above, the Association and Declarant shall have the right, but not the obligation, to maintain the landscaping in the easement areas on any Lot.

Section 10. Easement Created for the Association and Declarant

. Full rights of access, ingress and egress are hereby granted to Declarant for itself and the Association at all times over and upon any Lot or other portion of the Property for the exercise of the easement rights described in this Article X and for the carrying out by Declarant or the Association of the rights, functions, duties and obligations of each hereunder; provided, that any such entry by Declarant or the Association upon any Lot or portion of the Property shall be made with the minimum inconvenience to the Owner of such property as is reasonably practical, and any damage caused as a result of the gross negligence or intentional malfeasance of Declarant, the Association or their employees or agents shall be repaired by Declarant or the Association, as the case may be, at the expense of Declarant or the Association, as the case may be.

Section 11. Additional Easements

. Declarant shall have the right to grant over, under, across and upon any portion of the Property owned by Declarant, and the Board shall have the authority, in its sole discretion, to grant over, under, across and upon the Common Areas, such easements, rights-of-way, licenses and other rights in accordance with or to supplement the provisions of this Declaration or as may otherwise be desirable for the development of the Project, by the execution, without further authorization, of such grants of easement or other instruments as may from time to time be necessary or desirable. Such easements may be for the use and benefit of persons who are not Association Members or

Owners. After such time as the members of the Board are no longer appointed by Declarant, the Board shall cooperate with Declarant and execute such grants of easements over the Common Areas as may be desirable to Declarant for the development of the Project and the preservation and enhancement of Declarant's interest therein.

Section 12. No Merger of Easements

. The easements hereby established shall not be terminated by merger or otherwise, except upon execution and recordation of an instrument specifically terminating any such easement.

Article XI

GENERAL PROVISIONS

Section 1. Duty of Maintenance

. Except for those portions, if any, of a Lot which the Association may elect to maintain or repair hereunder, the Owner of any Lot shall have the duty and responsibility, at such Owner's sole cost and expense, to keep the Lot owned by such Owner, including Improvements thereon and ground and drainage easements or other rights-of-way incident thereto, in compliance with the covenants, conditions, restrictions and development standards contained in this Declaration (to the extent applicable), and in any applicable Additional Declaration, in accordance with the provisions of the Guidelines, and in a well-maintained, safe, clean and attractive condition at all times. Such maintenance, as to unimproved and improved Lots, shall include, but shall not be limited to, the following:

(i) Prompt removal of all litter, trash, refuse and waste;

(ii) Keeping land, including any lawns and shrub beds, well maintained and free of trash, uncut grass and weeds;

(iii) Keeping all sediment resulting from land disturbance or construction confined to the respective Owner's property;

(iv) Complying with all governmental health, safety and law enforcement requirements;

(v) Maintenance of natural areas and landscaping in accordance with the Guidelines;

(vi) Keeping parking areas and driveways in good repair;

(vii) Repainting of Improvements; and

(viii) Repair of damage and deterioration to Improvements, it being understood and agreed that if any Improvements are damaged or destroyed by fire or other casualty, then within six (6) months following the date such damage or destruction occurs, the Owner of the Lot on which such Improvements are situated must repair and restore such damaged Improvements (in accordance with plans and specifications approved by the Architectural Review Board and otherwise in accordance with the terms and provisions of this Declaration and of each Additional Declaration

applicable thereto) or remove such damaged Improvements and restore the Lot to its condition existing prior to the construction of such Improvements.

Notwithstanding anything contained herein to the contrary, the above-described maintenance responsibilities as to any Lot shall commence only upon a Plat showing such Lot being recorded in the Office of the Register of Deeds of Chatham County and upon the conveyance of such Lot by Declarant. If an Owner of any Lot has failed in any of the duties or responsibilities of such Owner as set forth herein, then the Board and Declarant, either jointly or severally, may give such Owner written notice of such failure, and such Owner must, within ten (10) days after receiving such notice (which notice shall be deemed to have been received upon deposit in an official depository of the United States mail, addressed to the party to whom it is intended to be delivered, and sent by certified mail, return receipt requested), perform the care and maintenance required or otherwise perform the duties and responsibilities of such Owner as described herein. Provided, however, this cure period shall be extended for a time not to exceed sixty (60) days so long as Owner shall have commenced to cure such nonconformity and shall diligently prosecute the same. Should any such Owner fail to fulfill this duty and responsibility within such period, then the Association, acting through its authorized agent or agents, or Declarant (until such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot within Eden View Acres), acting through its authorized agent or agents, either jointly or severally, shall have the right and power to enter onto the premises of such Owner and perform such care and maintenance without any liability for damages for wrongful entry, trespass or otherwise to any Person. The Owner of the Lot on which such work is performed shall be liable for the cost of such work, together with interest on the amounts expended by the Association or Declarant in performing such work computed at the highest lawful rate as shall be permitted by law from the dates such amounts are expended until repayment to the Association or Declarant, as the case may be, and for all costs and expenses incurred in seeking the compliance of such Owner with his duties and responsibilities hereunder, and such Owner shall reimburse the Association or Declarant, as the case may be, on demand for such costs and expenses (including interest as above provided). If such Owner shall fail to reimburse the Association or Declarant, as the case may be, within thirty (30) days after the mailing to such Owner of a statement for such costs and expenses, then, without limitation of any other rights of the Association or Declarant, the Association may impose a Special Individual Assessment against such Owner for the amount owed.

Section 2. Duration

. This Declaration and the controls, covenants, restrictions and standards set forth herein shall run with and bind the Property and any Owner, and shall inure to the benefit of every Owner of a Lot in the Property and every Owner of any other portion of the Property, including Declarant, and their respective heirs, successors, and assigns, for a term of thirty (30) years beginning on the date this Declaration is recorded in the Office of the Register of Deeds of Chatham County, North Carolina. At the end of such thirty (30) year period, the easements, covenants, conditions and restrictions set forth herein shall automatically be extended for successive periods of ten (10) additional years, unless prior to the expiration of a respective period, by a vote of no less than eighty percent (80%) of all votes entitled to be cast by the Association Members, there shall be adopted a resolution to terminate these covenants and restrictions. Owners may vote in person or by proxy at a meeting duly called for such purpose at which a quorum is present, written notice of which shall have been given to all Owners at least thirty (30) days in advance of the date of such

meeting, which notice shall set forth the purpose of such meeting. The foregoing shall not limit the right of Declarant to amend and/or supersede, in whole or in part, the terms and provisions hereof, as such right in favor of Declarant is described in Section 3 below.

Section 3. Amendment

. Except as otherwise expressly provided herein and subject to the limitations hereinafter contained, this Declaration may be amended or modified at any time by a vote of no less than sixty-seven percent (67%) of all votes entitled to be cast by the Association Members, which vote is taken at a duly held meeting of the Association Members at which a quorum is present, all in accordance with the Bylaws. Provided, however, if sixty-seven percent (67%) of all votes entitled to be cast by the Association Members cannot be obtained at such a meeting, then this Declaration may be amended by obtaining the vote of sixty-seven percent (67%) of all votes present at a duly held meeting of the Association Members at which a quorum is present and by, within ninety (90) days of such vote, obtaining written consent to such amendment by Association Members holding a sufficient number of votes to comprise, along with such Association Members voting in favor of the amendment, a total of sixty-seven percent (67%) of all votes entitled to be cast by Association Members. Further provided, that any amendment or modification to this Declaration must be consented to by Declarant, until such time as a Certificate of Occupancy has been issued for a residence on every recorded Lot within Eden View Acres, which consent Declarant may grant or withhold in its sole discretion. Any amendment or modification upon which the vote of Association Members is required pursuant to this Section 3 shall become effective when an instrument executed by the Association Members voting for such amendment or modification is filed of record in the Office of the Register of Deeds of Chatham County, North Carolina; provided, however, such an amendment or modification, in lieu of being executed by the Association Members voting for such amendment or modification, may contain a certification of the Secretary of the Association stating that the amendment or modification has been voted on and approved by the requisite number of votes of the Association Members, as provided in this Section 3.

Notwithstanding the terms of the immediately preceding paragraph of this Section 3, until the Turnover Date, Declarant, without obtaining the approval of any Association Member or any Owner or Owners other than Declarant, shall have the unilateral right, in its sole and absolute discretion, to make any amendments or modifications hereto which Declarant deems necessary or desirable, including, without limitation, amendments or modifications to any procedural, administrative or substantive provision of this Declaration.

Section 4. Release of Property

. Until the Turnover Date, Declarant shall have the right, in its sole and absolute discretion, without the consent of the Association, any Association Member or any other Owner, to release any portion of the Property then owned by Declarant from the terms of this Declaration by recording a release in the Office of the Register of Deeds of Chatham County, North Carolina. After the recordation of such release, the portion of the Property described therein shall not be subject to the terms of this Declaration.

Section 5. Enforcement; Litigation

. The Association shall be authorized to impose sanctions for violations of this Declaration, the Bylaws, or the Guidelines. Sanctions may include reasonable monetary fines not to exceed $100.00 per day and suspension of the right to vote and to use any facilities within the Common Areas (excepting drainage rights and rights of access to Lots) after notice and opportunity for a hearing. In addition, the Association, through the Board, after notice and opportunity for a hearing, shall have the right to exercise self-help to cure violations, and shall be entitled to suspend any services provided by the Association to any Owner or Lot in the event that such Owner is more than thirty (30) days delinquent in paying any assessment or other charge due to the Association. The Association, Declarant or any Owner shall have the right, but not the obligation, on its own behalf or on behalf of others, to enforce the provisions of this Declaration or any Additional Declaration. Enforcement of the controls, covenants, conditions, restrictions, easements, development guidelines, charges and liens for which provision is made in this Declaration shall be by a proceeding at law or in equity (or otherwise, as provided in this Declaration) against any person or persons violating or attempting to violate any such control, covenant, condition, restriction, easement, development guideline, charge or lien, either to restrain such violation or to recover damages, and against the land to enforce any lien created by these covenants; and failure by the Association, Declarant or any Owner to enforce any such control, covenant, condition, restriction, easement, development guideline, charge or lien shall in no event be deemed a waiver of the right to do so thereafter or of any other or future violation of any thereof. The Board shall attempt to meet with a potential defendant in order to investigate the possibility of any early settlement of any lawsuit or claim, and shall give the potential defendant notice of the claim or the potential litigation and a reasonable opportunity to cure the problem before the claim is filed. The immediately preceding sentence shall not apply, however, to (a) actions brought by the Association to enforce the provisions of this Declaration, (b) the imposition and collection of assessments, charges or other fees hereunder, (c) proceedings involving challenges to ad valorem taxation, (d) counter-claims brought by the Association in proceedings instituted against it or (e) actions brought by the Association against any contractor, vendor, or supplier of goods or services to the Project.

Section 6. Severability of Provisions

. If any section, paragraph, sentence, clause or phrase of this Declaration shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining sections, paragraphs, sentences, clauses and phrases of this Declaration shall continue in full force and effect and shall not be affected thereby. It is hereby declared that the remaining sections, paragraphs, sentences, clauses and phrases would have been and are imposed irrespective of the fact that any one or more other sections, paragraphs, sentences, clauses or phrases shall become or be illegal, null or void.

Section 7. Notice

. Except as otherwise set forth herein expressly, whenever written notice to an Owner or Association Member (including Declarant) is required hereunder, such notice shall be given by the mailing of same, postage prepaid, to the address of such Owner or Association Member appearing on the records of Declarant or the Association. If notice is given in such manner, such notice shall be conclusively deemed to have been given by placing same in the United States mail properly

addressed, with postage prepaid, whether received by the addressee or not. Declarant's address as of the date of recording of this Declaration is 154 Ruffed Grouse, Chapel Hill, NC 27517.

Section 8. Titles

. The titles, headings and captions which have been used throughout this Declaration are for convenience only and are not to be used in construing this Declaration or any part thereof.

Section 9. No Exemption

. No Owner or other party may exempt himself from the coverage hereof or obligations imposed hereby by non-use of such Owner's Lot(s) or other property located within the Project or the Common Areas.

Section 10. Changes to Plans for the Project

. Nothing contained herein shall be deemed to incorporate, by reference or otherwise, any plans or proposals promulgated by Declarant with respect to the development of the Project, and Declarant, subject to the covenants, conditions and restrictions contained in this Declaration and any Additional Declaration, reserves the right to change any plans for the Project at any time and from time to time as Declarant may determine to be necessary based upon Declarant's continuing research and design program and/or market conditions, and any plans for the Project shall not bind Declarant or its successors and assigns to adhere to such plans in the development of the Property or any part thereof. In addition, Declarant reserves the right to change, from time to time, the uses and densities that exist on any portion(s) of the Property owned by Declarant, subject to the covenants, conditions and restrictions contained in this Declaration and any Additional Declaration.

[Signatures on following page.]

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed as of the day and year first above written.

Dairyland Farm, LLC

By: _____
Keith T Brown, Manager

By: _____
Keith T Brown, Manager

NORTH CAROLINA

COUNTY OF _____

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Keith T Brown

My Commission Expires:

Notary Public

Print Name: _____

[Affix Notary Stamp or Seal]

NORTH CAROLINA

COUNTY OF _____

EXHIBIT A

The Property

All that tract or parcel of land, together with the improvements and appurtenances belonging thereto, lying and being in Chatham County, North Carolina, as shown on a plat entitled "MAJOR SUBDIVISION PLAT EDEN VIEW ACRES – PHASE 1 PROPERTY OF EDEN VIEW ACRES –ORANGE COUNTY – NORTH CAROLINA" dated OCTOBER 2022, prepared by MIKE GRIFFIN AND ASSOCIATES., consisting of _____Orange

County Registry, and to which plat reference is hereby made for a more particular description of said land.

Need to exclude area to be retained by owner.

DECLARATION

OF

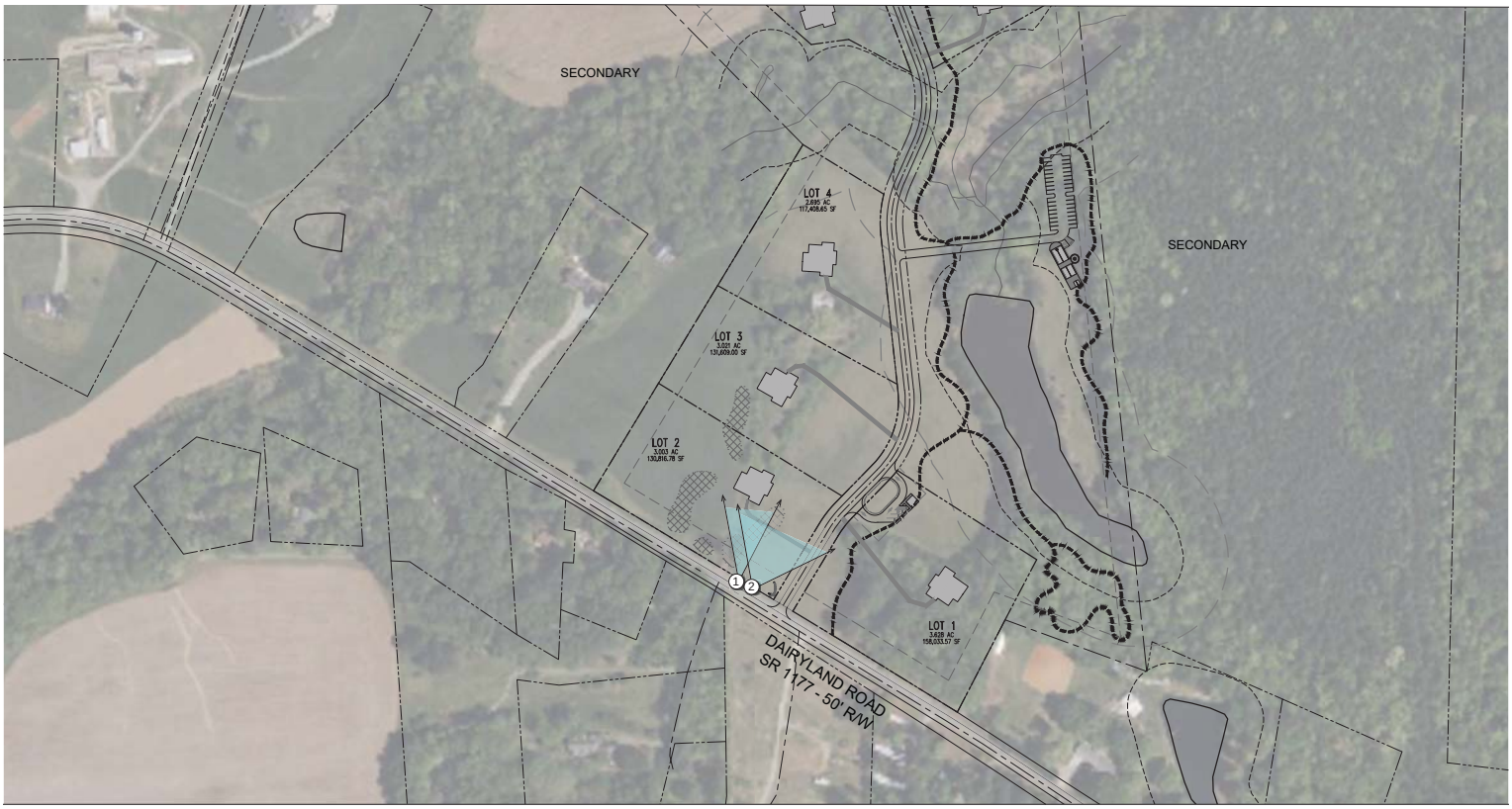
COVENANTS, CONDITIONS AND RESTRICTIONS

EDEN VIEW ACRES

Drawn by and after recording return to:
Patrick E. Bradshaw
Bradshaw Robinson Slawter LLP
Post Office Box 607
Pittsboro, NC 27312

S:\Projects\2021\21116 Dairyland Road\Graphics\Orange County - Major Subdivision Review\ADOBE\24x36_Views From the Road(s) Exhibit

KEY MAP [DAIRYLAND ROAD]



Eden View

Durham, NC

February 24, 2023

THOMAS & HUTTON

This map illustrates a general plan of the development which is for discussion purposes only, does not limit or bind the owner/developer, and is subject to change and revision without prior written notice to the holder. Dimensions, boundaries, and position locations are for illustrative purposes only and are subject to an accurate survey and property description.

S:\Projects\2021\21018 Dairyland Road\Graphics\Orange County - Major Subdivision Review\ADOBE\24x36_Views From the Road(s) Exhibit

VIEW ONE [DAIRYLAND ROAD]



THOMAS & HUTTON
This map illustrates a general plan of the development which is for discussion purposes only, does not limit or bind the owner/developer, and is subject to change and revision without prior written notice to the holder. Dimensions, boundaries, and position locations are for illustrative purposes only and are subject to an accurate survey and property description.

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VIEW TWO [DAIRYLAND ROAD]



THOMAS & HUTTON
This map illustrates a general plan of the development which is for discussion purposes only, does not limit or bind the owner/developer, and is subject to change and revision without prior written notice to the holder. Dimensions, boundaries, and position locations are for illustrative purposes only and are subject to an accurate survey and property description.

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KEY MAP [ORANGE GROVE ROAD]



Eden View

February 24, 2023

THOMAS & HUTTON

This map illustrates a general plan of the development which is for discussion purposes only, does not limit or bind the owner/ developer, and is subject to change and revision without prior written notice to the holder. Dimensions, boundaries, and position locations are for illustrative purposes only and are subject to an accurate survey and property description.

Durham, NC

S:\Projects\2021\21116 Dairyland Road\Graphics\Orange County - Major Subdivision Review\ADOBE\24x36_Views From the Road(s) Exhibit

VIEW ONE [ORANGE GROVE ROAD]



THOMAS & HUTTON
This map illustrates a general plan of the development which is for discussion purposes only, does not limit or bind the owner/developer, and is subject to change and revision without prior written notice to the holder. Dimensions, boundaries, and position locations are for illustrative purposes only and are subject to an accurate survey and property description.





THOMAS & HUTTON
111 W. MAIN STREET
DURHAM, NC 27701 | 919.682.0368
WWW.THOMASANDHUTTON.COM

4/21/23

To: Orange County Board of County Commissioners

Re: Eden View Acres Conditional Rezoning

To Whom it may concern:

As applicant and on behalf of the Developer of the Eden View Acres project, Keith Brown of Sun Forest Systems, we are proposing that the following commitments be attached to the Conditional Rezoning of the parcels identified by PIN's 9841527281 and 9840795091:

- The uses on the farm and associated permanent conservation areas will be limited to only those uses that are currently allowed on existing farms in the Orange Grove Community as of the date of approval.
- Additional plantings will be added to the western property line of lot #34 to screen the view from parcel PIN 9841322556.
- The site property line will be marked with signage that reads "DANGER, NO TRESPASSING – FARM EQUIPMENT IN USE" at lots 7 through 11 with signage facing both directions.
- The Developer will install a fence with no trespassing signage along the shared property line with parcel PIN 9841734586.
- The Developer will notify prospective new property purchasers of the Eden View Acres subdivision of the presence of a Shooting Range and associated noise on the adjacent property, so long as that use continues.
- The Developer will notify prospective new property purchasers that this is a voluntary agriculture district.

Respectfully,

THOMAS & HUTTON ENGINEERING



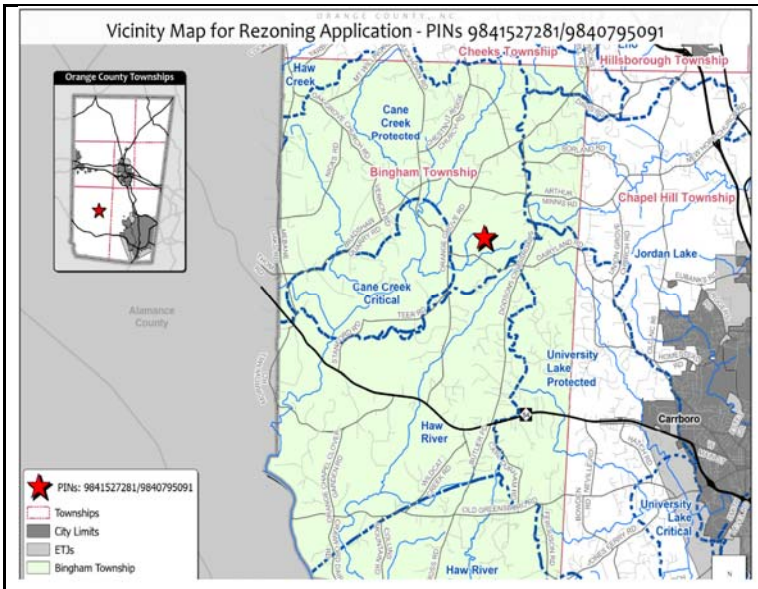
By _____
Daniel Jewell, PLA | Principal / Regional Director

Attachment 2

Staff Report

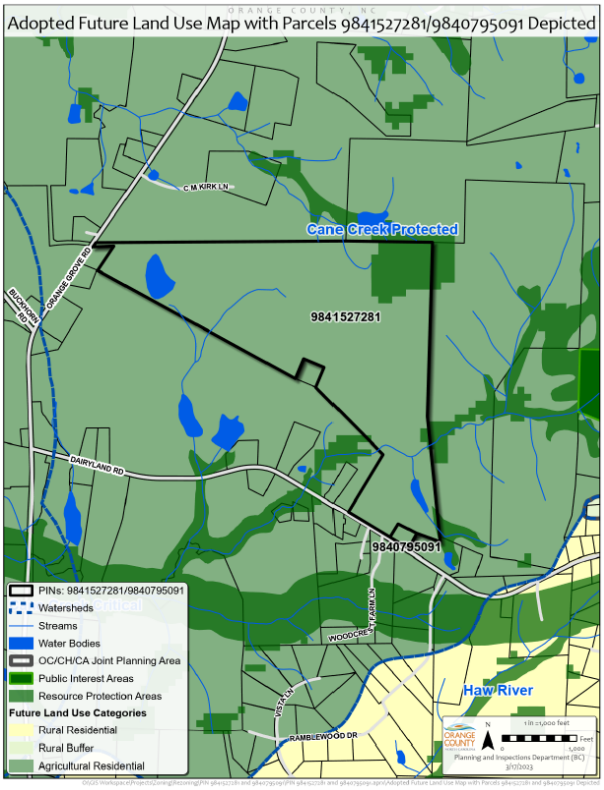
Zoning Atlas Amendment – Conditional District

Basic Information

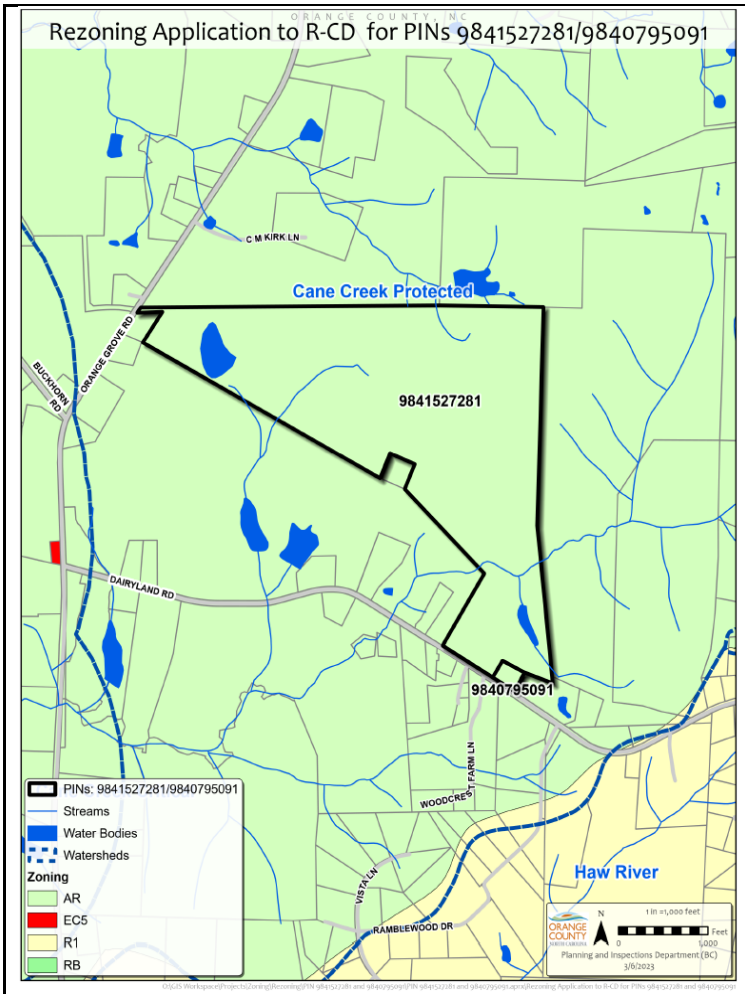


Parcel Address	4801 and 4901Dairyland Road, Hillsborough, NC 27516
Parcel Identification Number (PIN)	9841-52-7281, 9840-79-5091
Applicant Name and Address	Daniel Jewell CJT, PA 111 West Main Street, Durham, NC, 27701
Property Owner Name and Address (if different from Applicant)	Daniel and Elizabeth Snipes 6602 Orange Grove Rd. Hillsborough, NC, 27278
Agent(s), if applicable	N/A

Parcel Size	190+/- acres
Future Land Use Map (FLUM) Designation	Agricultural Residential
FLUM Overlay(s)	Resource Protection Area
Growth Management System Designation	Rural
Definition of FLUM Designation (Land Use Element of Comprehensive Plan)	Land in the rural areas where the prevailing land use activities are related to the land (agriculture, forestry) and which is an appropriate location for the continuation of these uses.
(Appendix F of Comprehensive Plan)	Agricultural activities and associated residential and commercial uses predominate



Attachment 2



Current Zoning District	AR (Agricultural Residential) – 190+/- acres
Requested Zoning District	R-CD (Residential Conditional District), Conservation Cluster Flexible Subdivision
Requested Zoning District Consistent with Appendix F of 2030 Comprehensive Plan	Yes
Existing Zoning Overlay Districts	Cane Creek Protected Watershed
Amendments Proposed for Overlay Districts (Y/N)	No

Surrounding Land Uses and Zoning	
North	Agricultural Residential (AR) residential homes.
South	(AR) residential homes.
East	(AR) residential homes.
West	(AR) residential homes.
Existing Roads	
North	C M Kirk Lane
South	Dairyland Road
East	None
West	Orange Grove Road



Existing Conditions/Physical Features

The parcel currently has a stick built structure in “Poor” condition, as evaluated by the Orange County Tax Office that is proposed to be deconstructed. The property rises to a high point in the northeastern corner of the property, with gentle slopes down to the buffered creek beds. Most vegetation is located in near the center and west portions of the parcel. The current state of the parcel is used for farming.

Public Water and Sewer

Private well and septic systems are used in this area. The Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA) does not designate this area as a Primary Service Area for water and sewer services.

Proposed Project

Proposed Development

A conditional zoning district with “Conservation Cluster Flexible Residential Subdivision” for a 38-lot subdivision being the sole specific permitted use, and the layout specified in the submitted site-specific plan, as detailed and defined within the Unified Development Ordinance and as authorized by NCGS 160D-703.

The following information was provided by the applicant:

Our goal is to create a community that is as self-sustainable as possible. We will implement thoughtful building practices, minimal grading and land disturbance, solar energy, rainwater collection, and a landscape design that focuses on producing food and useful products for the community. We are proposing Thirty-Eight lots, each lot will range from 2 to 5 acres. Each lot will have an individual well and septic system, ensuring that residents have an independent water supply and waste management system that is tailored to their specific needs. We will identify the most productive portions of existing fields, pastures, and cropland, and locate building lots on less productive land. We plan to build efficient, smart homes, sustainably built using the best quality materials. With options to build accessory dwelling units, we are seeking attainable housing, and a mixed-income, diverse community. In this Flexible Development, each Homestead will be located within a short walk of shared green space.

Eden View Acres will provide residents with an array of exceptional amenities to enhance their daily life. The Food Forest trail will wind around the farmland fields and by the houses bringing everyone closer together. Educational stations along the way will inspire learning and creativity in nature. There are two ponds teaming with birds and fish that will provide an excellent source of outdoor recreation. The pavilion will serve as a central gathering spot, where community members can come together for classes, and events, or simply to relax and recharge in the tranquil surroundings. Additionally, the development will include two large open spaces or parks for shared use, providing ample opportunities for residents to enjoy the outdoors. Eighty percent of the home sites will offer stunning views of the surrounding pastures from the edge the forest, while the other 20 percent will be nestled further into the forest, offering an emphasis on being one with nature and minimal footprints. These forested lots will be perfect for those who want to feel connected to the forest and all the natural beauty it provides. While those on the edge of the forest while looking over the meadows, will enjoy the tranquility of the long view over the pastures that have been grazing cattle for over two centuries. The community's character will flow effortlessly into the nearby farms and communities, creating a sense of unity and belonging. Eden View Acres will be an exceptional place to live, work, and play, with amenities and surroundings that promote a healthy, sustainable, and fulfilling lifestyle.

Eden View Acres will host three parks, all connected by a walking trail that will wind around the forest and into the farmland fields. The trails will be landscaped using native edible species, providing a maturing food forest for the community. There will be educational stations along the way, designed to inspire learning and creativity in nature. Community is paramount to Eden View Acres, and we will collaborate with local groups focusing on education in nature.

The park located in the center of the neighborhood will be a hub of outdoor activity and natural fun. Designed with an eye toward sustainability and fitness, it will feature natural climbing structures, rope swings, and slides built into the surrounding hills. These features will provide an exciting and challenging environment for kids and adults alike to explore and test their limits. Additionally, the park will include a natural playground, designed to encourage imaginative play and creativity in all ages. The playground will feature materials such as logs, stumps, and boulders, and will be arranged in a way that promotes social interaction and exploration. With these unique features, the park will be a wonderful place for residents to connect with nature and stay active in a fun and engaging way.

At Eden View Acres, we are committed to adhering to the principles of the Orange County Comprehensive Plan. Our development plan takes into account the prime view sheds, such as those visible from Orange Grove Road. To preserve the natural beauty of the area, we have chosen to locate our active farm off Orange Grove Road, making our neighborhood’s entrance off Dairyland. This decision ensures that the value of all view sheds is protected, and the land retains its unspoiled charm.

As we plan the development of Eden View Acres, we are taking great care to protect the beautiful trees that already exist on the land. We have identified several mature trees that are particularly stunning and unique. We are designing our proposed home sites and roads to work with the landscape to the best of our abilities while still meeting the D.O.T. standards for residential roadways. By avoiding areas with large or significant trees and choosing a path along ridges and in flatter zones, we will minimize the need for grading and land disturbance. In addition, we plan to implement a protective zone around each tree within the primary open

space that will prevent construction equipment and materials from damaging the tree's root system or trunk. All significant trees and natural features in the primary open spaces will be prioritized for protection. We plan to protect all substantial trees on any lot. We have also designed a plan to be implemented for the protection of natural features, including shared viewsheds of secondary open spaces will be preserved through careful management. Our goal is not only to preserve the natural beauty of the area but also to ensure that this land continues to thrive and mature for generations to come.

Our plan also includes the creation of a food trail, where edible plants, shrubs, and trees will be grown together in a way that mimics the natural ecosystems of the area. This approach will help to provide food and useful products for the community while also promoting soil health, reducing erosion, and providing habitats for wildlife. We will also be incorporating pollinator-friendly plants into the landscaping plan, which will support the local bee population and other beneficial insects. The plants we choose will provide food, shelter, and nesting sites for these important species, promoting a healthy and diverse ecosystem.

In addition to the landscaping plan, we are also designing our roads and buildings to minimize our impact on the land. Our roadways will be designed to work with the existing terrain and will be built in a way that minimizes the amount of grading and land disturbance necessary. The roadways within Eden View will be built to D.O.T standards in order to be turned over to the state for maintenance. The roads will be professionally engineered to have minimal impact on the existing pastures, cropland, feedlots, and similar uses.

Our development will consider the importance of preserving the scenic views and vistas of the area, particularly as seen from public roadways. To this end, we will prioritize leaving these views unblocked or uninterrupted. We will add to the existing landscape when needed using locally found species to create a natural visual buffer. These buffers will ensure views from the road are preserved for generations to come. In addition, we will be using the local flora found on the site as a visual screen and planting more trees will be used as a visual screen to provide privacy. We will plant Maple, Cedar, Oaks, and other trees that are already flourishing in the area to ensure that our design blends in with the existing natural landscape. Our goal is to create a community that harmonizes with the environment while providing residents with a sustainable, healthy, and beautiful place to call home.

The road will be designed to provide internal access to all lots in the subdivision. Private driveways shall access existing state-maintained roads only via subdivision roads providing internal access to lots in the subdivision. Building lots will mostly be located in forested areas away from existing pastures croplands. When possible, the homes will be built within the wooded areas, preserving the view sheds, and maximizing privacy, while maintaining the concept of a shared open space.

Two beautiful ponds will be Preserved and nourished as part of the community's commitment to preserving the natural environment. We plan to redesign them using permaculture principles, ensuring their longevity and supporting the surrounding ecosystem. The ponds will be enhanced with a variety of trees, including Willows, Cypresses, and Red Maples, which will provide shade and habitat for a variety of species. We will also plant aquatic vegetation, such as Duckweed and Water lilies, which will oxygenate the water and create a healthy environment for fish and other aquatic life. In addition, we will incorporate native shrubs and flowers, such as Elderberry and Bee balm, to support pollinators and provide food and shelter for wildlife. By employing permaculture practices, the ponds will not only be beautiful and enjoyable for residents but will also serve as an important resource for the local ecosystem.

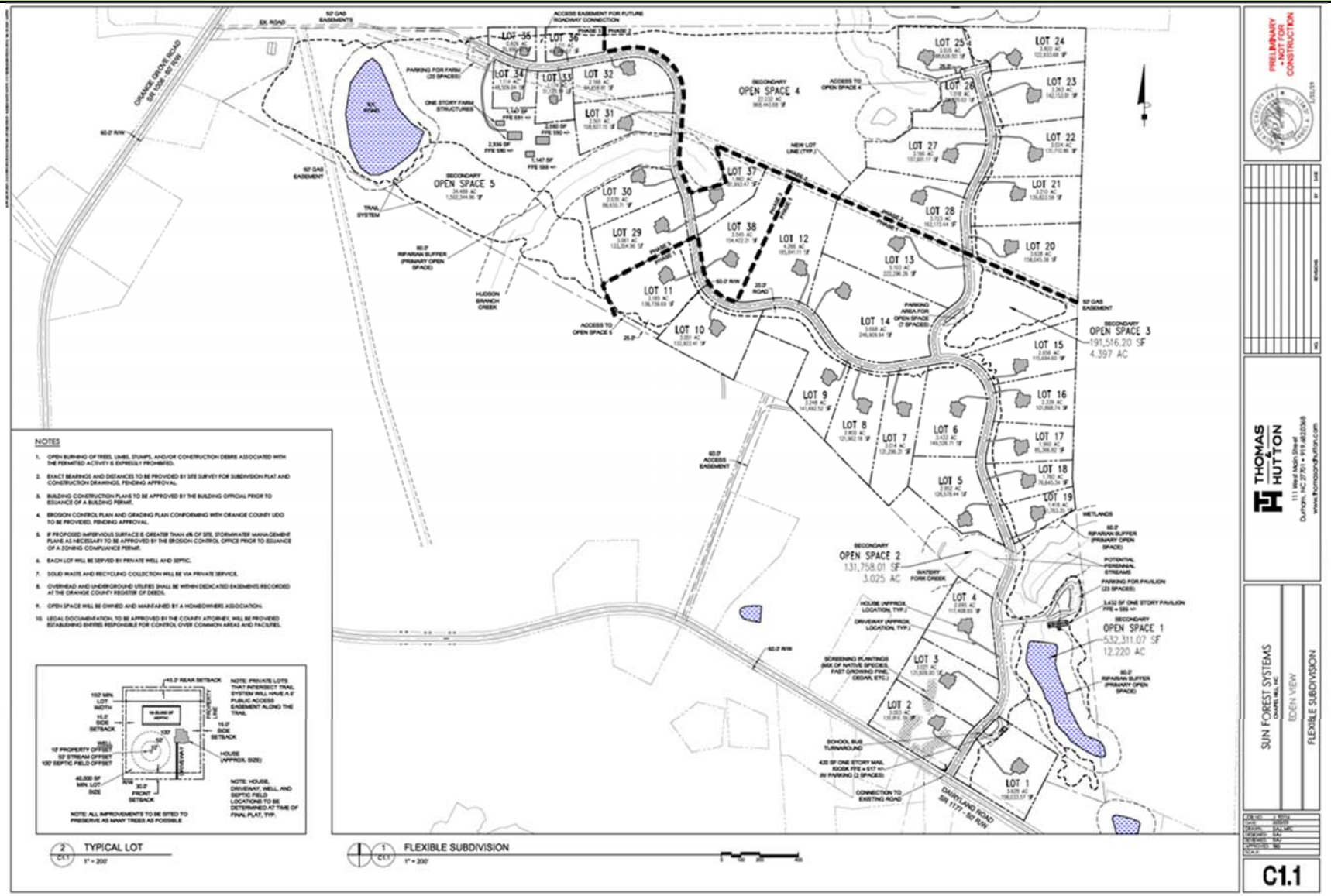
The neighborhood's pavilion will serve as a gathering spot for the community, providing an ideal venue for hosting classes and community events. It will be a place of learning, teaching, studying, and growing, where individuals can come together and engage in meaningful discussions and activities. With its beautiful surroundings and peaceful atmosphere, the pavilion will be the perfect place to enjoy your morning coffee or a glass of wine in the evening. Additionally, with the blazing-fast fiber internet, the pavilion will offer multiple places to work independently and efficiently, allowing residents to work and play in a comfortable and conducive environment. The pavilion will be constructed using classic timber framing techniques,

utilizing the highest quality sustainable resources available. This will not only ensure the durability and longevity of the structure but also minimize its impact on the environment. The design of the pavilion will incorporate accents from the land, with natural materials and colors that seamlessly blend in with the surrounding landscape. The result will be a beautiful and harmonious structure that complements the natural beauty of the area. Whether you're attending a class or simply enjoying the scenery, the pavilion will be a welcoming and peaceful place that reflects the values of the community.

In conclusion, Eden View Acres is not just a proposed Flexible development but also a community that has been carefully designed to preserve the natural beauty of the area while providing a harmonious and healthy environment for residents to thrive. Our permaculture-based landscaping plan will promote biodiversity and support the local ecosystem, while also providing food security and useful products for the community. Our focus on green building practices, minimal grading and land disturbance, solar energy, and rainwater collection, will ensure that we are minimizing our impact on the land and conserving the farmland on the site. We are also committed to creating a diverse community, where residents can enjoy shared green spaces, scenic views, and a healthy lifestyle. Our goal is to create a place where families can thrive, while also preserving the natural beauty of the land, and we are excited to share our vision of a sustainable future with Orange County.

Attachment 2

Site Plan



Attachment 2

Proposed Access and Transportation Network Improvements

The Project is proposing access from Dairyland Road only. The following access improvements, as recommended in the submitted Transportation Impact Analysis (TIA), have been proposed:

- Dairyland Road at Site Driveway
  - Construct a full-movement site driveway with one ingress lane and one egress lane

Summary of Transportation Information			
Existing Roadway Characteristics			
Affected Roadway	Orange Grove Road (future)	Dairy Land Road (Immediate)	
Type of Roadway	Minor Collector	Minor Collector	
Current Roadway Capacity	10,000	9,000	
Latest Traffic Volume	1,000	1,000	
Traffic Generation			
Number of Trips Expected to be Generated by Proposed Project	95 Total Daily 45 Total AM Peak 45 Total PM Peak		
LOS (Level of Service) Descriptions *(source: North Carolina Department of Transportation)*			
LOS A: Describes free-flow operations. Free Flow Speed (FFS) prevails and vehicles are almost completely unimpeded in their ability to maneuver within the traffic stream. The effects of incidents or point breakdowns are easily absorbed.			
LOS B: Represents reasonably free-flow operations, and Free Flow Speed (FFS) is maintained. The ability to maneuver within the traffic stream is only slightly restricted, and the general level of physical and psychological comfort provided to drivers is still high. The effects of minor incidents and point breakdowns are still easily absorbed.			
LOS C: Provides for flow with speeds near the FFS. Freedom to maneuver within the traffic stream is noticeably restricted, and lane changes require more care and vigilance on the part of the driver. Minor incidents may still be absorbed, but the local deterioration in service quality will be significant. Queues may be expected to form behind any significant blockages.			
LOS D: The level at which speeds begin to decline with increasing flows, with density increasing more quickly. Freedom to maneuver within the traffic stream is seriously limited and drivers experience reduced physical and psychological comfort levels. Even minor incidents can be expected to create queuing, because the traffic stream has little space to absorb disruptions.			
LOS E: Describes operation at capacity. Operations at this level are highly volatile because there are virtually no usable gaps within the traffic stream, leaving little room to maneuver within the traffic stream.			

Proposed Utilities

The property is not in an area served by public water/sewer. Water and wastewater services will be provided via a private well and septic system that meet Orange County Environmental Health standards (see Attachment 5).

Erosion Control/Stormwater Regulations

The applicant has indicated that the project will conform to existing stormwater management (Section 6.14) and erosion and sedimentation control (Section 6.15) regulations of the UDO. See attachment 5. Based on staff review the most current preliminary submittal, the project can meet applicable stormwater management requirements for the Jordan Lake basin watershed as defined in UDO Section 6.14.8(B).

Land Use Buffers/Setbacks

North	100' Type F Buffer/ 30' from front, 15' from side and rear Setback
South	100' Type F Buffer/ 30' from front, 15' from side and rear Setback
East	100' Type F Buffer/ 30' from front, 15' from side and rear Setback
West	100' Type F Buffer/ 30' from front, 15' from side and rear Setback

Environmental Assessment (EA)

The applicant has provided an Environmental Assessment (EA) application and supporting materials as required in Section 6.16 of the UDO with their submittal. These materials were shared with various State agencies via the NC Department of Administration's State Clearinghouse on February 9th (Attachment 5). Planning and DEAPR Staff have jointly reviewed the materials and agree with a determination of "**Finding of No Significant Impact** (FONSI)" as required in Section 2.25.1 (B) (5) of the UDO (Attachment 5). This determination eliminates a requirement from the applicant to provide a more detailed Environmental Impact Statement (EIS) process as outlined in Sections 2.25.2 and 6.16.4 of the UDO.

Solid Waste

The applicant has indicated development within the project will conform to the Orange County Solid Waste Management Ordinance. OC Solid Waste requires a "Will-Serve" letter from the private hauler that will be servicing the site to confirm that based on the latest set of plans said private hauler can and will provide recycling collection that at a minimum meets OC Solid requirements for recyclable materials collected (Attachment 5).

Proposed Conditions

Per NCGS 160D-703, imposed conditions and site-specific standards are limited to those that address conformance of the development and use of the site to local government ordinances and adopted plans or the impacts reasonably expected to be generated by the development or use of the site. Per Section 2.9.1 (F) (3) of the UDO, mutually agreed upon conditions can be imposed as part this process only if they address:

1. The compatibility of the proposed development with surrounding property,

2. Proposed support facilities (i.e. roadways and access points, parking, pedestrian and vehicular circulation systems, screening and buffer areas, etc.) and/or

3. All other matters the County may find appropriate or the petitioner may propose.

The following voluntary conditions are being offered by the applicant:

1. Application: Project shall be completed as presented in approved site plan/application packet, including all open space and recreation dedications and offered construction and grading requirements. Applications to rezone property to a Conditional District shall be processed in accordance with the procedures in UDO Section 2.9;
2. The uses on the farm and associated permanent conservation areas will be limited to only those uses that are currently allowed on existing farms in the Orange Grove Community as of the date of approval;
3. Additional plantings will be added to the western property line of lot #34 to screen the view from parcel 9841322556;
4. The site property line will be marked with signage that reads “DANGER, NO TRESPASSING – FARM EQUIPMENT IN USE” at lots 7 through 11 with signage facing both directions;
5. The developer will install a fence with no trespassing signage along the shared property line with tax parcel 9841734586;
6. The developer will notify prospective new residents of the Eden View Acres subdivision of the presence of a shooting range on the adjacent property, so long as that use continues;
7. The Developer will notify prospective new property purchasers that this is a voluntary agriculture district.

Of the above conditions, conditions 2-7 were added subsequent to Planning Board review. The specific changes recommended by the Planning Board are noted as conditions 5 and 6 above. Separate from Planning Board recommendation, the applicant has also offered an additional four conditions, noted as conditions 2, 3, 4, and 7 above, in response to public comment received at the Planning Board meeting. All four additional conditions have been incorporated into the Ordinance in Attachment 8.

Review Milestones

Application Submittal Date	December 8, 2022
Development Advisory Committee (DAC) Review	December 15, 2022, and March 2, 2023
Neighborhood Information Meeting (NIM)	March 22, 2023
Planning Board Review	April 5, 2023
Note: the DAC is a staff/agency committee, established in Section 1.9 of the Unified Development Ordinance.	

Courtesy Review		
Jurisdiction	Date Sent	Comments Received (Y/N)
None Required		

Analysis

Staff Analysis

As required under Section 2.8.5 of the UDO, the Planning Director shall cause an analysis to be made of the application. In analyzing this request, the Planning Director offers the following:

1. The application is complete in accordance with the requirements of Section 2.9.1 (C) of the UDO;
2. The proposal is consistent with the 2030 Comprehensive Plan, furthering the following goals:
    a. Land Use Overarching Goal: *Coordination of the amount, location, pattern, and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.*
    b. 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.
    c. Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*
    d. Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.
3. The requested zoning district, R-CD (Residential Conditional District), is consistent with the 2030 Comprehensive Plan, Appendix F, Relationships between Land Use Classifications and Zoning Districts.
4. The 2030 Comprehensive Plan, Appendix G, Land Use Classification and Overlay Locational Criteria, identifies Agricultural Residential as areas characterized areas of very low population density which is dispersed in a manner typical of agriculturally productive areas. The proposed Conservation Cluster Flexible Subdivision has taken these requirements into consideration in its design and construction commitments to minimize environmental impacts.
5. The applicant has provided a basic environmental assessment as part of this submittal. Staff has reviewed and determined no significant environmental impact is expected from this project based on existing conditions.

The proposed development is consistent with existing/anticipated development within the area and the land use associated with the project is compatible with various 2030 Comprehensive Plan goals detailed above.

Attachment 3

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

CERTIFICATION OF MAILING
ZONING ATLAS AMENDMENT
ORANGE COUNTY, NORTH CAROLINA

I, Tyler Sliger, Current Planning & Zoning Supervisor with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section 2.8.7 of the Orange County Unified Development Ordinance I have mailed, or have caused to be mailed, a Notice of the Public Hearing to be held regarding a rezoning application proposing to rezone a parcel of property located at 4801 and 4901 Dairyland Road, Hillsborough (PIN's 9841-52-7281 and 9840-79-5091) on April 11, 2023.

The owners were identified according to the Tax Records, as required by Section 2.8.7 of the Orange County Unified Development Ordinance.

The mailed notices specified the date, time, place and subject of the Public Hearing.

WITNESS my hand, this 11th day of April 2023.

Tyler Sliger
Planner II

ORANGE COUNTY
NORTH CAROLINA
PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

April 11, 2023

NOTICE OF BOARD OF COUNTY COMMISIONER MEETING

To Whom It May Concern:

This notice is to inform you of the May 2, 2023, Board of County Commissioners meeting, at which an application to rezone a 190 +/- acres (PINs: 9841527281 & 9840795091) located at the northeast corner of Dairyland Road and Orange Grove Road will be reviewed. The parcel's address is 4801 and 4901 Dairyland Rd., Hillsborough, 27278, within Bingham Township. This notification is occurring in accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO). **You are receiving this notice because you own property located within 1,000-feet of the parcels requested for rezoning.**

YOUR PROPERTY IS NOT PROPOSED FOR REZONING.

Property Information	
Parcel ID Numbers (PIN)	9841527281, 9840795091
Owner	Elizabeth and Daniel Snipes
Applicant	Daniel Jewell, PLA - Thomas & Hutton
Location	4801 and 4901 Dairyland Rd. Hillsborough, NC
Acreage	190 +/-
Current Zoning	Agricultural Residential
Proposed Zoning	Residential, Conditional District (R-CD)
Watershed Designation	Cane Creek Protected Watershed

What is being proposed?
The application proposes a conservation cluster residential subdivision, (Eden View), to create 38 lots with a public/private road system and at least 33% of land in open space, as seen in the site-specific plan provided by the applicant. The road and open space will serve the Eden View subdivision. This proposal is considered a "Conditional District" because it's proposing more than 21 lots and is dedicating at least 33% of the land in open space. The applicant elected to design it as a "Flexible Development – Conservation Cluster" and comply with the applicable development standards of Section 7.12 of the Orange County UDO. As defined and detailed by the Orange County UDO, should the application be approved, these conditions will be binding for the property, with any significant change requiring subsequent zoning map amendment.

What is this meeting for?
The Orange County Board of Commissioners will hold a public hearing on the proposed rezoning. Interested persons are invited to address the County Commissioners with their comments regarding the rezoning application. The Orange County Planning Board, an advisory board comprised of appointed volunteers, reviewed this application at its April 5, 2023 regular meeting and voted to recommend approval of the rezoning request.

Planning Board Meeting Information	
Date	May 2nd
Time	7:00 p.m.
Place	Whitted Meeting Facility
Address	300 West Tryon Street, Hillsborough, NC
Assigned Planner	Tyler Sliger, CZO, Planner II Email: tsliger@orangecountync.gov Phone: (919) 245-2586

***

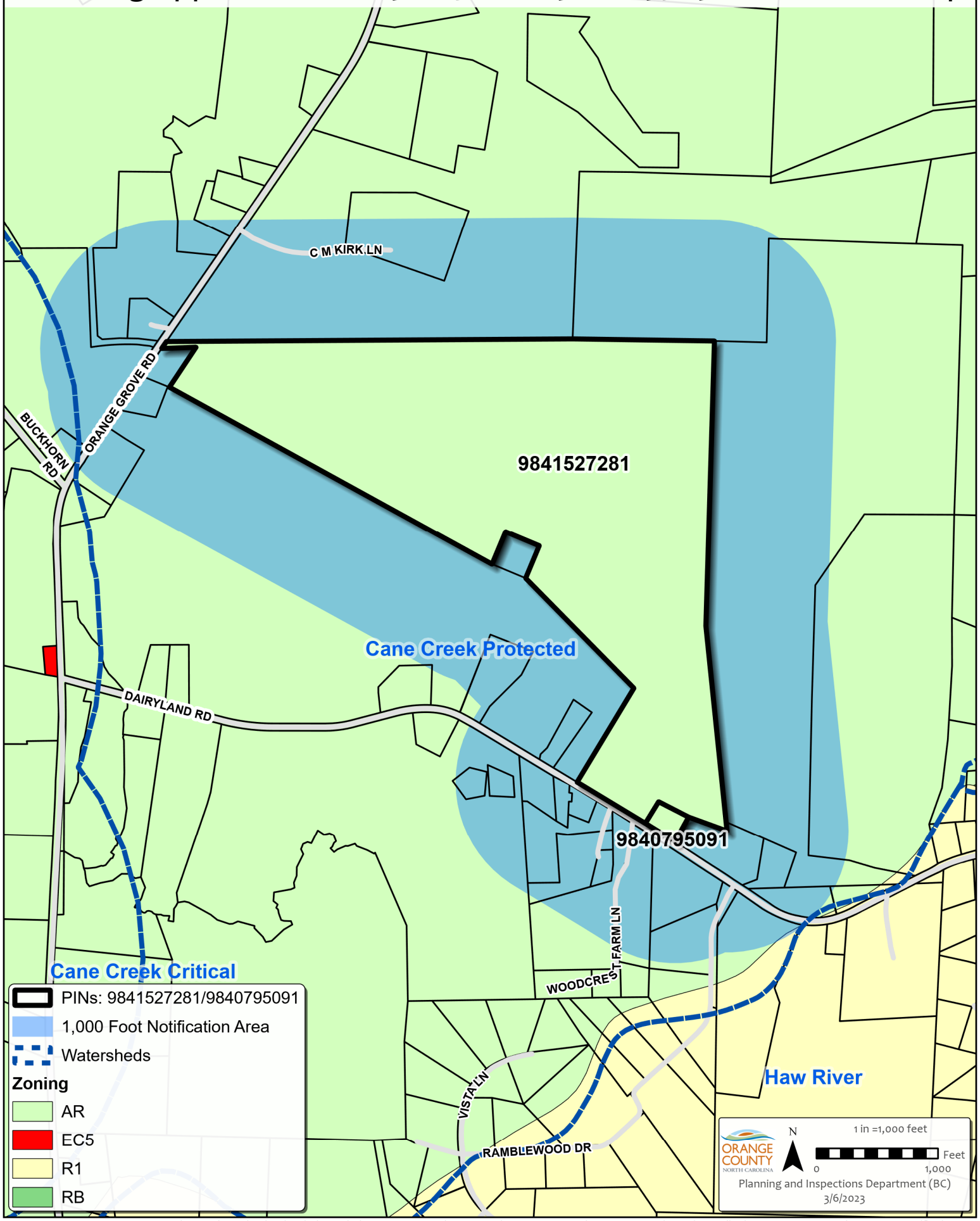
If you cannot attend the Public Hearing and the website does not answer your questions about the requested rezoning, you may call (919) 245-2575 during regular business hours and you will be directed to a staff person who can assist you. You may also submit written comments via email to ocbocc@orangecountync.gov (emails sent to this address are considered public records and are subject to public disclosure).

Sincerely,

Cy Stober

Additional information is available on the Orange County Planning Department's website: https://www.orangecountync.gov/3038/Active-Development-Projects or scan below:

Rezoning Application PINs 9841527281/9840795091 Notification Map



PIN	OWNER1_LAST	OWNER1_FIRST	OWNER2_LAST	OWNER2_FIRST	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
9841234148	PERRY	DAVID LEE HRS	<Null>	<Null>	24 DARIANS WAY	<Null>	SILER CITY	NC	27344
9841255060	CATES FARM LLC	<Null>	<Null>	<Null>	2606 GRANT AVE	<Null>	RALEIGH	NC	27608
9841828007	DUNHAM CARR CONSOLIDATED LLC	<Null>	<Null>	<Null>	4146 SAWMILL ROAD	<Null>	OXFORD	NC	27565
9841734586	MUIRHEAD FAMILY LLC	<Null>	<Null>	<Null>	4312 CARLISLE RD	C/O ALASTAIR L MUIRHEAD	HILLSBOROUGH	NC	27278
9840879012	TROLLINGER	WILLIAM LARRY	TROLLINGER	SUSAN J	4418 DAIRYLAND RD		HILLSBOROUGH	NC	272787487
9840981456	HUTCHERSON	JACK EARL JR	HUTCHERSON	BARBARA	4503 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840887411	ARELLANO	NANCY F	<Null>	<Null>	4609 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840873568	TROLLINGER	WILLIAM KEITH	TROLLINGER	KRISTY G	4612 DAIRYLAND RD		HILLSBOROUGH	NC	27278
9840786349	WIEBE	BARBARA	WIEBE	JEFF J	4712A DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840880696	BAKER	RICKY J	BAKER	TERESA	4715 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840887638	BAKER	RICKY J	BAKER	TERESA	4715 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840699038	CLASEN	JUDY L			4908 DAIRYLAND RD		HILLSBOROUGH	NC	27278
9840685763	DARROW	JEANETTE	<Null>	<Null>	4912 BRANT HILL LN	<Null>	HILLSBOROUGH	NC	27278
9840697044	WIX	TAYLOR	<Null>	<Null>	4914 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840688641	DARROW	DEEANN	<Null>	<Null>	4918 BRANT HILL LN	<Null>	HILLSBOROUGH	NC	27278
9840695158	PHILLIPS	JUSTIN TAYLOR	<Null>	<Null>	5004 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840695865	SEXTON	PAUL E JR	SEXTON	KAREN S	5005 DAIRYLAND RD		HILLSBOROUGH	NC	27278
9840692431	SIEGEL	BRET WILLIAM	SIEGEL	MICHELLE ANN	5012 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840690308	KRESS	LANCE W	KRESS	DIANE B	5016 DAIRYLAND RD		HILLSBOROUGH	NC	272788377
9841601297	AUSTIN	ASHLEY S	AUSTIN	JOSHUA D	5107 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9841611249	MORGAN	BENJAMIN	MORGAN	ALEAH	5115 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9841534973	KIRK	AARON C	KIRK	CHELSEA G	520 C M KIRK LN	<Null>	HILLSBOROUGH	NC	27278
9841504177	NICHOLS	ALLISON H	CLAPPER	HANK D	5200 DAIRYLAND RD	<Null>	HILLSBOROUGH	NC	27278
9840795091	SNIPES	ELIZABETH C			5512 DAIRYLAND RD		HILLSBOROUGH	NC	272788394
9841453206	KIRK	KENNETH CECIL	KIRK	DONALD WAYNE	6108 ORANGE GROVE RD	<Null>	HILLSBOROUGH	NC	272787467
9841642523	KIRK	KENNETH CECIL ET AL	KIRK	WILLIAM RONALD	6108 ORANGE GROVE RD	<Null>	HILLSBOROUGH	NC	27278
9841349023	BOWERS	RANDY JOE	BOWERS	LAURIE W	6405 ORANGE GROVE RD		HILLSBOROUGH	NC	27278
9841333158	JOHNSON	JAMES FELTON	<Null>	<Null>	6505 ORANGE GROVE RD	<Null>	HILLSBOROUGH	NC	272787472
9841333860	JOHNSON	JAMES FELTON	<Null>	<Null>	6505 ORANGE GROVE RD	<Null>	HILLSBOROUGH	NC	272787472
9841324810	SNIPES	DANIEL E	SNIPES	MARILYN K	6602 ORANGE GROVE RD	<Null>	HILLSBOROUGH	NC	27278
9841527281	SNIPES	DANIEL E ETAL	SNIPES	ELIZABETH C	6602 ORANGE GROVE RD	<Null>	HILLSBOROUGH	NC	27278
9840590355	NICHOLS	SUSAN S	SEXTON	KAREN S	6614 ORANGE GROVE RD	<Null>	HILLSBOROUGH	NC	27278
9841406975	NICHOLS	SUSAN S	SEXTON	KAREN S	6614 ORANGE GROVE RD	<Null>	HILLSBOROUGH	NC	27278
9841322556	NICHOLS	CHARLES BERNARD JR	NICHOLS	SUSAN	6614 ORANGE GROVE RD		HILLSBOROUGH	NC	272787473
9841225067	SANDERS	DIANE W	<Null>	<Null>	6626 BUCKHORN RD	<Null>	HILLSBOROUGH	NC	27278
9841320030	CANE CREEK BAPTIST CHURCH OF	ORANGE COUNTY INC			6716 ORANGE GROVE ROAD		HILLSBOROUGH	NC	27278
9840777945	HARDACRE	ERIC M	<Null>	<Null>	6721 RAMBLEWOOD DR	<Null>	HILLSBOROUGH	NC	27278
9840688167	GREEN	ALLAN K	GREEN	CHRISTINE B	7030 WOODCREST FARM LN	<Null>	HILLSBOROUGH	NC	27278
9840780575	GREEN	ALLAN K	GREEN	CHRISTINE B	7030 WOODCREST FARM LN	<Null>	HILLSBOROUGH	NC	27278
9840783532	GREEN	ALLAN K	GREEN	CHRISTINE B	7030 WOODCREST FARM LN	<Null>	HILLSBOROUGH	NC	27278
9841901177	CIMA	JOSEPH A	CIMA	EVELYN	CAROLINA MEADOWS	APT 303	CHAPEL HILL	NC	27517
9840789369	MCLAMB	WILBUR NEAL ET AL	A NOBLE S R	WILLETTE A JR	PO BOX 568		PROVIDENCE	NC	27315
9840779785	MCLAMB	WILBUR NEAL ETAL	WILLETTE	ALVIN A JR	PO BOX 568		PROVIDENCE	NC	27315

Neighborhood Information Meeting Report Form

REPORT OF INFORMATION MEETING REQUIRED BY THE ORANGE COUNTY UNIFIED DEVELOPMENT ORDINANCE

To: Tyler Sliger, Orange County Subdivision Administrator/Planner II

Project Name: Eden View Acres

Approximate Location (or Address): 4901 Dairyland Road

Proposed Number Lots: 38 Residential (Y/N): Y

The undersigned hereby certifies that the required sign(s) was posted on the property proposed for project, on each road frontage of said project on (date) 3/8/23.
A photo of the sign posted is recommended to be attached to this form.

The meeting was held at the following time and place: March 22, 2023 at the main Orange County Library

The persons in attendance at the meeting: **See attached Attendance sheet**

The following issues were discussed at the meeting (**Attach additional sheet(s) if needed**): (please see attached)

As a result of the meeting, the following changes were made to the project proposal (**Attach additional sheet(s) if needed**): A determination was made that no changes need to be made.

Date: March 28, 2023
Applicant: Daniel Jewell
By:

Please submit this Report to the Orange County Planning Department located at 131 W. Margaret Ln or mail it to Tyler Sliger, Subdivision Administrator, at 131 W. Margaret Ln. Hillsborough NC, 27278. If you have any questions, please contact Tyler Sliger at (919) 245-2586 or tsliger@orangecountync.gov.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Neighborhood Information Meeting Sign-In Sheet

Project/Plan: Eden View Acres / Flexible Subdivision Plan

Date & Time: March 22, 2023

Name	Address	Telephone Number	Email Address
Anne Hawkins	181 Stonegate Dr Roxboro	919 819 6328	ahawk57@bellsouth.net
BETSI SNIPES	5512 DAIRYLAND RD	919-971-8918	betsi_snipes@unc.edu
Dan Snipes Kay Snipes	6602 Orange Grove Rd Hillsborough	919-971-7016	dansnipes@bellsouth.net
SUSAN WALSER	2303 WESTERN PARK LN	919-602-4082	SUSANWALSER@GMAIL.COM
Cindy Franklin	7223 Orange Grove Rd	919-818 6947	clf6947@gmail.com
Marilee McTigue	2322 Pickard MTN Rd Hillsborough	919-448-4397	mamctigue@gmail.com
Karen Snipes Sexton			
Nancy Quillen	4609 Dairyland		freenance@aol.com

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Neighborhood Information Meeting Sign-In Sheet

Project/Plan: Eden View Acres / Flexible Subdivision Plan

Date & Time: March 22, 2023

Name	Address	Telephone Number	Email Address
Paul Sutton Jr.	5005 DAIRYLAND		
Beth Minehead	4312 Carlisle Rd	919-929-3226	stoperoth3@bellsouth.net
Brian + Meg Mansfield	Raleigh NC	919-815-9893	–
Alma Gaudette	4334 Meadowcrest Dr CH 27516	919.971.7099	alma.gaudette@bhhsysu.com
John & Jennifer Cates	6611 Orange Grove Rd Hillsborough	919-622-8646	Jcates@tranzon.com
Allison Nichols Hank Clapper	5200 Dairyland Rd. Hillsborough, NC 27278	919 530-0539	Allison@mapleviewfarm.com
Susan Nichols Ben Nichols	6614 Orange Grove Hillsborough NC	919 801 3918	Unegrad76@aol
Clare Steece-Jurich	6405 Sykes Glen T Mebane NC		Clare9155@gmail.com

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Neighborhood Information Meeting Sign-In Sheet

Project/Plan: Eden View Acres / Flexible Subdivision Plan

Date & Time: March 22, 2023

Name	Address	Telephone Number	Email Address
Jeff Wiebe	4712 Dairyland Rd Hillsboro 27278	919-815-3155	Jeffwiebe@live.com
Ellen Young	2214 Western Pk. Ln. Hillsborough	919-302-4389	ellen.young.nc@gmail.com
Dan Jewell	111 W. Main St. Durham	919.682.0368	jewell.dortanch.com
Beth Bronson	1221 Buchanan Rd		beth.bronson@live.com
Jeff Reich	Terrapin Lane	919 270 4904	jeffreich@gmail.com

Questions asked at the Eden View Acres Neighborhood Information Meeting 3/22/23

- Road type and maintenance? (paved & maintained by NCDOT)
- Multiple home builders? (yes but it will be a selective process)
- Lot size? (average of 2-5 acres)
- Reason for Rezoning? (the Orange County UDO requires it in order for this to be a flexible subdivision which helps to save open space)
- Can more houses be added after this Rezoning? (no, would have to Rezone the property again)
- Will it affect existing agriculture on adjacent property? (no)
- What if someone gets hurt on adjacent property. (their liability insurance should cover that)
- Will there be covenants on the Open Space? (yes)
- Could someone build something like a soccer field in the Open Space? (no, that would be considered a major change and would trigger another Rezoning)
- Will the homeowners live in the houses? (yes, they are not speculative homes as they will be custom built and designed for each homeowner.)
- Will there be "spec houses"? (no, not typically, but we do allow the opportunity for a builder to build a show home that will then be put on the market.)
- What size will the houses be? (minimum of 1,500 sf)
- Will this be a gated community? (no)
- Can neighbors use the trails? (yes, either by individual invitation or through a blanket invitation where neighbors that were notified about the NIM would be allowed to use the trails)
- View into the site? (houses will be situated among trees where possible and trees will be planted where necessary to screen houses that might be visible from the road)
- Existing road off of Orange Grove to be emergency access only? (yes)
    - Open during construction? (no) Gated? (yes)
- Are home footprints set in stone? (no)
    - Can homes be moved elsewhere on the lot? (yes, with the direction of the ARB)
- Can homeowners cut down trees on their lots? (they will need permission for trees over 8" from the ARB)
- Who controls changes within the Open Spaces? (HOA - homeowner's association)
- Will private property be controlled by the HOA? (the ARB restricts the property as a whole to the design specification it has published and will protect within the protected viewsheds)
- Will there be a farm? (yes but edible plantings will be limited to trails at first)
- Who maintains the farm? (There will be an operator that will be selected by the HOA)
- Will there be septic spray systems? (no, they will be underground)
- What is the expected timeline and cost? (5+ years to buildout, unknown cost at this time)
- Why is it phased? (this allows more flexibility and cost balancing during the sales and building process)
    - Can the start of Phase 2 be restricted so Phase 1 must be completed first? (not by the County, the developer can do this if desired)
- Proximity to each other? (they won't be very close to each other)

Concerns raised:

- Orange Grove community (hope it won't be closed off)

    - A fairly new neighbor said they felt welcomed by the community
- Another neighbor stated that they appreciated the effort the owners have put into this project
- One neighbor was concerned about people trespassing on her land, an attorney told her she needs more insurance

Attachment 5

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

March 22, 2023

Eden View Rezoning Application
Case #: MA22-0006
PIN's: 9841-52-7281, 9840-79-5091
4901 Dairyland Rd.

Re: Development Advisory Committee Report (UDO, Article 1, Section 1.9.5)

On March 2, 2023, the Orange County Development Advisory Committee met for a final review and discussion of the conditional rezoning application from Dan Jewell CJT, PA for PIN's 9841-52-7281, 9840-79-5091 (Case #: MA22-0006).

The Orange County Development Advisory Committee has no objections to the approval of the zoning atlas amendment so long as the items in the attached departmental memos are addressed. The application package features an abstract and staff report that provide the foundations for my recommendation regarding this application and request.

Sincerely,

Cy Stober
Planning & Inspections Director

ORANGE COUNTY

Department *of* Environment, Agriculture, Parks & Recreation

MEMORANDUM

To: Tyler Sliger, *Planner II, Planning and Inspections Department*

From: Christian Hirni, *DEAPR Land Conservation Manager*

Date: December 15, 2022

Re: Eden View Subdivision- Conditional District Rezoning Application

Thank you the opportunity to review and comment on the proposed Glen Eden Subdivision- Conditional District Rezoning Application. The development would create 38 single-family lots on approximately 192 acres located east of Orange Grove Road and north of Dairyland Road (Cane Creek Protected Watershed). The subject property is compiled of two separate parcels (PIN's 9841-52-7281 and 9840-79-5091).

The property is directly adjacent to privately held conservation easements along the southern border upon land owned by Susan Nichols and Karen Sexton. The purpose of that conservation easement is to permanently protect and promote a vegetated buffer of several streams, including Watery Fork and its tributaries. Watery Fork, and a tributary flow named Hudson Branch, through and along the central and southern boundary of the subject property as they travel to Cane Creek Reservoir, 1.5 miles downstream. The headwater of another unnamed tributary is found on the northeast corner of the proposed development property. This tributary eventually joins Cane Creek, approximately 1 mile to the north.

DEAPR comments on subdivisions are generally intended to a) address any concerns with respect to potential impacts on important natural or cultural resources, and b) identify any areas that might be desirable for possible dedication to the County for public recreation/open space pursuant to Section 7.11.5 of the Unified Development Ordinance.

Natural Resources Review Comments:
The plan calls for setting aside approximately 76 acres of Open Space (~40 percent) including areas around the farm pond, riparian buffers that help protect Watery Fork Creek, Hudson Branch, the unnamed tributary in the northeastern corner of the property, and most of the wetlands as delineated within the site plan. The proposed Open Space appears to be adequate to protect the stream corridors and all of the jurisdictional wetlands, less the proposed access road that transects the whole of the property.

A section of the forested area on the northeast corner of the property, approximately 13 acres in size, is recognized in the 2030 Orange County Comprehensive Plan Future Land Use Map as a "Resource Protection Area". These areas were determined to be of conservation value considering several factors, including but not limited to the existence of floodplains, wetlands, bottomland hardwood forests, and soils of statewide importance. Cross referencing the State Natural Heritage Program dataset of the Biodiversity and Wildlife Corridor Assessment confirms the area to be of Low to Moderate conservation value. As such, this area would be a desired addition to any potential extension of the proposed open space on the tract.

Overall, the plan appears consistent with the County's desire to minimize adverse environmental impacts with respect to the protection of floodplains, wetlands, natural areas and wildlife habitat. There are no additional natural resource areas of high significance (e.g., natural heritage sites, proposed wildlife

corridors, threatened or endangered species) located on this property that would warrant further potential DEAPR recommendations for open space.

Cultural Resources Review Comments: There are no previously identified historic properties or resources located on the subject parcel.

As with any development, care should be taken to locate, identify and protect any potential human burial sites or cemeteries. The current Cemetery Census does not show any identified burials on this parcel. Anyone who encounters what appears to be a burial or grave should immediately contact the Orange County Cultural Resources Coordinator at 919-245-2517.

Potential for Parks/Open Space Dedication: While there is an identified need and planned acquisition of a district park for Bingham Township, the amount of land generated by this development would not constitute sufficient or usable land area. Staff recommends that payment-in-lieu of dedication be utilized in this case.

If you have questions please contact Christian at 245-2514 or Peter Sandbeck at 245-2517.

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

MEMORANDUM

TO: Cy Stober, AICP – Director, Planning & Inspections Department

FROM: Christopher Sandt, PE – County Engineer; and
Steve Kaltenbach – Erosion Control and Stormwater Supervisor

CC: Patrick Mallett – Deputy Director Development Services

DATE: March 8, 2023

CASE: MA22-0006

PIN: 9841-52-7281 and 9840-79-5091

WATERSHED: Cane Creek Protected (Cape Fear River Basin)

PROJECT: Eden View
Residential Conditional District (R-CD) Zoning Atlas Amendment

SUBJECT: Summary of Findings Regarding Conformance with Orange County Unified Development Ordinance (UDO) for Erosion and Sedimentation Control and Stormwater Management

---

This memo summarizes the findings of an Erosion and Sedimentation Control and Stormwater Management assessment by the Orange County Development Services Division (hereafter, the "Division") of the submitted application for an R-CD Conditional District, submitted as the "Eden View" project (hereafter, the "project"). The project is located within 190.61 acres of property near the southeast intersection of Dairyland Road and Orange Grove Road in the Bingham township of Orange County, North Carolina.

The request proposes:

- 38-lot Residential Subdivision with Public and Private Roads;
- Primary and Secondary Common Open Space(s); and
- Land anticipated to continue in Agriculture and Farm Use (e.g. pasture and ponds).

The Staff comments contained herein are based upon the submittal of a required Site Plan and a Stormwater Narrative dated February 28, 2023. These findings should not be interpreted as the Division's final analysis/approval of the proposed development. Upon zoning approval, the proposed development would then be required to submit a Land Disturbing Permit (LDP) which would formally review and approve development activity consistent with these conceptual plans and calculations.

Erosion and Sedimentation Control:

According to current Orange County GIS imagery of the project parcel, there are approximately six (6) mapped stream features or other water features (e.g. ponds and/or wetlands) within the project parcel boundaries. Orange County enforces stream buffers along streams, rivers, water bodies, and other water features (e.g. wetlands) as outlined in Section 6.13 of the Orange County UDO. Based on the submitted materials for the proposed development and anticipated limits of disturbance, the project could meet the basic Erosion and Sedimentation Control requirements as outlined in Section 6.15 of the Orange County UDO and could be developed as generally proposed.

Stormwater Management:

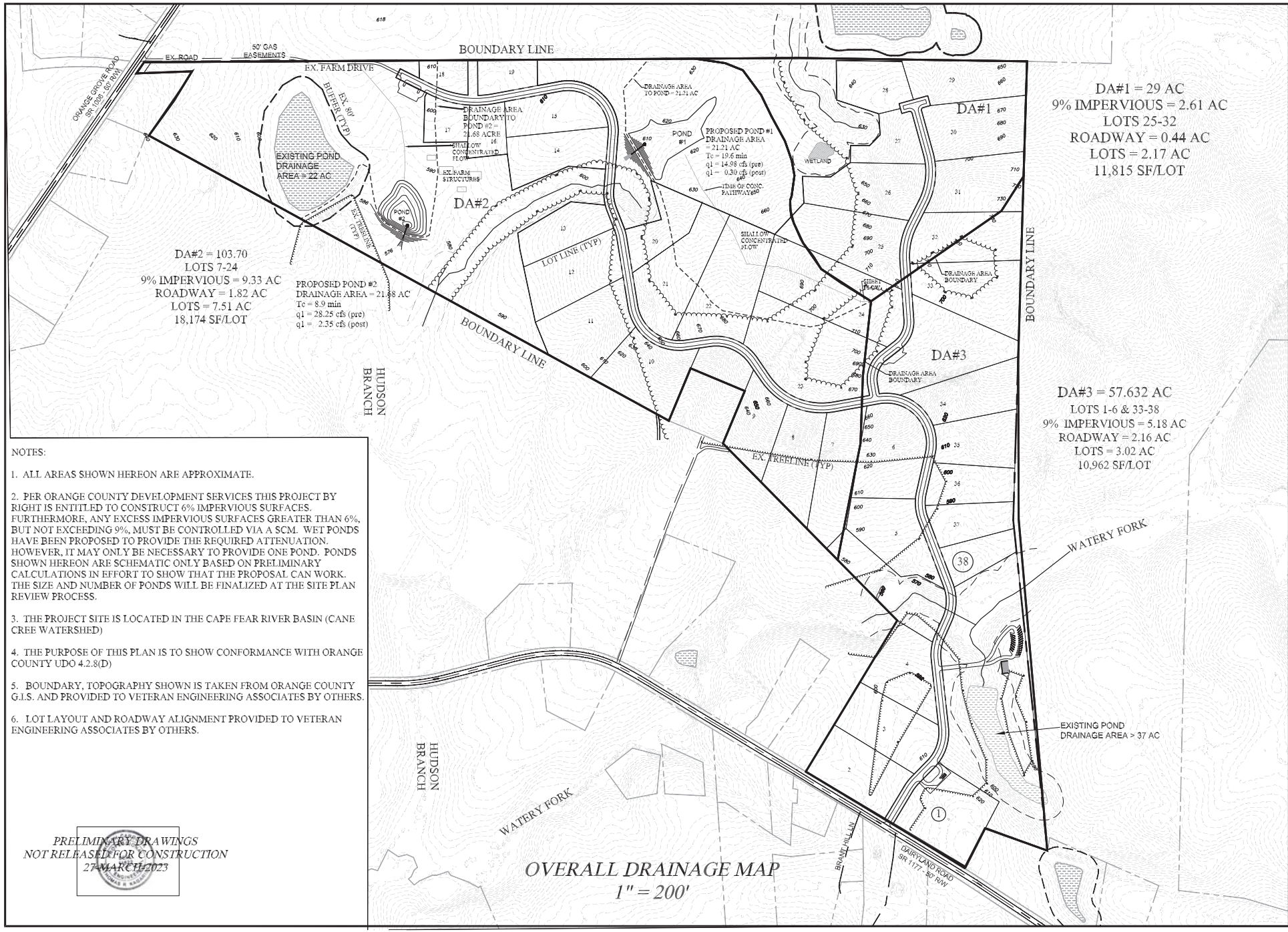
The project parcel is located in the Cane Creek Protected Watershed Overlay District, and is therefore subject to compliance with the Jordan Lake Nutrient Management Strategy. There are no known Special Flood Hazard Areas (SFHAs) located on the project parcel. Based on the submitted materials for the proposed development, the project could meet the basic Stormwater Management requirements as outlined in Section 6.14 of the Orange County UDO. The project proposes the installation of one (1) permanent primary Stormwater Control Measure (SCM) to meet water quantity requirements (i.e. post-development stormwater runoff attenuation). The developer will be obligated to ensure post-development conditions with no net increase greater than 10% in peak flow leaving the project site from the pre-development conditions, consistent with 15A NCAC 02H.1002(44). ***The submitted Stormwater Narrative must be revised to provide supporting calculations as such.*** There are no water quality requirements (i.e. post-development nutrient attenuation) currently associated with the Watershed Overlay District within which the project site is located. The proposed primary SCM is currently identified as a Dry Pond. The Site Plan, while preliminary at this stage of Orange County review, meets applicable stormwater management requirements as outlined in Section 6.14 of the Orange County UDO and is in general conformance with the North Carolina Stormwater Design Manual (i.e. Minimum Design Criteria).

Conclusion:

The Division has No Objections to the approval of the rezoning request so long as a revised Stormwater Narrative and a complete LDP application and supporting plans and calculations are submitted to Orange County for review, processing and approval prior to commencement of on-site Land-Disturbing Activity. As the project progresses with engineering design, additional field observations, and/or permitting by others (e.g. US Army Corps of Engineers, NC Department of Environmental Quality, NC Department of Transportation, etc.), additional buffers, setbacks, and/or additional Orange County review and permitting may apply beyond the proposed development as shown with this rezoning request.

Christopher Sandt, PE — Date: 03/08/2023

Steve Kaltenbach — Date: 3/8/23



NOTES:

1. ALL AREAS SHOWN HEREON ARE APPROXIMATE.

2. PER ORANGE COUNTY DEVELOPMENT SERVICES THIS PROJECT BY RIGHT IS ENTITLED TO CONSTRUCT 6% IMPERVIOUS SURFACES. FURTHERMORE, ANY EXCESS IMPERVIOUS SURFACES GREATER THAN 6%, BUT NOT EXCEEDING 9%, MUST BE CONTROLLED VIA A SCM. WET PONDS HAVE BEEN PROPOSED TO PROVIDE THE REQUIRED ATTENUATION. HOWEVER, IT MAY ONLY BE NECESSARY TO PROVIDE ONE POND. PONDS SHOWN HEREON ARE SCHEMATIC ONLY BASED ON PRELIMINARY CALCULATIONS IN EFFORT TO SHOW THAT THE PROPOSAL CAN WORK. THE SIZE AND NUMBER OF PONDS WILL BE FINALIZED AT THE SITE PLAN REVIEW PROCESS.

3. THE PROJECT SITE IS LOCATED IN THE CAPE FEAR RIVER BASIN (CANE CREE WATERSHED)

4. THE PURPOSE OF THIS PLAN IS TO SHOW CONFORMANCE WITH ORANGE COUNTY UDO 4.2.8(D)

5. BOUNDARY, TOPOGRAPHY SHOWN IS TAKEN FROM ORANGE COUNTY G.I.S. AND PROVIDED TO VETERAN ENGINEERING ASSOCIATES BY OTHERS.

6. LOT LAYOUT AND ROADWAY ALIGNMENT PROVIDED TO VETERAN ENGINEERING ASSOCIATES BY OTHERS.

PRELIMINARY DRAWINGS
NOT RELEASED FOR CONSTRUCTION
27 MARCH 2023

OVERALL DRAINAGE MAP
1" = 200'

VETERAN ENGINEERING ASSOCIATES, INC.
Civil Engineering Services #2702
Post Office Box 1135 Durham, N.C. 27702
(919) 479-8256 (919) 479-8257 FAX (C-3527)
tom@veteranengineeringassociates.com

CLIENT: SUN FOREST SYSTEMS, INC
388 OLD PIEDMONT CIRCLE
CHAPEL HILL, NC 27516

PROJECT: GLEN EDEN — ORANGE COUNTY, N.C.

SHEET TITLE: DRAINAGE AREA MAP

ORANGE COUNTY

NO.	DATE	REVISION	BY
1	3/21/23	PER COUNTY COMMENTS	
2	3/27/23	PER COUNTY COMMENTS	

PROJECT: 0219
SCALE: 1"=200'
DATE: 2/22/23
DRAWN BY: mj
CHECKED BY: tvk

DP1 of 1 SHT

ORANGE COUNTY HEALTH DEPARTMENT
Improving health. Inspiring change.

MEMORANDUM

TO: Cy Stober, AICP – Director, Planning & Inspections Department

FROM: Victoria Hudson – Orange County Environmental Health Division

CC: Patrick Mallett – Deputy Director Development Services

DATE: February 16, 2023

CASE: MA22-0006

PIN: 9841527281

WATERSHED: Cane Creek Protected

PROJECT: 38-lot Flexible Subdivision Proposing Public Roads
Residential Conditional District (R-CD) Zoning Atlas Amendment

SUBJECT: Summary of Plan Review by Orange County Environmental Health Division

---

This memo summarizes the summarizes the findings of an Orange County Environmental Health plan review of the application for a R-CD Conditional District, submitted as the "Eden View" project (hereafter, the "project"). The project is located within 109.76 acres of property at 4901 Dairyland Road. The request proposes development consisting of:

- 38 lots

The Staff comments contained herein are based upon the submittal of a required Site Plan, dated December 08 2022. These findings should not be interpreted as the Division's final analysis/approval of the proposed development. Soil and site evaluations have not been conducted by the Orange County Health Department, Environmental Health Division. The Health Department's role in the Amendment is one involving preliminary determination of soil suitability for septic systems.

Environmental Health Conditions

X	**At this time, no application(s) have been received. Application(s) and fees required.**
X	**Improvement Permit(s) shall only be issued upon presentation of the exact structure to be constructed.**
X	**Permit(s) must be issued by the Orange County Health Department prior to any alteration of the lot(s).**
X	**Permit conditions may apply.**
X	**Existing EH records are attached.**
X	**Existing well and/or septic systems will be impacted.**
	Contact Public Water Supply for on-site water supply.
	Other:

Conclusion:

EH has no objections to the approval of the zoning request so long as a the above list is addressed to the Orange County Health Department for processing, and issuance of Permits. This designation is not an Improvement Permit or Well Permit and not approval for a septic system or on-site water supply. Additional field observations and/or permitting by others may apply beyond the proposed development as shown with this request. Please direct any questions or requests for Laws, Rules, and policy to ehapplications@orangecountync.gov.

Victoria Hudson

Victoria Hudson, MPA, REHS
Or designee

02-16-2023
Date

ORANGE COUNTY HEALTH DEPARTMENT

REFERENCE NUMBER	DATE	PIN	MAP REFERENCE
H153669 SOIL ANALYSIS	09.03.91	9841-70-1394	6.14..7A

REQUESTEE:
SNIPES GLADYS T
DAIRYLAND ROAD
HILLSBOROUGH NC 27278
TELEPHONE: 942-1408 942-1923 Jim Snipes

OWNER:
SNIPES JIM HRS
RT 3
HILLSBOROUGH NC 27278

SPECIFICATIONS: TO SET UP SINGLE WIDE 3 BR

LOT SIZE / ACREAGE: A87.4

DESIGNATED WETLAND? YES ___ NO ✓

LOCATION / DIRECTIONS:
DAIRYLAND ROAD

FEE: 70 RECEIPT: 025954

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

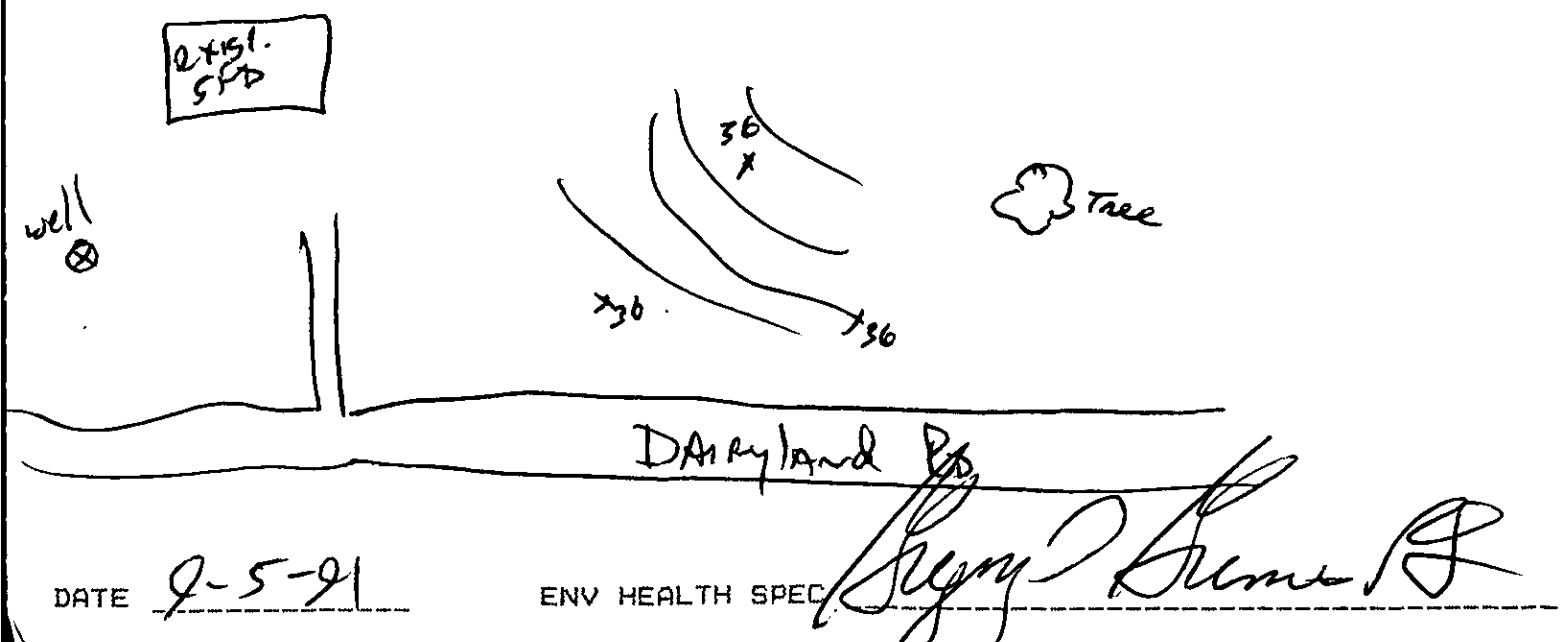
CONFIRMED BY PLANNER: | PLANNER | DATE | CLERK

SLOPE PS TEXTURE PS STRUCTURE PS DEPTH PS

R.HOR S IN.DRAIN PS EX.DRAIN S PERMEAB PS

OVERALL PS

REMARKS: WELL DRAINED soil to 36", Approval is pending proper house location, drive, utilities etc.



DATE 9-5-91 ENV HEALTH SPEC Gregory D. Thomas

SEE IMPORTANT INFORMATION ON THE REVERSE SIDE

PERMIT INFORMATION

I. General Information - Contact Information

When contacting the Health Department concerning this document, be sure to know the reference number. This number must be used in all inquiries and inspection requests.

No substantial changes or deviations from the information on the front of this document are allowed unless prior approval is obtained from the Health Department.

The Environmental Health Staff is located at 306-C Revere Road, Hillsborough, N.C. The staff is available in this office or by telephone, Mon. - Fri., 8:00 AM - 9:00 AM and 4:30 PM - 5:00 PM. Messages can be left for the staff at the following numbers:

Hillsborough	732-8181, ext. 2360
Mebane	227-2031, ext. 2360
Durham	688-7331, ext. 2360
Chapel Hill	967-9251, ext. 2360

The issuance of the Improvements Permit in no way guarantees the issuance of other permits (e.g. Building Permits).

Septic tank contractors and well contractors are responsible for notifying the Health Department for final inspections.

II. Sewage Disposal Information

Water supply and sewage disposal facilities, location, installation and protection must meet state and/or local regulations.

The area approved for the installation of the sewage disposal system must be left in an undisturbed state. Disturbance of this area may void permit.

Septic tank and nitrification line must be inspected and approved by a representative of the Orange County Health Department staff before any portion of the installation is covered and/or put into use.

This permit is only valid for structure listed for 5 years following date of issuance.

Septic tank should be pumped out every 3 to 5 years and shall be maintained in such a manner as not to create a public health hazard.

Nitrification line shall be installed with an undisturbed earth dam each 50 feet.

Each septic tank shall be installed with an access riser on the inlet end that extends to grade level.

A Certificate of Completion or issuance of a operations permit shall indicate the septic system has been constructed to the standards set forth in the regulations, but shall in no way be taken as a guarantee that the system will function satisfactorily for any given period of time.

III. Water Supply Information

Well location, installation, and protection must meet state and local regulations and must be inspected and approved by a representative of the Orange County Health Department before any portion of the installation is put into use.
A well permit must be issued by the Orange County Health Department before construction of a well begins.

The Well Permit is valid for one year following date of issuance.

The siting of the well by the Health Department staff is to provide protection from known possible sources of contamination. No volume of water is guaranteed at any site designated by the Health Department.

The well owner should pour a 4½' x 4½' cement slab surrounding the well casing after the well contractor has completed the grouting of the well. The well casing should be in the center of the slab.

IV. Minimum Distances*

A. Sewage Disposal Systems

1. Private water supplies	100'
2. Public water supply sources tributaries	100'
3. A-II Streams	50'
4. Lakes, ponds, impoundments	50'
5. Building foundations	15'
6. Basements	15'
7. Property lines	10'
8. Embankments or cuts	15'
9. Water lines	10'
10. Swimming pools	25'

B. Private Wells*

1. Watertight sewer lines	50'
2. Ground absorption sewage disposal systems	100'
3. Property lines	10'
4. Building foundations	50'

*Variances can be given on some distances; please call Health Department if you feel a variance is necessary.
*Add 2.5' for a low pressure pipe system.

ORANGE COUNTY HEALTH DEPARTMENT

REFERENCE NUMBER	DATE	PIN	MAP REFERENCE
Soil Analysis	9/3/91		6.14..07A

REQUESTEE: ~~Cook, Paul~~ Dripps, Gladys T
To Paul Cook
Dairyland Rd
Hills.

OWNER: Dripps, Jim Mrs.
942-1408 - by 8 AM

TELEPHONE:

SPECIFICATIONS: To set up single wide 3BR.

LOT SIZE / ACREAGE: 50 942-1923

DESIGNATED WETLAND? YES ____ NO ____

LOCATION / DIRECTIONS: Dairyland Rd.

FEE: 70

RECEIPT: 025954

SIGNATURE OF OWNER OR AUTHORIZED AGENT: X W. Paul Cook

CONFIRMED BY PLANNER:	PLANNER	DATE	CLERK

SEE IMPORTANT INFORMATION ON THE REVERSE SIDE

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Septic tank should be pumped out every 3 to 5 years and shall be maintained in such a manner as not to create a public health hazard.

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B. Private Wells*

1. Watertight sewer lines	50'
2. Ground absorption sewage disposal systems	100'
3. Property lines	10'
4. Building foundations	50'

*Variances can be given on some distances; please call Health Department if you feel a variance is necessary.
*Add 2.5' for a low pressure pipe system.

ORANGE COUNTY HEALTH DEPARTMENT Improvements Permit Date: 6-28-84 Township: BING

Owner: PAUL SEXTON, JR (DAVID CURL, BLDR) Tax Map No: 14

Location: DAIRYLAND ROAD Block: Lot No: 7A

Contractor: JOHN YOW Water Supply: (Private) Public Community

Sewage disposal facilities: No. Bedrooms: 3 (Clothes Washer) Garbage Disposal (Dishwasher)

Size tank: 1000 GALLONS Nitrification line with undisturbed earth dam each 50 feet 400' X 3' - KEEP SHALLOW, MAXIMUM DEPTH 24"

Other disposal facility:

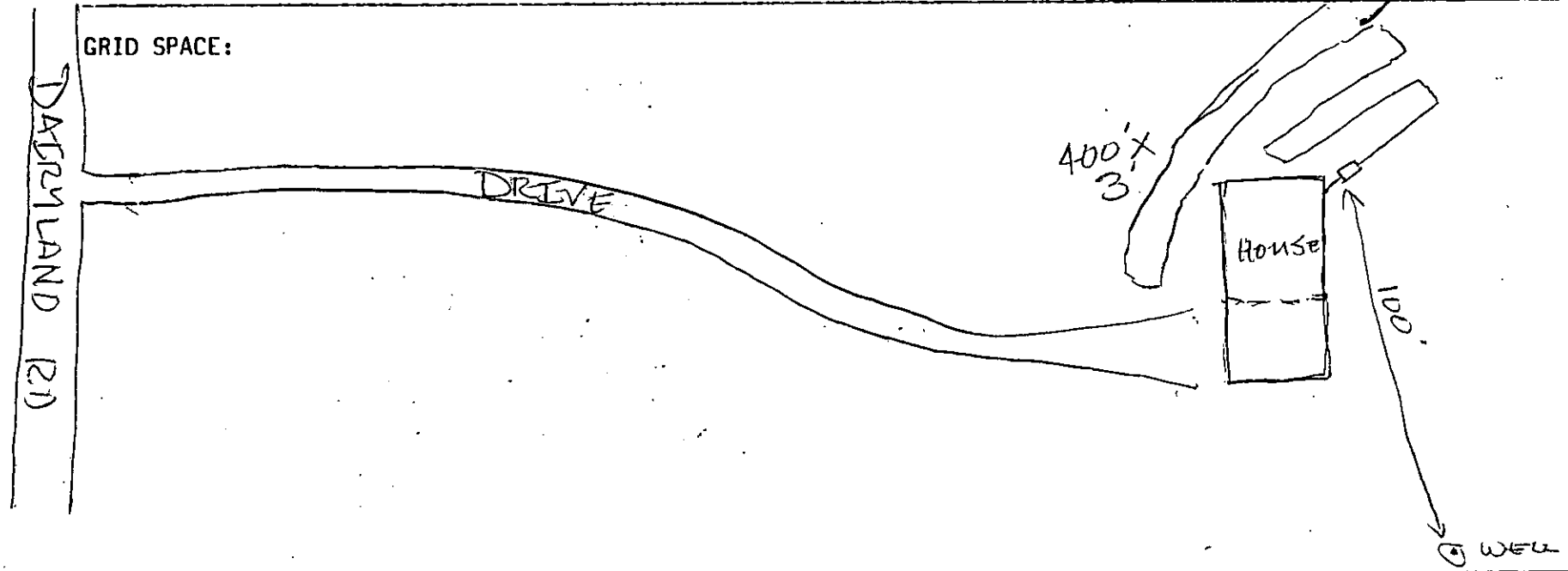
Water supply and sewage disposal facilities location, installation and protection must meet state and local regulations. Septic tank should be pumped out every 3 to 5 years and shall be maintained by owner in such a manner as not to create a public health hazard. Septic tank and nitrification line MUST BE INSPECTED AND APPROVED BY A MEMBER OF THE ORANGE COUNTY HEALTH DEPARTMENT STAFF BEFORE ANY PORTION OF THE INSTALLATION IS COVERED AND PUT INTO USE. THIS PERMIT IS ONLY VALID FOR STRUCTURE LISTED FOR 3 YEARS FOLLOWING DATE OF ISSUANCE.

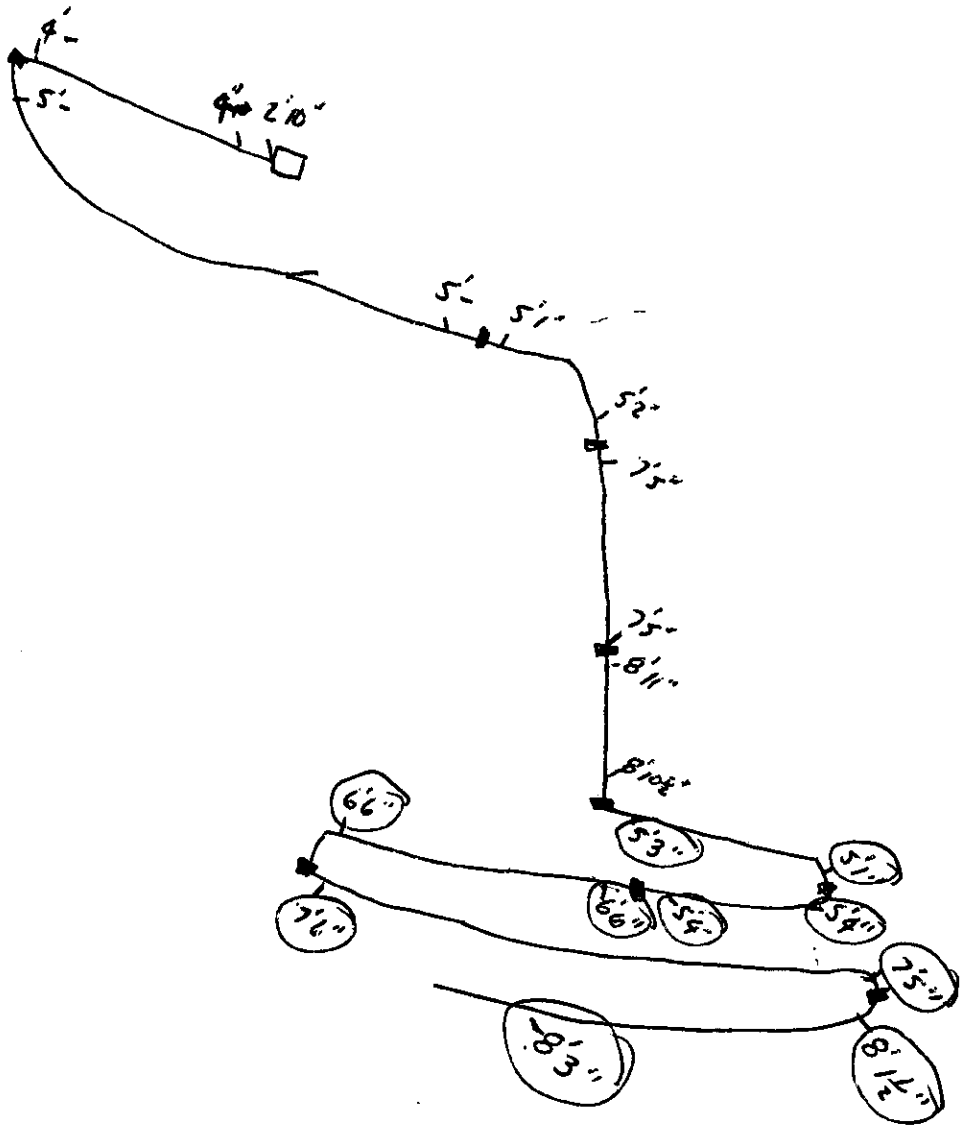
Signed: (Sanitarian) Countersigned: (Owner or representative)

Certificate of Completion Date approved: 9-11-84 By: (Sanitarian)

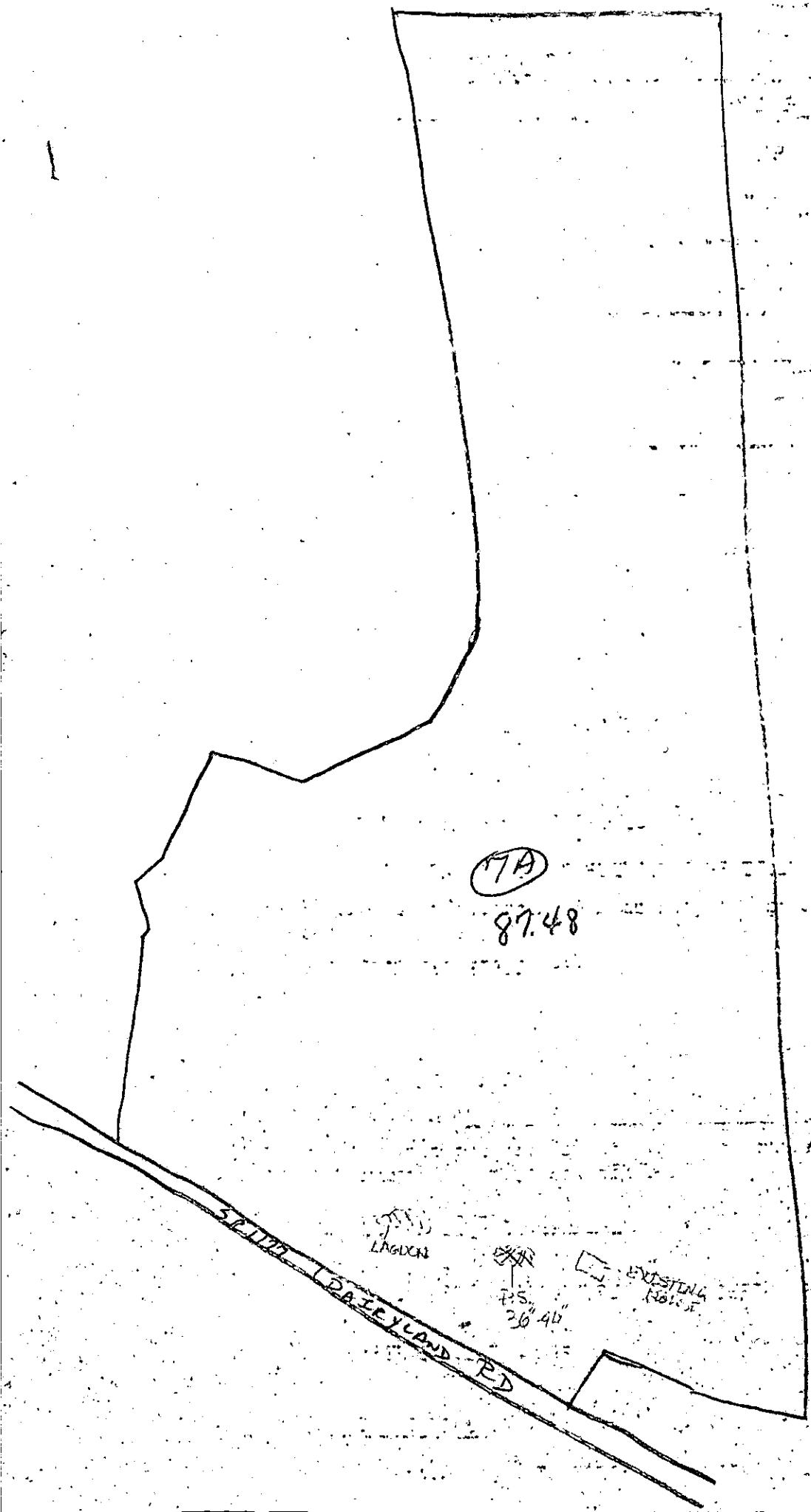
Remarks:

GRID SPACE:





Singha Dwg.
Tax Map #14
Lot #7A



PERMIT ISSUED
6-28-84 RH

ORANGE COUNTY HEALTH DEPARTMENT

WORK ORDER # _____

2 acres of 89.12

7-17-79

TOWNSHIP Bingham
TAX MAP # 14
BLOCK # _____
LOT # 7A

NAME OF PROPERTY OWNER: John Michael + Laura Anne Hawkins
PERSON REQUESTING TEST: " "
(If different from owner--authorized by owner: + YES ____ NO)
ADDRESS: 130 E Orange St Hillsborough
TELEPHONE: 732-7279
DIRECTION/PROPERTY DESCRIPTIONS: Dairyland Road - 3/4 miles from Snipes Bros Dairy (before) right side of road.

WORK REQUESTED:

		FEE PAID Cash
	Preliminary Lot Evaluation	
+	Soil Analysis	15.00
+	Improvement Permit Inspection	10.00
+	Certification of Completion Inspection	10.00

PURPOSE OF REQUEST is to determine suitability for ground absorption sewage disposal system.

SPECIFICATION OF PROPOSED STRUCTURE:

OWNER OR AUTHORIZED AGENT: + Anne S. Hawkins
(This signature indicates permission has been granted to enter property for purposes authorized by this work order.)

RESULTS OF ENVIRONMENTAL SERVICES:
PROPERTY PASSED ✓ PROPERTY DID NOT PASS _____

DATE OF ENVIRONMENTAL TEST: 8-1-79

EXPLANATION OF RESULTS:
CLAYEY SOIL,
EXPAND 20%
*LOCATE SYSTEM IN PASTURE
MAX. DEPTH 20"
*SYSTEM TO BE LOCATED IN PASTURE AREA, ON SIDE SLOPE

SIGNATURE OF SANITARIAN PERFORMING SERVICES: [signature]

ORANGE COUNTY HEALTH DEPARTMENT

WORK ORDER # 4-2-84

TOWNSHIP Bingham

TAX MAP # 14

BLOCK#

LOT # 7A

NAME OF PROPERTY OWNER: Jim Snipes Hrs

PERSON REQUESTING TEST: Paul Sexton Jr.

If different from owner - authorized by owner: ___YES ___NO

ADDRESS: Rt 3, Box 844, Hills, 929-8052

TELEPHONE: 543-8383 or 942-1406 - leave message

DIRECTION/PROPERTY DESCRIPTION: Property is located on Dairyland Rd.

WORK REQUESTED:		FEE PAID:
___	PRELIMINARY LOT EVALUATION	___
1	SOIL ANALYSIS	$20.00 20309 (cash)
1	IMPROVEMENT PERMIT INSPECTION	15.00
1	CERTIFICATION OF COMPLETION INSPECTION	15.00 pdck# 7179

6/28/84

PURPOSE OF REQUEST is to determine suitability for ground absorption sewage disposal system.

SPECIFICATION OF PROPOSED STRUCTURE: To build.

OWNER OF AUTHORIZED AGENT: Paul E. Sexton, Jr.

(This signature indicates permission has been granted to enter property for purposes authorized by this work order.)

CLASSIFICATION OF SOIL FACTORS (CIRCLE):

PERMIT ISSUED 6-28-84 RM

SLOPE S (PS) U TEXTURE S (PS) U STRUCTURE S (PS) U DEPTH S (PS) U RESTRICTIVE HORIZONS S (PS) U

DRAINAGE S (PS) U PERMEABILITY S (PS) U

WELL DRAINED SOIL TO 36"-40". GOOD STRUCTURE & TEXTURE. RECOMMEND SHALLOW SYSTEM; MAXIMUM DEPTH 24-30".

SITE CLASSIFICATION (CIRCLE):

SUITABLE UNSUITABLE (PROVISIONALLY SUITABLE) - Explanation:

DATE OF ENVIRONMENTAL SERVICES: 4-11-84

SIGNATURE OF SANITARIAN PERFORMING SERVICES: Ron Mabry

WORK ORDER DATE 6-28-84
PAID FEE 50.00

WELL APPLICATION-WELL PERMIT

Property Owner Paul Sexton Jr. Location/Direction: Dairyland Rd

Person Requesting: David Culbreth Address 200 W. Weaver St. Carrboro Telephone No. 967-4677
(If different from owner - authorized by owner: YES _____ NO _____)

TOWNSHIP Bingham TAX MAP NO. 14 BLOCK: _____ LOT: 7A TYPE WELL: DRILLED

WELL CONTRACTOR ACME STATE REG. NO. _____ ADDRESS _____

OWNER OR AUTHORIZED AGENT: Raymond Stewart
(This signature indicates permission has been granted to enter property for purposes authorized by this work order.)

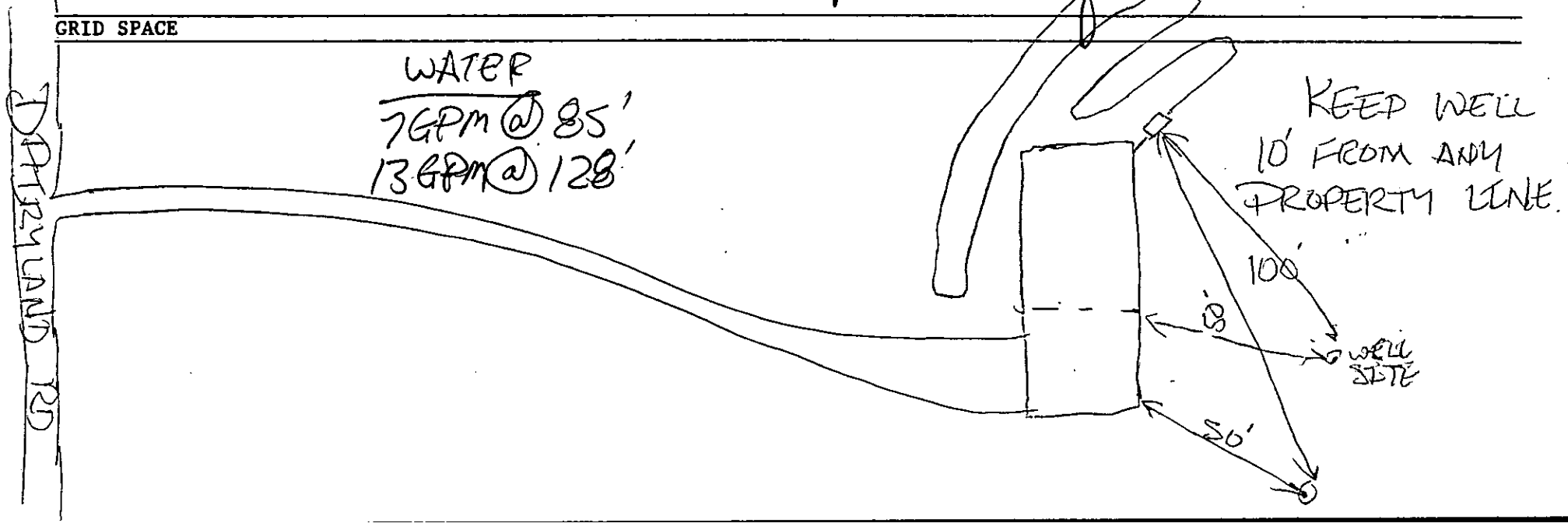
Signed: Ron Holder Sanitarian DATE: 6-28-84

WELL LOCATION, INSTALLATION, AND PROTECTION MUST MEET STATE AND LOCAL REGULATIONS AND MUST BE INSPECTED AND APPROVED BY A MEMBER OF THE ORANGE COUNTY HEALTH DEPARTMENT STAFF BEFORE ANY PORTION OF THE INSTALLATION IS PUT INTO USE. THIS PERMIT IS VALID FOR ONE (1) YEAR FOLLOWING DATE OF ISSUANCE.

COMPLETION INFORMATION

Well size: 6 5/8 Well Depth: 145' Casing depth: 25' Grouting depth: 20' Type Grouting: SAND MIX
Well Yield: 20 G.P.M. Static water level: 15 Date Completed 8-10-84
Driller on site: DAVID HUDSON Approved by: Ron Holder Sanitarian Date: 8-17-84

GRID SPACE



Orange County
Emergency Services
A Prepared, Coordinated, and Integrated Emergency Services System
E-911 | Fire Marshal | EMS | Emergency Management

Fire & Life Safety Division

TO: Cy Stober, AICP – Director, Planning & Inspections

FROM: Elizabeth Farnan – Fire Marshal, Emergency Services

CC: Tyler Sliger - Planner II, Planning & Inspections

Date: March 7, 2023

CASE: MA22-0006 (Edenview)

PIN: 9841527281

PROJECT: Subdivision
Residential Conditional District (R-CD) Zoning Atlas Amendment

SUBJECT: Site Plan Review Regarding Conformance with Orange County Unified Development Ordinance (UDO) for Emergency Apparatus Access, Addressing, and Water Availability for Required Fire Flow

---

This memo is to show that the Fire Marshal Division has NO OBJECTIONS to the approval of the rezoning request. All requirements have been met for emergency apparatus access to the site, addressing, and water flow requirements.

Elizabeth Farnan

Elizabeth Farnan, FM

March 7, 2023
Date

MEMORANDUM

TO: DEVELOPMENT ADVISORY COMMITTEE

FROM: MATT TAYLOR, ORANGE COUNTY SOLID WASTE MANAGEMENT

SUBJECT: COMMENTS ON MA22-0006

DATE: 3/2/23

MA22-0006: Applicant indicated on sheet C1.1 that they will be utilizing private collection for both solid waste and recycling. OC Solid Waste requires a "Will-Serve" letter from the private hauler that will be servicing the site to confirm that based on the latest set of plans that said private hauler can and will provide recycling collection that at a minimum meets OC Solid Requirements for recyclable materials collected.

ORANGE COUNTY GOVERNMENT
TRANSPORTATION SERVICES DEPARTMENT

TECHNICAL MEMORANDUM

TO: Cy Stober, Planning Director
Brian Collie, Planner II
FROM: Nishith Trivedi, Transportation Director
DATE: December 15, 2022
SUBJECT: DAC Transportation Review: # MA22-0006

The following memo summarizes Orange County Transportation Services (OCTS) review of application #MA22-0006, Dairyland Road, Rezoning Application.

OCTS analyzed the documents listed below in accordance with County Unified Development Ordinance (UDO) and all transportation policies, programs, and plans:

1. Site Analysis and Subdivision Plans
2. Application
3. Zoning Report

We offer the following assessment for Development Advisory Committee's (DAC) considerations.

Methodology:
The following resources are used, each with separate comments:

UDO:
Does not meet Traffic Impact Analysis (TIA) threshold section 6.17.2(A).(2) Subidivision

- Proposed development proposes only 38 lots, 80 required for TIA

Orange County Complete Street Policy:
Request applicant provide opportunities for all travel modes especially bike, pedestrian and transit.

Orange County Vision Zero Policy:
No Comment

Short Range and Long Range Transit Plans:
No Comment

All other Transportation Plans:
County Priority – This portion of Dairyland Road is a county priority modernization, (e.g. 4' paved shoulders)

Thank you very much for the opportunity to review and provide comments. Please forward any questions, comments or concerns to Nishith Trivedi at ntrivedi@orangecountync.gov.

600 Hwy 86 N · Hillsborough, North Carolina 27278
Phone (919) 245-2008 · Fax (919) 732-2137

Tyler Sliger

From: Jones, DeAngelo J <djjones1@ncdot.gov>
Sent: Tuesday, March 14, 2023 10:13 AM
To: Tyler Sliger
Cc: Chuck Edwards Contact
Subject: RE: [External] Memo for MA22-0006 (Edenview)

Hello Tyler

Please find comments from my review of Edenview.

Permitting

- An NCDOT Driveway Permit submittal is required to be uploaded to the portal.
- An NCDOT Subdivision Minimum Construction Standards Review submitted as hard copy to the District Office is required.

Traffic

Edenview is a proposed 38 lot subdivision with primary access on SR 1177, Dairyland Road. The 38 lots will not generate enough trips to meet the NCDOT threshold to require a traffic study. Using the Average Daily Trips information provided by NCDOT, Dairyland Road is a low volume roadway. Using this information, I have the following comments:

- Will Orange County be requiring a traffic study?
- Please mark the proposed driveway location in the field for further investigation.

General Plan Review

- Please provide additional design detail at the driveway connection.
- Please provide additional roadway design detail of internal network such as horizontal curve data, roadway lengths, centerline profiles with vertical curve data etcetera.
- You will need to provide stormwater and drainage calculations.
- Provide additional information of waterway crossings such as pipe sizes and material
    - Please note pipe sizes 48” and larger will be required to be reviewed by the Hydraulics and Geotechnical Units.
- Does roadway width meet Fire Code?
- To meet eligibility for road addition to the State maintenance system, please verify that there are 2 proposed homes per tenth of mile.
- There must be a minimum of 2 homes accessing the cul-de-sacs.

If you have any additional questions, please feel free to reach out to me using information provided below.

Regards

DeAngelo J. Jones
Senior Assistant District Engineer
North Carolina Department of Transportation
Division of Highways
Division 7, District 1

ORANGE COUNTY
NORTH CAROLINA
PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

April 26, 2023

Finding of No Significant Impact (FONSI)
Eden View Acres Subdivision
(PINs 9841527281 and 9840795091)

To Whom It May Concern:

On December 8, 2022, Orange County Planning received an Environmental Assessment application for Eden View Acres Subdivision. In addition to conducting review at the March 2 Orange County Development Advisory Committee, County staff forwarded application materials to the North Carolina State Clearinghouse for review by the various state agencies.

Based on the applicant's application and review comments received from all reviewing agencies, staff makes a Finding of No Significant Impact for the project.

Very Respectfully,

Taylor Perschau
Current Planning and Zoning Supervisor
Orange County Planning & Inspections Department

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary

NORTH CAROLINA
Environmental Quality

To: Crystal Best
State Clearinghouse
NC Department of Administration

From: Lyn Biles
Division of Environmental Assistance and Customer Service
Washington Regional Office

Re: 23-0163
Environmental Assessment - Proposed project is for the construction of Eden View Subdivision, 39 single-family lots on approximately 192 acres.
Orange County

Date: March 14, 2023

The Department of Environment Quality has reviewed the proposal for the referenced project. Based on the information provided, several of our agencies have identified permits that may be required and offered some valuable to help minimize impacts to aquatic and terrestrial wildlife resources. The comments are attached for the applicant's review.

The Department will continue to be available to assist the applicant with any questions or concerns.

Thank you for the opportunity to respond.



North Carolina Wildlife Resources Commission

Cameron Ingram, Executive Director

MEMORANDUM

TO: Lyn Hardison, Environmental Assistance and SEPA Coordinator
NCDENR Division of Environmental Assistance and Customer Services

FROM: Olivia Munzer, Western Piedmont Coordinator
Habitat Conservation

DATE: 08 March 2023

SUBJECT: Request for Review of Eden View Subdivision Environmental Assessment in Bingham, Orange County, North Carolina. DEQ Project No. 23-0163.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the proposed project description. Comments are provided in accordance with certain provisions of the United States (U.S.) National Environmental Policy Act, Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and North Carolina General Statutes (G.S. 113-131 et seq.).

CJT PA is proposing to construct the Eden View Subdivision located at 4901 Dairyland Road in Bingham, Orange County, North Carolina. The 190.61-acre site will consist of 38 single-family homes, a pavilion with parking, greenhouse, and a working farm with associated structures. According to the documents, approximately 76 acres will be Open Space and it will include the farm pond, riparian buffers around Watery Fork Creek, Hudson Branch, an unnamed tributary in the northeast corner of the property, and most of the wetlands.

Hudson Branch and Watery Fork Creek and their unnamed tributaries occur on the site. Wetlands and a farm pond are also located on the site. Watery Fork Creek and Hudson Branch are classified by NC Division of Water Resources as Water Supply II streams, High Quality Waters, and Nutrient Sensitive Waters, and Watery Fork Creek is also a Critical Area. The site is in the Cane Creek Watershed within the Cape Fear River Basin.

We have records of the state endangered Carolina creekshell (*Villosa vaughaniana*), state threatened creeper (*Strophitus undulatus*), and Carolina darter (*Etheostoma collis*) within the Cane Creek Watershed. The U.S. Fish and Wildlife Service lists the proposed endangered tricolored bat (*Perimyotis subflavus*) and candidate monarch butterfly (*Danus plexippus*) as having the potential to occur within the site if habitat is present. Although we do not have records for state or federally-listed rare, threatened, or endangered species at the site. The lack of records from the site does not imply or confirm the absence of federal or state-listed species. An on-site survey is the only definitive means to determine if the proposed project would impact state or federally listed rare, threatened, or endangered species.

We have concerns for the increase in impervious surface, which results in an increase in stormwater

runoff that can exert significant impacts on stream morphology. This will cause further degradation of aquatic habitat through accelerated stream bank erosion, channel and bedload changes, altered substrates, and scouring of the stream channel. In addition, pollutants (e.g., sediment, heavy metals, pesticides, and fertilizers) washed from developed landscapes can adversely affect and extirpate species downstream. We offer the following preliminary recommendations to minimize impacts to aquatic and terrestrial wildlife resources.

1. Since Watery Fork and Hudson creeks occur on site, we highly recommend maintain a minimum 100-foot undisturbed, native, forested buffer along perennial streams, and a minimum 50-foot buffer along intermittent streams and wetlands. Maintaining undisturbed, forested buffers along these areas will minimize impacts to aquatic and terrestrial wildlife resources, water quality, and aquatic habitat both within and downstream of the project area. Also, wide riparian buffers are helpful in maintaining stability of stream banks and for treatment of pollutants associated with urban stormwater.
2. We recommend designing the subdivision with the lots located in previously cleared and disturbed areas (pasture) and minimizing the amount of trees and other native vegetation that will be cleared for the development.
3. Avoid tree clearing activities during the maternity roosting season for bats (May 15 – August 15) because of the decline in populations of several bat species, including the proposed endangered tricolored bat.
4. NCWRC may request surveys for the presence of state protected mussel species if streams are impacted.
5. Use non-invasive native species and Low Impact Development (LID) technology in landscaping. Using LID technology in landscaping will not only help maintain the predevelopment hydrologic regime, but also enhance the aesthetic and habitat value of the site. LID techniques include permeable pavement, narrower roads, and bioretention areas (ex. rain gardens) that can collect stormwater from driveways and parking areas. Additional information on LID can be found at the NC State University LID guide: https://www.uni-groupusa.org/PDF/NC_LID_Guidebook.pdf.

   Consider constructing the subdivision as a wildlife friendly development (https://www.ncwildcertify.org/). Also, NCWRC's Green Growth Toolbox provides information on nature-friendly planning (http://www.ncwildlife.org/Conserving/Programs/GreenGrowthToolbox.aspx).
6. Re-seed disturbed areas with seed mixtures or native plants that are beneficial to wildlife. Avoid using invasive, non-native plants (i.e., tall fescue, lespedeza, nadina, and Bermudagrass) in seed mixtures or landscaping plants (http://www.ncwildflower.org/plant_galleries/invasives_list). In open areas, consider planting native, wildflower seed mixes that will create pollinator habitat within the project boundary.
7. We recommend using green construction techniques to improve water, waste, and energy efficiency. Consider using wildlife friendly outdoor lighting since light pollution can impact the circadian rhythms of animals, disrupt behavior, cause injury, or death. Lights should only be on when needed; use lights only where necessary; lights should have wavelength greater than 560 nm emissions (i.e., narrow-spectrum LEDs or low-pressure sodium); mount the fixture as low as possible; use the lowest wattage necessary; and lights should be fully shielded.
8. Erosion and sediment control measures should conform to the High Quality Water Zones standards stipulated in the NC Department of Environmental Quality Erosion and Sediment Control Plan (https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permit-guidance/erosion-sediment-control-planning-design-manual). Sediment and erosion control measures should use advanced methods and installed prior to any land-disturbing activity.
9. The use of biodegradable and wildlife-friendly sediment and erosion control devices is strongly recommended throughout the site. Matting used for stabilization should be free of nylon or plastic mesh, as it frequently entangles wildlife and it is slow to degrades, resulting in a hazard that may

last for years.

10. a) The culvert must be designed to allow for aquatic life and fish passage. Generally, the culvert or pipe invert should be buried at least 1 foot below the natural streambed (measured from the natural thalweg depth). If multiple barrels are required, barrels other than the base flow barrel(s) should be placed on or near stream bankfull or floodplain bench elevation (similar to Lyonsfield design). These should be reconnected to floodplain benches as appropriate. This may be accomplished by utilizing sills on the upstream and downstream ends to restrict or divert flow to the base flow barrel(s). Silled barrels should be filled with sediment so as not to entrap wildlife or support mosquito breeding conditions. Sufficient water depth should be provided in the base flow barrel(s) during low flows to accommodate fish movement. If culverts are longer than 40-50 linear feet, alternating or notched baffles should be installed in a manner that mimics existing stream pattern. This should enhance aquatic life passage: 1) by depositing sediments in the barrel, 2) by maintaining channel depth and flow regimes, and 3) by providing resting places for fish and other aquatic organisms. In essence, base flow barrel(s) should provide a continuum of water depth and channel width without substantial modifications of velocity.

    b) If multiple pipes or cells are used, at least one pipe or box should be designed to remain dry during normal flows to allow for wildlife passage.

    c) Culverts or pipes should be situated along the existing channel alignment whenever possible to avoid channel realignment. Widening the stream channel must be avoided. Stream channel widening at the inlet or outlet end of structures typically decreases water velocity causing sediment deposition that requires increased maintenance and disrupts aquatic life passage.

    d) Riprap should not be placed in the active thalweg channel or placed in the streambed in a manner that precludes aquatic life passage. Bioengineering boulders or structures should be professionally designed, sized, and installed.

The NCWRC encourages the applicant to consider additional measures to protect wildlife species in developing landscapes. More detailed information on each of these measures and supporting literature can be found in NCWRC's Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality (August 2002; http://www.ncwildlife.org/Portals/0/Conserving/documents/2002_GuidanceMemorandumforSecondaryandCumulativeImpacts.pdf).

At this time, the information provided is not sufficient for our staff to make definitive recommendations or conclusions concerning this project. Please contact me at (336) 269-0074 or olivia.munzer@ncwildlife.org if there are any questions about these comments or for **free** technical guidance.

RECOMMENDED NATIVE ALTERNATIVES FOR NON-NATIVE GRASSES IN NORTH CAROLINA**
(Species are appropriate for all geographic regions unless otherwise indicated)

NON-NATIVE SPECIES	NATIVE SPECIES	
	Big bluestem	*Andropogon gerardii*
	Little bluestem	*Schizachyrium scoparium*
	Indiangrass	*Sorghastrum nutans*
Crownvetch	Switchgrass	*Panicum virgatum*
Centipede	Beaked panicgrass	*Panicum anceps*
Bermuda	Purpletop	*Tridens flavus*
	Roundheaded bushclover	*Lespedeza capitata*
	Deer tongue	*Dicanthelium clandestinum*
	Sensitive partridge pea	*Chamaecrista nictitans*
	Partridge pea	*Chamaecrista fasciculata*
	Big bluestem	*Andropogon gerardii*
	Little bluestem	*Schizachyrium scoparium*
	Indiangrass	*Sorghastrum nutans*
	Switchgrass	*Panicum virgatum*
Kentucky bluegrass	Beaked panicgrass	*Panicum anceps*
Tall fescue	Purpletop	*Tridens flavus*
Sudangrass	Broomsedge	*Andropogon virginicus*
	Deer tongue	*Dicanthelium clandestinum*
	Canadian wildrye	*Elymus canadensis*
	Virginia wildrye	*Elymus virginicus*
	Sensitive partridge pea	*Chamaecrista nictitans*
	Partridge pea	*Chamaecrista fasciculata*
	Switchgrass	*Panicum virgatum*
	Splitbeard bluestem	*Andropogon ternarius*
Sericea lespedeza	Beggarlice	*Desmodium spp.*
Kobe lespedeza	Deer tongue	*Dicanthelium clandestinum*
	Sensitive partridge pea	*Chamaecrista nictitans*
	Partridge pea	*Chamaecrista fasciculata*

**A recommended revegetation/stabilization mix would ideally include a combination of the species listed in this table. In addition, please note that additional consideration may be needed in areas that are (highly) erodible and/or have sloped terrain. The following species could be included in all regions for additional stabilization and wildlife benefit:

Black-eyed susan:	*Rudbeckia hirta*
Plains coreopsis:	*Coreopsis tinctoria*
Lance-leaved coreopsis:	*Coreopsis lanceolata*
Narrow-leaved sunflower:	*Helianthus angustifolius*

Created October 2018

State of North Carolina Department of Environmental Quality
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Raleigh
Project Number: 23-0163 Due Date: 3/8/2023
County: Orange

After review of this project, it has been determined that the DEQ permit(s) and/or approvals indicated may need to be obtained for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory time limit)
☐	Permit to construct & operate wastewater treatment facilities, non-standard sewer system extensions & sewer systems that do not discharge into state surface waters.	Application 90 days before begins construction or award of construction contracts. On-site inspection may be required. Post-application technical conference usual.	30 days (90 days)
☐	Permit to construct & operate, sewer extensions involving gravity sewers, pump stations and force mains discharging into a sewer collection system	Fast-Track Permitting program consists of the submittal of an application and an engineer's certification that the project meets all applicable State rules and Division Minimum Design Criteria.	30 days (N/A)
☐	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begins activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
☐	Water Use Permit	Pre-application technical conference usually necessary.	30 days (N/A)
☐	Well Construction Permit	Complete application must be received, and permit issued prior to the installation of a groundwater monitoring well located on property not owned by the applicant, and for a large capacity (>100,000 gallons per day) water supply well.	7 days (15 days)
☐	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
☐	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.O100 thru 2Q.0300)	Application must be submitted, and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
☒	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
☒	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950	Please Note - The Health Hazards Control Unit (HHCU) of the N.C. Department of Health and Human Services, must be notified of plans to demolish a building, including residences for commercial or industrial expansion, even if no asbestos is present in the building.	60 days (90 days)
☒	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres are to be disturbed. Plan must be filed with and approved by applicable Regional Office (Land Quality Section) at least 30 days before beginning activity. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. A fee of $100 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
☐	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		(30 days)
☐	Sedimentation and erosion control must be addressed in accordance with _____ Local Government's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		Based on Local Program
☐	Compliance with 15A NCAC 04B .0125 – Buffers Zones for Trout Waters shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater.		
☒	Compliance with 15A NCAC 2H .0126 - NPDES Stormwater Program which regulates three types of activities: Industrial, Municipal Separate Storm Sewer System & Construction activities that disturb ≥1 acre.		30-60 days (90 days)
☐	Compliance with 15A NCAC 2H 1000 -State Stormwater Permitting Programs regulate site development and post-construction stormwater runoff control. Areas subject to these permit programs include all 20 coastal counties, and various other counties and watersheds throughout the state.		45 days (90 days)

State of North Carolina Department of Environmental Quality
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Raleigh
Project Number: 23-0163 Due Date: 3/8/2023
County: Orange

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory time limit)
☐	Mining Permit	On-site inspection usual. Surety bond filed with DEQ Bond amount varies with type mine and number of acres of affected land. Affected area greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
☒	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to prepare plans, inspect construction, and certify construction is according to DEQ approved plans. May also require a permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of $200.00 must accompany the application. An additional processing fee based on a percentage, or the total project cost will be required upon completion.	30 days (60 days)
☐	Oil Refining Facilities	N/A	90-120 days (N/A)
☐	Permit to drill exploratory oil or gas well	File surety bond of $5,000 with DEQ running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DEQ rules and regulations.	10 days N/A
☐	Geophysical Exploration Permit	Application filed with DEQ at least 10 days prior to issue of permit. Application by letter. No standard application forms.	10 days N/A
☐	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property	15-20 days N/A
☐	401 Water Quality Certification	Compliance with the T15A 02H .0500 Certifications are required whenever construction or operation of facilities will result in a discharge into navigable water as described in 33 CFR part 323.	60 days (130 days)
☐	Compliance with Catawba, Goose Creek, Jordan Lake, Randleman, Tar Pamlico or Neuse Riparian Buffer Rules is required. Buffer requirements: http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-riparian-buffer-protection-program		
☐	Nutrient Offset: Loading requirements for nitrogen and phosphorus in the Neuse and Tar-Pamlico River basins, and in the Jordan and Falls Lake watersheds, as part of the nutrient-management strategies in these areas. DWR nutrient offset information: http://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information		
☐	CAMA Permit for MAJOR development	$250.00 - $475.00 fee must accompany application	75 days (150 days)
☐	CAMA Permit for MINOR development	$100.00 fee must accompany application	22 days (25 days)
☐	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
☐	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
☒	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq., Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
☒	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
☐	Plans and specifications for the construction, expansion, or alteration of the _____ water system must be approved through the _____ delegated plan approval authority. Please contact them at _____ for further information.		

State of North Carolina Department of Environmental Quality
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Raleigh
Project Number: 23-0163 Due Date: 3/8/2023
County: Orange

Other Comments (attach additional pages as necessary, being certain to comment authority)

Division	Initials	No comment	Comments	Date Review
DAQ	SH	☐	See checked boxes above.	2/15/2023
DWR-WQROS (Aquifer & Surface)	&	☐	&	/ /
DWR-PWS	SG	☐	See checked boxes above.	2/15/2023
DEMLR (LQ & SW)	CA	☐	See checked boxes above.	3/8/2023
DWM – UST	MRP	☒		3/8/2023
Other Comments		☐		/ /

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

☐ **Asheville Regional Office**
2090 U.S. 70 Highway
Swannanoa, NC 28778-8211
Phone: 828-296-4500
Fax: 828-299-7043

☐ **Fayetteville Regional Office**
225 Green Street, Suite 714,
Fayetteville, NC 28301-5043
Phone: 910-433-3300
Fax: 910-486-0707

☐ **Mooresville Regional Office**
610 East Center Avenue, Suite 301,
Mooresville, NC 28115
Phone: 704-663-1699
Fax: 704-663-6040

☐ **Raleigh Regional Office**
3800 Barrett Drive,
Raleigh, NC 27609
Phone: 919-791-4200
Fax: 919-571-4718

☐ **Washington Regional Office**
943 Washington Square Mall,
Washington, NC 27889
Phone: 252-946-6481
Fax: 252-975-3716

☐ **Wilmington Regional Office**
127 Cardinal Drive Ext.,
Wilmington, NC 28405
Phone: 910-796-7215
Fax: 910-350-2004

☐ **Winston-Salem Regional Office**
450 Hanes Mill Road, Suite 300,
Winston-Salem, NC 27105
Phone: 336-776-9800
Fax: 336-776-9797

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
MICHAEL SCOTT
Director

NORTH CAROLINA
Environmental Quality

DATE: February 20, 2023

TO: Michael Scott, Division Director through Sharon Brinkley

FROM: Deb Aja, Western District Supervisor - Solid Waste Section Field Operations Branch

RE: NEPA Project 23-0163, Orange, NC
Orange County – Eden View Subdivision

The Solid Waste Section has reviewed the Orange County Planning and Zoning Environmental Assessment document for the construction of Eden View Subdivision to create 39 single-family lots on approximately 192 acres located east of Orange Grove Road and north of Dairyland Road in Orange County, North Carolina. Should any structures be proposed to be demolished as part of this project lead, asbestos or other contaminants may be present and must be managed appropriately. Otherwise, the review has been completed and has found no adverse impact on the surrounding community and likewise knows of no situations in the community, which would affect this project from a solid waste perspective.

During the project, every feasible effort should be made to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. Any waste generated by this project that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility approved to manage the respective waste type. The Section strongly recommends that any contractors are required to provide proof of proper disposal for all waste generated as part of the project. A list of permitted solid waste management facilities is available on the Solid Waste Section portal site at: https://deq.nc.gov/about/divisions/waste-management/solid-waste-section/solid-waste-permitted-facility-information-and-guidance/solid-waste-facility-lists

Please contact Chuck Kirchner, Environmental Senior Specialist, for any questions regarding solid waste management for this project. Mr. Kirchner can be reached at (336) 776-9633 or by email at chuck.kirchner@ncdenr.gov.

Ec: Jason Watkins, Field Operations Branch Head
Chuck Kirchner, Environmental Senior Specialist

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
MICHAEL SCOTT
Director

NORTH CAROLINA
Environmental Quality

Date: February 13, 2023

To: Michael Scott, Director
Division of Waste Management

Through: Janet Macdonald
Inactive Hazardous Sites Branch

From: Katie C Tatum
Inactive Hazardous Sites Branch

Subject: NEPA Project # 23-0163 Orange County Planning & Inspections, Orange County, North Carolina

The Superfund Section has reviewed the proximity of sites under its jurisdiction to the Orange County Planning & Inspections project. Proposed project is for the construction of Eden View Subdivision. The development would create 39 single-family lots on approximately 192 acres located east of Orange Grove Road and north of Dairyland Road. The subject property is compiled of two separate parcels (PIN's 9841-52-7281 and 9840-79-5091).

No (0) Superfund Section sites and no (0) Brownfields Program Sites were identified within one mile of the project as shown on the attached report.

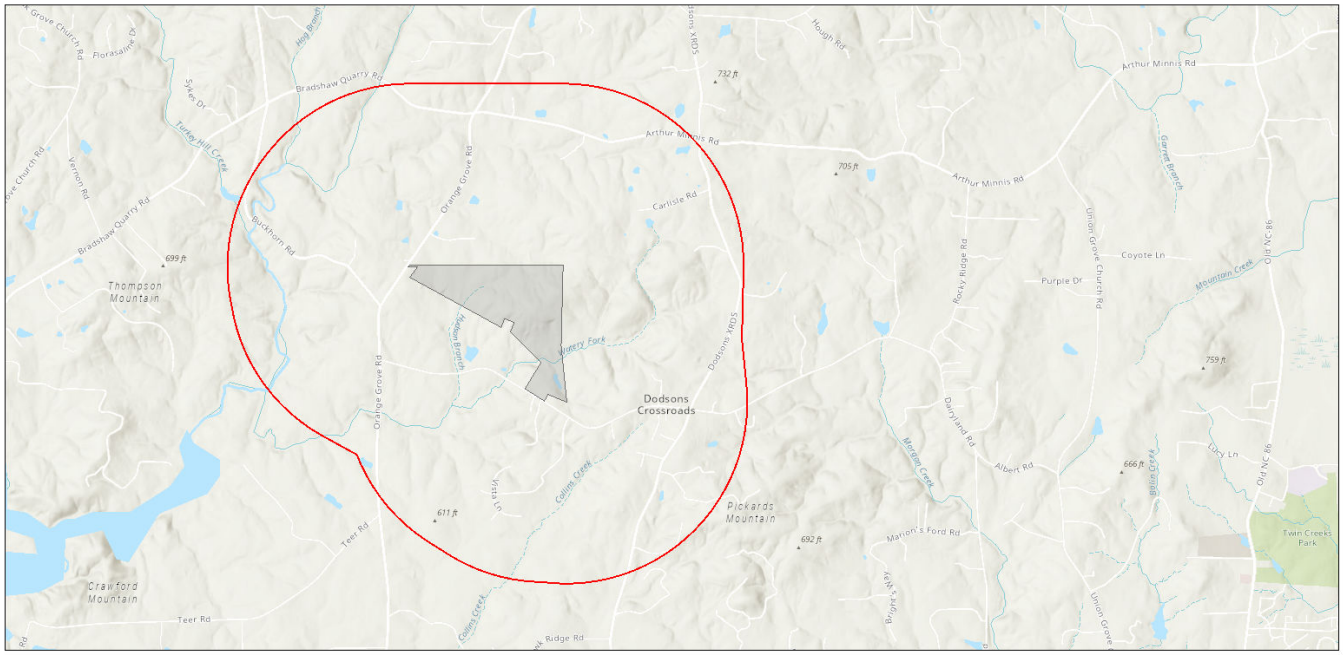
Please contact Janet Macdonald at 919.707.8349 if you have any questions concerning the Superfund Section review portion of this SEPA/NEPA inquiry.

Superfund & Brownfield Sites SEPA/NEPA Review Report

Area of Interest (AOI) Information **Orange County** **NEPA project 23-0163**

Area : 4,049.94 acres

Feb 13 2023 10:03:30 Eastern Standard Time



Superfund and Brownfield Sites
Orange County NEPA project 23-0163

Summary

Name	Count	Area(acres)	Length(mi)
Certified DSCA Sites	0	N/A	N/A
Federal Remediation Branch Sites	0	N/A	N/A
Inactive Hazardous Sites	0	N/A	N/A
Pre-Regulatory Landfill Sites	0	N/A	N/A
Brownfields Program Sites	0	N/A	N/A

Department of Environmental Quality Project Internal Review

Project Number: 23-0163 **County: Orange** **Date Received: 2-10-2023**

Due Date: 3-8-2023

Project Description: *Environmental Assessment - Proposed project is for the construction of Eden View Subdivision. The development would create 39 single-family lots on approximately 192 acres located east of Orange Grove Road and north of Dairyland Road. The subject property is compiled of two separate parcels (PIN's 9841-52-7281 and 9840-79-5091).*

This Project is being reviewed as indicated below:

Regional Office	Regional Office Area	In-House Review	
☐ Asheville	☑ Air	☐ Air Quality	☐ Coastal Management
☐ Fayetteville	☑ DWR	☑ Waste Mgmt	☐ Marine Fisheries
☐ Mooresville	☑ DWR - Public Water	☐ Water Resources Mgmt (Public Water, Planning & Water Quality Program)	☐ CC & PS Div. of Emergency Mgmt
☑ Raleigh	☑ DEMLR (LQ & SW)	☐ DWR-Transportation Unit	☐ DMF-Shellfish Sanitation
☐ Washington	☑ DWM		☑ Wildlife Olivia
☐ Wilmington			☐ Wildlife/DOT
☐ Winston Salem			

Manager Sign-Off/Region:	Date:	In-House Reviewer/Agency:
	3/7/23	Melodi Deaver, Hazardous Waste Section

Response (check all applicable)

____ No objection to project as proposed.

X
____ No Comment

____ Insufficient information to complete review

____ Other (specify or attach comments)

Attachment 6

Excerpt of Draft Minutes

MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
APRIL 5, 2023
REGULAR MEETING

MEMBERS PRESENT: Adam Beeman (Chair), Cedar Grove Township Representative; Lamar Proctor (Vice-Chair), Cheeks Township Representative; Melissa Poole, Little River Township Representative; Beth Bronson, At-Large Representative; Charity Kirk, At-Large Representative; Statler Gilfillen, Eno Township Representative; Delores Bailey, At-Large Representative; Steve Kaufmann, Bingham Township Representative; Chris Johnston, Hillsborough Township Representative; Liz Kalies, Chapel Hill Township Representative;

STAFF PRESENT: Cy Stober, Planning & Inspections Director; Taylor Perschau, Current Planning and Zoning Supervisor; Tyler Sliger, Planner II; Lauren Coffey, Planning Technician; Nishith Trivedi, Transportation Services Director

OTHERS PRESENT: Dan Jewell, Applicant; Keith Brown, Applicant; James Parker, Applicant; Lyle Overcash, Nick Kirkland, Joey Webb, Patrick Byker, Eric Silinish, Will Wirt, Patrick Cummings, Susan Wells, John Cates, Ben Morgan, Beth Muirhead, John Dempsey, Margo Lakin, Clancy Russell, Jenn Weaver, Kathleen Ferguson, Susan Swafford, Alex Quigley, Drake Edwards, Gary Rodgers, Amber Bickford, Raul Herrera, John Cox, Earl Tye, Mary Parkinson, Jennifer Bailey, John Hughes, Margo Lakin, John Dempsey, Margaret Cates, Sandra Brown, Thomas Brown, Emilee Collins, Jessica King, Carolyn Robinson, Jamie Burgess-Flowers, Carolyn Cadamski, Rhonda Zack, Wanda Richardson, Edwin Cox, Mei Huang, Maryalice Nocera, Charlie Clouse, Reynald Chatelain, Debra Fields, Jenni Edwards, Meg Kelly, Drake Edwards, Dan Bivins, Steve Kirby, Alison Sommerstad, Robert James, William Brodeur, Sally Brodeur, Aaron Kirk, Vicki Hill, Amber Bickford, Aaron Kessler, Karen Sexton, Cheryl Howard, Alyson Miller, Linda Nathanson, Kathleen Harper, Eric Lindblom, Nick Schumacher, Kathy Bivins, Kiersten Fitzgerald, Jeff Powell, Allan Green, Matt McDermott, Meaghun Darab, Neal Fisher, Melissa Fisher, Bonnie Alexander, Linda Johnson, Tracy Schumacher, Jack Niklas, Rachael Price, Ross Goldbaun, Brandon Welch, Hugo Sequeira, Amy Carabetta, Robert Minton, Ashley Snipes, Daniel Snipes, Scott Comer, Susan Walser, Mark Micol, Jim Hopper, Jay Hopper, Tony Bayless, Delores Bayless, Scott Czechlewski, Hollis Chatelain, Alex Stanford, Rhonda Zack, Crawford Horne, Felicia Horne, Bill Aucoin, Mark Zack, Rachel Hawkins, Allison Nichols, Hank Clapper, Jim West, Donna Clapp, Tiffany Alrefae, Janet Wright-Simpson, Faye Rhode, Kimberly Leary, Marian Adamson, Bethany Kidd, Ashley Anston, H. Nad Worny, Curtis Kelly, Jason Zoladz, Jeff Reilich, Christine Jackle, Virginia Rhodes, Ryan Rigabar,

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL
Chair Adam Beeman called the meeting to order.

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AGENDA ITEM 8: 28-210 ZONING ATLAS AMENDMENT (CONDITIONAL DISTRICT) - To review and
make a recommendation to the BOCC on an applicant-initiated zoning atlas amendment to rezone two parcels totaling 190.6 acres from AR (Agricultural Residential) to R-CD (Residential Conditional District).

The parcels' addresses are 4801 and 4901 Dairyland Road in the Bingham Township (PINs 9841-52-7281 and 9840-79-5091). This item is scheduled for BOCC public hearing on May 2, 2023.

Presenter: Tyler Sliger, Planner II

Tyler Sliger gave a presentation on the proposed amendment then answered questions.

Keith Brown, President of Sun Forest Systems, gave comments about his company and their design goals.

Dan Jewell, Landscape Architect with Thomas & Hutton Engineering, gave comments about specific details of the project.

Adam Beeman – How many square feet do you anticipate the houses being?

Dan Jewell- Anywhere from 2,500-4,000. Since the footprint must remain relatively small, they will probably be mostly two-story houses.

Steve Kaufmann- Will there be a covenant that the house must be a certain size?

Dan Jewell- (after consulting with Keith Brown) yes, 1,500.

Steve Kaufmann- I live near an area that is gorgeous but there are only large homes on the lots.

Dan Jewell- Orange County allows for accessory dwellings and we are going to encourage folks to look into providing accessory dwellings on their properties if that is a good fit for them.

Chris Johnston- Would those accessory dwellings count towards the amount that you've allocated for each area?

Dan Jewell- Yes, they would. One of the things we've discussed is that if they want to do an accessory dwelling, we may give them a little extra impervious surface allocation for their lot to do that.

Chris Johnston- When would you deploy the impervious storm percentages if you aren't sure how large each lot will be?

Dan Jewell- We would make that decision when we came in with our final plat.

Lamar Proctor- There is a designation of a Resource Protection Area in the northeast corner, 13 acres, is that going to be preserved or is it going to be logged over or is that the wetland up in that corner?

Dan Jewell- Nothing will be logged over. We've worked hard with staff to make sure that the work we are doing in there meets the requirements that are put in place in that preservation area.

Lamar Proctor- You consulted with NC Wildlife Resource Commission, and they gave recommendations. I assume you are going to follow those or incorporate those?

Dan Jewell- The best we can, yes, those are good recommendations.

Adam Beeman- The ADUs must fall under the perking guidelines, you can't just tack on an ADU. You should already have an understanding of which lot will have the ability to have that ADU built in.

Dan Jewell- Absolutely, each lot has a finite number of bedrooms that can be served.

Liz Kalies- You mentioned having permanent conserved open space, are you going to have an easement or how will you be sure it's permanent?

Dan Jewell- It would be recorded as part of the final plat, and our understanding is what you recommend, hopefully, and the commissioners approve, is codified in law through the recordation at the county courthouse. It would be preserved that way. The only way to undo it as open space would be to come back with another conditional zoning once again and I don't know anyone who would want to do that.

Delores Bailey- Is this community going to have an HOA?

Dan Jewell- Yes, it will have an HOA because all of the common land will have maintenance responsibilities and the HOA will take care of that.

Chris Johnston- Would you be maintaining the property the entire time….

Keith Brown- We would turn it over once all the homes are built, or at least a large percentage of them, and all stormwater retention and everything was done…

Chris Johnston- and then the declarant would take over the HOA?

Dan Jewell- Yes, that is quite common. When someone looks to purchase a lot, that would be transparent to them that these would be the requirements at some point.

Beth Bronson- Does that describe how the open space is going to be managed because it's quite a large piece. Will it be landscaped at the time of sale of the lots?

Keith Brown- That will be a progressive process, we will go in there and continue to enhance it. We have the idea of coming in there and constantly adding to it over time, putting pear trees in, grapes, vines and what we think of as a bio-diverse farm as we build it into something that we can all be a part of. There's even a thought process of having a trail system that has an edible aspect to it where you can have marked plants that as you teach your children what the environment is about and what God's given us with this earth, that they can enjoy it in a multi-dimensional way.

Dan Jewell- There would be a management plan that we would need to develop for that, and we would look for some guidance from some of the folks with the county who deal with that sort of thing.

Beth Bronson- Do you have to have a stormwater management plan?

Dan Jewell- A stormwater management plan is required and a maintenance plan. That will be part of the responsibility of the HOA to have those annual inspections and maintain it. The

stormwater plan would have to be worked out and agreed to at the time of the final plat. The county is not going to give us the approval until we have that in place.

Beth Bronson- Do you plan to disturb any of the open land other than where the homesites will go?

Dan Jewell- Other than to build the stormwater facilities, and the modest amount of disturbance that would be needed to add outbuildings to support the small agricultural component. Obviously with the agriculture, which would involve tillage but other than that, no.

Beth Bronson- The Architectural Review Board would be responsible for the design of the homebuilder?

Keith Brown- There would be stipulations and regulations and design detail specifying what we would expect the homeowners to build. This would be managed through the ARB.

Beth Bronson- So the ARB is the opportunity for you to say, “This is what we would like to establish.”

Keith Brown- We would establish what we want as a farm architecture and the details as well as the position on the property, how it’s working with the topography.

Statler Gilfillen- When you use the word architect, are you implying that all the designs will be done by licensed architects for submittal?

Keith Brown- *Answered yes off microphone.*

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Public Comment

Susan Wells- I’m a resident of Bingham Township, I attended the neighborhood meeting. I thought it was a good meeting, I have a couple of comments and points that I want to make. We live in a cohesive, rural community. Bingham Township is a great community to live in. I think this would be a good addition to the community. I bought a parcel of land in a community similar to this many years ago and experienced one of the worst things you could experience in a development. The developer didn’t have good written restrictions. He promised trails, the trails disappeared, all the access to the trails disappeared. It was not written well in the documents. He promised land in the conservation easement that several lots would back up to, that got traded to someone else and now there are motocross bike paths. That was not clarified in any of the documents. The front of the property became an agribusiness, and they allowed weddings and concerts which brought a lot of traffic and music. My concern is the 70 acres of common area. If there aren’t good restrictions on that, the surrounding community may suffer. The developer will have control of the land until it is turned over to the homeowners. The developer talks about farming on that land, and he could go to the state and get a farming exemption. This would make him exempt from all kinds of regulations. He could build buildings without county building codes, he can do wedding venues, he can do music venues. What I would like to recommend is to put a conservation easement on the land and then have someone else manage it like Triangle Land Conservancy. You could guide them to create the restrictions. Orange County doesn’t have a good track record….

John Cates- I'm a neighbor and owner of a farm that has been in my family since the 1700's. The Snipes and Kirks have been our neighbors for a long time. The farmers in the community are good stewards of the land. I'm appreciative of the effort they have put into this, to protect the rural agricultural landscape of the community. I am very much in support of this plan. When I drive through Wake County, and I see the backs of houses along the road on one side and agricultural land on the other side. I'm thankful that this plan fits with Orange County and the way we preserve land versus the way other counties around us do it. My hat is off to the planning board and the job that you are doing. I think that any concerns that the neighbors have are legitimate concerning conservation. I drink coffee in the morning and watch the sun come up on the hill where they are going to put the houses. The farmers are great stewards of the land. They have been caring for the land for a long time and the plan that these generations of farmers have put into protecting our area is very much appreciated.

Ben Morgan- Dairyland Road resident, lifelong Orange County resident, I raise livestock on my property and am also in law enforcement, as well as a firearms instructor and do training and qualifications on my property. My concern is the noise and disturbance that I will generate for the development and the other way around, the construction noise. The first time I heard about this meeting was yesterday. I wish my wife could have come because she loves to speak. I wish the developers or property owners had met with us about our concerns, I would have loved to have purchased any amount of buffer area or been provided any sort of buffer from this development.

Beth Muirhead- Neighbor & farm owner, I am concerned about one thing, the property, especially part of the open spaces they've got, joins my property. I raise racehorses and grow trees. I'm just concerned about the amount of human traffic this is going to be. It looks like if that open space is right down to my property line, without a privacy fence there, it's going to look like it is just open because it's busy down there. I've also been cautioned by the attorneys because there is a lake down there and it is lovely. People do go down and swim down there without permission. I've just found out that if a child goes down there and drowns in my lake, then I will be responsible for it and will be the one that gets sued. It is a tremendous amount of concern to me. I've already accepted that I'm going to have to put padlocks on the fences so that no one goes in there and gets in trouble, but they can climb over the fence, that's a concern. My horses are wonderful animals but I'm just concerned about dealing with traffic and I think that some kind of delineation of the property line…..I don't think I have the right to tell the Snipes what they can and can't do with their property, I just want to protect where my property adjoins their property….I don't want to have to put up "no trespassing or private property" signs, to me that's not very friendly but I'm told that if I don't do that, it's going to be worse. I would just like for everybody to be aware that there are other people that are worried about this same thing.

Adam Beeman- Would you like to respond to the question she had about the fencing?

Keith Brown- I appreciate your concerns, we will put a fence across there at your property line and put "no trespassing" signs on it. I've been there and seen your pond and lake and it's quite beautiful. I agree that it would be an attraction for a small kid, and I think that we should take precautions in that. I would also take the same attitude that is a part of our community that if they have reservations about anything, we are open to discussing and making sure that their needs are addressed, and their worries are abated by the cooperation that we would have as a good neighbor.

Melissa Poole- What about people buying the property and the concerns from the gentleman who teaches firearm training? Are you going to make people aware?

Keith Brown- They are moving to the country. I think there is a benefit in having people that are armed and in the armed service and actually protecting us there on our property. We would not oppose what he is already involved in nor impede that in any way and we would let others know about it.

Delores Bailey- Can I ask about the concerns about the noise coming both ways?

Keith Brown- What we want to do is make people aware of everything when they come there. There's noise and there's gunshot, there's a firing range close by and this isn't the only firing range that's close by. We would want everyone who comes there to know that this is indeed there, so they aren't surprised. The last development we did, I remember being in the neighborhood several times hearing a gunshot. It was in the country but in the heart of everything, because our communities that are close yet rural, you go not too far from Chapel Hill, Durham and Hillsborough, you are where the cows are. Hearing the gunshot wasn't alarming. I will make everyone who comes there aware of what they are moving to.

Delores Bailey- What happens after you all are done with it? Will there be policies in place….

Keith Brown- The plan of the project is that we would set those standards. We will be addressing all the concerns of the neighbors that will be moving in there. We have the same needs and responsibilities to the adjoining neighbors, and we want to have an HOA and an ARB that regulates that so it's not just happenstance or haphazard. We want to have a community of quality that people will enjoy for a long time.

Beth Bronson- The point about the open space and the commitment to making the trails….

Keith Brown- That would be part of the HOA's responsibility….

Beth Bronson- Was there ever a discussion about creating a conservation easement because of the size of the open space?

Keith Brown- The conservation easement is something that we would see as a restriction to farming and other things that we want but we will have in our covenants and our ARB and in the regulations there, that those open areas will be maintained by the HOA and will be continuously maintained. We are not going to go in there and change the aspect of what we sold the community on in the beginning.

Beth Bronson- I wouldn't expect the members of the HOA to have yard days to landscape 70 acres.

Keith Brown- They would not be landscaping 70 acres. That would be part of the HOA's responsibilities.

Beth Bronson- They would have to figure out how they are going to ….

Keith Brown- We would have to do that in the beginning.

Beth Bronson- That would have to be laid out….

Dan Jewell- I wanted to clarify, I think this is a relatively new process for you, this conditional zoning, what it means is what we are showing on the plan and representing on the plan, is what we have to do. That is codified and if we haven't shown things on the plan, then my understanding is that we are not allowed to do that unless we come back for another rezoning. Staff might want to confirm that but that's our understanding about how a conditional zoning works. What you see is what we must do.

Beth Bronson- If you make any changes to the conditions that you have laid forth, you need to come back and do rezoning.

Keith Brown- It would be more prudent on our part to figure it all out before we get going.

Statler Gilfillen- Question of clarification, you have made commitments to do certain things verbally, is that a legally binding situation for our approval?

Cy Stober- You have 4 options for voting this evening. One is to vote to recommend approval to the commissioners, one is to vote to recommend denial, to recommend approval with conditions, and to recommend to Commissioners that you need more time to deliberate. Those are the four options so if you wish to include the conditions put forth this evening, which could be part of your motion.

Beth Bronson- Was that what you were going to say before?

Cy Stober- I was going to clarify a critical piece of conditional zoning is the site-specific plan. The site plans that are in your packet and on the screen are binding. That includes what you see and what you don't see. Any new structures, or any new elements that would require a permit from the county would require, if its not already shown on this plan, a rezoning and it would have to go back through a public hearing.

Beth Bronson- This being the final plan.

Cy Stober- That's correct.

Beth Bronson- Would this be the final covenant as well?

Cy Stober-The county does not regulate covenants. They would be recorded with the final plat but that is a private matter for the property owner and anyone purchasing lots on that property.

Chris Johnston- How many lots will you retain ownership of, do you have a rough idea on that?

Keith Brown- As the declarant, our goal and the responsibility that I have is, with the partnership with the Snipes family, is to sell the lots. We are not trying to retain them. Any that have not been sold are managed by the HOA.

Tyler Sliger finished his presentation.

MOTION BY Melissa Poole to approve the petition to amend the Orange County Zoning Atlas to rezone approximately 190 acres at 4801 and 4901 Dairyland Road from AR (Agricultural Residential) to R-CD (Residential Conditional District) in accordance with section 2.9.1C of the UDO with the following conditions: the developer will add a privacy fence with "no trespassing" signs delineating the property of the adjacent neighbor, Beth Muirhead, erected at PIN

9841734586, the developers will make the buyers aware of a nearby shooting range and noise. Seconded by Lamar Proctor.
MOTION PASSED UNANIMOUSLY

****

STATEMENT OF CONSISTENCY
OF A PROPOSED ZONING ATLAS MAP AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

An applicant-initiated amendment to the Zoning Atlas has been reviewed to rezone a parcel as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9841-52-7281, 9840-79-5091	Bingham	Elizabeth and Daniel Snipes	• AR (Agricultural Residential); • Cane Creek Protected Watershed Overlay District.	• R-CD (Residential Conditional District); • Cane Creek Protected Watershed Overlay District.

The Planning Board hereby finds:

a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* and 2.9.1 *Conditional Districts* of the UDO have been deemed complete; and,

b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning Board review and comment – Plan Consistency* and 160D-605(a) *Governing Board Statement – Plan Consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

c. The amendment is consistent with applicable plans because it supports the following:

- Land Use Overarching Goal: Coordination of the amount, location, pattern, and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
- 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 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.
- Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.

The amendment is consistent with these goals because the proposed development is consistent with existing/anticipated development within the area and the land use associated with the project is compatible with various 2030 Comprehensive Plan goals detailed above.

d. The amendment is reasonable and in the public interest because it furthers the goals of the adopted Comprehensive Plan and is located in an area designated on the Future Land Use Map as "Agricultural Residential."

The Planning Board hereby adopts this Statement of Consistency and the findings expressed herein and recommends the Board of County Commissioners consider adoption of the proposed Zoning Atlas Amendment.

Adam Beem

Adam Beeman, Chair

4/5/2023

Date

Attachment 7

STATEMENT OF CONSISTENCY
OF A PROPOSED ZONING ATLAS MAP AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

An applicant-initiated amendment to the Zoning Atlas has been reviewed to rezone a parcel as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9841-52-7281, 9840-79-5091	Bingham	Elizabeth and Daniel Snipes	• AR (Agricultural Residential); • Cane Creek Protected Watershed Overlay District.	• R-CD (Residential Conditional District); • Cane Creek Protected Watershed Overlay District.

The Board of County Commissioners hereby finds:

a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* and 2.9.1 *Conditional Districts* of the UDO have been deemed complete; and,

b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning Board review and comment – Plan Consistency* and 160D-605(a) *Governing Board Statement – Plan Consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

c. The amendment is consistent with applicable plans because it supports the following:

- Land Use Overarching Goal: Coordination of the amount, location, pattern, and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

- 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. Staff has reviewed and determined no significant environmental impact is expected from this project based on existing conditions.

- Land Use Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system. The

proposed Conservation Cluster Flexible Subdivision reflects these values in its layout and design.

- Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.

The amendment is consistent with these goals because the proposed development is consistent with existing/anticipated development within the area and the land use associated with the project is compatible with various 2030 Comprehensive Plan goals detailed above.

d. The amendment is reasonable and in the public interest because it furthers the goals of the adopted Comprehensive Plan and is located in an area designated on the Future Land Use Map as “Agricultural Residential,” and which is described as characterized by very low population density which is dispersed in a manner typical of agriculturally productive areas. The proposed Conservation Cluster Flexible Subdivision has taken these requirements into consideration in its design and construction commitments to minimize environmental impacts.

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

_____ _____

Jamezetta Bedford, Chair Date

Attachment 8

Ordinance #: ORD-2023-020

AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition submitted by Daniel Jewell (hereafter 'the Applicant') seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, this petition seeks to rezone 190 +/- acres (PIN 9841-52-7281, 9840-79-5091) from AR (Agricultural Residential) to R–CD (Residential Conditional District) for the purposes of a residential development,; and

WHEREAS, the Applicant has voluntarily chosen to establish development and land use limitations on the Project to address potential conflicts with surrounding properties; and

WHEREAS, the petition has been submitted with a site plan in accordance with the provisions of Section 2.9.1 (C) of the UDO; and

WHEREAS, the requirements of Section 2.8 and 2.9 of the UDO have been deemed complete; and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the Board has found the proposed zoning atlas amendment to be consistent with the adopted 2030 Comprehensive Plan and reasonable and in the public interest.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the aforementioned parcels to R–CD (Residential Conditional District), as detailed within the submitted application.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.1 (F) of the UDO the approval of this Conditional Zoning application is subject to the following mutually agreed to conditions:

A. Application: Project shall be completed as presented in approved site plan/application packet;

B. The uses on the farm and associated permanent conservation areas will be limited to only those uses that are currently allowed on existing farms in the Orange Grove Community as of the date of approval;

C. Additional plantings will be added to the western property line of lot #34 to screen the view from parcel PIN 9841-32-2556;

D. The site property line will be marked with signage that reads "DANGER, NO TRESPASSING – FARM EQUIPMENT IN USE" at lots 7 through 11 with signage facing both directions;

E. The developer will install a fence with no trespassing signage along the shared property line with tax parcel 9841-73-4586;

F. The developer will notify prospective property purchasers of the Eden View Acres subdivision of the presence of a shooting range and associated noise on the adjacent property, so long as that use continues;

G. The developer will notify prospective property purchasers that this is a voluntary agriculture district.

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 _____, 2023.

I, Laura Jensen, 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 _____, 2023 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 _____, 2023.

SEAL

_____

Clerk to the Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 6-a

SUBJECT: Proposed Orange County FY 2023-2024 Annual Action Plan and HOME Activities

DEPARTMENT: Housing

ATTACHMENT(S):
Attachment 1: Draft FY 2023-2024 Annual Action Plan Summary
Attachment 2: Resolution Authorizing Submission of the FY 2023-2024 Annual Action Plan
Attachment 3: Summary Sheet for FY 2023-2024 Proposed Projects
Attachment 4: Resolution Approving the FY 2023-2024 HOME Program Design

INFORMATION CONTACT:
Corey Root, Director, Housing Department, (919) 245-2490
Erica Cormack, Manager, Community Development, (919) 245-2491

PURPOSE: To consider:
1) Adoption of a Resolution authorizing submission of the FY 2023-2024 Annual Action Plan;
2) Adoption of a Resolution approving the proposed HOME Program Activities for FY 2023-2024; and
3) Authorizing the County Manager to implement the HOME Program as approved by the BOCC, including the ability to execute agreements with partnering nonprofit organizations after consultation with the County Attorney and based on the allocation received from HUD.

BACKGROUND:
Annual Action Plan
Every year, state and local governments ("Participating Jurisdictions") that receive HOME Investment Partnerships Program ("HOME") funds from the U.S. Department of Housing and Urban Development ("HUD") are required to complete an Annual Action Plan that lays out how they will allocate HUD funds for the upcoming program year in order to address the goals and priorities in the Consolidated Plan. A summary of the draft Annual Action Plan for FY 2023-2024 is in Attachment 1.

Orange County is a special type of Participating Jurisdiction, called a Consortium, consisting of Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough. Orange County serves as the lead entity for the Orange County HOME Consortium. The Consortium completed the Annual Action Plan based on the HOME award recommendations made by the Local Government Affordable Housing Collaborative, detailed in the section below.

A public comment period, as required by HUD, was held March 31 – May 1, 2023, and a public hearing was held on the draft Annual Action Plan at the April 4, 2023 Orange County Board of Commissioners Business meeting. Public notice of the hearing was posted in *The Herald Sun* and *La Notícia*. Staff posted copies of the draft Annual Action Plan on the Orange County Housing Department website, and circulated a link to the website and draft plan by public notice in the newspapers listed above. Staff conducted outreach by email to over 100 housing and homeless service providers nonprofit organizations, government entities, elected officials, and interested residents. All comments will be incorporated into the final Annual Action Plan to be submitted to HUD.

HUD requires staff to submit the FY 2023-2024 Annual Action Plan on or before May 15, 2023. The Board of County Commissioners is therefore asked to consider approval of the attached resolution (Attachment 2) authorizing submission of the Annual Action Plan.

FY 2023-2024 HOME Program Activities
For FY 2023-2024, Orange County has received the following HOME resources:

FY 2023-2024 HOME Funds	$ 429,496.00
HOME Program Income	$ 13,306.00
Local Match	$ 96,636.60
Total	**$ 539,438.60**

The Local Government Affordable Housing Collaborative (the "Collaborative"), comprised of one (1) elected official and staff members from Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough, reviewed the received applications for the FY 2023-2024 HOME Program on March 9, 2023 and made the following funding recommendations for consideration by each of the jurisdictions' elected bodies:

Applicant and Project	**Funding Requested**	**Funding Awarded**
CASA – Pre-Development and Rental Development	$512,000.00	$446,489.00
Pee Wee Homes – Rental Development	$50,000.00	$50,000.00
Community Empowerment Fund – Homebuyer Assistance	$50,000.00	-
Common Ground Eco- Village – Homebuyer Assistance	280,000.00	-
EMPOWERment – Rental Acquisition	120,000.00	-
Habitat for Humanity – Homebuyer Assistance	475,000.00	-
Hope Renovations – Homeowner Rehabilitation	24,975.00	-
Administration (10% of HOME Funds, per statute)	$ 42,949.60	$ 42,949.60
Total	**$ 1,554,924.60**	**$ 539,438.60**

A summary of the awarded projects can be found in Attachment 3.

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 HOME Program Design is scheduled for approval by the:

- Town of Carrboro on May 2, 2023;
- Town of Chapel Hill on May 3, 2023; and

- Town of Hillsborough on May 8, 2023.

The Board of Commissioners is therefore asked to consider approval of the attached HOME Program Design Resolution (Attachment 4).

HOME Program Implementation
After approval of the FY 2023-2024 HOME Program Design by all Consortium participants, authorization is requested to allow the Orange County Manager, based on the HUD allocation received, to execute agreements with partnering nonprofit organizations as necessary to implement the approved HOME Program Design. All agreements will be reviewed and approved by the County Attorney's Office.

FINANCIAL IMPACT: There are no financial impacts anticipated with this item.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are applicable to this item:

- **GOAL: FOSTER A COMMUNITY CULTURE THAT REJECTS OPPRESSION AND INEQUITY**
  The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.
- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.
- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts applicable to this item. Before implementation, all proposed HOME projects will undergo Environmental Review according to HUD requirements.

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

1) Adopt the Resolution authorizing submission of the FY 2023-2024 Annual Action Plan;
2) Adopt and authorize the Chair to sign the Resolution approving the proposed HOME Program Activities for FY 2023-2024; and
3) Authorize the County Manager to implement the HOME Program as approved by the BOCC, including the ability to execute agreements with partnering nonprofit organizations after consultation with the County Attorney and based on the allocation received from HUD.

Orange County, North Carolina
HOME Consortium

FY 2023 – 2024 Annual Action Plan

Orange County, Town of Carrboro, Town of Chapel Hill, and Town of Hillsborough

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AP-05 Executive Summary

Introduction

The Orange County, North Carolina HOME Consortium, is a Participating Jurisdiction in the U.S. Department of Housing & Urban Development's (HUD) HOME Investment Partnerships Program (HOME). Under the HOME Program, local governments are able to join together to form a consortium in order to receive HOME funding for affordable housing. The Orange County HOME Consortium is made up of four (4) members: Orange County, the Town of Carrboro, the Town of Chapel Hill, and the Town of Hillsborough, with Orange County serving as the lead entity. The Town of Chapel Hill also receives Federal Community Development Block Grant (CDBG) funds each year.

Orange County is required to complete an annual plan for the use of HOME funds to HUD, called the Annual Action Plan. The Annual Action Plan is a guide to how the County will allocate its resources for specific activities that support the Goals and Objectives of the Orange County HOME Consortium's Five Year Consolidated Plan. This is the HOME Consortium's fourth Annual Action Plan of the 2020-2025 Five Year Consolidated Plan. The Consolidated Plan describes the housing and non-housing needs of County residents and presents a five-year strategy to address those needs.

This Annual Action Plan outlines how Orange County will use HOME funds to address the goals and priorities in the Consolidated Plan and which activities the County will undertake using HOME funds during the upcoming program year. The Orange County HOME Program Year aligns with the County Fiscal Year, beginning July 1 and ending June 30 of each year. This Annual Action Plan is for funds for Fiscal Year (FY) 2023-2024, which begins July 1, 2023 and ends June 30, 2024.

The FY 2023-2024 Annual Action Plan outlines the actions to be undertaken with the HOME funds to be received by the Orange County HOME Consortium. This plan excludes the Town of Chapel Hill's CDBG program; the Town will complete a separate Annual Action Plan for its CDBG allocation from HUD.

Based on HUD's FY 2023 budget numbers, the Orange County HOME Consortium anticipates receiving $429,496 in awarded funds, $13,306 in HOME program income and the Consortium members will provide, and $96,637 in HOME Match. Orange County will use 10% of awarded funds for administration –$44,350. In total, Orange County will have $496,489 available to award for FY 2023-2024.

FY 2023-2024 Budget:

Orange County proposes to undertake the following activities with FY 2023-2024 HOME funds:

HOME-21-01 – CASA, Rental Construction	**$446,489**
HOME-21-02 – Pee Wee Homes, Rental Construction	**$50,000**
Total	**$496,489**

Summarize the objectives and outcomes identified in the Plan

The goal of the Orange County HOME Program is to improve the quality of housing for County residents by retaining and increasing the supply of affordable housing units for both owner occupants and renters and by providing homeownership opportunities for low- and moderate-income residents.

The Consolidated Plan is a five-year guide that the Orange County HOME Consortium uses to address its housing and community development initiatives. Based on the Housing Needs Assessment, Market Analysis, and community and stakeholder input received during the Consolidated Planning process, the Strategic Plan portion of the Plan establishes the following priorities:

- Housing for People Experiencing Homelessness;
- Housing for Low- and Moderate-Income Households;
- Integrated Housing for People with Special Needs; and
- Community/Economic Development and Services.

During FY 2023-2024 HOME Program Year, the County proposes to address the following priority need categories identified in the 2020 Consolidated Plan:

- Housing for People Experiencing Homelessness; and
- Housing for Low- and Moderate-Income Households.

Evaluation of past performance

Orange County has a good performance record with HUD and the County regularly meets the performance standards established by HUD. The County prepares a Consolidated Annual Performance and Evaluation Report (CAPER) each year. Typically, this report is submitted within ninety (90) days after the start of the new program year. An electronic copy of the CAPER is available for review at the Orange County Housing and Community Development Department website www.orangecountync.gov/Housing. Hard copies are available upon request.

The FY 2021-2022 CAPER (submitted in 2022), the second CAPER for the FY 2020-2025 Five Year Consolidated Plan, indicates that in program year 2021, the County expended $162,980.40 in HOME funds and $54,326.80 in local Match funds (a total of $217,307.20 in expenditures). These funds included FY 2021 administrative funds, as well as funds from prior years (FY 2019, 2018, and 2016). Funds spent in FY 2021 were used to:

- Administer the HOME grant ($37,476.10 in FY 2021 funds);
- Provided homeownership assistance to 6 low-income homebuyers ($161,000.00 in FY 2018, 2019 and 2020 funds);
- Acquire one (1) unit to be preserved as affordable rental housing ($40,839.00 in FY 2017 funds);
- Provide tenant-based rental assistance to 20 low-income renter households ($106,550 in FY 2016 funds, $4,563.00 in FY 2018 funds);

The HOME Consortium strives to operate its HOME program in a timely manner and in accordance with applicable regulations and match requirements.

Summary of Citizen Participation Process and consultation process

Developing the Annual Action Plan includes receiving requests for HOME funding from local agencies and organizations; review of funding applications and development of funding recommendations by the Orange County Local Government Affordable Housing Collaborative (the Collaborative), which consists of one (1) elected official from each of the governing boards of Orange County, the Town of Carrboro, Town of Chapel Hill, and Town of Hillsborough; soliciting resident input on those funding recommendations; and drafting the Annual Action Plan to reflect final funding decisions and funded activities for the upcoming program year. All HOME-funded activities benefit low- and moderate-income residents of Orange County.

Orange County has an approved Citizen Participation Plan, as required by HUD, which is available on the Orange County Department of Housing and Community Development website (www.orangecountync.gov/Housing) or in hard copy upon request. The County has abided by its Citizen Participation Plan in the preparation and development of the FY 2023-2024 Annual Action Plan.

The Orange County HOME Consortium solicited applications for the FY 2023-2024 HOME program in February of 2023, and applications were due on February 21, 2023. On March 9, 2023, the Collaborative met to review the applications received and develop a funding plan to be approved by each of the governing boards of the four (4) member jurisdictions of the Consortium. In reviewing applications and making awards for the 2023-2024 Orange County HOME Program, the stakeholder input gathered during the Consolidated Planning process and the priorities and goals ultimately identified in the 2020-2025 Consolidated Plan were considered.

The Consortium's funding plan was the basis for drafting the FY 2023-2024 Annual Action Plan. The draft Annual Action Plan was posted to the County's website on March 30, 2023 and distributed electronically to more than 100 stakeholders to solicit input and feedback.

The Consortium held a public hearing on the draft plan first on April 4, 2023 . Public notice of the both hearings were made by email notification to known stakeholders, advertisement in *The Herald Sun* and *La Notícia* (a Spanish language newspaper), social media posts, and advertisement in the Orange County newsletter. At the public hearing, residents had the opportunity to give their input and ideas on the proposed HOME-funded activities for FY 2023-2024.

Draft Annual Action Plan:

The draft FY 2023-2024 Annual Action Plan was on public display beginning Friday, March 31, 2023 through Monday, May 1, 2023, a period of 32 days. The FY 2023-2024 Annual Action Plan was posted on the Orange County Department of Housing and Community Development's website (www.orangecountync.gov/Housing) and hard copies were made available upon request at the following locations:

- **Orange County Housing Department**, 300 W. Tryon Street, Hillsborough, NC 27278;
- **Orange County Housing Department**, 2501 Homestead Road, Chapel Hill, NC 27516;
- **Town of Carrboro Town Hall**, 301 W Main Street, Carrboro, NC 27510;

- **Town of Chapel Hill Town Hall**, 405 M.L.K. Jr Blvd, Chapel Hill, NC 27514; and
- **Town of Hillsborough Town Hall**, 101 E Orange St, Hillsborough, NC 27278.

Summary of public comments

Public comments received during the public hearings held on April 4, 2023 in addition to comments received during the public comment period from April 1, 2023 to April 30, 2023 are summarized in section AP-12 Participation.

All comments were incorporated into on the FY 2023-2024 Annual Action Plan.

Summary

The FY 2023-2024 Annual Action Plan for the Orange County HOME Consortium outlines which activities the County will undertake using HOME funds during the program year beginning July 1, 2023 and ending June 30, 2024. This is the County's third year of the 2020 Five-Year Consolidated Plan.

During the FY 2023-2024 program year, the Orange County HOME Consortium will receive the following revenue:

• **FY 2023-2024 HOME Funds:**	$429,496, less 10% administration costs =	$386,546.40
• **HOME Program Income:**		$ 13,306
• **HOME Match:**		$ 96,636.60
	Total:	**$496,489**

During the FY 2023-2024 HOME program year, the Orange County HOME Consortium proposes to address the following priority need categories from the 2020 Consolidated Plan:

- **Housing for People Experiencing Homelessness:** Provide affordable rental housing for households experiencing homelessness.
    - **Priority Level:** High
    - **Associated Goals:** Rental Construction, Rental Assistance, Housing Rehabilitation/ Preservation, Grant Administration

- **Housing for Low- and Moderate-Income Households:** Provide affordable housing (both rental and ownership) for households with moderate and low incomes, especially those with extremely low incomes.
    - **Priority Level:** High
    - **Associated Goals:** Rental Construction, Rental Assistance, Housing Rehabilitation/ Preservation, Home Ownership Construction, Home Buyer Assistance, Grant Administration

PR-05 Lead & Responsible Agencies

Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	Orange County, NC	
HOME Administrator	Orange County, NC	Department of Housing and Community Development

Table 1 – Responsible Agencies

Consolidated Plan Public Contact Information

Erica Cormack, Community Development Program Manager, Orange County

Phone: 919-245-2491

Email: ecormack@orangecountync.gov

Office Address: 300 W. Tryon Street, Hillsborough, NC 27278

Mailing Address: PO Box 8181, Hillsborough, NC 27278

AP-10 Consultation

Introduction

Consultation with community stakeholders was a critical component in the development of the 2020-2025 Consolidated Plan. Consultation helped the Orange County HOME Consortium identify and prioritize community needs, develop strategies, and coordinate subsequent action plans. This process also facilitated information sharing regarding community resources and promotes coordination within the Consortium and its member jurisdictions.

During development of the Consolidated Plan in early 2020, the Consortium consulted with social services agencies, service providers, community-based organizations, housing providers, local government agencies and boards, neighborhood leaders, and elected officials. Two (2) questionnaires were created and distributed to both residents and stakeholders to help identify needs, gaps, and priorities for the next five years. The resident questionnaire was available online in three (3) languages (English, Spanish, and Burmese) and in hard copy in four (4) languages (English, Spanish, Burmese, and Karen). Input from a series of in-person and online meetings as well as the questionnaires were used in the development of the strategies and priorities detailed in the Consolidated Plan.

In developing the FY 2023-2024 Annual Action Plan and making funding awards for the 2023-2024 Orange County HOME Program, the stakeholder input gathered during the Consolidated Planning process and the priorities and goals ultimately identified in the 2020-2025 Consolidated Plan were considered. The Orange County Local Government Affordable Housing Collaborative (the Collaborative), which consists of one (1) elected official from each of the governing boards of Orange County, the Town of Carrboro, Town of Chapel Hill, and Town of Hillsborough, was the key entity consulted on funding recommendations for the FY 2023-2024 HOME Program and thereby the development of the FY 2023-2024 Annual Action Plan.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

Orange County works with the following agencies to enhance coordination:

- **Orange County Housing Authority:** Housed within the Department of Housing and Community Development, the Housing Authority operates the Section 8 Housing Choice Voucher Program for Orange County.
- **Town of Chapel Hill Public Housing and Affordable Housing and Community Connections Departments:** The Town of Chapel Hill manages public housing communities in Chapel Hill.
- **Orange County Partnership to End Homelessness (OCPEH):** Housed within the Department of Housing and Community Development, OCPEH acts as the Continuum of Care (CoC) lead for Orange County and coordinates among local governments and service providers (including those providing health services) to meet the housing and services needs of housing insecure Orange County residents.

- **Social Services Agencies:** The County provides funds to improve services to low- and moderate-income people.
- **Housing Providers:** The County provides funds to rehabilitate and develop affordable housing and provide housing options for low- and moderate-income households.

Each year, as part of the HOME and CDBG application planning process, local agencies and organizations are invited to submit proposals for HOME and CDBG funds for eligible activities. These groups participate in the planning process by attending informational meetings, receiving technical assistance from the Consortium, and attending public hearings. The outreach process facilitates communication around affordable housing in Orange County and how public and private agencies and organizations can help address the most urgent needs.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Orange County HOME Consortium coordinates extensively with the Orange County Partnership to End Homelessness (OCPEH) that serves as the Continuum of Care (CoC) for Orange County. The four (4) jurisdictions participating in the Orange County HOME Consortium – Orange County and the Towns of Chapel Hill, Hillsborough and Carrboro – fund OCPEH, sharing costs based on population. Elected officials from each jurisdiction serve on the CoC board, and staff from the two jurisdictions that have Public Housing Authorities also have ex officio board seats with full voting privileges. In this way, the jurisdictions direct all efforts to end homelessness, including funding decisions and policy priorities. OCPEH staff meet weekly with Orange County Housing and Community Development staff, and are co-located in this department. OCPEH staff meet regularly with all jurisdiction staff, and present annually to the four elected boards on the work of OCPEH. Starting in 2016, OCPEH created a system map and gaps analysis of homeless services in Orange County, and has updated this document annually with the latest update issued December 2021. OCPEH staff also serve with staff from the four jurisdictions on the Orange County Affordable Housing Coalition, a group of affordable housing developers, funders, advocates, and staff seeking to collaboratively increase affordable housing units in Orange County. OCPEH staff contribute information and ideas to the Consolidated Plan and to the Annual Action Plan updates.

OCPEH leads efforts, in conjunction with the HOME Consortium, to end homelessness in Orange County. OCPEH directs the work of the bi-annual Plan to End Homelessness and ongoing coordination among service providers through seven monthly standing meetings. In addition to the CoC board, HOME Consortium members participate regularly in these CoC workgroups, including care coordination using a by-name list.

OCPEH operates coordinated entry for people in housing crisis by directing people to appropriate resources including homelessness diversion, shelter/emergency response referrals, and permanent housing resources. Coordinated entry prioritizes permanent supportive housing for people experiencing chronic homelessness. OCPEH has a standing monthly meeting with veteran service providers to

particularly address ending veteran homelessness, including care coordination using a veterans-only by-name list. As part of the gaps analysis, OCPEH seeks to increase the quality and availability of Rapid Rehousing for all people experiencing homelessness, including families. OCPEH coordinates the annual Point-in-Time count in conjunction with HOME Consortium members, and has not found unaccompanied youth in any year. OCPEH works closely with youth services providers and LGBTQ service providers and advocates to ensure no youth are going uncounted. One of the current system gaps is a youth homeless program to serve youth experiencing homelessness. Overall, OCPEH coordinates with HOME Consortium members to continue to fill system gaps and make updates the homeless gaps analysis.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

HOME Consortium members serve on the OCPEH Leadership Team, the CoC board that determines ESG allocations each year. HOME Consortium members also serve on the CoC Project Review Committee that determines program performance standards, evaluates program outcomes, crafts funding priorities, and creates recommendations for CoC and ESG funding for Leadership Team approval. Project Review Committee members look at program data each quarter to keep eyes on program outcomes and help with funding decision-making during application periods. The Project Review Committee determines funding policies and procedures annually during the CoC and ESG grant competitions. The CoC contracts with the statewide Coalition to End Homelessness to serve as HMIS lead, and administers HMIS in consultation with the Leadership Team, as CoC board, inclusive of HOME Consortium members.

In 2016-2017 the Orange County Partnership to End Homelessness (OCPEH) gathered people with lived experience of homelessness, homeless service providers, community leaders, and state homeless experts to map the homeless service system in Orange County. This process created the Orange County homeless system map and the homeless system gaps analysis. OCPEH staff typically update the gaps analysis each year; the last update was completed in December 2021.

Agencies, groups, organizations and others who participated in the process and consultations

1	**Agency/Group/Organization**	CASA
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	CASA applied for FY 2023-2024 HOME funds.
2	**Agency/Group/Organization**	EmPOWERment, INC.
	Agency/Group/Organization Type	Housing Services - Housing Services - Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	EmPOWERment, Inc. applied for FY 2023-2024 HOME funds.
3	**Agency/Group/Organization**	Community Empowerment Fund
	Agency/Group/Organization Type	Services - Housing Services - Employment
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Community Empowerment Fund applied for FY 2023-2024 HOME funds.
4	**Agency/Group/Organization**	Hope Renovations
	Agency/Group/Organization Type	Housing Services - Housing Services - Rehabilitation
	What section of the Plan was addressed by Consultation?	Housing Need Assessment

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Hope Renovations applied for FY 2023-2024 HOME funds.
5	**Agency/Group/Organization**	Common Ground Eco- Village
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Common Ground Eco-Village applied for FY 2023-2024 HOME funds.
6	**Agency/Group/Organization**	Habitat for Humanity
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Habitat for Humanity applied for FY 2023-2024 HOME funds.
7	**Agency/Group/Organization**	Pee Wee Homes
	Agency/Group/Organization Type	Housing Services-homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Pee Wee Homes applied for FY 2023-2024 HOME funds.
8	**Agency/Group/Organization**	Orange County Partnership to End Homelessness
	Agency/Group/Organization Type	Services-homeless Other government - County Other government - Local

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	OCPEH was consulted to ascertain the current, most pressing needs of people experiencing homelessness in the community.

Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

All Agency Types were consulted in the development of the 2020-2025 Consolidated Plan, which lays out the goals and strategies upon which this Annual Action Plan is based.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Orange County Partnership to End Homelessness	The goals are compatible.

Table 3 – Other local / regional / federal planning efforts

Narrative

The Orange County HOME Consortium is a cooperative venture of Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough. There is an excellent working relationship between all the jurisdictions. In addition, there is an excellent rapport with the Continuum of Care and its member organizations.

AP-12 Participation

Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The FY 2023-2024 Annual Action Plan has many components that include citizen participation. These components included: soliciting applications for funding from local agencies and organizations; meeting with agencies/organizations to provide technical assistance on how to complete the HOME application; review of applications by elected officials from the County and the Towns (the Local Government Affordable Housing Collaborative), and one public hearing on the proposed funding plan for FY 2023-2024 HOME funds and draft Annual Action Plan. All public comments received during the public comment period, running from April 1 through April 30, 2023, and at the public hearing on April 4, 2023 are included in the Annual Action Plan.

Citizen Participation Outreach

1) Newspaper Ad
Mode of Outreach: Newspaper Ad **Target of Outreach:** Minorities; Non-English Speaking: Spanish; Non-targeted/broad community **Summary of response/attendance:** No responses received **Summary of comments received:** No comments received **Summary of comments not accepted and reasons:** N/A **URL (If applicable):** N/A
2) Public Hearing
Mode of Outreach: Public Hearings **Target of Outreach:** Minorities; Non-English Speaking: Spanish; Persons with disabilities; Non-targeted/broad community; Residents of Public and Assisted Housing, Relevant local agencies and organizations **Summary of response/attendance:** One member of the public signed up to speak, no other comments received. **Summary of comments received:** At the April 4, 2023 public hearing, no public comments were made. **URL (If applicable):**
3) Internet Outreach
Mode of Outreach: Internet Outreach **Target of Outreach:** Minorities; Non-English Speaking: Spanish, Burmese, Karen; Persons with disabilities; Non-targeted/broad community; Residents of Public and Assisted Housing; Relevant local agencies and organizations **Summary of response/attendance:** N/A **Summary of comments received:** No comments received. **Summary of comments not accepted and reasons:** N/A. **URL (If applicable):** http://orangecountync.gov/2336/HOME-Program

Table 4 – Citizen Participation Outreach

AP-15 Expected Resources

Introduction

The Orange County HOME Consortium will receive $429,496 in 2023 HOME funds, $96,636.60 in HOME Match funds, and $13,306 in HOME Program Income for the FY 2023-2024 program year. The program year is from July 1, 2023 through June 30, 2024.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Multifamily rental new construction Single family new construction for	$429,496	$13,306	0	$442,802 (not including match)	$341,296	The Orange County HOME Consortium will receive $429,496 in annual allocation plus $13,306 in program income

Table 2 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The Orange County HOME Consortium uses cash as the local Match for HOME funds. The estimated Match contribution for FY 2023-2024 is $96,636.60.

In addition, Orange County leverages other funds from a variety of sources to address the needs identified in the plan, including but not limited to:

- **Home Repair and Rehabilitation:** Orange County has received funds for home repair and rehabilitation under the North Carolina Housing Finance Agency's 2021 Urgent Repair Program ($100,000) and 2020 Essential Single-Family Rehabilitation Loan Pool program ($190,000).
- **Emergency Housing Assistance:** Orange County leverages local funds from the County and Towns, as well as CDBG and CDBG-CV funds from Chapel Hill and CDBG-CV funds awarded by the North Carolina Department of Commerce to the Towns of Hillsborough, Carrboro, and Orange County, to operate the Emergency Housing Assistance (EHA) program. EHA provides financial assistance for eviction and homelessness prevention through emergency rent, mortgage, and utility payments, as well as security deposits, application fees, and other costs to help households experiencing homelessness move in to housing.
- **Rapid Rehousing Program:** Orange County uses HOME funds as well as ESG and ESG-CV funds from the North Carolina Department of Health and Human Services to operate a Rapid Rehousing program that provides short- to mid-term rental assistance, depending on the tenant's needs, to people experiencing homelessness, through the local Continuum of Care

(CoC).

- **Other Local Funds for Affordable Housing:** A variety of other local funding sources are used for affordable housing activities, including: Outside Agency/Human Services Funding, Carrboro Affordable Housing Fund, Chapel Hill Affordable Housing Development Reserve, Chapel Hill Affordable Housing Fund, and Chapel Hill Affordable Housing Bond.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Some of the Consortium's member jurisdictions own surplus land and regularly evaluate their inventory to identify sites suitable for affordable housing activities, including the Town of Chapel Hill's public housing communities. All member jurisdictions actively collaborate with private and public entities to assist them in acquiring property for projects that address the needs identified in this plan. For example, the jurisdictions are involved in the Northside Neighborhood Initiative, a land bank in historically black neighborhoods in Chapel Hill and Carrboro that is funded in part by the University of North Carolina, the Center for Community Self-Help, and the Oak Foundation. The Town of Chapel Hill has one affordable housing development project on Town-owned land expected to begin construction in summer 2022 and two other projects on Town-land expected to receive zoning entitlements to develop or redevelop affordable housing in spring 2022.

Discussion

Although there are limited resources available to address the needs identified in the Consolidated Plan, the Consortium member jurisdictions are continuously collaborating to maximize what resources are available and develop new ones.

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Rental Construction	2023	2028	Affordable Housing Homeless Non-Homeless Special Needs	Chapel Hill	Affordable housing acquisition	$496,489.	Construction of 25 units

Table 3 – Goals Summary

Goal Descriptions

1	**Goal Name**	Rental Construction
	Goal Description	Develop rental units that will be affordable to people with low incomes

AP-35 Projects

Introduction

The Orange County HOME Consortium proposes to undertake the following activities with FY 2023-2024 HOME funds:

#	Project Name
5	Administration – 2023

Table 4 – Project Information

AP-38 Project Summary

Project Summary Information

1	**Project Name**	CASA – Rental Construction
	Target Area	County-wide
	Goals Supported	Rental Construction
	Needs Addressed	Housing for Low- and Moderate-Income Households
	Funding	HOME: $359,584.37 Local Match: $86,905.03 **Total: $446,489.40** (CHDO Set Aside: $32,212.00)
	Description	Grants & loans for households at or below 80% AMI
	Target Date	12/31/2023
	Estimate the number and type of families that will benefit from the proposed activities	22 households at or below 80% AMI
	Location Description	2200 Homestead Rd., Chapel Hill, NC 27516
	Planned Activities	• Predevelopment costs • New construction for rental

Project Name	Pee Wee Homes – Rental Construction
Target Area	County-wide
Goals Supported	Rental Construction
Needs Addressed	Housing for Low-income households, Households Exiting Homelessness
Funding	HOME: $40,268.03 Local Match: $9,731.97 **Total: $50,000.00** (CHDO Set Aside: $32,212.00)
Description	Development for households at or below 30% AMI who are exiting homelessness
Target Date	12/31/2023
Estimate the number and type of families that will benefit from the proposed activities	3 households at or below 30% AMI who are exiting homelessness
Location Description	106 Hill Street, Chapel Hill
Planned Activities	Rental Construction
Project Name	Administration – 2023
Target Area	County-wide
Goals Supported	Rental Construction
Needs Addressed	Housing for People Experiencing Homelessness Housing for Low- and Moderate-Income Households
Funding	HOME: $42,949.60
Description	Funds for administration of the HOME Program will be allocated to the Orange County Housing Department. Total funds will equal 10% of the 2022 HOME award, which is $42,949.60.
Target Date	6/30/2023
Estimate the number and type of families that will benefit from the proposed activities	Administration will support HOME-funded housing activities.
Location Description	N/A
Planned Activities	Administration

AP-50 Geographic Distribution

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The Orange County HOME Consortium relies on program partners to identify geographic areas of need and direct assistance to those areas.

Geographic Distribution

Target Area	Percentage of Funds
County-wide	100

Table 5 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The Consortium affirms the importance of affirmatively furthering fair housing, by investing resources not only in low- and moderate-income areas, but creating housing opportunities for households with lower incomes in more affluent areas of the county.

AP-55 Affordable Housing

Introduction

Orange County will use its HOME funds for rental construction. The one-year goals for affordable housing in Orange County for FY 2023-2024 are as follows:

One Year Goals for the Number of Households to be Supported	
Homeless	3
Non-Homeless	22
Special-Needs	0
Total	**25**

Table 6 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	25
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	**25**

Table 7 - One Year Goals for Affordable Housing by Support Type

Discussion

Orange County will fund the following projects with the FY 2023-2024 HOME funds:

- **HOME-23-01 – CASA – Rental Construction:** Construction and preconstruction costs for 22 households that are at or below 80% AMI. $512,000 was requested and $446,489 was awarded.
- **HOME-23-02 Pee Wee HOMES – Rental Construction:** Development of 3 households at or below 30% AMI for people who are exiting homelessness. $50,000 was requested and $50,000 was awarded.

AP-60 Public Housing

Introduction

Public housing in Orange County is provided by two entities: the Orange County Housing Authority (OCHA) and the Town of Chapel Hill's Public Housing Department. Housed within the Orange County **Housing Department** , OCHA has been allocated **679** Housing Choice Vouchers (HCV, commonly known as Section 8), of which **583** are being actively administered. The OCHA does not manage any public housing units. OCHA is overseen by a seven (7) member Board.

Actions planned during the next year to address the needs to public housing

The Orange County HOME Consortium is undertaking the following to address the needs of HCV holders: providing homeownership assistance that can be paired with homeownership Housing Choice Vouchers to transition renters to homeownership.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

OCHA does not own any public housing units. However, OCHA has HCV holder involvement on its Board and encourages HCV holders to become homeowners.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

OCHA is not designated as troubled.

Discussion

Orange County lacks housing affordable to households with very low incomes. Rental assistance programs like the HCV Program are essential in creating affordability for these households within the private market. OCHA continues to engage landlords in order to create access to more units for HCV holders, and works to maximize federal and local resources for housing access and stabilization.

AP-65 Homeless and Other Special Needs Activities

Introduction

The Orange County Partnership to End Homeless (OCPEH) coordinates the Orange County Continuum of Care (CoC). The organization is jointly funded by four local governments: Orange County and the Towns of Carrboro, Chapel Hill, and Hillsborough.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

OCPEH's HOME Committee (no relation to the HOME Investment Partnerships Program) consists of about 20 housing and service providers that interact with people who are experiencing chronic and/or particularly vulnerable to homelessness, many of whom have disabilities. Service providers involved include nonprofits, DSS and other county departments, UNC Hospitals, veterans' organizations, law enforcement, private attorneys, and more. The Committee meets monthly to collaborate on finding housing and services (e.g., medical, mental health, substance use, and legal services) for these people. The CoC uses its Coordinated Entry system to assess people's needs, score their level of need, and prioritize them for permanent supportive housing, and conducts street outreach program to reach people who are living unsheltered. In January 2021, the Town of Chapel Hill allocated funding for a fourth position for the street outreach program.

Addressing the emergency shelter and transitional housing needs of homeless persons

Orange County's only emergency shelter is run by the Inter-Faith Council for Social Service (IFC). IFC also offers a transitional housing program for men. The Freedom House Recovery Center provides residential mental health and substance abuse services for men, women, children, and families (in addition to outpatient and crisis services), and there are several Oxford Houses in the County that provide transitional housing for people in recovery from substance use disorder. The County does not have a domestic violence shelter, but does have an emergency housing program run by the Compass Center.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

OCPEH identified Rapid Rehousing as a gap in need of increased funding and better alignment with best practice (i.e., flexible, individualized mix of services, financial assistance, and housing navigation). In May 2020, OCPEH launched a Rapid Rehousing program (funded with HOME and state ESG) that works through the CoC's HOME Committee to provide short- to mid-term rental assistance to the community's most vulnerable people experiencing homelessness. The CoC also operates a Rapid Rehousing program

for veterans with state ESG money.

Service providers, such as IFC, Community Empowerment Fund (CEF), and Cardinal Innovations (the LME/MCO for Orange County), provide case management services to clients experiencing homelessness and can help connect them to housing. Orange County has also seen success in implementing a homeless diversion program, and currently diverts about 25% of households presenting for a shelter bed using a best-practice model that includes a strengths-based guided conversation with participants exploring other safe places to stay plus flexible funding that can make this happen.

However, there is a great need for affordable housing units in the County, particularly subsidized, income-based rental units that can be accessed by people experiencing or at risk of homelessness. This gap presents a continuous challenge for connecting people experiencing homelessness with permanent housing.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The CoC partners with UNC Hospitals and the Orange County Department of Social Services (DSS) Foster Care division, and has developed discharge policies with local and regional institutions. The CoC also assisted in the creation of the Outreach Court, now known as the Community Resource Court (CRC), North Carolina's first specialty court for people experiencing homelessness who are offered mental health evaluations and treatment plans in lieu of going to jail for misdemeanor crimes. CRC is a collaboration between the UNC Center for Excellence in Community Mental Health and the 15B District Court Judge's Office. Defendants are typically referred to CRC by their attorney or by the district attorney's office, although anyone is able to make a recommendation for a referral. Court requirements include monthly attendance to a therapeutic court session and compliance with recommended mental health or substance use treatment. Upon graduation from the court, the participant is given some type of legal benefit such as dismissal of criminal charges.

The County, in partnership with the Towns, also administers the Emergency Housing Assistance program for people who apply directly, come through Coordinated Entry (called the Orange County "Housing Helpline"), or are referred by service providers and are experiencing housing insecurity. The fund can assist with pay for rent, mortgage, and utility payments, security and utility deposits, and certain other one-time expenses to help households at risk of, or currently experiencing, homelessness or to help individuals remain stably housed.

AP-75 Barriers to Affordable Housing

Introduction

In 2020, the Orange County HOME Consortium worked with the Center for Urban and Regional Studies

at the University of North Carolina Chapel Hill to conduct an Analysis of Impediments to Fair Housing Choice (AI). The AI includes an analysis of Orange County laws, regulations, and administrative policies, procedures, and practices that affect the location, availability, and accessibility of housing. The AI also includes an assessment of conditions, both public and private, that affect fair housing choice.

The AI identified the following impediments to fair housing:

- **A lack of affordable housing has resulted in severe rent burdens among many renters, especially those with low and moderate incomes.** A majority of renters in the county are rent-burdened—spending over 30% of household income toward rent and utilities; this figure exceeds 85% for households earning below $35,000 and is still over half for households earning $35,000–$49,999. Meanwhile, over 80% of households earning under $20,000 are severely rent-burdened (meaning they pay over half their income toward rent and utilities), as are nearly 40% of households earning $20,000–$34,999.
- **African American and Hispanic residents face difficulties receiving conventional mortgage loans.** The denial rate for first-lien, conventional mortgages for African Americans is consistently over four times that of Whites, and the denial rate for Hispanic households is between two and four times that of Whites as well. The most common reasons for denial, as noted in the HMDA data, are credit history for African Americans (33% of all denial reasons) and debt-to-income ratio for Hispanic households (49% of all denial reasons).
- **Based on the number of fair housing complaints filed, disabled persons face difficulties accessing fair housing.** Nearly half of all fair housing complaints filed in the 2010–2018 period were filed due to discrimination based on disability. Given that the county's population with a disability is approximately 12,500, and that over a quarter of the elderly are also disabled, this is a significant barrier to fair housing.
- **There exists a lack of subsidized rental properties outside the Towns of Chapel Hill and Carrboro.** The only public housing in the county is located in Chapel Hill and Carrboro, and the vast majority of other subsidized properties are located in either Chapel Hill or Carrboro. To that end, six subsidized developments exist in Hillsborough, one exists in the Orange County portion of Mebane, and only one subsidized property exists in unincorporated Orange County.
- **Zoning throughout the county largely restricts the development of denser, more affordable housing.** Only a handful of areas in the county are zoned for moderately dense residential development (over four lots or units per acre), and resident opposition can complicate or inhibit the development of denser housing in those areas. Given the high cost of land in service-rich neighborhoods of Chapel Hill and Carrboro, low-density zoning can prevent the construction of affordable housing.

Based on the impediments above, the AI makes the following recommendations. Details on these recommendations are explained more fully in the AI.

- Seek more funds for subsidized housing. Low- and moderate-income households are

disproportionately rent-burdened, and recently, rents have increased faster than wages.

- Encourage development of some subsidized housing outside of Chapel Hill and Carrboro.
- Educate landlords, property managers, and other housing providers about fair housing law and reasonable accommodation, especially as they pertain to persons with disabilities.
- Offer educational courses on mortgage lending and building credit scores that are geared toward African American and Hispanic borrowers.
- Encourage cooperation and coordination between the affordable housing advisory boards in the County.
- Explore funding options for a best-practices Rapid Rehousing program to serve homeless individuals and families in Orange County.
- Identify ways to protect residents of mobile home parks who may be under threat of displacement.
- Consider areas to strategically up-zone to promote the development of affordable housing.

AP-85 Other Actions

Introduction

The Orange County HOME Consortium has developed the following actions to address obstacles to meeting underserved needs, foster affordable housing, reduce lead-based hazards, reduce the number of families living in poverty, develop institutional structures, and enhance coordination between public and private housing and social service agencies.

Actions planned to address obstacles to meeting underserved needs

Despite efforts by the County, Towns, and other affordable housing actors and service providers, there remain significant obstacles to meeting the needs of underserved people and communities. The most recent concern is the COVID-19 pandemic and its economic impacts, particularly for renter households with lower incomes who are experiencing unprecedented job loss and housing instability.

One way the HOME Consortium worked to address this situation was by allocating local Match funds for FY 2020-2021 to be used for tenant-based rental assistance through the County's Rapid Rehousing program, and, in FY 2021-2022, reallocating $114,000 in FY 2016 HOME funds for tenant-based rental assistance through the Rapid Rehousing program as well.

The County also scaled up and secured significant federal and state funding (about $4 million in calendar year 2020) for emergency housing assistance, both through the local Emergency Housing Assistance program and the statewide HOPE program, to help stabilize households who are experiencing or at risk of experiencing homelessness so they could lower their exposure to COVID-19 by having a safe, non-congregate place to stay. In 2021, the County began using about $2.2 million in CDBG-CV funds secured from the state to continue this work, and as well as additional funds that were allocated to Orange

County through the American Rescue Plan Act.

Actions planned to foster and maintain affordable housing

Using FY 2023-2024 HOME funds, the Consortium will help local nonprofit agencies build affordable housing; there are no plans to foster or maintain current affordable housing using FY 2023-2024 HOME funds.

Actions planned to reduce lead-based paint hazards

The Consortium ensures that County rehabilitation staff and the contractors they work with are knowledgeable and up-to-date on lead-based paint (LBP) requirements of all federal housing programs, distributes information on LBP hazards to all households that participate in County housing programs, conducts LBP inspections and assessments as necessary, and implements environmental control or abatement measures for LBP hazards as applicable in all federally-funded projects. This strategy allows Orange County to: be in full compliance with all applicable LBP regulations; control or reduce, to the extent feasible, all LBP hazards in housing rehabilitated with federal funds; and reduce the number of incidences of elevated blood lead levels in children.

Actions planned to reduce the number of poverty-level families

The Orange County Family Success Alliance (FSA), modeled after proven national programs such as the Harlem Children's Zone and the Promise Neighborhoods Institute, is founded on the understanding that no one organization or individual can single-handedly change the way poverty harms our children and our communities. FSA is dedicated to building a comprehensive system of engagement on education and health, with built-in family and community support. It is staffed by the Orange County Health Department and supported by work groups made up of staff members of participating advisory council organizations. Initial funding for FSA was awarded by the Orange County Board of County Commissioners through the Social Justice Fund.

FSA's 2019-2022 Strategic Plan outlines three goals: (1) children are healthy and prepared for school, (2) children and youth are healthy and succeed in school, and (3) families, neighborhoods, and institutions support the healthy development of children. These goals are approached through four strategic areas. The first is family empowerment. Over the 2019-2022 period, FSA is evolving its current "navigator" model, in which peer leaders build trusting relationships with families living in poverty, into a more comprehensive family empowerment model that will bring families together to learn, build on strengths and knowledge, and together work to better navigate systems and to uncover their personal and collective power to affect systems change. The second strategic area is partnership. FSA collaborates with cross-sector agencies to center parent expertise and priorities and aims to shift more power into the hands of parents to co-create programs and initiatives in the community. The third area is systems change, by involving community members whose lives are most directly and deeply affected by poverty in leadership and decision making in order to dismantle institutionalized racism and other oppressive systems. The final strategy area is foundational work. This means building internal infrastructure in FSA

to support strategic goals.

Actions planned to develop institutional structure

OCPEH has thoroughly analyzed the institutional structure and service delivery system for homelessness in Orange County, identified gaps in the system, and calculated the costs of filling those gaps. OCPEH has either identified existing programs and partners, or worked to set up the necessary infrastructure, through which to fill most of these gaps, and some funding has already been secured.

AP-90 Program Specific Requirements

Introduction

The Orange County HOME Consortium receives an annual allocation of HOME funds. The questions below related to the HOME program are applicable to the Consortium. Questions related to the CDBG program are applicable only to the Town of Chapel Hill and are addressed separately in Chapel Hill's Annual Action Plan.

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

1. **A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

   The Orange County HOME Consortium use general revenue funds as its local match for HOME funds. Orange County also provides funds for additional administrative costs to operate the program above the 10% allowable cost that may be pulled from the HOME award.

2. **A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

   HOME funds used for homeownership assistance require an Affordability Period based on the amount of HOME assistance. The Orange County HOME Consortium will use resale provisions to enforce the HOME Affordability Period for all homeownership projects, including those in which direct assistance is provided to the buyer and homeownership unit development. Under the resale provisions, if homebuyers assisted with HOME funds choose to sell their HOME-assisted property within the HOME Affordability Period, they must sell to qualified low-income buyers and the resale price will be determined according to a formula that ensures affordability to the new buyer and a fair return on investment to the original HOME-assisted buyer.

   The HOME Affordability Period for homeownership assistance is based on the level of assistance provided to fund a unit or as direct assistance to a buyer (see the chart below). Direct assistance to the homebuyer is defined as HOME funding that reduces the purchase price below fair market value and includes any down payment or subordinate financing provided on behalf of the purchase. Direct

assistance does not include HOME funds provided to a developer to cover the unit production costs that do not reduce the purchase price below fair market value.

HOME Funds Provided ***to a unit or as direct assistance to buyer***	**HOME Affordability Period**
<$15,000	5 years
$15,000 – $40,000	10 years
>$40,000	15 years

Resale provisions are enforced through the use of a Deed of Restrictive Covenants signed by the homebuyer at closing. The Deed of Restrictive Covenants will specify:

A. The length of the HOME Affordability Period (per the chart above);

B. The home must remain the owner's principal residence throughout the HOME Affordability Period; and

C. The conditions and obligations of the owner should the owner wish to sell before the end of the HOME Affordability Period, including;
   1. The owner must contact the Orange County HOME Consortium or its designated representative in writing if intending to sell the home prior to the end of the HOME Affordability Period;
   2. The subsequent purchaser must be low-income as defined by HOME regulations, and occupy the home as their primary residence for the remaining years of the HOME Affordability Period (however, if the new purchaser receives HOME direct assistance, the HOME Affordability Period will be re-set according to the amount of assistance provided); and
   3. The sales price must be affordable to the subsequent purchaser; affordable is defined as limiting the Principal, Interest, Taxes and Insurance (PITI) amount to no more than 30% of the new purchaser's monthly income.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Fair Return on Investment

The Consortium must ensure the owner receives a fair return on their investment and that the home will continue to be affordable to a specific range of incomes. To calculate the fair return on investment to the homeowner, the Consortium will:

A. Determine the amount of market appreciation, if any, realized over the ownership term by calculating the difference between the initial appraised value at purchase and the current appraised value at resale. This figure represents the basis for calculating the fair return on investment. In declining markets, it is possible that the homeowner may not realize a return.

B. Multiply the basis by the Federal Housing Finance Agency's Housing Price Index (HPI) to determine the fair return to the homeowner:
https://www.fhfa.gov/DataTools/Tools/Pages/HPICalculator.aspx

To calculate the resale price to the next homebuyer, the Consortium will add the fair return on investment to the homeowner to the original affordable price of the home at purchase by the original buyer.

Example #1:

- Appraised (Fair Market) Value at Purchase: $210,000
- Affordable Price at Purchase: $190,000
- Appraised Value at Resale: $240,300
- Increase in Market Appreciation: $240,300 - $210,000 = $30,300
- Average Appreciation in the Raleigh-Durham MSA (per the HPI Calculator): 29.4%
- Fair Return on Investment: $30,300 x 0.294 = $8,908
- Resale Price: $190,000 + $8,908 = $198,908

Affordability to a Range of Buyers

The Consortium will ensure continued affordability to a range of buyers, particularly those whose total household incomes range from 60 to 80% of area median income (AMI) as calculated by HUD for the HOME Program. Sales price will be set such that the amount of principal, interest, taxes, and insurance does not exceed 30% of the new buyer's annual income.

In the event the resale price required to provide a fair return exceeds the affordability to a range of LMI buyers, additional HOME funding will be provided to the subsequent buyer based on the level of funds required to make the unit affordable.

Principal Residency Requirements

Households receiving HOME-funded homeownership assistance will be required to occupy the home as their principal residence throughout the HOME Affordability Period.

In the event the original HOME-assisted homebuyer no longer occupies the unit as their principal residence (i.e., the unit is rented or vacant), the homeowner will be in violation of the terms of the HOME assistance. In cases of noncompliance, the Consortium will enforce the terms of the HOME written agreement to require repayment of any outstanding HOME funds invested in the housing. The amount subject to repayment is the total amount of HOME funds invested in the housing (i.e., any HOME development subsidy to the developer plus any HOME direct assistance provided to the homebuyer) minus any HOME funds already repaid (i.e., payment of principal on a HOME loan).

Noncompliance with principal residency requirements by a homebuyer is not considered a transfer and is not subject to resale provisions.

The Consortium will enforce these requirements through a HOME written agreement executed with the organization receiving the HOME award for homeownership activity to protect its investment and minimize its risk in HOME-assisted homebuyer projects in the event the homebuyer is in noncompliance.

4. **Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:**

   The Orange County HOME Consortium does not intend to refinance any existing debt for multifamily housing that will be rehabilitated with HOME funds.

Discussion

The Market Analysis found that Orange County has high housing costs and insufficient units for low-income households, particularly extremely low-income households earning below 30% AMI – only 5% of rental units in the County are affordable to households at this income level. As such, the Consortium has identified the need for tenant-based rental assistance, and has been using HOME funds and local Match funds to fill this gap.

RESOLUTION AUTHORIZING THE SUBMISSION OF THE FY 2023-2024 ANNUAL ACTION PLAN FOR ORANGE COUNTY, NORTH CAROLINA

BE IT RESOLVED, by the Orange County Board of Commissioners, as a member of the Orange County HOME Consortium, that the Commissioners authorize the County Manager to submit the Orange County Annual Action Plan for FY 2023-2024 to the U.S. Department of Housing and Urban Development, including all understandings, assurances, and certifications required therein.

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 these plans and to provide such additional information as may be required by the U.S. Department of Housing and Urban Development.

This is the ___ day of _____, 2023

NOW THEREFORE BE IT ORDAINED by the Orange County Board of Commissioners that this resolution is effective upon approval. Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution was adopted this the ___ day of _____, 2023.

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO THEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2023, as relates in any way to the adoption of the foregoing and that said proceedings are recorded in Minute Book No. _____ of the minutes of said Board.

WITNESS my hand and seal of said County, the ___ day of _____, 2023.

_____
Laura Jensen, Clerk to the Board

SEAL

Attachment 3

Orange County, NC HOME Consortium
FY 2023-2024 Annual Action Plan Summary

Annual Goals and Objectives

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Rental Construction	2023	2028	Affordable Housing Homeless Non-Homeless Special Needs	Chapel Hill	Affordable housing acquisition	$496,489.00	Construction of 25 units

Projects

1	**Project Name**	CASA – Rental Construction
	Target Area	County-wide
	Goals Supported	Rental Construction
	Needs Addressed	Housing for Low- and Moderate-Income Households
	Funding	HOME: $359,584.37 Local Match: $86,905.03 **Total: $446,489.40** (CHDO Set Aside: $32,212.00)
	Description	Grants & loans for households at or below 80% AMI
	Target Date	12/31/2023
	Estimate the number and type of families that will benefit from the proposed activities	22 households at or below 80% AMI
	Location Description	2200 Homestead Rd., Chapel Hill, NC 27516
	Planned Activities	• Predevelopment costs • New construction for rental





Attachment 3

ORANGE COUNTY
NORTH CAROLINA

Projects, Cont.

2	**Project Name**	Pee Wee Homes – Rental Construction
	Target Area	County-wide
	Goals Supported	Rental Construction
	Needs Addressed	Housing for Low-income households, Households Exiting Homelessness
	Funding	HOME: $40,268.03 Local Match: $9,731.97 **Total: $50,000.00** (CHDO Set Aside: $32,212.00)
	Description	Development for households at or below 30% AMI who are exiting homelessness
	Target Date	12/31/2023
	Estimate the number and type of families that will benefit from the proposed activities	3 households at or below 30% AMI who are exiting homelessness
	Location Description	106 Hill Street, Chapel Hill
	Planned Activities	Rental Construction
3	**Project Name**	Administration – 2023
	Target Area	County-wide
	Goals Supported	Rental Construction
	Needs Addressed	Housing for People Experiencing Homelessness Housing for Low- and Moderate-Income Households
	Funding	HOME: $42,949.60
	Description	Funds for administration of the HOME Program will be allocated to the Orange County Housing Department. Total funds will equal 10% of the 2022 HOME award, which is estimated to be $42,949.60.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	Administration will support HOME-funded housing activities.
	Location Description	N/A

	Planned Activities	Administration

Affordable Housing

One Year Goals for the Number of Households to be Supported	
Homeless	3
Non-Homeless	22
Total	**25**

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	25
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	**25**

RESOLUTION AUTHORIZING
THE ORANGE COUNTY FY 2023-2024 HOME PROGRAM DESIGN

BE IT RESOLVED, by the Orange County Board of Commissioners, as a member of the Orange County HOME Consortium, that the Commissioners approve the following activities for the FY 2023-2024 HOME Program:

Rental Construction
Funds will be allocated to Pee Wee Homes to finance construction of three (3) small rental units at 106 Hill Street in Carrboro. Units will be leased to households experiencing homelessness and earning less than thirty percent (30%) of the area median income.

Additional funds will be allocated to CASA for the predevelopment and new construction costs for twenty-two (22) units for households at or below eighty percent (80%) AMI
(*Requested amount: $562,000*) **$496,489.00**

Program Administration **$42,949.60**

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

This is the 2nd day of May, 2023.

_____
Jamezetta Bedford, Chair
Orange County Board of Commissioners

SEAL

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-a

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

ATTACHMENT(S):
Draft Minutes (Under Separate Cover)

INFORMATION CONTACT:
Laura Jensen, Clerk to the Board, 919-245-2130

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

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.

Attachment 1: March 9, 2023 Joint Meeting with School Boards
Attachment 2: March 14, 2023 Work Session
Attachment 3: March 21, 2023 Business Meeting

FINANCIAL IMPACT: There is no financial impact associated with this item.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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

DRAFT

MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
JOINT MEETING WITH
ORANGE COUNTY BOARD OF EDUCATION AND
CHAPEL HILL-CARRBORO BOARD OF EDUCATION
March 9, 2023
7:00 p.m.

The Orange County Board of Commissioners met for a joint meeting with the Orange County Board of Education and Chapel-Hill Carrboro Board of Education on Thursday, March 9, 2023 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

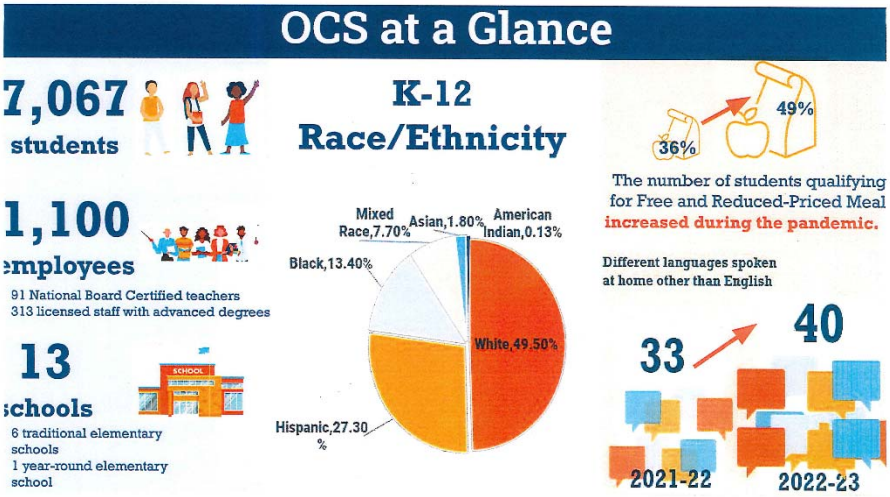
COUNTY COMMISSIONERS PRESENT: Chair Jamezetta Bedford, Vice-Chair Earl McKee, and Commissioners Amy Fowler, Phyllis Portie-Ascott, and Anna Richards
COUNTY COMMISSIONERS ABSENT: Commissioners Sally Greene and Jean Hamilton
COUNTY ATTORNEYS PRESENT: Morgan Pierce, Staff Attorney
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen (All other staff members will be identified appropriately below)
CHAPEL HILL-CARRBORO BOARD OF EDUCATION PRESENT: Chair Rani Dasi, Vice-Chair George Griffin, and Board Members Riza Jenkins, Jillian LaSerna, Ashton Powell, Michael Sharp, and Deon Temne (arrived at 8:18 PM)
CHAPEL HILL-CARRBORO BOARD OF EDUCATION ABSENT:
CHAPEL HILL-CARRBORO SCHOOLS (CHCCS) STAFF PRESENT: Superintendent Dr. Nyah Hamlett, Deputy Superintendent for Operations Al Ciarochi, and Deputy Superintendent for Teaching & Learning, Systemic Equity, & Engagement Dr. Rodney Trice
ORANGE COUNTY BOARD OF EDUCATION PRESENT: Chair Will Atherton, Vice-Chair Anne Purcell, and Board Members Carrie Doyle, Bonnie Hauser, Andre Richmond and Sarah Smylie
ORANGE COUNTY BOARD OF EDUCATION ABSENT: Jennifer Moore
ORANGE COUNTY SCHOOLS (OCS) STAFF PRESENT: Superintendent Dr. Monique Felder, Deputy Superintendent of Operations Patrick Abele, Chief Human Capital Officer Joyce Hatcher, and Chief Finance Officer Rhonda Rath

Chair Bedford called the meeting to order at 7:01 p.m.

Chair Bedford welcomed the members of the Orange County Schools (OCS) Board of Education, Chapel-Hill Carrboro City Schools (CHCCS) Board of Education, and staff. She reviewed the agenda for the meeting, and members of the Board of County Commissioners, Orange County Board of Education, Chapel Hill-Carrboro Board of Education, and staff introduced themselves.

Presentation by Orange County Schools on Topics of Interest

Will Atherton, Chair of Orange County Schools Board of Education, said the first core value of OCS strategic plan is to value diversity, meaning they are welcoming, respectful, and appreciate and value what each student brings. He said the schools are the center of culturally diverse learning where all students are educated to their fullest potential. He said academic rigor is important to ensure each student is given what they need, as this can vary greatly by student. Chair Atherton referenced the below handout:



Chair Atherton referenced the below handout and said new developments in the Mebane area have caused OCS to explore redistricting to address some schools overcrowding:

Student Enrollment

	FY 2022	FY 2023	Change
Projected ADM Average Daily Membership	7,299	7,182	(117)
(plus) Charter School	919	951	32
(less) Out of District	108	110	2
Total Student Billing Base	8,110	8,023	(87)

The Department of Public Instruction has projected that Orange County Schools will have a decrease in student enrollment of 117 students in comparison to the 2021-22 school year.

At this time, the Orange County School district is passing through local per pupil funding to charter schools for 951 students domiciled in the Orange County School district and enrolled in a charter school. This is a 32 student increase in comparison to the 2021-22 school year.

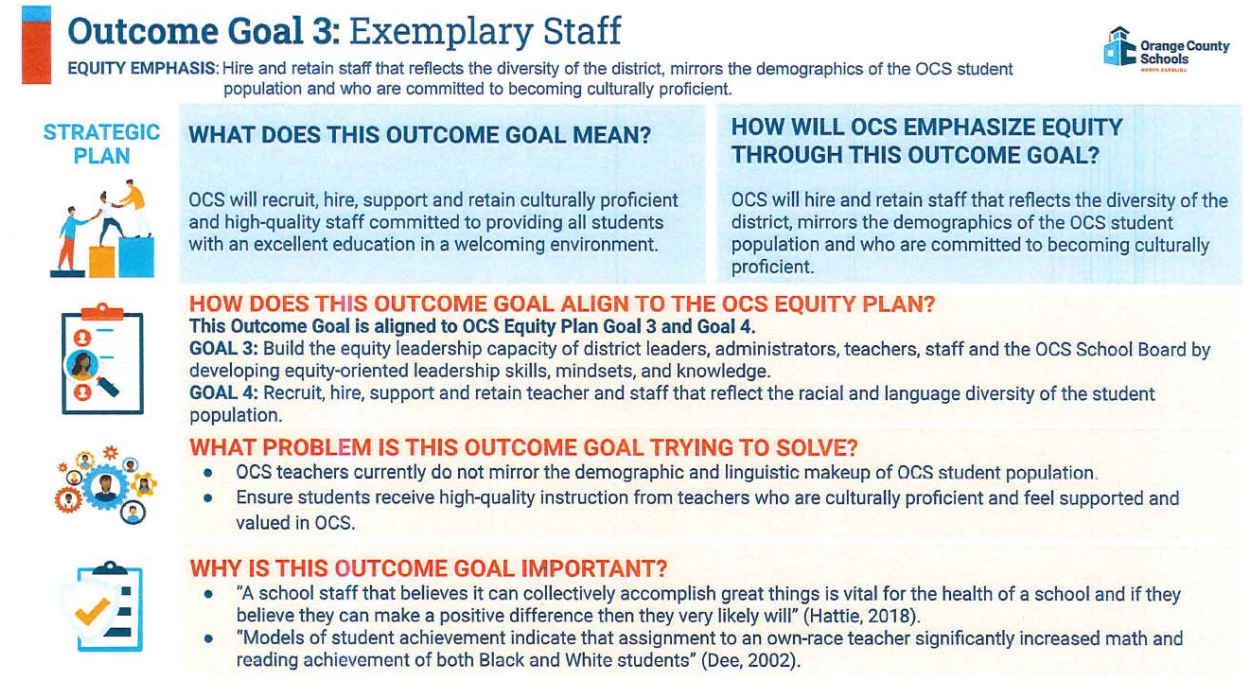
Out of district students have increase 2 in comparison to the 2021-22 school year. This represents those students not domiciled to attend OCS, staff students.

Overall, it is projected that the district will see a total decrease of 87 students in the 2022-23 school year.



Chair Atherton expressed the importance of kindergarten readiness because it is a strong indicator of future education success. He said based on the system's demographics, it is important that students are being taught by teachers that also reflect the diversity of the district. He said they are also looking at ways to incorporate cultural responsiveness and have healthy conversations on equity across the district.

Sarah Smylie, Orange County Board of Education member, discussed the challenges of recruitment and retention of staff. She referenced the following handout:



Outcome Goal 3: Exemplary Staff

Orange County Schools

EQUITY EMPHASIS: Hire and retain staff that reflects the diversity of the district, mirrors the demographics of the OCS student population and who are committed to becoming culturally proficient.

STRATEGIC PLAN

WHAT DOES THIS OUTCOME GOAL MEAN?

OCS will recruit, hire, support and retain culturally proficient and high-quality staff committed to providing all students with an excellent education in a welcoming environment.

HOW WILL OCS EMPHASIZE EQUITY THROUGH THIS OUTCOME GOAL?

OCS will hire and retain staff that reflects the diversity of the district, mirrors the demographics of the OCS student population and who are committed to becoming culturally proficient.

HOW DOES THIS OUTCOME GOAL ALIGN TO THE OCS EQUITY PLAN?

This Outcome Goal is aligned to OCS Equity Plan Goal 3 and Goal 4.

GOAL 3: Build the equity leadership capacity of district leaders, administrators, teachers, staff and the OCS School Board by developing equity-oriented leadership skills, mindsets, and knowledge.

GOAL 4: Recruit, hire, support and retain teacher and staff that reflect the racial and language diversity of the student population.

WHAT PROBLEM IS THIS OUTCOME GOAL TRYING TO SOLVE?

- OCS teachers currently do not mirror the demographic and linguistic makeup of OCS student population.
- Ensure students receive high-quality instruction from teachers who are culturally proficient and feel supported and valued in OCS.

WHY IS THIS OUTCOME GOAL IMPORTANT?

- "A school staff that believes it can collectively accomplish great things is vital for the health of a school and if they believe they can make a positive difference then they very likely will" (Hattie, 2018).
- "Models of student achievement indicate that assignment to an own-race teacher significantly increased math and reading achievement of both Black and White students" (Dee, 2002).

Sarah Smylie said research shows that teachers of color help all students succeed. She said the recent Drive Task Force indicated that in North Carolina, teacher candidates of color are less likely to complete educator preparation programs and those that do are less likely to be teaching after two years of completion. She said aiming to match student application is very ambitious when the percentage of Latinx students in OCS (27%) is much higher than the percentage of Latinx teachers in North Carolina (3%). She noted that through the focused work of many staff members, OCS has increased its percentage of teachers of color from 13.3% in the fall of 2019 to 20.3% in the fall of 2022. This includes an increase of Black teachers from 8% to 12%, and an increase of Latinx teachers from 1.3% to 5.7%. She said there is a national teacher shortage, with 300,000 fewer teachers than in 2020 and fewer people studying education in college. She said that OCS is competing against other districts more than ever. She said the UNC study also showed that more teachers are leaving in the middle of the year and are often leaving the field entirely. She said the hard to fill positions are becoming even harder to fill, including math, science, exceptional children's teachers, and CTE programs. She said this issue is exacerbated by the fact that several local districts pay more than OCS.

Sarah Smylie said that for retention, OCS was able to give teachers credit for all of their years of teaching and not just in OCS. She said that this helps with retention but also recruitment. She said that compression was bad for hourly staff and have been able to implement a 3/8% increase a year, which is a start, but they still have a huge gap. She said the strategy is listening to staff. She said each school's school improvement plan includes strategies that target areas of concern from staff surveys. She said that they have added a district mental health role to support the well-being of staff and students.

Sarah Smylie said OCS started a teacher mentoring program. She said that new teachers need attention and support. She said they have a stronger presence on social media, regularly attending HBCU recruitment events, have implemented referral bonuses, are offering support for relocation fees, and offering sign on bonuses for nurses CTE, Exceptional Children, and Science Teachers. She said that those are paid out over time. She said OCS is having a job fair on Saturday, April 15th 9-12 at Cedar Ridge High School.

Vice-Chair McKee asked if he heard Sarah Smylie say that teachers of color are leaving at a greater rate after 2 years.

Sarah Smylie said that statistic was from a statewide study, but she's not sure about the specific number for OCS.

Vice-Chair McKee said he is curious about the "why." He asked if exit interviews are being conducted in OCS.

Joyce Hatcher said an email is sent after an employee leaves the organization with a link to an exit survey. She said that if it's not completed, they are called and invited to speak with her. She said the reasons people leave OCS vary. She said some people are leaving to relocate or due to commutes. She said some people are leaving due to health reasons or caring for an elderly parent. She said some people have left to see if the grass is greener, but some come back. She said they use the data from the surveys to look for areas of improvement.

Vice-Chair McKee said the company he works for also has issues with people having to travel far distances to get to work.

Commissioner Portie-Ascott asked Sarah Smylie for the percentage of Black teachers compared to students.

Sarah Smylie said 12% of teachers are Black compared to 13.4% of students.

Commissioner Portie-Ascott praised OCS for the increase of diversity amongst their teachers. She asked what the racial and ethnic breakdown for teacher applicants was over the past year.

Dr. Felder said OCS staff could look into that and provide the information.

Chair Bedford asked about the district mental health position.

Sarah Smylie said there is a new district Mental Health Coordinator position.

Dr. Felder said this is a new position in the district and seeks to support student and staff social-emotional wellness.

Commissioner Portie-Ascott asked for teacher vacancies by school level.

Dr. Felder said OCS staff could send that information broken down, but there were 44 teacher vacancies at the beginning of the school year and there are now 39.

Vice-Chair McKee asked if vacancies are concentrated in a subject or area.

Sarah Smylie said many vacancies are in the Exceptional Children's program. She said there are also vacancies in math and sciences.

Carrie Doyle said she has a recent spreadsheet of the vacancies and the 39 vacancies includes support staff.

Chair Atherton said OCS staff will send the information to the Board.

Vice-Chair McKee asked about vacancies for tutors and teaching assistants.

Sarah Smylie said there are 30 tutors in elementary schools and a good number in other schools.

Dr. Felder said some teachers are filling in as tutors during school and after school. She said they are very focused on strengthening the instructional core so that fewer students will need remediation.

Chair Atherton said they also have a tutor that goes out to the Gateway Center.

Commissioner Richards said she met with some people from Family Success Alliance today. She said that New Hope Elementary identified the students that live at the Gateway Center and they're doing a special program there.

Andre Richmond said they have a tutoring program there specifically for the New Hope Elementary School students that live in that community. He said there's an apartment that was converted to an office for this purpose.

Commissioner Richards said it seems like a solid partnership with the school identifying students that live there. She said there's no way a community program would know each child's needs the same way as the school did. She asked if this could be done in other places.

Sarah Smylie said she was not sure. She said that the school community is focused on building community relationships at Gateway.

Chair Bedford said the rental of the space is through the Health Department and the Department of Social Services. She said they are trying to have better outcomes for children and their parents.

Commissioner Richards said the Health Department and the DSS pay the rent and staff four days a week to provide wrap around services for the community. She said it seems like a great partnership model.

Chair Bedford asked how many years the county has had the space at Gateway.

Bonnie Hammersley said this is the second year the county has been in that space.

Andre Richmond spoke on school safety. He said there is a great collaboration with the Sheriff's Office and community policing within the school district. He said they have an anonymous tip app to provide information and they have been using that for a few years now and it's been working well. He said they are looking at implementing metal detectors in schools for added security. He said he's glad to be a representative on the school safety task force. He said that for external security there could be additional sidewalks provided for students to walk to and from school. He said that Cedar Ridge has had this issue and hopes they can look at this in the near future. He said the Board of Education is looking at interventions to improve discipline and behavior at schools.

Vice-Chair McKee said the metal detectors has brought up a lot of conversation. He said in a way, he hates to see it, but thinks it is important now.

Commissioner Fowler said she serves on the Juvenile Crime Prevention Council, and they have a lot of diversion programs that are available for students.

Andre Richmond said they have a great partnership with JCPC and those diversion programs.

Commissioner Fowler said JCPC mentioned they have gotten referrals from OCS, but zero from CHCCS and she wanted to make them aware of the program and supports also.

Commissioner Richards asked if there are statistics on discipline. She said she would like to see the racial breakdown.

Will Atherton said OCS staff can provide that. He said the Board of Education will have a retreat on this topic.

Commissioner Richards asked if truancy has been an issue.

Patrick Abele said he does not have the numbers with him but they have not been seeing an alarming rate but they do have issues with attendance and arriving to school on time. He said there are programs with social workers and counselors that intervene if students have missed 3 days of school. He said OCS staff can provide the statistics.

Commissioner Portie-Ascott asked for the information by school level.

Sarah Smylie said OCS staff could provide that.

Chair Bedford asked if they are still working with Boomerang.

Andre Richmond said they are.

Chair Bedford said there are some pedestrian plans that are included in SPOT 7 but said they should not get their hopes up about them receiving approval.

Will Atherton said Cedar Ridge High School is by far the biggest area of concern and there was a pedestrian hit within the last few years. He said that this is not advertised as a walk to school location but some walk regardless.

Patrick Abele said crossing guards will be a need along with sidewalks.

Vice-Chair McKee asked if the Sheriff's Office is helping with that.

Patrick Abele said they will provide assistance with traffic but the crossing guards would be designated in areas that are not able to be stationed with deputies every day. He said that car crossing does not always align with pedestrian crossing.

Commissioner Portie-Ascott asked if they looked at other things besides sidewalks to address behaviors.

Patrick Abele said they are in touch with DOT about signage. He said that every single student has access to bus transportation no matter how far away from the schools they are.

Bonnie Hauser said the county and OCS records of short-term capital are not in sync. She referred to the below handout:

ORANGE COUNTY SCHOOLS: CAPITAL ALLOCATION AND FUNDING SUMMARY (DATED MA

Capital Fund Name	PRC Code	Beginning Balance 7/1/2022	Amount Spent as of 3/4/2023	Amount Encumbered as of 3/4/2023	Current Balance as of 3/4/2023	Contracts/Expenditures Planned but Not in Accounting (in Process)	Not
Capital Fund Balance	920	$333,078.00	$0.00	$70,740.11	$496,743.24		Design A & E Serv
Bond	993	$15,480,631.08	$796,106.74	$1,123,920.70	$13,560,603.64	$1,010,653.04	Orange High Plum
						$2,632,240.00	Efland Cheeks Me
						$160,000.00	Efland Cheeks Me
						$1,853,772.57	Central Mechanic
Deferred Maintenance	990	$1,736,061.62	$95,147.50	$145,018.07	$145,896.05		
Supplemental Deferred Mainter	930	$12,796,250.40	$1,994,601.42	$2,612,718.65	$8,188,930.33	$3,000,000.00	Capital needs 202
						$3,666,227.43	Central Mechanic
						$1,000,000.00	Efland Mobile Un
Capital Investment Plan (CIP) Pr	999	$13,080,763.65	$1,124,180.93	$122,438.76	$11,834,143.96	$492,801.77	Orange High Pavi
Additional CIP Projects	998	$3,460,936.76	$88,773.59	$161,478.46	$3,212,684.71	$1,281,114.82	Technology IP Ph
						$380,000.00	Safety Upgrades
Total		$46,887,721.51	$4,098,810.18	$4,236,314.75	$37,439,001.93	$15,476,809.63	

Bonnie Hauser said the schools have different accounting systems for each of the capital fund types. She said that the Board of Education has committed projects for $15 million and there is about $22 Million left in the capital they have been given. She said they are prepared to commit more. She said the list of projects the county has does not always include all of the projects OCS is working on. She said some projects bring to light larger issues that are not on capital project lists. She said OCS needs flexibility to bring these projects quickly. She said that Patrick Abele has moved projects along quicker by hiring project managers. She said there are a lot of things to do and capital investments are going very far. She said that OCS staff would like to work with county staff to bring the accounting methods in sync and to keep the BOCC apprised of what's coming and changing. She said OCS is asking for flexibility to change the list of projects as they come up. She said that flexibility is key, timing and costs change and they want to keep the BOCC in the loop. She said they can come up with some standard accounting. She said that OCS thinks they've spent all the money but the county shows they have $22 million.

Vice-Chair McKee said he knows the numbers aren't lining up but he did not understand why there was a float. He said they seem to be talking in two different languages and that he does not want to get into it in detail tonight. He said that they have to get it straightened out. He said that once they allocate the funds to the schools system it can be spent how the school needs.

Bonnie Hammersley said that is not correct for capital funds. She said that this is something that staff needs to work on. She said the county waits for the request from the schools, puts it in the borrowing package, and then borrows the money. She said the county passes an annual reimbursement resolution at the time of every budget that allows reimbursement for finances borrowed. She said this allows the county to spend money in advance of any borrowing, which can be used for emergency projects like those Bonnie Hauser mentioned. She said the BOCC has two meetings a month where a budget amendment can be done, so there is a tremendous amount of flexibility. She said the county is not getting information from the schools so that's why the numbers are different. She said the BOCC has already done its job by allocating the money to the school districts. She said OCS and county staff will work together to sort the numbers out.

Bonnie Hauser asked if there is $22 million that they have not committed, can it be flexible.

Vice-Chair McKee said he agrees staff need to get together.

Bonnie Hammersley said to some extent there is some deferred maintenance that can be flexible, but they requested to have a list of what the deferred maintenance was going to be. She said if something needs to change OCS staff just has to call county budget staff for a budget amendment to come to one of the BOCC meetings.

Will Atherton said he appreciates the conversation. He said that they were surprised the numbers were off and he agrees to let staff do the work and have a report back.

Bonnie Hauser said that the long-term capital plan needs help from the facilities consultant to decide if they repair or replace the old buildings. She said that nowhere in the plan do they ask to replace an old building. She said that if they have to develop a new ten year plan then they have to hire a consultant. She asked if the old plan can be the ten year capital plan util the consultant study is done.

Bonnie Hammersley said they would work with the budget staff and put projects in place.

Chair Bedford said she thought the schools were in the middle of having architectural reviews.

Bonnie Hauser said no.

Chair Bedford said that in the interim they have to keep other schools functioning and running. She said they do a 10 year CIP look, but only commit one year at a time. She said that for the next year, the schools should submit the most important projects. She said staff needs to talk with each other about whether they will hire architects or engineers.

Presentation by Chapel Hill-Carrboro City Schools on Topics of Interest

Rani Dasi, Chair of the CHCCS Board of Education, held a moment of silence in honor of Roberto Deleto, a Carrboro High School Student that tragically passed away after a boating accident on Jordan Lake.

Rani Dasi made the following presentation:

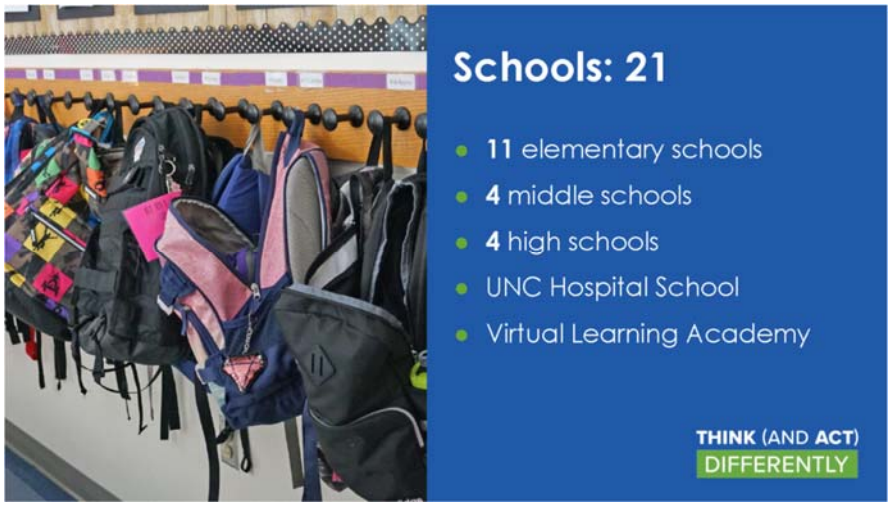
Slide #1



Slide #2



Slide #3



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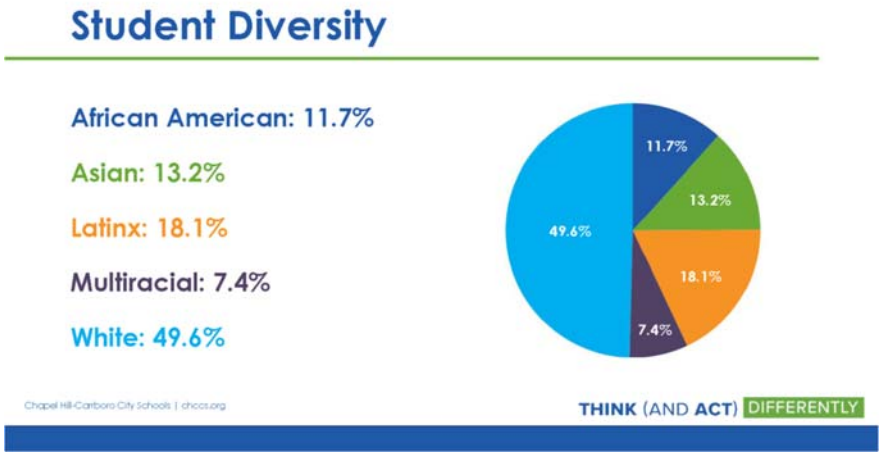

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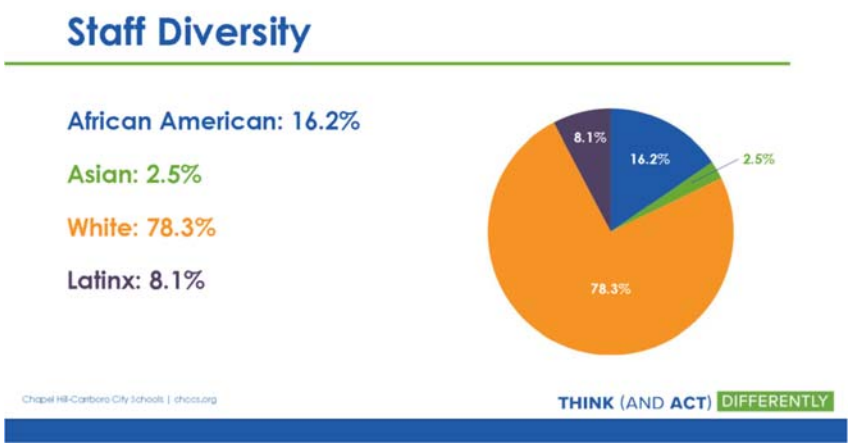
Slide #10



Slide #11



Rani Dasi said they continue to try to recruit staff that represent the diversity of the students.

Slide #12



Slide #13



- 250+ Teachers with National Board Certification
- 100% of our schools met or exceeded growth
- The number of schools identified as Technical Support & Improvement (TSI) schools for low performing student groups decreased to 5 schools in 2021-22 from 12 schools in 2018-19

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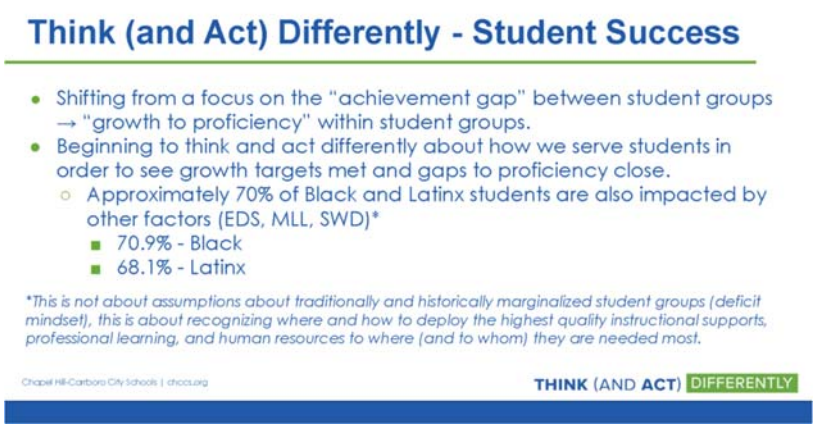
Slide #14



Rani Dasi said all student groups outperfom the same group across the state but they know they can do better within the district. She said that there is a gap of 73% in the college readiness score for Black students.

Slide #15



Rani Dasi said they are excited to get started on the projects. She said they have restructured some departments to focus on schools.

Slide #16



Slide #17



Riza Jenkins said the finance workgroup work with district leaders to review and recommend expenditures. She said that her committee then recomends those to the full board for discussion. She said that they meet monthly and they are open to the public.

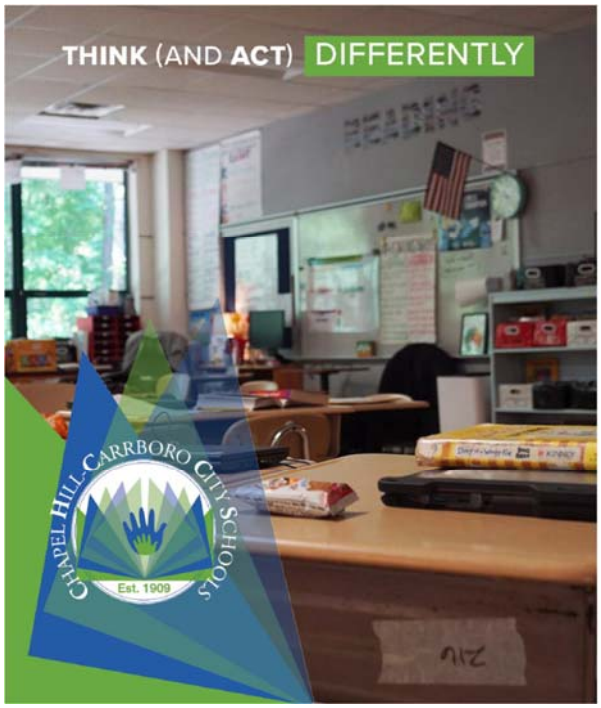
Jillian LaSerna said the policy committee also works with district leaders. She said they review and propose changes to the policies and afterward, that goes to the full board for discussion at a work session.

George Griffin said the student success committee is a new committee for this year. He said they are reviewing student success and board policies. He said they keep the board informed with district-wide initiatives and strategic plan priorities. He said they are waiting for the results of a curriculum audit that they will hear more about later tonight. He said that this will provide a framework to the student success committee for years to come..

Slide #18



Slide #19



Academic Return on Investment

- The purpose of evaluating A-ROI is to determine the cost-effectiveness of academic/instructional programs and identify areas where investments can be optimized to achieve greater results
- District Administration is focused building a culture that leverages A-ROI into nearly every aspect of budgeting, teaching and learning, and central office work.
- Initial efforts will focus an A-ROI analysis on a recent tutoring program implementation

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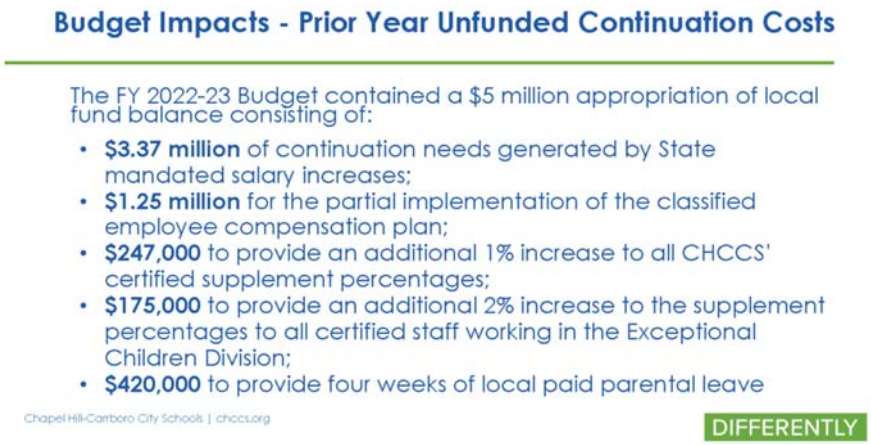
Slide #20



Slide #21



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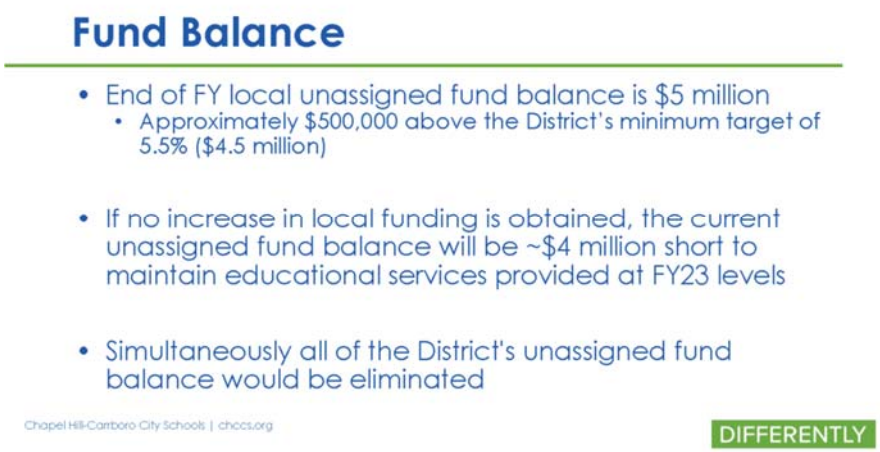

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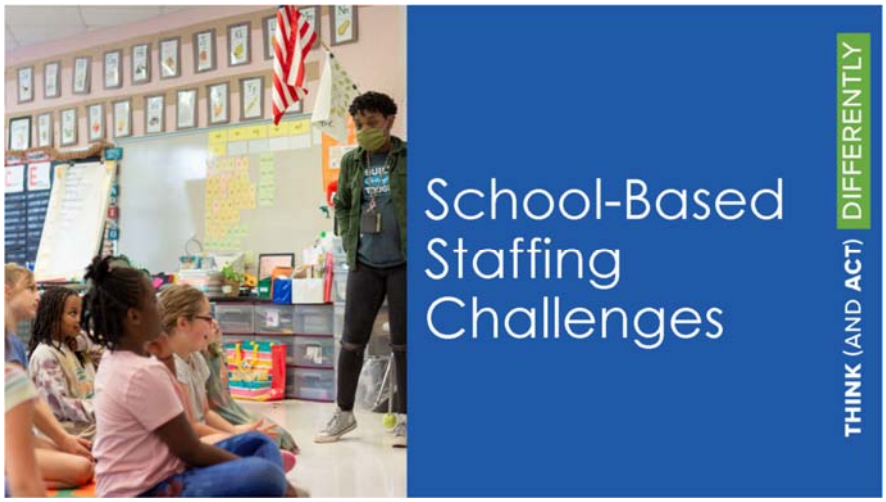

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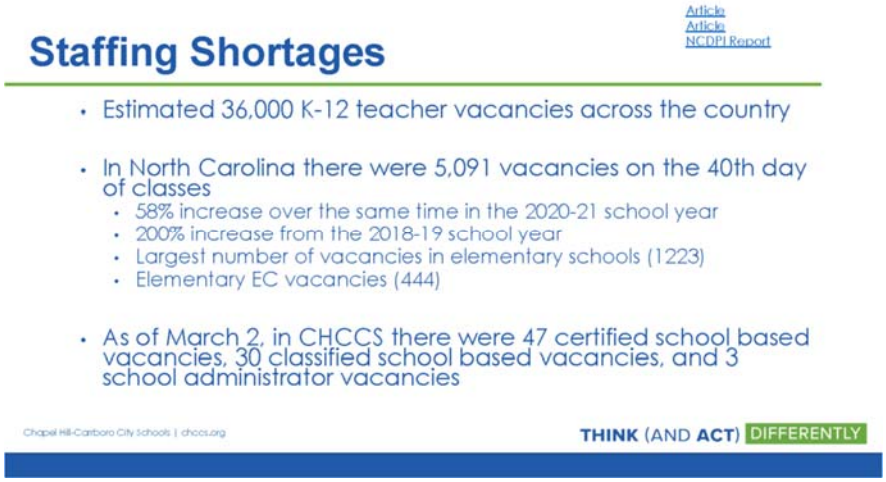
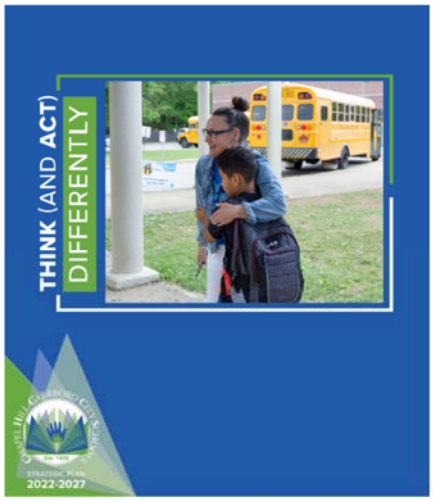


Rani Dasi said they are focusing on local supplements and salaries to recruit teachers and staff.

Slide #25



Slide #26



- **Priority 1:** Mitigate (or eliminate) the impact of the nationwide driver shortage on CHCCS.
  - Eliminate lost instructional time due to uncovered routes.
  - Increase student access to breakfast, high quality education and extracurricular activities.
- **Priority 2:** Alleviate the burden on staff
  - Drivers covering additional routes
  - Educators staying after school beyond typical work hours

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Slide #27

Transportation Optimization Update

- As of March 3, we currently cover 55 routes daily with 43 drivers
- Recent efforts to address this ongoing crisis
  - Increased driver pay to $20/hour for new drivers and a three step increase (or the higher of the two wages) for existing drivers
  - Market dual roles (TA/driver, custodian/driver) and/or require new or existing classified staff to acquire a CDL
  - Amend our current policy/practice to allow 18 year olds to become bus drivers
  - Implementing consolidated stops next school year
  - Continuing the partnership with the towns and other entities on biking and walking options

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Slide #28

Transportation Optimization Update

- March 2 Public Hearing
  - Bell Schedules Change(s)
  - Magnet School Transportation
- March 16 further discussion and potential Board action on transportation optimization

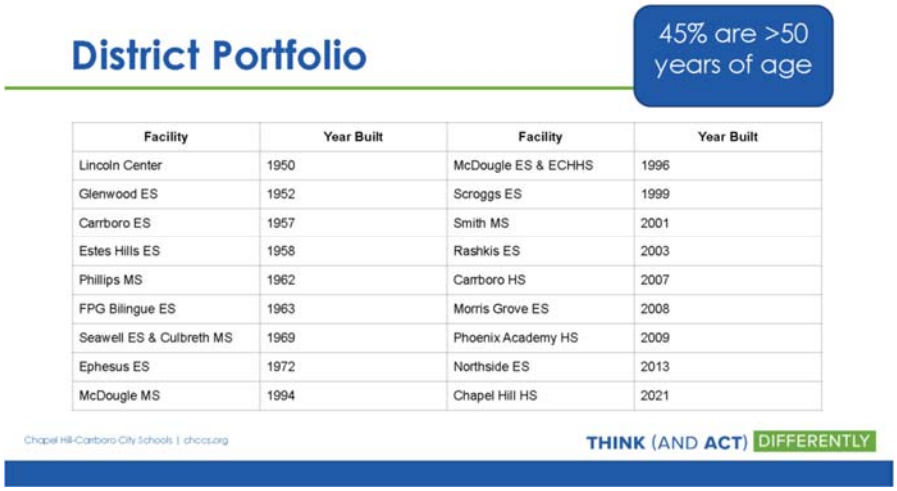
Chapel Hill-Carrboro City Schools | chccs.org THINK (AND ACT) DIFFERENTLY

Riza Jenkins continued the presentation:

Slide #29

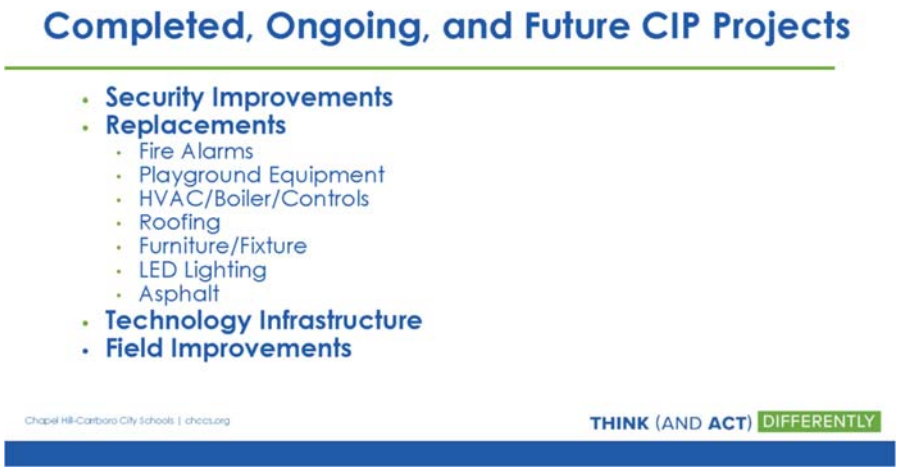


Slide #30



Facility	Year Built	Facility	Year Built
Lincoln Center	1950	McDougle ES & ECHHS	1996
Glenwood ES	1952	Scroggs ES	1999
Carrboro ES	1957	Smith MS	2001
Estes Hills ES	1958	Rashkis ES	2003
Phillips MS	1962	Carrboro HS	2007
FPG Bilingue ES	1963	Morris Grove ES	2008
Seawell ES & Culbreth MS	1969	Phoenix Academy HS	2009
Ephesus ES	1972	Northside ES	2013
McDougle MS	1994	Chapel Hill HS	2021

Slide #31



Riza Jenkins said they are waiting on the consultant from Capital Needs Work Group to see if there are changes needed to current plan.

Slide #32

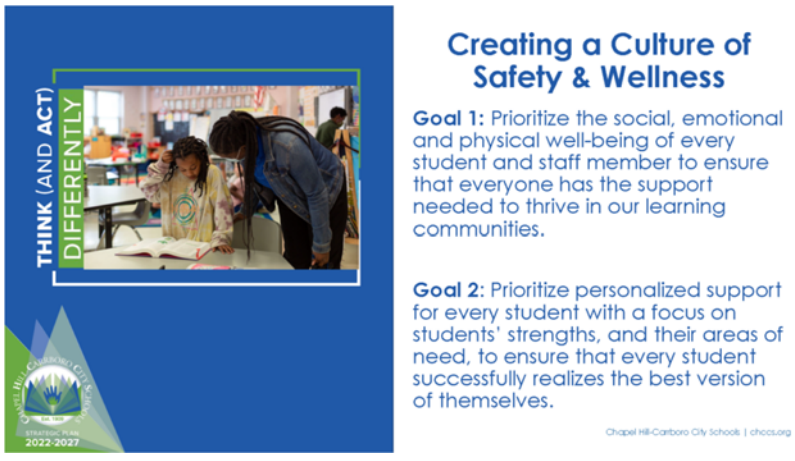


Rani Dasi continued the presentation:

Slide #33

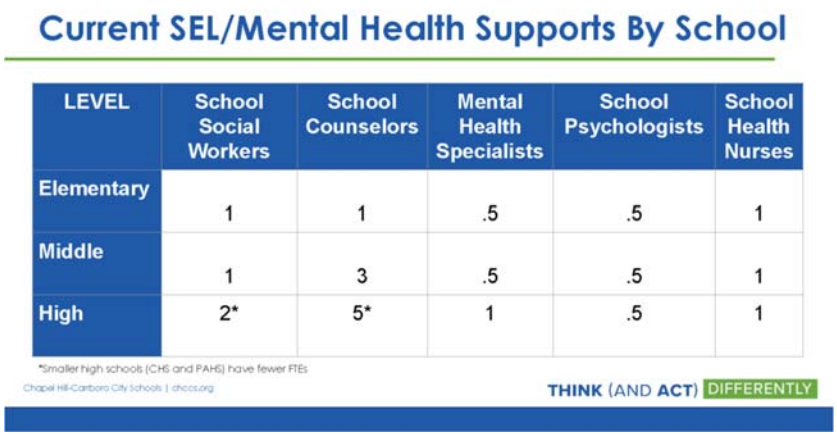


Slide #34

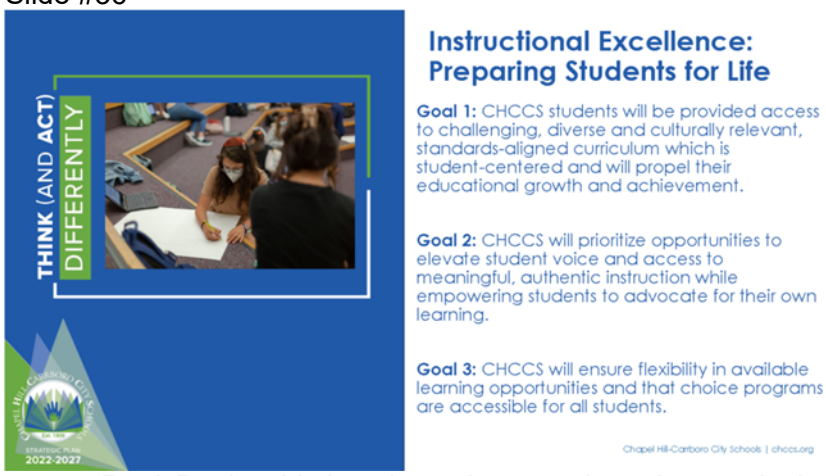


Dr. Ashton Powell discussed the district-wide plan for prioritizing social emotional and physical wellness. He said that thanks to the Board, they have been able to place mental health staff in all levels of schools in the district.

Slide #35



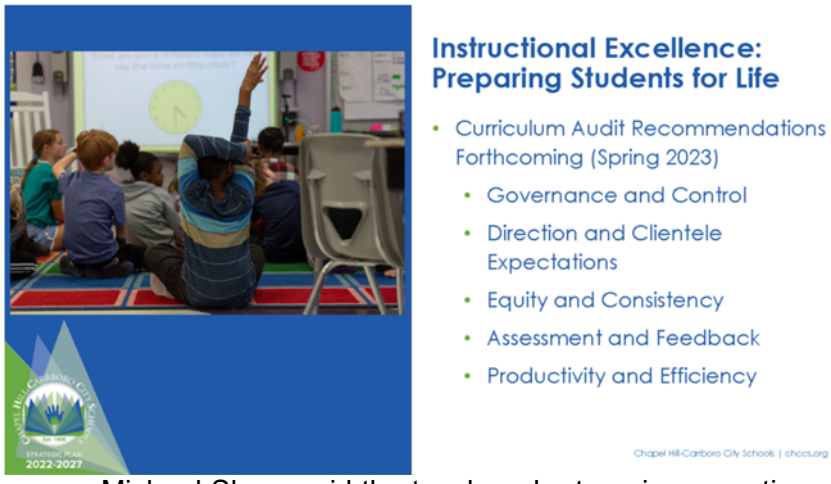
Slide #36



Rani Dasi said they have just conducted a curriculum audit and this will help them understand how to help students learn and grow.

George Griffin discussed the currifculem audit and said that it consists for an outsdie group of educators and they have spent time in the schools for months and conducted observations and interviews. He said they will be presenting the results of the audit. He said as a professional, and having talked to the staff, he does not think anyone will be surprised but they will be affirmed. He said that it will be a roadmap for the next 5-10 years in teaching and learning and they are excited about that.

Slide #37



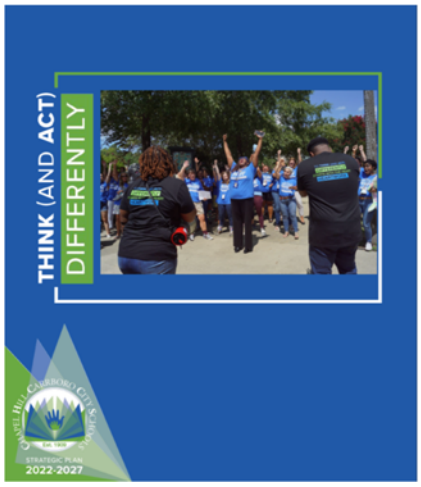
Michael Sharp said the teacher shortage is presenting many impacts. He said that there are varying degrees of experience and the cohort will look at individualizing professional development and job-embedded coaching. He said they will get a differentiated professional developmetn based on what the teachers most need. He said they end up getting the impact from their work that impacts the whole district and makes them feel like they're part of the community and more inclined to stay.

Slide #38



Dr. Rodney Trice discussed the cohort. He said that as teachers deliver content and instruction, students feel affirmed. He said as students feel more affirmed then learning goes up. He said there are 50 teachers involved and it will be a two year cohort. He said that next year they will focus on implementation. He said the projects have to improve learning in their school or the district.

Slide #39



Empowering, Equipping and Investing in Our People

Goal 1: CHCCS will recruit and retain a diverse workforce representative of our broader community using proven local and national best practices.

Goal 2: CHCCS will invest in a diverse and highly-qualified workforce to ensure CHCCS is the place where talented professionals choose to work and grow.

Goal 3: CHCCS will equip a culturally responsive workforce to further develop mindsets and capabilities so our people will effectively support students and families to grow professionally.

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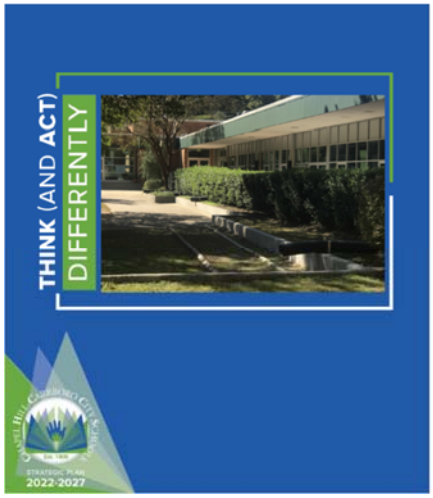
Slide #40



Equitable and Transparent Fiscal Stewardship and Operations

Goal 1: CHCCS will create and maintain safe spaces where instructional excellence can occur.

Goal 2: CHCCS will provide effective support services for students and staff through equitable allocation and distribution of resources using a tiered system of support model.

Goal 3: CHCCS will provide timely, accurate, and transparent communication and reporting of Financial Information to the members of our community.

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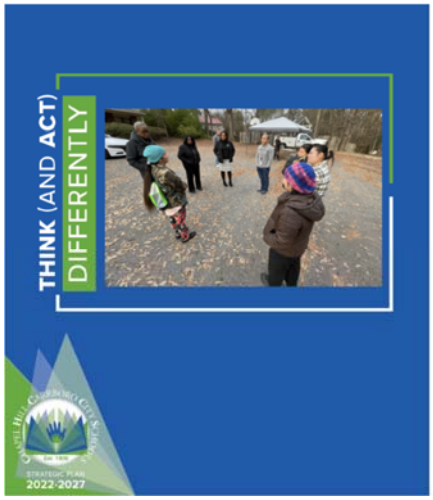
Slide #41



Strengthening Family and Community Engagement

Goal I: CHCCS will design effective forms of school-to-home and home-to-school communications about school programs and student progress.

Goal 2: CHCCS will provide information and ideas to families about how to promote the continuation of learning at home and in the community through learning, service and enrichment activities.

Goal 3: CHCCS will elevate diverse parents and caregivers as leaders and representatives, and include them in school and district-based decision-making.

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Slide #42



PreK Program Overview

- The CHCCS Pre-K/Headstart program provides services to children, three to five years of age, not yet eligible for kindergarten and families living in the Chapel Hill-Carrboro City School District.
- All classrooms have blended funding (Prek and Head Start) sources
- 250 students
- 22 teachers (this includes 2 itinerant teachers that serve the community)
- 20 classrooms that include 3 EC separate settings

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Slide #43



PreK Program Highlights

- LETRS Professional Learning (Early Literacy) for all PreK teachers
- PreK to Kindergarten transition PLC to bridge the curriculum in both ELA and Math
- CHCCS Transition to Kindergarten Plan to identify focus areas
- PreK Learning Walks to review instructional practices that align with the district plan and Instructional Framework

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Slide #44

How Can the BOCC and CHCCS Community Help?

- Help us shift the narrative from a deficit mindset → growth mindset
  - Fully fund operational budget
  - Support teachers - advocate to General Assembly for better benefits and compensation
  - Partner on investment for mental health support
  - Prioritize school capital bond and maintenance funding stream
  - Sub (or volunteer) in Schools
  - Encourage a friend, community member, family member to apply to be a bus driver

Chapel Hill-Carrboro City Schools | chccs.org

THINK (AND ACT) DIFFERENTLY

Slide #45



Commissioner Fowler asked if CHCCS has similar statistics on capital allocations from funding provided by BOCC.

Riza Jenkins said they receive a monthly update and have a list of projects they're working on. She said they can provide that information and there is a plan for the next ten years.

Commissioner Richards said Orange County just got a new curriculum. She asked if the school districts talk to each other about what they learned from their processes and if they are taking advantage of the opportunity to leverage learning across the two districts.

Dr. Rodney Trice said any curriculum changes they make come from the state's five-year curriculum adoption cycle. He said what the audit will show is the degree to which assignments given to students align with state standards. He said that as students text, they waant to make sure teachers are teaching the actual standards. He said the audit looks at materials provided to students. He said he's had a number of conversations with Dr. Green and they see opportunities to collaborate on implementing those standards.

Commissioner Richards said her point is that curriculum is an issue across both districts and said she encourages that to happen across the county. She said they can learn from each other. She said they all have the same goals. She said it's one pot of money, so if the county is spending the funds, the schools could reach across the lines to see how the resources can be leveraged.

Rani Dasi said there are certainly places where it is happening and there are places where they could do a better job.

Vice-Chair McKee asked if CHCCS has the same difference of understanding as OCS regarding capital funds.

Al Ciarochi said their staff met with county staff and they are on the same page.

Chair Bedford said Article 46 had almost $2 million more for the current year. She said that staff could dicsuss this more. She said they set aside $2 million for other school capital needs. She said she doesn't know if that will repeat for the current year, but people are paying taxes at a high rate, so the budget is solid. She asked if school systems are still operating under the Common Core standards, or if those are changed.

Dr. Rodney Trice said NC Department of Public Instruction has a standard and some of it comes from the Common Core.

Rani Dasi said curriculum does continue to be impacted by changes in state policy.

Sarah Smylie said that the science curriculum is open to public feedback.

Rani Dasi thanked Chair Bedford for highlighting those two funding streams. She said one of the things they are interested in is having access to data that might be predictive data to help improve outcomes.

Commissioner Portie-Ascott said about 28% of African American students are proficient. She asked if that number has stayed consistent over time.

Rani Dasi said the goal is to better individualize instruction. She said they have instituted universal screeners and the audit will also help. She said that the number is actaully 22%.

Dr. Rodney Trice said the data has fluctuated, but not drastically. He said they are excited about the opportunties for student progress monitoring. He said they are also excited to deliver instruction and materials to where the students need benefit.

Chair Bedford asked if there is hope that the current deficent data could be tracked, or does that not exist yet.

Dr. Rodney Trice said they still work with SAS. He said there is emerging technology looking at where students are in real time. He said that elementary schools typically do a pretty good job of that. He said he can't say they've had it as a district before.

Vice-Chair McKee said that his concern is if the student in third grade is a grade behind, then the growth has to exceed over a year at a time. He said then that person is then disadvantaged for the rest of their lives. He asked about the number of tutors in the district.

Rani Dasi said the earlier they can close gaps the better.

Dr. Hamlett said at the elementary level there are intervention enrichment blocks happening during the day. She said that at the secondary level they also have brought in tutors. She said they are making sure they get an academic return on their investment as a new approach and to show where resources need to be allocated.

Vice-Chair McKee said he is very supportive of the preschool. He asked how the students were picked. He said he would like to hear how it is working.

Riza Jenkins said most of the slots are need-based/NC Pre-K funded.

Vice-Chair McKee said it would be need-based.

Riza Jenkins said yes and that information is given out at the health department and other various ways.

Commissioner Fowler said a few years back there was a waitlist for the Pre-K program and asked if that's still true.

Dr. Rodney Trice said for the tuition-paying students there is a waitlist.

Commissioner Richards said it is her understanding there are openings in Chapel Hill and a waitlist in Northern Orange.

Sarah Smylie said that's what they heard at the Family Success Alliance meeting.

Commissioner Richards said it is a transportation issue as well.

Rani Dasi said she is surprised there are vacancies and will look into it.

Bonnie Hammersley said that in PreK there are 96 current vacancies.

Chair Bedford said that is because that includes school and community based facilites for that total number.

Commissioner Richards said that about 1/3 of students in CHCCS are considered gifited and asked what that means as far as academic support.

Rani Dasi said they are above the cap for funding from the state so they do programming for students at each school..

Commissioner Richards asked if there is proportional funding for those students vs. those who are at 22% proficiency.

Jillian LaSerna said they are monitoring all students to make sure they're growing as well. She said that techniques teachers are trained on should also be good for every student. She said there should be practices that are happening across the board.

Commissioner Richards said she said she understands but how will they measure growth and how will it be visible to the community.

Dr. Hamlett said rather than looking at gaps between groups, they are looking at a different type of gap. She said they are looking at the gap deficeincy in the group themselves from proficiency.

Commissioner Portie-Ascott asked for racial diversity of gifted students.

Vice-Chair McKee said he agrees that increasing growth is critical, but he doesn't know how to get around the fact that there is a group of students that are not performing the same as other groups and that it can't be ignored.

Rani Dasi said they are in agreement. She said they will show all the numbers for each group. She said they will focus on growth and monitor it for each group.

Vice-Chair McKee said if they could get 80% across the board that would be fantastic. He said he is not sure that 90% is realistic.

Rani Dasi said she takes the point and there has to be focus on the fire.

Ashton Powell said they both have issues with bus drivers. He said the impact that is having on students is that some are starting their day later, some are not getting breakfast, and it is adding onto the list that is holding students back. He said that they do not have the funds to make sure the routes are covered. He said they are consiering chaning bell schedules. He said these students are also the same students that might already need additional help.

Vice-Chair McKee said that in his 12 years on the board, the deficiences really have not moved. He said they need to move for the kids that need it the worst.

Chair Bedford thanked Rani Dasi for inviting the BOCC to the Black Knowledge Bowl. She thanked all the school board members and staff for coming tonight and their commitment to children. She said she will share a list of legislative priorities. She said they will all meet again on April 27th to discuss budgets and the County Manager will present her budget on May 2nd.

Vice-Chair McKee said that fiber will hopefully start going in the ground by June.

Chair Bedford said there are 3 years of lower rates and hopefully everyone can afford it.

A motion was made by Vice-Chair McKee, seconded by Commissioner Fowler to adjourn the meeting at 9:16 p.m.

VOTE: UNANIMOUS

Jamezetta Bedford, Chair

Recorded by Tara May, Deputy Clerk to the Board

Submitted for approval by Laura Jensen, Clerk to the Board

DRAFT

MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
WORK SESSION
March 14, 2023
7:00 p.m.

The Orange County Board of Commissioners met for a Work Session on Thursday, March 14, 2023 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

COUNTY COMMISSIONERS PRESENT: Chair Jamezetta Bedford, Vice-Chair Earl McKee *(arrived 7:54 p.m.)*, and Commissioners Sally Greene, Phyllis Portie-Ascott, and Anna Richards
COUNTY COMMISSIONERS ABSENT: Commissioners Amy Fowler and Jean Hamilton
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)
COUNTY STAFF ABSENT:

Chair Bedford called the meeting to order at 7:00 p.m. Commissioners Fowler, Hamilton, and Vice-Chair McKee were not present. Chair Bedford, Commissioners Greene, Portie-Ascott, and Richards were present.

1. Boards and Commissions – Annual Work Plan Summaries

The Board provided feedback and direction on the second group of boards and commissions' annual work plan summaries with their Chairs or representatives in attendance.

Patrick Burns, representing the ABC Board, said sales continue to be strong. He said it gives them opportunities to increase gifts to grantees, as well as increase the contribution to the county fund, and to pay down debt service earlier than expected. He said they were recertified as a living wage employer. He said they have increased entry pay to attract and hire more employees. He said the Mebane store will open early in April. He said they recently got a new board member and that was a welcome addition.

Commissioner Richards asked about the ABC Board's grant process. She asked how they decide how much they will grant.

Patrick Burns said that by statute, they are restricted by what they can give funding to. He said it is drug education or rehabilitation. He said they have an open process, and they can present it to the Board, and it will be considered.

Commissioner Richards asked if the grantees report back to the board.

Patrick Burns said they report mid-year how their programs are going, and what might be coming up in the future. He said they also consult with law enforcement.

Commissioner Richards asked what the grant period is.

Patrick Burns said they are on a fiscal year and organizations are expected to spend the funds within that fiscal year.

Chair Bedford said it is nice to see the $200,000 increase since 2018. She said it even gets used for drug tests.

Patrick Burns said that increased sales is a mixed blessing. He said that it increases revenue but that in turn means that consumption is increased.

Kristin Smith Young, representing the Economic Development Advisory Board, made the following presentation:

Slide #1



Slide #2



Slide #3



Slide #4



Slide #5

Other Advisory Board Members

Hasan Abdullah, Pendo

Dave Gephart, Gephart Marketing

Estella Johnson, Retired Economic Development Director

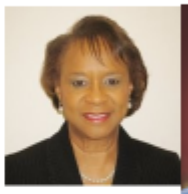
John Morris, Morris Commercial

Tom Proctor, Vacuum Cleaner Hospital

Jane Saiers, RambleRill Farm

Elise Tyler, The Colonial Inn









Slide #6

Economic Development Grants

- Small Business
- Agriculture
- Startup grants to come

25 Small Business Grants

$107,234 total investment

14 Agricultural Grants

$121,362 total investment

Slide #7

For'Em on the Hill





Advisory Board Chair Sharon Hill participated in the WCHL radio's "For'Em on the Hill" broadcast event in December 2022 where she highlighted several small business grant recipients and advertised the business investment and agriculture grant programs through the live radio event.

ECONOMIC DEVELOPMENT ADVISORY BOARD 7

Slide #8

Priorities for 2023

We will be creating a **Department Strategic Plan**, complementing the County's Strategic Plan and the new Comprehensive Plan.

We will work to increase awareness of and engagement with **SizeUp**, a platform for market research and business intelligence for local businesses.

ECONOMIC DEVELOPMENT ADVISORY BOARD 8

Slide #9



Slide #10



Slide #11



Commissioner Portie-Ascott asked if businesses that are established can get help with strategic planning and growth.

Kristen Smith Young said that SBTDC is the best resource for established businesses. She said it is housed at UNC-Chapel Hill. She said that Innovate Carolina is where all of the economic development resources are housed and that their website has a lot of information available. She said LAUNCH Chapel Hill and Studio are also great resources.

Commissioner Greene thanked the board for including the agricultural food processing grants. She also wished Kristen Smith Young a happy birthday.

Kristen Smith Young said they had pie at their retreat to celebrate. She said that Jane at Ramblewood Farm hosted the Board for one of their meetings.

Chair Bedford asked if they have had more success with diversity and Black farmers receiving grants.

Kristen Smith Young said that the Small Business Committee has prioritized marketing opportunities to BIPOC businesses. She said they have also included that discussion during the grant process. She said they were fortunate to have Shameka Fairbanks to come speak with them about an equity goal and being better about marketing to BIPOC businesses for these opportunities.

Commissioner Richards said she requested that SizeUp include a designation that allows people to search for BIPOC businesses.

Amanda Garner, Assistant Economic Development Director, said they are pulling data sources for integrating with what they have.

Commissioner Richards said the tool is amazing, but it would be great to have one place. She said if it can do basic things it would be helpful.

Sharon Hill of the Chapel Hill Orange County Visitors Bureau said it is an agency funded by hotel occupancy taxes. She said that the tourism revenues are nearing 2019 levels. She said most dollars go to food and beverage establishments. She said visitor spending in 2012 was as follows:

Lodging - $38.97 million
Food and Beverage - $73.98 million
Recreation - $29.9 million
Retail - $16.37 million
Transportation - $36.4 million
Total of $194.18 - million dollars

Sharon Hill said they advertise nationally to continue to bring visitors to the area. She said they have a staff of 6 and they are focused on managing demand from visitors, servicing guests and groups, communicating about Orange County's restaurants, events, people, and changing landscape, managing digital platforms, and publishing media and other promotional and marketing.

Chair Bedford said the current issue of Orange Slices was really informative. She said she was also pleased to see an accessibility guide.

Crystal Wu of the Arts Commission said they are proud to have provided aid to arts during COVID. She said they raised $600,000 for artists in a fundraiser. She said they have completed their first year of operation at the Eno Arts Mill. She said that 44% of the artists identify as a member of a marginalized community and 38 tenants are people of color. She said they have disbursed $207,000 in grants. She said that the UPROAR event is coming this summer and they are in the midst of planning for that. She said they received a grant for LGTBQ+ Teen Arts Collective. She said that they Hosted the Paint It Orange event and 66 artists participated. She said that looking to the future, a lack of arts space remains a challenge in Orange County. She said they will continue to work with the Eno Mill to provide space. She said that they are trying to increase physical space to provide access despite socioeconomic status. She said that challenges include capacity, need for more staff, and managing operations with 2.5 staff. She said that managing the operations of the 10,000 square foot space it is evident they need more staff. She said that it was designed to be financially self-sustaining but that requires pricing programs to market rather than affordable.

Leon Meyers of the Orange County Board of Adjustment said the Board hears appeals to decisions of planning staff and applications for variances to the UDO. He said that all of the positions are filled for the first time in several years. He said the Board heard two cases last year. He said the Board responds to applications from citizens and have no other programs other than that. He said the members are active participants and show up prepared for the meetings.

Commissioner Portie-Ascott asked if there were specific concerns.

Leon Meyer said they have no concerns, no agenda, goals, or strategies because they are a function of the General Assembly.

Chair Bedford thanked Tara May for her efforts in getting the positions filled on the Board of Adjustment.

Adam Beeman of the Orange County Planning Board said they exist because of general statute and review UDO and text amendments. He said they made an applicant-initiated request in Efland. He said they reviewed the White Cross application for a Dollar General store and the applicant withdrew their application. He said they reviewed and made a recommendation for a Dollar Tree in Cedar Grove and the applicant withdrew their application. He said they meet monthly. He said they want to collaborate with other boards in the future. He said they are patiently waiting for broadband in northern Orange County. He said that many board members are concerned about climate change, growth, watershed protection, and addressing water and sewer issues for commercial activity out in the county, not just around Highway 70. He said there is a need to get transit out in the county.

Chair Bedford said they had a report about facility needs and she was emailing about the water and wastewater needs for growth that is projected over the next forty years. She said that with the Planning Board's support hopefully they will get a lot of public input.

Adam Beeman said that due to supply chain issues and increasing costs the County should try to make improvements sooner rather than later because the costs keep going up.

Michael Hughes of the Orange Unified Transportation Board said he wanted to highlight one issue in their report, which is the need for pedestrian access around Grady Brown Elementary. He said he wanted to find a way to make that happen. He said he wanted to resume conversations with NC DOT to try to find a solution. He said that staff does a great job.

Chair Bedford said she was talking about that issue to the school boards in the meeting last Thursday. She said that staff is looking into ways to find funding and that the chief engineer was looking at a study. She said they have a meeting in the next couple of weeks and will get an update. She said it is complex to follow and in general, counties cannot do sidewalks, but this is a school. She said it is a community issue.

Jenn Sykes of the Affordable Housing Advisory Board said in the past year, one of the biggest things is getting back to meeting in person, not just for the board but also in the community. She said they are planning a community engagement meeting in Cedar Grove. She said the previous year they meet in the Rogers Road community. She said they have evolved in their approaches to affordable housing and are looking at keeping people able to stay in houses. She said they are trying to find partners for supplemental support. She said they have worked with other county boards and municipal governments to talk about ways to improve the stock of affordable housing. She said they are looking at more creative ways to approach affordable housing. She said that they have been able to do program evaluation this year again. She said that many members are involved in outside agencies.

Commissioner Richards said she was glad to hear they are expanding and taking a holistic approach.

Jenn Sykes said hopefully in the new year they can get back on track.

Alice Mahood of the Orange County Housing Authority Board said that they are a federally mandated board. She said they have 679 vouchers and that is the most they have ever had. She said that there is an affordable housing problem in Orange County and there are not enough homes to put the people that need them. She said they mainly focus on housing the homeless. She said they currently face challenges such as the lack of inventory and they do not have a full board. She said they want one or two participants as members on the board. She said that staff worked on trauma informed processes in the way that they interact with people. She said they are currently re-writing their administrative plan.

Vice-Chair McKee arrived at 7:54 p.m.

Dr. Lee Pickett of the Animal Services Advisory Board thanked the Board for hiring Dr. Strong. She said that Dr. Strong is an outstanding leader. She said that they awarded the Pat Sanford grant to Orange County Meals with Wheels for their pet program. She said they give pet food and cat litter to recipients of Meals on Wheels. She said that pets help people thrive and Meals on Wheels recognized that. She said that the organization also realized that some of their recipients were sharing their food with their pets. She said that their report is comprehensive. She said they interface with their neighbors in ways they hope will save the county pain and heartache. She described three situations. She said there were complaints about noisy roosters and free-roaming cats, which was dealt with by the board. She said they revoked a kennel license that was challenged, and they successfully handled that.

Chair Bedford said it is wonderful news about the grant and for the help that will give the seniors and their pets.

2. Discussion on Potential Amendments to the Orange County Arts Commission Advisory Board Policies and Procedures

The Board discussed potential amendments to the Orange County Arts Commission (OCAC) Advisory Board Policy and Procedures.

BACKGROUND: The Orange County Board of County Commissioners Advisory Board Policy (Advisory Board Policy) requires all members of County advisory boards and commissions to be Orange County residents. The Advisory Board Policy states that a specific advisory board policy may indicate other requirements.

On November 16, 2021, the Board of Commissioners approved an amendment to the Chapel Hill/Orange County Visitors Bureau Advisory Board Policies and Procedures to allow non-County residents to serve as long as a majority of the Visitors Bureau Advisory Board is composed of County residents.

Representation on the OCAC Advisory Board by leadership of Orange County arts agencies is critical, but not all leaders of local arts organizations reside in Orange County. A proposed amendment to the OCAC policies and procedures would allow one non-resident Orange County arts leader to serve on the OCAC Advisory Board.

The amended language is proposed as follows:

> "Members shall be residents of Orange County and shall maintain their domicile in Orange County, excepting however that one member may be a non-resident. Domicile is defined as one's permanent established home as distinguished from one's temporary although actual place of residence. The Clerk shall confirm the residency of applicants.
>
> Members shall have a direct or indirect background in the arts and be actively involved in the arts. Candidates should either live in Orange County, have invested in Orange County, or have a direct arts interest in Orange County."

Katie Murray, Arts Commission Program Coordinator, introduced the item. She said they are requesting that one person be allowed to serve even though they are not an Orange County resident.

Chair Bedford asked if allowing two members to live out of county would be better to give more flexibility.

Katie Murray said yes, because the cost of living is so high. She said that the arts commission should always be a majority of the people in the community.

Commissioner Greene said she also thought allowing two out of county representatives would be reasonable. She suggested new language for the policy, in the second sentence of the second paragraph:

> "Candidates should either live in Orange County, or hold a leadership position with an Orange County arts organization..."

Chair Bedford asked how the change should be approved by the Board.

John Roberts said the policy should come back to the Board at a business meeting on a consent agenda.

Vice-Chair McKee asked if there are any other boards and commissions that have membership outside of Orange County.

Bonnie Hammersley said only the Visitor's Bureau.

Chair Bedford said it is a slippery slope.

Vice-Chair McKee said that is what he is getting at.

John Roberts said each advisory board has different requirements for membership or rules and procedures. He said it is entirely up to the commissioners to decide for each board.

Tara May said also the Economic Development Advisory Board allows for non-residents on their board.

Vice-Chair McKee said that is correct and said he is not opposed to it, but he does not want to go very far down this road. He said that the impact of the cost of living in Orange County is not exclusive to just the arts community and affects every board they have.

Chair Bedford said the amendment to allow two non-resident members will be brought back.

3. Advisory Board on Aging – Appointments Discussion

The Board discussed appointments to the Advisory Board on Aging.

BACKGROUND: The Advisory Board on Aging suggests policy and makes recommendations to the Board of Commissioners and the Department on Aging while acting as the liaison between older adults of the County and County government. It is charged with promoting needed services, programs, and funding that impacts older residents.

The Board of County Commissioners appoints all twelve (12) members.

The following individuals are recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Colin Austin	At-Large	One-Year Extension	06/30/2024
Jacqulyn Podger	At-Large	First Full Term	06/30/2026
Rachel Bearman	At-Large	Second Full Term	06/30/2026
Dr. Michael Joseph	At-Large	First Full Term	06/30/2025

If the individuals listed above are appointed, no vacancies remain.

Tara May, Deputy Clerk to the Board, introduced the item.

The Board agreed by consensus on the recommended applicants.

4. Arts Commission – Appointments Discussion

The Board discussed appointments to the Arts Commission.

BACKGROUND: The Arts Commission recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County.

The Board of County Commissioners appoints all fifteen (15) At-Large members.

The following individuals are recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Denise Duffy	At-Large	First Full Term	03/31/2026
Krista Bremer	At-Large	Second Full Term	03/31/2026
Linda Williamson	At-Large	Second Full Term	09/30/2025

If the individuals listed above are appointed, the following vacancies remain:

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
At-Large	03/31/2024	**Vacant since 12/01/2022**
UNC Student Representative	06/30/2023	**Vacant since 12/01/2022**

Tara May, Deputy Clerk to the Board, introduced the item.
The Board agreed by consensus on the recommended applicants.

5. Board of Equalization and Review – Appointments Discussion
The Board discussed appointments to the Board of Equalization and Review, and designated a Chair.

BACKGROUND: The Board of Equalization and Review is quasi-judicial body that hears appeals from residents concerning various property tax issues, including valuation and exemption appeals. The Board of Equalization and Review is charged with ensuring that all taxable property is appraised and assessed according to the standards required by the North Carolina General Statutes. Due to the nature of its work, the Board of Equalization and Review does not make recommendations for appointments.

The Board of County Commissioners appoints three (3) members and seven (7) alternates, and designates the Chair.

Appointees serve two year terms, but there is no limit to the number of terms one may serve.

The following individuals are presented for reappointment:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Barbara Levine	Member	Third Full Term	03/31/2025
Leon Meyers	Member	Second Full Term	03/31/2025
Hunter Beattie	Alternate (move from Member position)	Third Full Term	03/31/2025

The following positions are presented for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
BOCC Appointee	Member	First Full Term	03/31/2025
BOCC Appointee	Alternate	First Full Term	03/31/2025
BOCC Appointee	Alternate	First Full Term	03/31/2025
BOCC Appointee	Alternate	First Full Term	03/31/2025

If the positions listed above are filled, the following vacancies remain:

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
Alternate	03/31/2025	**No Additional Applicants**
Alternate	03/31/2025	**No Additional Applicants**
Alternate	03/31/2025	**No Additional Applicants**

Chair Designation:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
BOCC Appointee	Chair	Full Term	03/31/2025

Tara May, Deputy Clerk to the Board, introduced the item.

The Board agreed by consensus to reappoint Barbara Levine, Leon Meyers, and Hunter Beattie.

The Board agreed to designate Leon Meyers as chair.

Chair Bedford suggested Shannon Julian for the vacant member position.

Vice-Chair McKee suggested Tony Blake vacant member position.

The Board agreed by consensus on Tony Blake.

The Board agreed by consensus on Joy Mercer, Saru Salvi, and Shannon Julian for alternate positions.

Tara May said that Saru Salvi was an applicant for the Orange County Planning Board and that she already serves on two other boards.

Chair Bedford said she had that noted and was not going to appoint to the Planning Board.

Commissioner Richards said she was originally on the Affordable Housing Board and then left and asked why.

Tara May said she was interested in other opportunities and did not want her service on previous boards to prevent her from serving on future boards.

Chair Bedford said this position would be an alternate.

Tara May said there are three additional alternate positions that will need to be filled.

Chair Bedford said this would make four ready for the process.

6. Historic Preservation Commission – Appointments Discussion
The Board discussed appointments to the Historic Preservation Commission.

BACKGROUND: The Historic Preservation Commission is charged with undertaking an inventory of properties of historical, prehistorical, architectural, and/or cultural significance. It recommends areas to be designated or removed as "historic districts" and reviews and acts upon proposals for alterations, demolition, new construction, etc.

The Board of County Commissioners appoints all seven (7) At-Large members.

The following individuals are recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Dr. Anne Whisnant	At-Large	First Full Term	03/31/2025
Art Menius	At-Large	First Full Term	03/31/2025
Todd Dickinson	At-Large	First Full Term	03/31/2025

If the individuals listed above are appointed, no vacancies remain.

Tara May, Deputy Clerk to the Board, introduced the item.
Commissioner Greene said Anne Whisnant is a historian.
The Board agreed by consensus on the recommended applicants.

7. Human Relations Commission – Appointments Discussion
The Board discussed appointments to the Human Relations Commission.

BACKGROUND: The Human Relations Commission advises the Board of County Commissioners on solutions to problems in the field of human relationships. It also makes recommendations designed to promote goodwill and harmony among groups in the County irrespective of their race, color, creed, religion, ancestry, national origin, sex, sexual orientation, disability, age, marital status or status with regard to public assistance.

The Board of County Commissioners appoints all twelve (12) members.

The following individuals are recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Deborah Baker	At-Large	Partial Term	06/30/2024
Jameelah Merritt	At-Large	First Full Term	06/30/2025
Lynn McGee	At-Large	Partial Term	09/30/2024
Josh Ravitch	At-Large	Partial Term	06/30/2023

If the individuals listed above are appointed, the following vacancies remain:

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
Town of Carrboro	06/30/2025	**Vacant since 04/27/2022**

Tara May, Deputy Clerk to the Board, introduced the item.

Commissioner Richards said she supported the HRC taking time to review applicants for the Town of Carrboro position. She said that her concern is that they will have a full board and the oldest member appointed in 2022. She asked if the senior members have to roll off.

Tara May said they could be recommended for a one-year extension.

Commissioner Richards expressed concern about the turnover on the commission.

Tara May said there has been a lot of turnover.

Chair Bedford said she believed Dr. Fairbanks had a handle on the needs of the commission.

The Board agreed by consensus on the recommended applicants.

8. Nursing Home Community Advisory Committee – Appointment Discussion

The Board discussed an appointment to the Nursing Home Community Advisory Committee.

BACKGROUND: The Nursing Home Community Advisory Committee helps to maintain the intent of the Residents' Bill of Rights, promotes community involvement, and provides public education on long-term care issues. The regional ombudsman with Triangle J Council of Governments provides specialized training and support.

The Board of County Commissioners appoints all ten (10) members.

REMINDER: As of July 1, 2017, House Bill 248 was adopted by the North Carolina General Assembly regarding the training period for pending members of the “Adult Care Home Community Advisory Committee and Nursing Home Community Advisory Committee”. Applicants will be selected from the county “Applicant Interest List” for a condensed training and if the applicant successfully completes the training, the individual would be recommended for appointment. Therefore, when an applicant is recommended for appointment, it would initially be for a one year preliminary term and the training will have already been completed.

The following individual is recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Shade Little	At-Large	First Full Term	03/31/2026

SPECIAL NOTATION: None of the other applicants have completed the mandatory pre-appointment training, and are therefore not eligible for appointment at this time.

If the individual listed above is appointed, the following vacancies remain:

POSITION DESCRIPTION	EXPIRATION DATE	VACANCY INFORMATION
At-Large	06/30/2025	**Vacant since 08/25/2021**
At-Large	09/30/2023	**Vacant since 11/06/2019**
Nursing Home Administration	06/30/2023	**Vacant since 12/12/2018**
At-Large	03/31/2026	**Vacant since 06/21/2017**

Tara May, Deputy Clerk to the Board, introduced the item.
The Board agreed by consensus on the recommended applicant.

9. Orange County Planning Board – Appointments Discussion
The Board discussed appointments to the Orange County Planning Board.

BACKGROUND: The Planning Board studies Orange County and surrounding areas to determine objectives in the development of the County. It prepares and recommends plans to achieve that development, including the suggesting of policies, ordinances, and procedures. It reviews development applications and makes recommendations to the Board of Commissioners. Due to the nature of its work, the Planning Board does not make recommendations for appointments.

The Board of County Commissioners appoints all twelve (12) members.

The following individual and positions are presented for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Delores Bailey	At-Large	First Full Term (reappointment)	03/31/2026
BOCC Appointee	Hillsborough Township	First Full Term	03/31/2026
BOCC Appointee	Chapel Hill Township	First Full Term	03/31/2026
BOCC Appointee	At-Large	First Full Term	03/31/2026

If the positions listed above are filled, no vacancies remain.

Tara May, Deputy Clerk to the Board, introduced the item.
The Board agreed by consensus on Delores Bailey for reappointment.
Chair Bedford suggested Chris Johnson for the Hillsborough Township position.
The Board agreed by consensus on Chris Johnson.
Commissioner Greene suggested Elizabeth Kalies for the Chapel Hill Township position.
The Board agreed by consensus on Elizabeth Kalies.
Chair Bedford suggested leaving the At-Large position open until they could get more applicants.
The Board agreed to leave the At-Large position open for the time being.

Chair Bedford asked the Board if they would like Autumn Cox from TJCOG to present information on the Adult Care Home Advisory Board and Nursing Home Board

Commissioner Portie-Ascott said she would like to have more information.

Chair Bedford suggested that Commissioner Portie-Ascott meet with Janice Tyler at Aging for more information.

Commissioner Richards said that understanding the training was helpful.

Commissioner Portie-Ascott asked what type of experience the Board might be looking for in the vacant Planning Board position.

Chair Bedford said something along the lines of have they been on any other boards or have they done any planning. She said she is a bit leery of the realtor connection or experience. She said that someone that does land law would be good.

Commissioner Greene said it doesn't have to be planning experience, but it could be experience with government administration and processes.

Adjournment

A motion was made by Commissioner Greene and seconded by Commissioner Richards to adjourn the meeting at 8:24 p.m.

VOTE: UNANIMOUS

Jamezetta Bedford, Chair

Recorded by Laura Jensen, Clerk to the Board

Submitted for approval by Laura Jensen, Clerk to the Board.

DRAFT

MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
BUSINESS MEETING
March 21, 2023
7:00 p.m.

The Orange County Board of Commissioners met for a Business Meeting on Tuesday, March 21, 2023 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

COUNTY COMMISSIONERS PRESENT: Chair Jamezetta Bedford, and Commissioners Amy Fowler, Sally Greene, Jean Hamilton, Phyllis Portie-Ascott, and Anna Richards
COUNTY COMMISSIONERS ABSENT: Vice-Chair Earl McKee
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)

Chair Bedford called the meeting to order at 7:00 p.m. All commissioners were present.

1. Additions or Changes to the Agenda

Chair Bedford dispensed with reading the public charge.

2. Public Comments (Limited to One Hour)

a. Matters not on the Printed Agenda

There was no one signed up to speak.

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

3. Announcements, Petitions and Comments by Board Members

Commissioner Fowler said she attended the Cooperative Extension quarterly update meeting via Zoom on March 14th. She said Tyrone Fisher was promoted to the North Central Extension Director and Jonathon Smith is the interim Orange County Extension Director. She said the position is being advertised and also noted that members are needed for the Cooperative Extension Advisory Council. She announced that Cooperative Extension has $500 community garden grants that are awarded on a rolling basis and encouraged anyone interested to reach out to Mart Bumgarner. She said she attended the ABC Board meeting and heard from several organizations receiving funding from the ABC Board for alcohol and substance abuse awareness, prevention, education, and treatment.

Commissioner Hamilton thanked the Board and Orange County staff for their support while she dealt with the loss of her mother. She said she attended the Alliance Health Board of Directors budget retreat and received an overview of plans for the budget next year with tailored plans. She said the Schools Safety Task Force meets in two days.

Chair Bedford said she attended the Board of Social Services meeting yesterday, and recently attended a Board of Health retreat that covered mission, vision, and budget.

Commissioner Greene said she will be attending a GoTriangle meeting tomorrow and has nothing else to report.

Commissioner Portie-Ascott said she has met with the following county departments as part of her orientation process: Criminal Justice Resources, Housing, Budget, Elections, Transportation, Library, Planning, Office of Equity and Inclusion, as well as the Sheriff's Office. She said April is Re-entry Month, and there is a fireside chat on April 10th at the Colonial Inn. She said she enjoyed learning about the work of each department and the staff was very patient and generous during her visits.

Commissioner Richards said she met with Housing, Planning, Parks and Recreation, and Family Success Alliance staff since the Board's last meeting. She said she visited the Gateway Housing Complex today and got to witness the partnership between the housing provider, county, and schools. She said when thinking about all of the social determinants of health, it is impressive that the county is part of this innovative approach to holistically address the needs of this community. She said she attended the Chapel Hill Chamber of Commerce meeting and highlighted the Economic Conditions Survey which is available on the Chamber website and has information on what the local economy looks like. She said she also attended the Black Business Leadership Council meeting, and just came from the Burlington-Graham MPO meeting tonight.

Chair Bedford said that Vice-Chair McKee will not be in attendance tonight.

4. Proclamations/ Resolutions/ Special Presentations

None.

5. Public Hearings

None.

6. Regular Agenda

a. <u>Approval of Professional Services Contract with Woolpert, Inc. to Conduct a Public-School Capital Needs Assessment, and Approval of Budget Amendment #7-A</u>

The Board approved a professional services contract with Woolpert Inc. totaling $984,561 to conduct a Facilities Condition Assessment, a School Optimization Plan and develop Benchmarking Best Practices for all public schools in Orange County, and with the proposed scope of work including $85,000 for a study of educational adequacy of school facilities; and approved Budget Amendment #7-A.

BACKGROUND: As a strategy to improve the quality and efficiency of operational services, Orange County Government, Chapel Hill Carrboro City Schools (CHCCS) and Orange County Schools (OCS) collaborated on the issuance of a Request for Qualifications (RFQ) for a design firm to provide a:

- Comprehensive Facility Condition Assessment (FCA)
- Optimization Plan of Existing Space Utilization; and
- Examining Prioritization Models, Benchmarking Best Practices and Scenarios for both school districts that recognize the distinct structure of the County allocating funds to the two school districts.

The desired outcome will help County and School professionals and elected officials better plan, manage and fund new construction and maintenance of the thirty-one (31) school campuses and administrative offices for the two school districts.

Ensuring that scarce capital resources are used effectively requires a better understanding of when to repair/maintain, renovate or replace buildings, how and when to contract across campuses and school districts, and how to provide reliable funding to assure that schools facilities are built and maintained in a timely and cost-effective manner.

An RFQ review committee selected Woolpert, Inc., an international architecture, engineering and geospatial (AEG) firm to perform this work, which is anticipated to take nine months from contract execution. A copy of the Woolpert, Inc. cost proposal is included as *Attachment 1*. The proposal includes an additional services fee of $85,000 for a study of educational adequacy of school facilities. This study was not requested in the original RFQ but deemed necessary by members of the review committee. The project is scheduled to take approximately nine months to complete, upon issuance of a signed contract. The cost of this contract requires approval by the Board of County Commissioners.

Funding of $3,500,000 was set aside through Budget Amendment #5-A in the School Capital Reserve Fund for the purpose of funding this contract and providing additional funding for school capital. The professional services fees are recommended to be funded through Budget Amendment #7-A, which would utilize $984,561 of those funds and transfer them to the School Capital Fund. The remaining $2,515,439 will be split between the school districts based on average daily membership (ADM). Those funds will be allocated to specific projects through a subsequent budget amendment at the direction of both School Districts. Budget Amendment #7-A creates the following Capital Ordinance in the School Capital Fund:

School Capital Needs Assessment ($984,561) - Project # 52000

Revenues for this project:

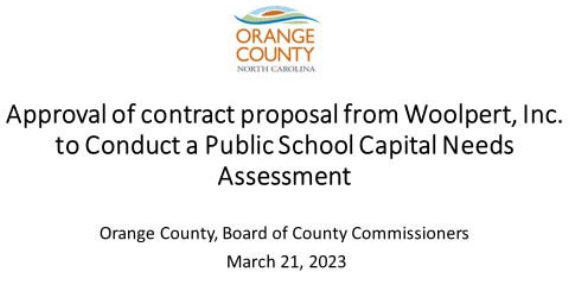
	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
From Capital Reserve	$0	$984,561	$984,561
Total Project Funding	**$0**	**$984,561**	**$984,561**

Appropriated for this project:

	Current FY 2022-23	FY 2022-23 Amendment	FY 2022-23 Revised
Project Expenditures	$0	$984,561	$984,561
Total Costs	**$0**	**$984,561**	**$984,561**

Steve Arndt, Asset Management Services Director, introduced the item and made the following presentation:

Slide #1



Steve Arndt introduced Jessica Goodell of Woolpert, Inc. and David Sturtz of Cooperative Strategies who are available for questions this evening.

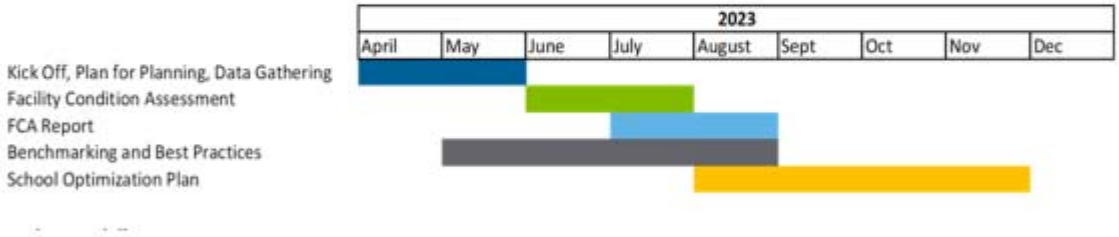
Slide #2

RFQ No 367-OC5375: Request for Qualifications for Facilities Condition Assessment, Schools Optimization and Benchmarking Best Practices (Nov 22)

- Comprehensive Facility Condition Assessment (FCA)
- Optimization Plan of Existing Space Utilization; and
- Examining Prioritization Models, Benchmarking Best Practices and Scenarios for both school districts that recognize the distinct structure of the County allocating funds to the two school districts.

Slide #3

Schedule



Steve Arndt said the process should be completed by the end of 2023.

Slide #4

Woolpert Inc.

WOOLPERT

- Founded in 1911 as a surveying and landscape design firm, Woolpert has grown to become a national architecture, engineering, and geospatial (AEG) firm.
- Woolpert delivers value to clients by strategically blending high-quality services with leading-edge technology and Geographic Information Systems (GIS) applications



Steve Arndt said that Woolpert is a well-respected international company.

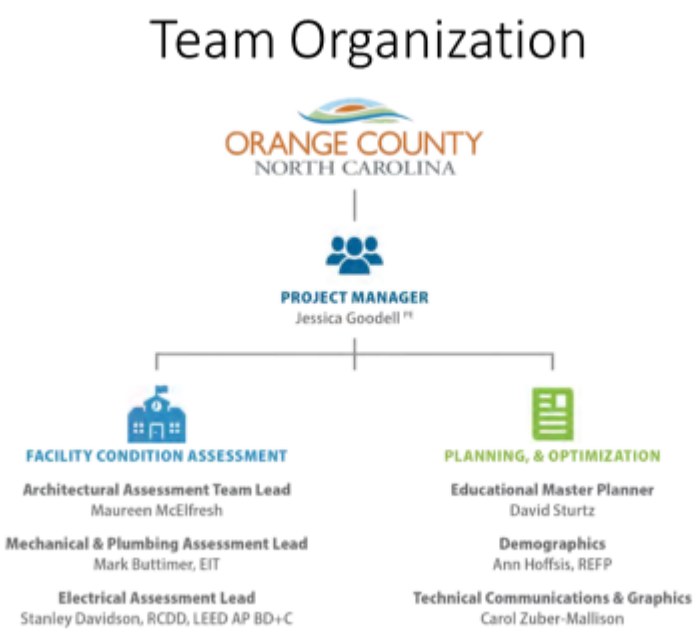
Slide #5

COOPERATIVE STRATEGIES

ASSESS · PLAN · FUND · BUILD

- Cooperative Strategies is a team of educational facility and program planners with backgrounds in school facility management, educational program planning, 21st Century learning principles, GIS, engineering, capital planning, and community engagement.
- Cooperative Strategies team members include former state department of education thought leaders, school superintendents, maintenance managers, teachers, and administrators; Association for Learning Environments members; Recognized Educational Facility Planners; and MSRB Series 50 Municipal Advisor Representatives.
- Cooperative Strategies has completed **over 300 Facilities Master Plans nationwide** for districts and states of all sizes.

Slide #6



Slide #7



Slide #8



Jessica Goodell thanked the Board for the opportunity to work on OCS and CHCCS schools. She said she really enjoys working with school districts and said they are passionate about the work they do and thankful for the opportunity.

David Sturtz said he very much believes in this work and has seen the impact it can have on students. He said they have a singular guiding principal and that is what is best for students and communities. He said it is a collaborative process with county staff. He said the Board will be involved throughout the process.

Commissioner Richards asked for elaboration on school optimization.

David Sturtz said the focus of optimization is twofold; one is educational, and one is operational. He said they are looking at an array of spaces, kinds of spaces and arrangements, and how they align with standards. He said there is also a condition assessment and that is the biggest part, but they also make sure they close equity gaps in terms of space sizes. He said they do not assume school arrangements are what the county actually needs for the next 20 years. He said they want to look at where there are gaps for things like art, special educational programs, He said that legacy buildings were designed without those programs in mind and without adequate space. He said they seek to identify those gaps and prioritize them in the plan amongst the other needs to create a comprehensive plan. He said the next part is efficiency of operations. He said that buildings may have been designed for a certain number of people and now there is a mismatch in population. He said they will look at how much it will cost to fix versus how much it will cost to replace a building.

Commissioner Richards asked if they would look at efficiency of administration. She asked if they would look at other counties with multiple districts.

David Sturtz said governance is not a main focus of this study.

Commissioner Richards asked if it could be reviewed strictly from a facilities standpoint, and she is not speaking about combining districts.

David Sturtz said he is working with a county in Tennessee and in that plan, it made sense for the two districts to swap a couple of facilities. He said that kind of thing could be an outcome. He said there are a variety of options for what could make sense in this community.

Commissioner Greene asked if the fix would cost more than 50% and if it might be advisable to start over with a new building, would they also consult with the school administrators to see what the solution for the swing space would be during that process.

David Sturtz said yes and that would be a dialogue with the districts.

Commissioner Portie-Ascott asked if there have been instances when they have gone into a facility and not recommended any changes.

David Sturtz said absolutely. He said that most buildings will be warm and safe but there are a minority of schools where there is such a mismatch that it makes more sense to think about ways they could make it better.

Chair Bedford said she read the Guilford County Schools report they worked on. She asked what was in our RFQ for trailers.

Steve Arndt said that was not part of the request.

David Sturtz said they do look at them as an option. He said they want to see what makes sense to reduce reliance on those in a permanent capacity.

Chair Bedford said that the districts did some airflow improvements after COVID and if there are any design standards.

Jessica Goodell said they do not do a design study but rather a “like for like” consideration; however, if there are certain standards they would like to set to let them know. She said LED lights are a standard and they do go through and suggest LED change-outs throughout.

Chair Bedford asked if part of the analysis with efficiencies is also energy and climate efficiency and friendliness.

David Sturtz said they could get a baseline. He said that they will look at utility cost by square foot. He said they found that the older buildings were 1.5x less efficient per square foot. He said that this will be a data point that will be considered.

Chair Bedford said the special education classroom space is needed and that the state construction standards are the floor. She said the Orange County standards could also be improved but are better. She said the Board would also like to see more pre-K spaces.

David Sturtz said all of that becomes part of the conversation to develop what they want to build to. He said they ask what should every student experience every day. He said they then look at costs and time.

Chair Bedford said there is a 2015 facilities assessment and there were different scenarios. She said that the nine older facilities are 1960s construction and that with gun violence, there is a perception that is not safe for students. She said it was economically unfeasible at the time and asked what kind of materials they use for safety.

David Sturtz said part of that is determining what you want for every student. He said that considering if there is a single point of entry. He said that some buildings will require more renovations to reach the safety standard that is developed.

Chair Bedford said that is a big decision and she does not know who should be making that decision.

David Sturtz said they do not come in with answers but rather questions. He said they look at what other districts have done and bring that as information. He said that every school cannot practically have a single point of entry but there are things that can be done to make them safer. He said they will seek those answers out with the committee.

Commissioner Fowler said she had the same question on safety and who decides. She said they had previous assessments but did not have a prioritization for the buildings. She asked if they would have a prioritization.

Jessica Goodell said those needs will be prioritized during the conditions assessment.

Commissioner Fowler said given the county can only afford to do a small amount will there also be sequencing for the priorities.

David Sturtz said yes and there will be suggestions on recommended phasing to achieve those goals.

Commissioner Hamilton asked how the Brightleaf software workplan will interface with the plan that has phases to be decided on.

Jessica Goodell said it will handle the conditions assessment data and with certain parameters set, it will recommend priorities.

David Sturtz said to think of it as a layered cake. He said that the conditions assessment is the base layer and will have phases done in the context in the whole. He said they will look which buildings are going to be maintained, which buildings are being renovated, and which buildings are looking at major changes. He said each of those categories will all have different

timelines associated with them. He said the top layer is the program enhancements. He said those are also phased in based on what the county can afford, manage, and what makes sense.

Commissioner Hamilton clarified that the software is just at the conditions assessment level. She said that for each school it would have recommendations across both school districts.

Jessica Goodell said yes and said it is kind of an art. She said the software will come in with recommendations but then they will set up parameters and run the process again. She said it is an iterative process.

David Sturtz said they can look across schools for bundling. He said that those projects help get the efficiencies they are looking at. He said if three schools need roofs in the next three years then that would be one project rather than three and that is one thing this will help discover.

Chair Bedford said they are growing in Mebane, and she wants to consider if the should build a new school.

David Sturtz said that is their bread and butter and they will look at student population data across various areas.

Chair Bedford said each year the county gives the schools $3 million for ongoing facilities costs. She said it would be nice to know a standard amount based on needs for actual maintenance. She said she wants to know how much they should be trying to spend.

Jessica Goodell said that is part of the prioritization of the conditions assessment.

David Sturtz said if they check out the state of our schools report by National School Facilities that would be a baseline. He said that 2% of replacement value is the industry standard for operations maintenance. He said that goes up depending on population and deferred maintenance. He said that would be a dialogue throughout the process.

Commissioner Richards asked at what point they will get a baseline of the standard they want to develop the plan around.

David Sturtz said around Labor Day.

Commissioner Richards asked if when they come back from summer if they will hear from them and have the opportunity for dialogue.

David Sturtz said yes.

Chair Bedford said it seems like board members and the taskforce need to be in on making those decisions.

Bonnie Hammersley said most of this will come back to the taskforce because it makes up the county and the two districts.

Chair Bedford said she really liked the presentation. She said she was checking references with Guilford County and was shocked by the price of this. She said Guilford County process seemed that they hired them after they had spent money on prior work. She asked them to help her understand this.

David Sturtz said there are several differences. He said the big one is that Parsons in 2017 was a higher-level assessment and did not get into the level of detail this one will. He said it was more of a systems level study. He said this is level five details and that is much more granular and will inform the maintenance plan moving forward. He said there are also 7 years between the studies and costs have risen incredibility. He said they were asked to come back and use the data collected and build a plan and the plan alone cost them $150,000.

Commissioner Fowler asked if given the county will probably only be able to afford the top 20% of repairs, they will still need the detailed information for maintenance.

David Sturtz said yes, because it will help with daily tasks for a while into the future.

Commissioner Portie-Ascott said she also thought the price was high but also did not know what to compare it to. She asked how many other respondents there were to the RFQ.

Steve Arndt said there were five respondents and two were asked in for interviews.

A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to approve the County entering into a professional service contract with Woolpert, Inc. totaling

$984,561 to conduct a Facilities Condition Assessment, a School Optimization Plan, and develop Benchmarking Best Practices for all public schools in Orange County including a study of educational adequacy of school facilities; authorize the County Manager to execute the Contract *(Attachment 2)*, subject to final review by the County Attorney, and any subsequent amendments for contingent and unforeseen requirements up to the approved budget amount on behalf of the Board; and approve Budget Amendment #7-A as detailed above.

Commissioner Portie-Ascott asked how they will know what is included in basic services.

John Roberts said it will be added in the county's contract.

Steve Arndt said the deliverables are also included in the RFQ and in the proposal that was responsive to the RFQ so the contract services are very specific.

VOTE: Ayes (Chair Bedford, Commissioner Fowler, Commissioner Greene, Commissioner Hamilton)

Nays (Commissioner Richards and Commissioner Portie-Ascott)

MOTION PASSES

b. Recommendations for Employee Health Insurance and Other Benefits

The Board approved the Manager's recommendations regarding employee health and dental insurance effective July 1, 2023 through June 30, 2024.

BACKGROUND: The County provides employees with a comprehensive benefits plan that includes participation in robust health and dental insurance plans for employees and their families. Each year, the Board of Commissioners is asked to review and approve health and dental insurance rates in advance of the annual budget so that open enrollment can be completed prior to the beginning of the plan year which starts on July 1.

Health Insurance

The Board of County Commissioners approved Orange County's participation in the North Carolina Health Insurance Pool in FY 2018-19. From that time until FY 2022-23, neither health nor dental insurance costs increased due to stable claims experience. In FY 2022-23, the health insurance plan experienced an increase in the overall number of claims and higher costs per claim incurred than prior years, which resulted in a drawdown of reserves. As a result, the Board approved an increase of 5% to the health insurance plan for both active employees and pre-65 retirees. That increase was fully paid by the County and not passed on to employees.

Funding for the health plan is based on estimated premium equivalents rates that are necessary to pay for incurred claims, administrative and reinsurance costs, and the expected liability of claims incurred but not reported (IBNR). The plan also carries a reserve balance which ensures the County's ability to pay claims. The reserve policy ranges between 1.5 and 3.0 over IBNR to ensure the ability to pay for future claims based on current claims experience which currently are higher than expected. The County's current reserve ratio is 1.1 through January 2023. In FY 2023-24 and beyond, that reserve amount is recommended to be two (2) times the expected IBNR liability.

Although the plan is projected to have a positive year-end balance of $833,090, additional funding is necessary to cover projected total plan costs for FY 2023-24 and to continue to build reserve levels for future sustainability of rates. The actuarial analysis conducted by the North Carolina Health Insurance Pool is recommending an increase of five percent (5%).

The Manager recommends that the County assumes 100% of the recommended 5% increase and that the employee contributions continue at current rates. As such, a 5.5% increase for funding the County contribution is proposed. This represents a total budget increase of $659,108.

FY 2023-24 Health Insurance Rate Renewal

Year	Rates	Monthly Cost	Annual Cost	Employee Contribution	Employer Contribution
2022	Current Rates	$1,098,486	$13,181,834	$1,296,475	$11,885,359
2023	Current Rates with Employer Increase Only (Renewal)	$1,153,412	$13,840,942	$1,296,475	$12,544,467
	Net Increase	**$54,926**	**$659,108**	**$0**	**$659,108**

Dental Insurance

Delta Dental is the County's current Dental provider, and the County will continue to provide coverage with Delta Dental. The Board of County Commissioners approved an increase of funding totaling $92,236 (County contribution of $73,286) for the FY 2021-22 Dental Fund. The total Dental budget is currently $639,000, and no increase is recommended for FY 2023-24.

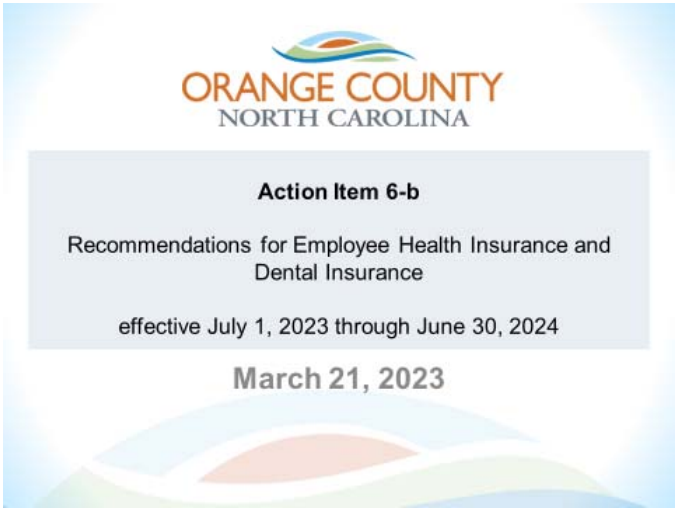
Behavioral Health Services

A new behavioral health benefit is also being recommended for FY 2023-24. Based on clinical assessments, this program provides access to mental wellness resources, guided assessment and recommendations, an immediate gateway to personalized support, and access to a therapist within three days. The service is available 24 hours a day, 7 days a week.

Training, communication and knowledge-building materials are also available and designed to engage all employees in an effort to maintain a supportive work environment that combats the stigma around mental health. The total cost of this program is $89,000.

Brenda Bartholomew, Human Resources Director, introduced the item and made the following presentation:

Slide #1



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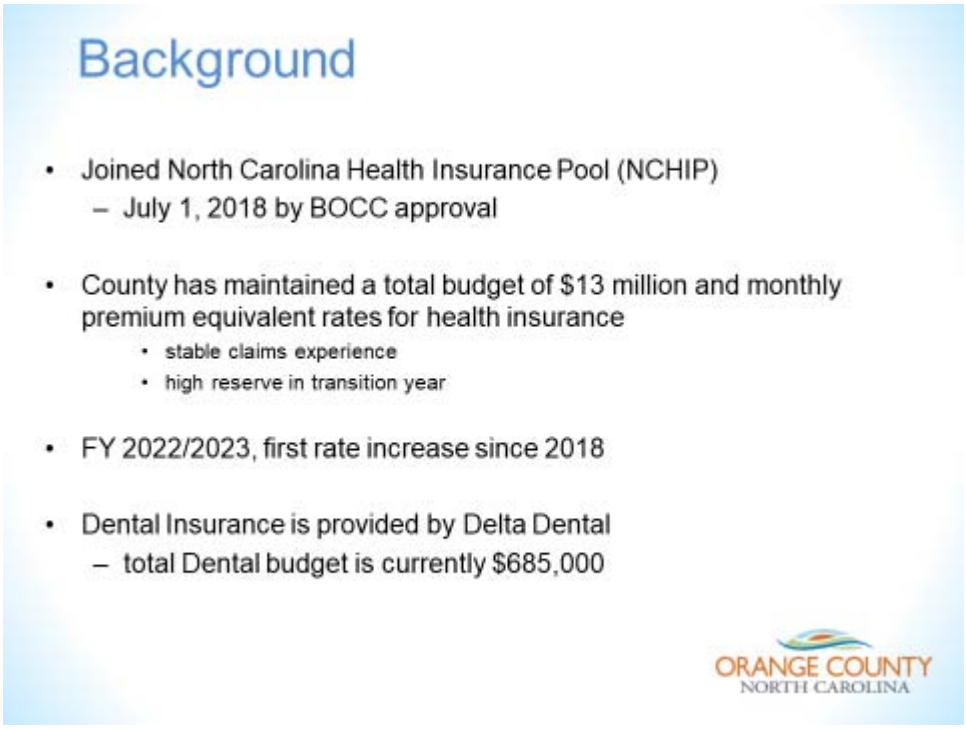
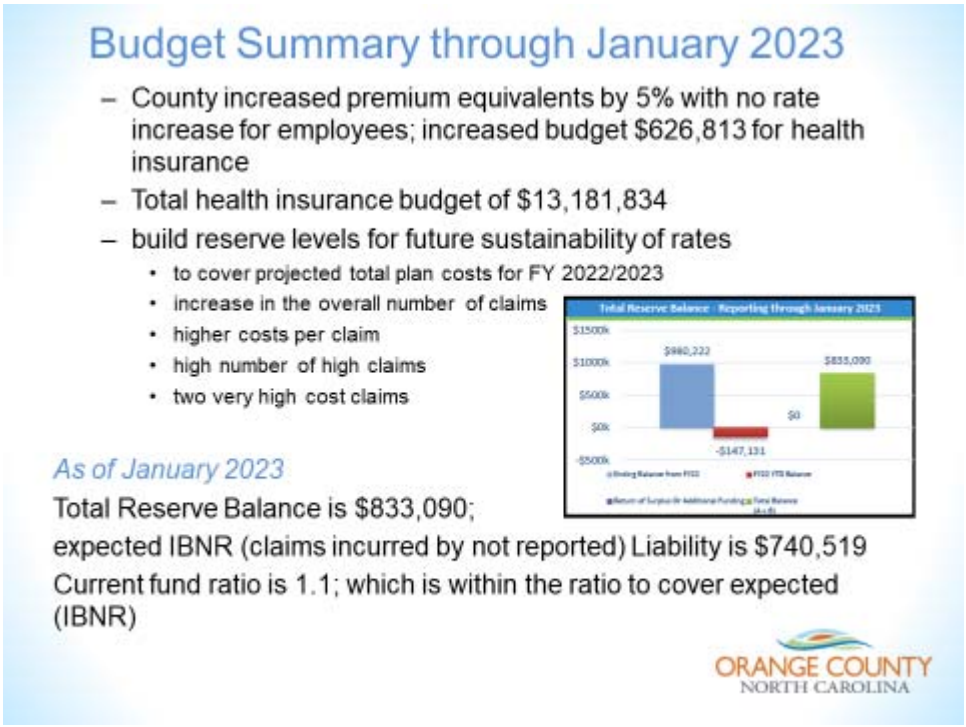


Brenda Bartholomew said there are individual members that have their own plan designs, and they pay their own claims up to $40,000 and then above that, they are shared by the pool or paid by the state.

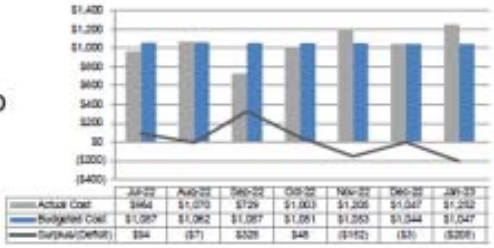
Slide #3



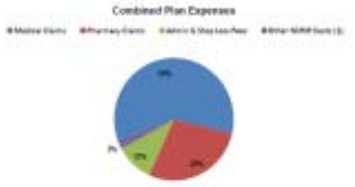
Slide #4

Budget Summary through January 2023

- Total average plan enrollment is 1043
- Budget Comparison per employee per month (PEPM) shows actual to budget spend; experienced high deficit in November and January



- Actual cost through January 2023 is $7.9M; projected total spend on Health Insurance year end is $13.5M
  - 59% Medical Claims $4.7M
  - 28% Rx Claims $2.2M
  - 10% Adm and Stop Loss Fees $800,000
  - 3% other $200,000



ORANGE COUNTY
NORTH CAROLINA

Slide #5

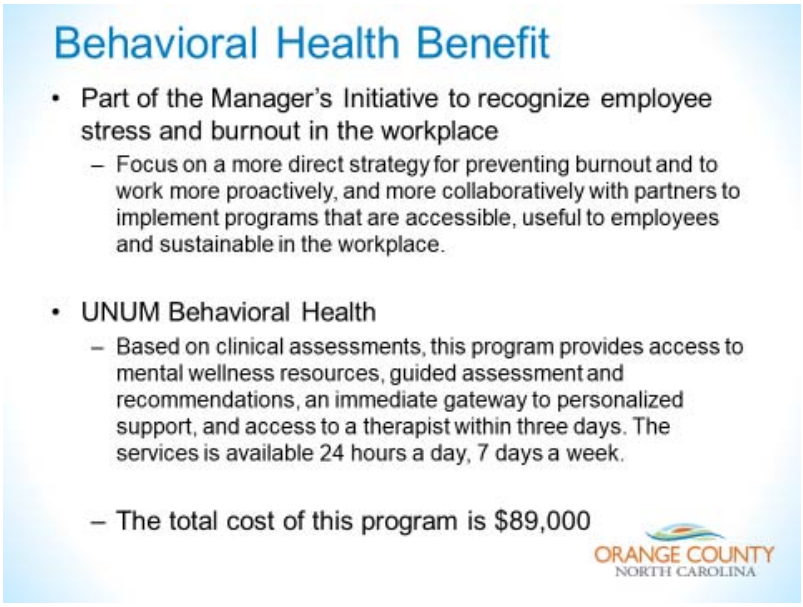
FY 2023/2024 Renewal

- Recommending an increase of five percent (5%) to cover expected costs for FY 2023/2024
- The Manager recommends that the County assumes 100% of the recommended 5% increase and that the employee contributions continue at current rates
- Total budget for health insurance for employees and pre-65 retirees is $13,840,942
- This represents a total budget increase of $659,108

FY 2023-24 Health Insurance Rate Renewal					
Year	Rates	Monthly Cost	Annual Cost	Employee Contribution	Employer Contribution
2022	Current Rates	$1,098,486	$13,181,834	$1,296,475	$11,885,359
2023	Current Rates with Employer Increase Only (Renewal)	$1,153,412	$13,840,942	$1,296,475	$12,544,467
	Net Increase	$54,926	$659,108	$0	$659,108

ORANGE COUNTY
NORTH CAROLINA

Slide #6



Commissioner Fowler asked if this is an online or in-service program.

Brenda Bartholomew said that it could be either in-person or online and that it is probably going to be online.

Commissioner Hamilton asked how long they will get the therapist.

Brenda Bartholomew said the program is either designed to be part of an 8-week program or a 12-week program. She said it is not a transition like the EAP program. She said it is seamless and it is not a group.

Commissioner Fowler asked if it is a licensed therapist.

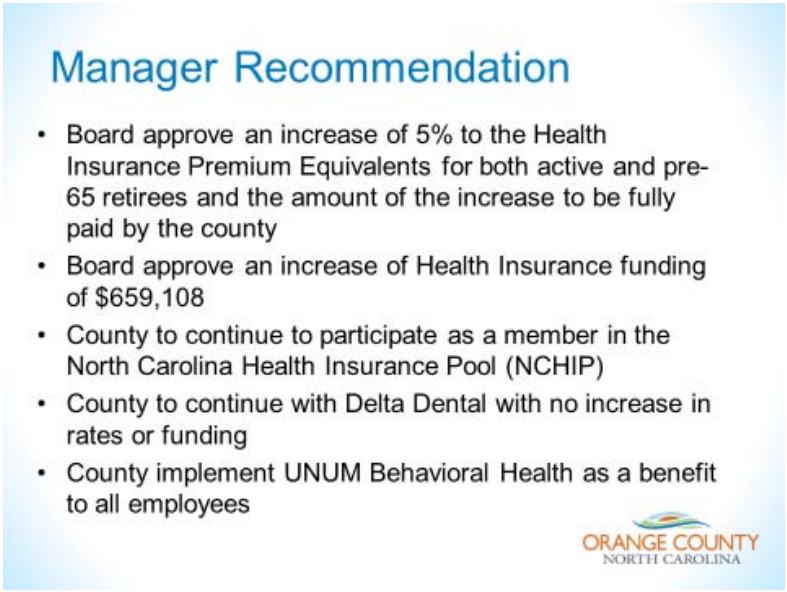
Brenda Bartholomew said she believed so, but would verify that information.

Commissioner Portie-Ascott asked if it is the same therapist for the duration of the program.

Brenda Bartholomew said she can confirm, but she believed that was correct.

Commissioner Richards said she is glad to see this benefit offered. She said that when she attended the national conference, they had a program called First Aid and this is very akin to that.

Slide #7



Slide #8



Commissioner Greene said this is the second year the Manager is recommending the county absorb the increased cost of health insurance. She asked how the reserves work and how confident they can be in how long that can go on.

Brenda Bartholomew said as the pool grows, that will help sustain the funds. She said that last year there were two very high claim costs that could have hurt the renewal. She said one of the reasons the county joined the pool in the first place is that you can look at the plan over the years and that between 2018-2023 there has only been at 10% increase, while other municipalities and counties have seen double digit increases each year. She said the target for reserves is 1.5-2 million and they are at $1.1 million right now.

A motion was made by Commissioner Richards, seconded by Commissioner Hamilton, to approve an increase of 5% to the Health Insurance Premium Equivalents for both active and pre-65 retirees and the amount of the increase to be fully paid by the County; approve an increase of Health Insurance funding of $659,108; approve the County's continued participation as a member in the North Carolina Health Insurance Pool (NCHIP); approve continuation with Delta Dental with no increase in rates or funding; and approve the County implementing UNUM Behavioral Health as a benefit to all employees at a cost of $89,000.

VOTE: UNANIMOUS

7. Reports

a. <u>Child Welfare Updates and Planning</u>

The Board received an update on child welfare services provided by the Department of Social Services (DSS) including current system challenges and plans for the future.

BACKGROUND: North Carolina's child welfare program is county administered and state supervised. Child welfare services, including child protective services, foster care and adoption, are legally mandated to be provided by departments of social services in all North Carolina counties. Counties are responsible for staff and management of the program while the state supervises the counties based on state law and policy. The rules, policies and procedures are predominantly established by federal and state legislation and by the North Carolina Department of Health and Human Services (DHHS). Most of the costs for staff and for services to these children and families are paid through federal and county dollars.

Child welfare services consists of several components: prevention; assessment or investigation of child safety; provision of protective services to families; and, foster care/placement services. Much of the work of the Department of Social Services involves the District Court and only the courts can make decisions regarding child custody.

The last several years have brought many challenges to DSS programs. First, there is a national shortage of social workers, particularly social workers working in child welfare positions. When there are staff shortages, DSS struggles to meet all the needs of children and families as well as all the regulations.

Another challenge is finding appropriate services for families and children. The impacts of the pandemic and the current substance use issues are seen in many of the families served in child welfare services. The lack of health insurance or Medicaid for these parents is yet another barrier for them. Finding therapeutic placements and services has been particularly difficult and counties are often left with few options for the children in their care.

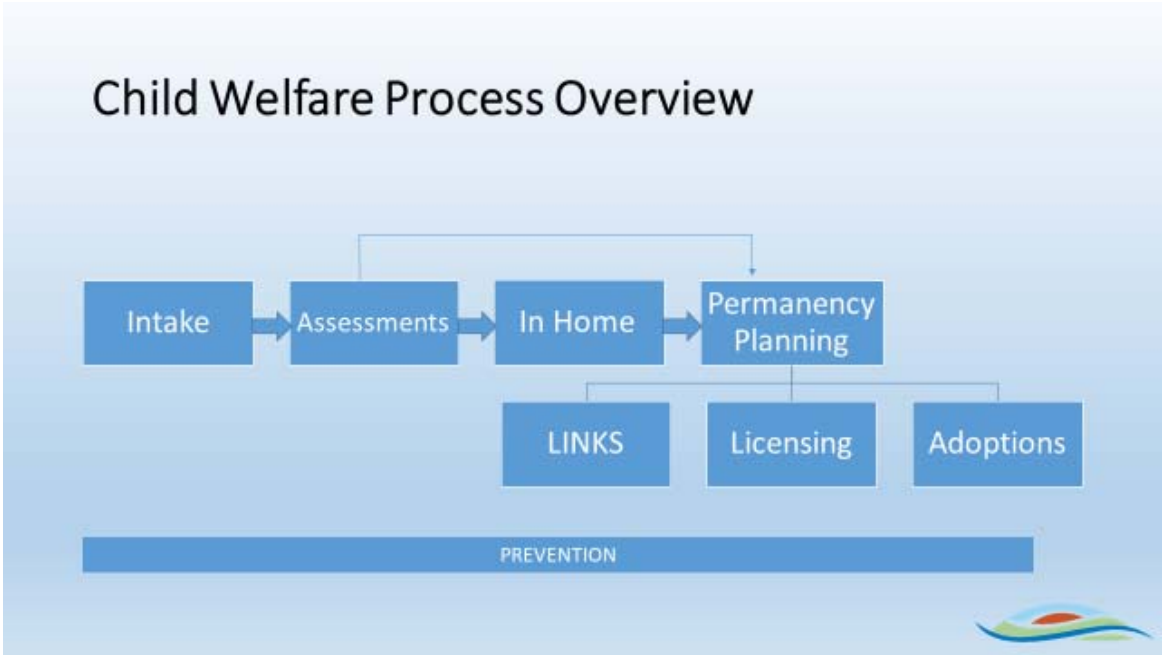
DSS, with the support of county management, has been working to address the issues outlined above. DSS will present these efforts as well as plans for the future for input and direction.

Nancy Coston, Department of Social Services Director introduced the item and Crystal Mitchell, DSS Human Services Manager. Crystal Mitchell made the following presentation:

Slide #1



Slide #2



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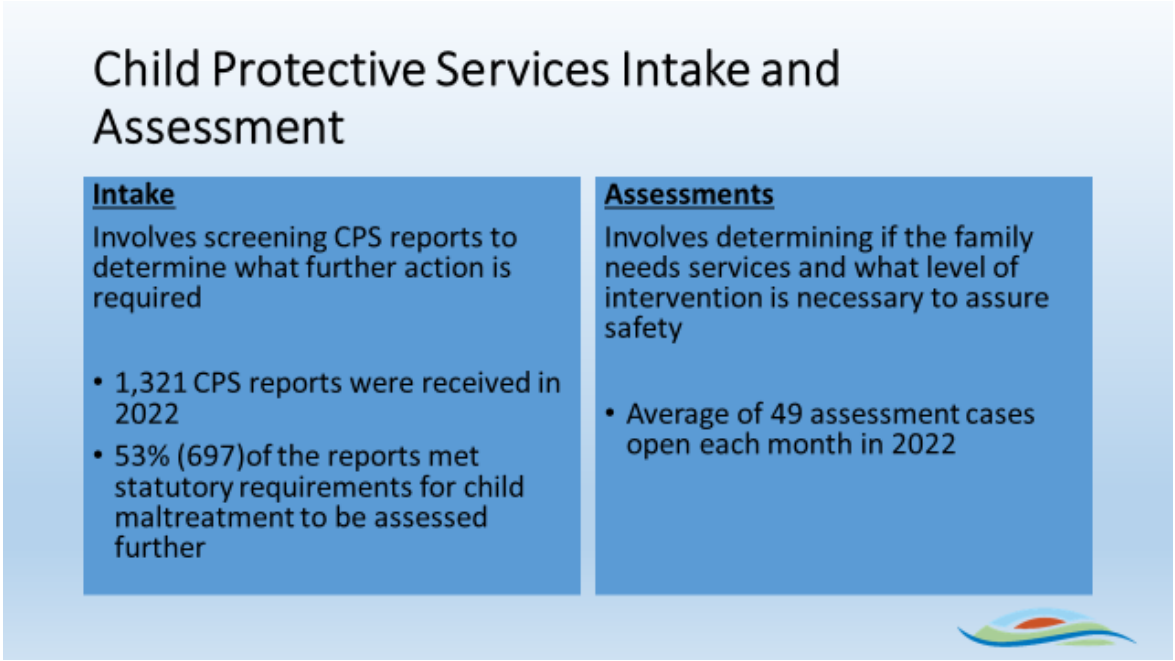


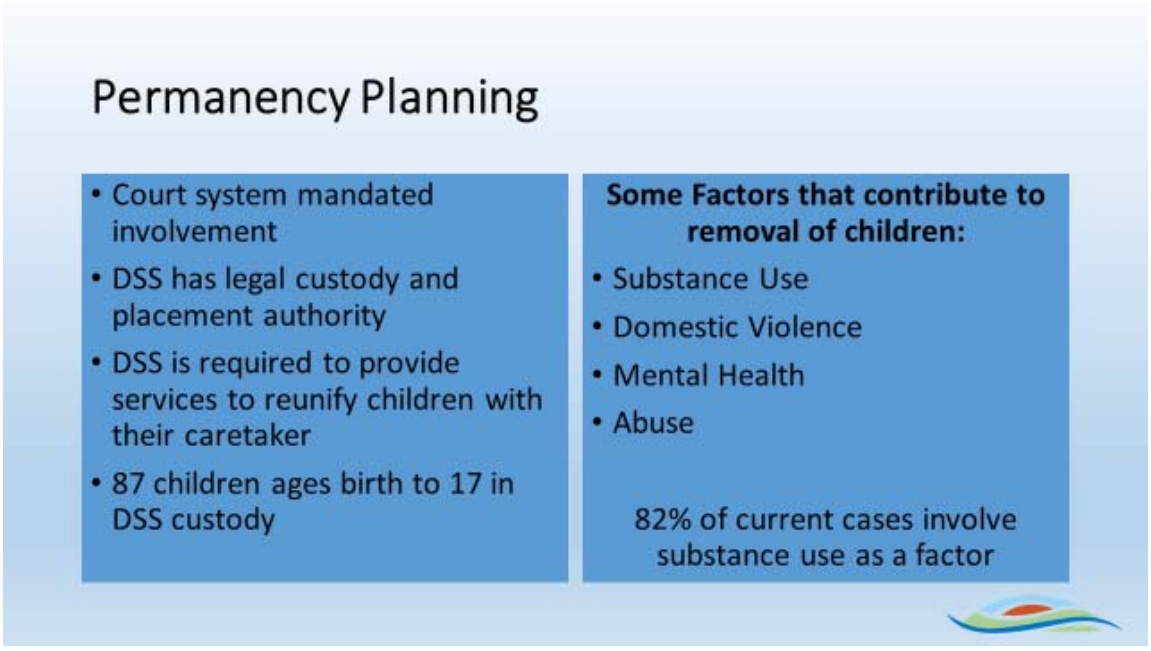
Crystal Mitchell said all residents are mandated reporters of child abuse. She said if there is an imminent safety concern, staff can petition the court to intervene.

Slide #4



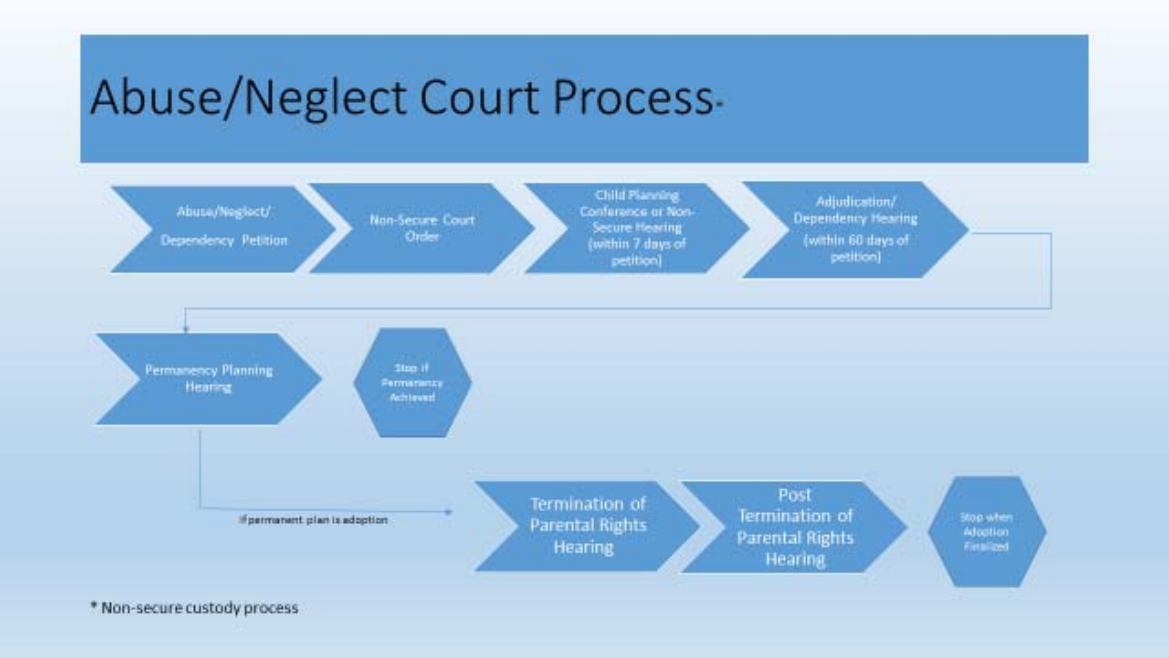
Crystal Mitchell said the preference is to keep families intact.

Slide #5



Crystal Mitchell said that a judge makes determination of whether the facts of a case warrant DSS maintaining legal custody.

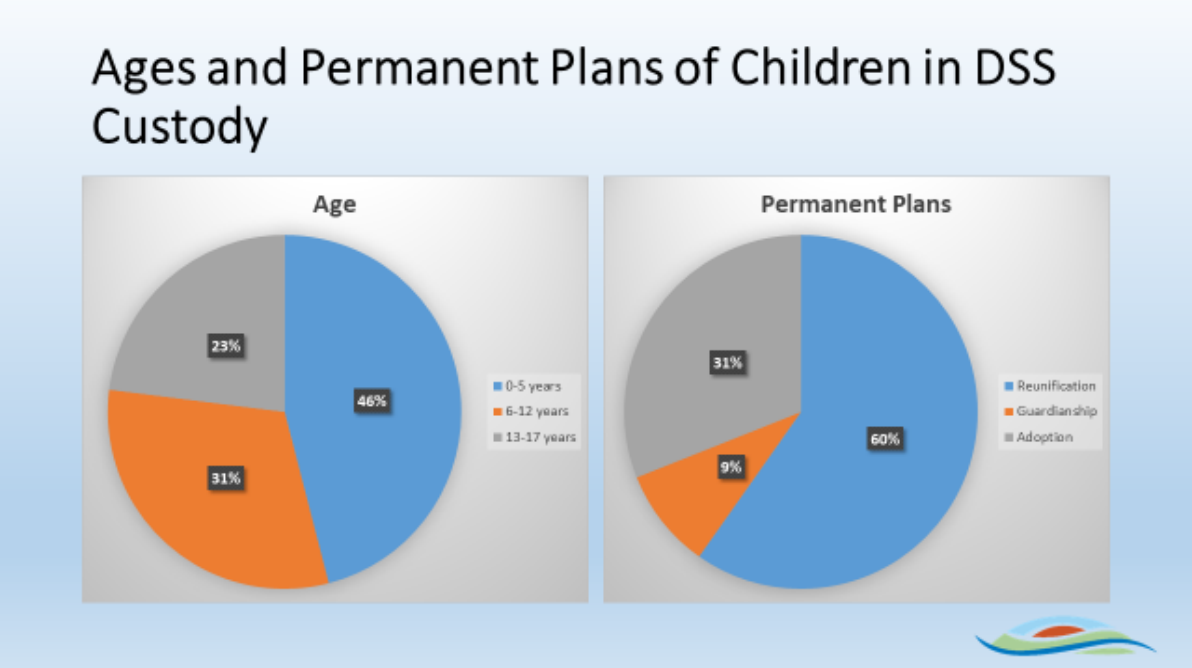
Slide #6



Chair Bedford asked what dependency means.

Crystal Mitchell said an example is when a child is without a caregiver, such as when a parent suddenly passes and there is not another legal guardian available, the child becomes a dependent in need of a legal guardian.

Slide #7



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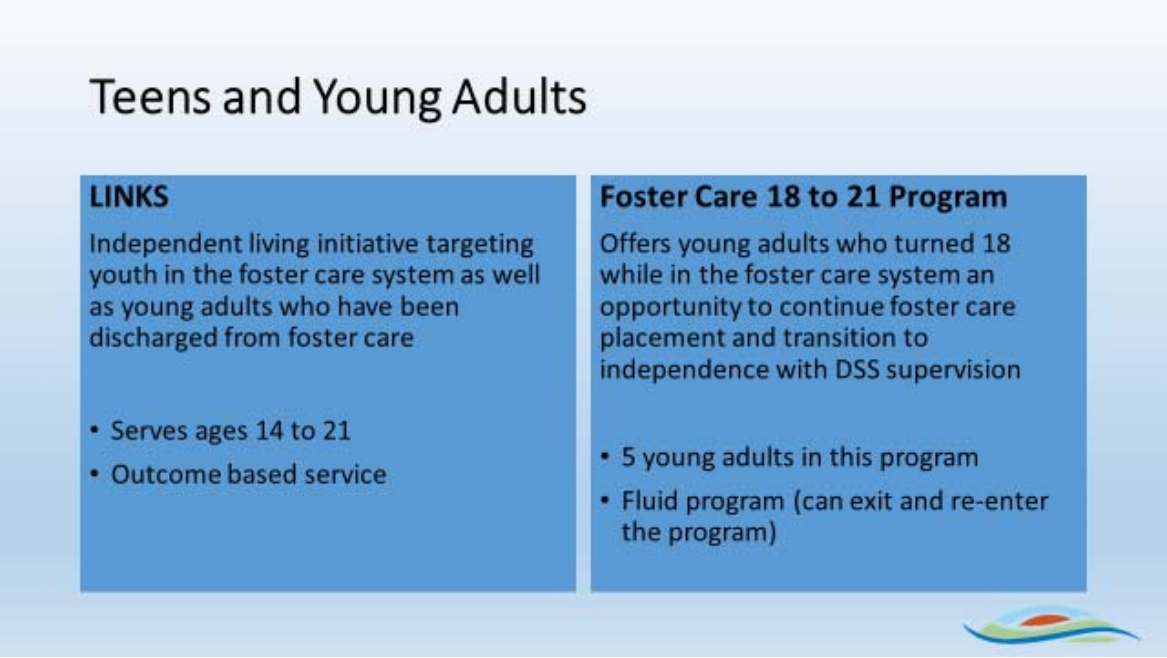


Crystal Mitchell said the LINKS program service can actually start with 13-year-olds. She said that this is an outcome focused service. She said some stay with foster parents, some go into formalized independent living programs, some live on campus in a dorm, some live with friends or roommates, or some live with relatives.

Commissioner Portie-Ascott asked if they still have Medicaid after 18.

Crystal Mitchell said Medicaid is in effect until 26.

Commissioner Greene said her understanding is that this population is at risk for homelessness. She asked what percentage of young people in Orange County are succeeding in transitioning vs. those who may become homeless.

Crystal Mitchell said while five are in the program, there are ten who are eligible. She said she does not have exact numbers to give with that, but they have been able to stay in touch with the ten young people eligible for this program. She said they work with housing to provide FYI vouchers, and one person is housed with one of those vouchers.

Commissioner Fowler asked if it is full Medicaid until 26.

Crystal Mitchell said yes.

Commissioner Hamilton asked how many people are in the LINKS program.

Crystal Mitchell said there are currently 20 young adults 13-17 and 10 that are 18-21.

Commissioner Hamilton asked if one social worker does both programs.

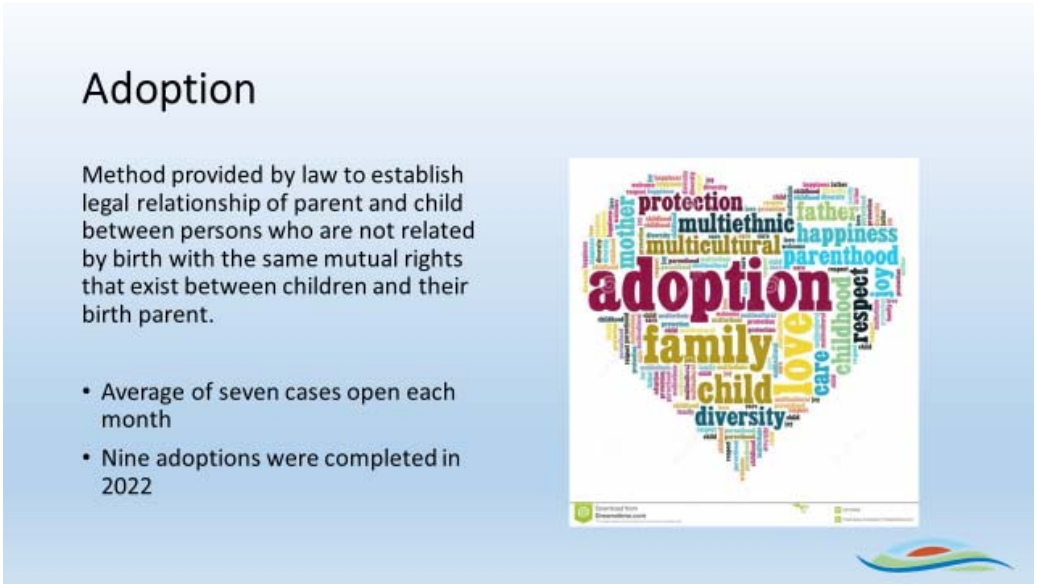
Crystal Mitchell said yes.

Slide #9



Crystal Mitchell said there is a 10-week curriculum required to become a licensed foster family. She said they are always recruiting foster families.

Slide #10



Commissioner Richards asked how long it takes for an adoption to be final.

Crystal Mitchell said it can be anywhere from 6 months to a year. She said that it can be 12 months or longer if there are appeals due to delay to receive an appellate decision. She said there are sometimes children with complex behavioral health needs that may need particular supports in an adoptive home.

Commissioner Richards said she is an adoptive parent and understands the complications that go along with the process. She asked what age range there are for foster adoptions.

Crystal Mitchell said from birth to age 18.

Commissioner Richards asked if DSS works with private agencies.

Crystal Mitchell said they do work with private agencies for placement.

Commissioner Richards said one of the things she hears most in this process is the rights of grandparents and single dads.

Crystal Mitchell said relatives are an important part of this process. She said that preference is given for placement with family. She said that kinship assessment of relatives is conducted to see if it is a safe and appropriate placement. She said that 40% are placed with a relative, and many times a relative adopts or becomes the guardian. She said that some relatives cannot be a placement but want to be part of the child's life and that is also allowed. She said fathers are definitely important in the process. She said if there is an unknown father or father who is not actively engaged, they are tasked with getting them involved in different ways and report to the court each parent and other relative options for children.

Commissioner Fowler asked if it is typically a foster family, relative, or other that adopts.

Crystal Mitchell said it is typically a foster family or a relative.

Commissioner Fowler asked what guardianship means for permanent placements.

Crystal Mitchell said that it is children in custody with a permanent plan and when terminating the parent child relationship is not in the child's best interest. She said that relatives can take guardianship.

Commissioner Fowler asked how much time DSS staff spend in court.

Crystal Mitchell said they are in court two full calendar days per month. She said that in FY 2021-2022, they held over 450 court hearings.

Commissioner Richards asked how FY 22-23 compares to previous years.

Crystal Mitchell said the numbers have remained consistent except for with permanent placements. She said that the number of kids in custody dropped in 2020-2021 but has trended upward in 2022.

Commissioner Portie-Ascott asked if they track cases for kids already placed in foster care or in natural families.

Crystal Mitchell said both.

Commissioner Portie-Ascott asked if they are tracking cases of kids that are already placed in foster care or just natural families and where the higher number of incidents are happening.

Crystal Mitchell clarified that Commissioner Portie-Ascott was referring to incidents of abuse or neglect and said there are higher incidents in families than in foster families. She said if a claim is made against a child in Orange County custody, it becomes a conflict of interest, and a neighboring county has to investigate.

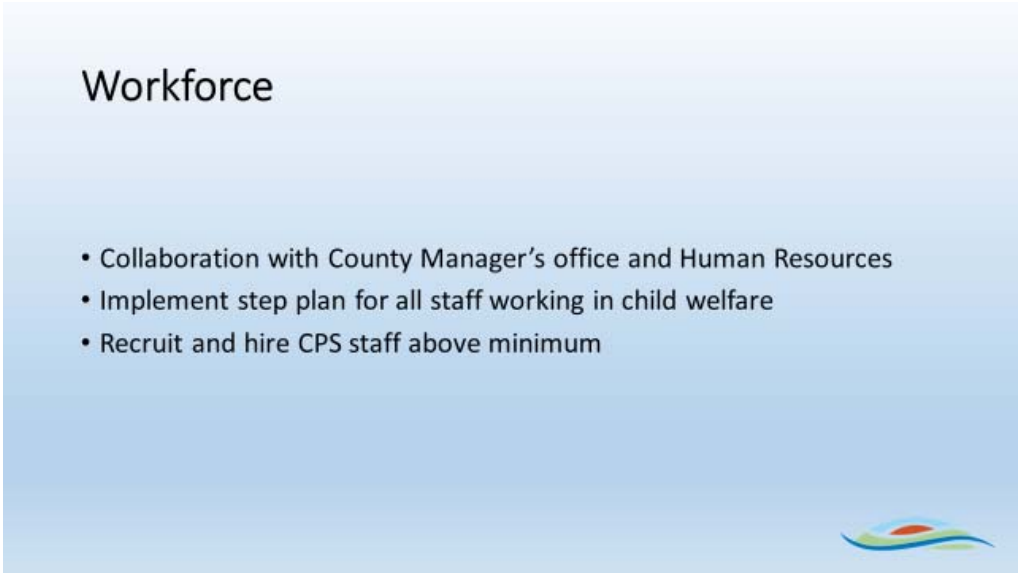
Commissioner Greene asked how many social workers handle the work and if there are enough of them.

Crystal Mitchell said there are 20 social workers that have blended in-home and foster care cases, and everyone is at caseload standards right now. She said there are four vacancies for in-home foster care teams. She said they have looked at ways to assign administrative tasks a social worker may have to other social services staff in other areas of the agency.

Slide #11

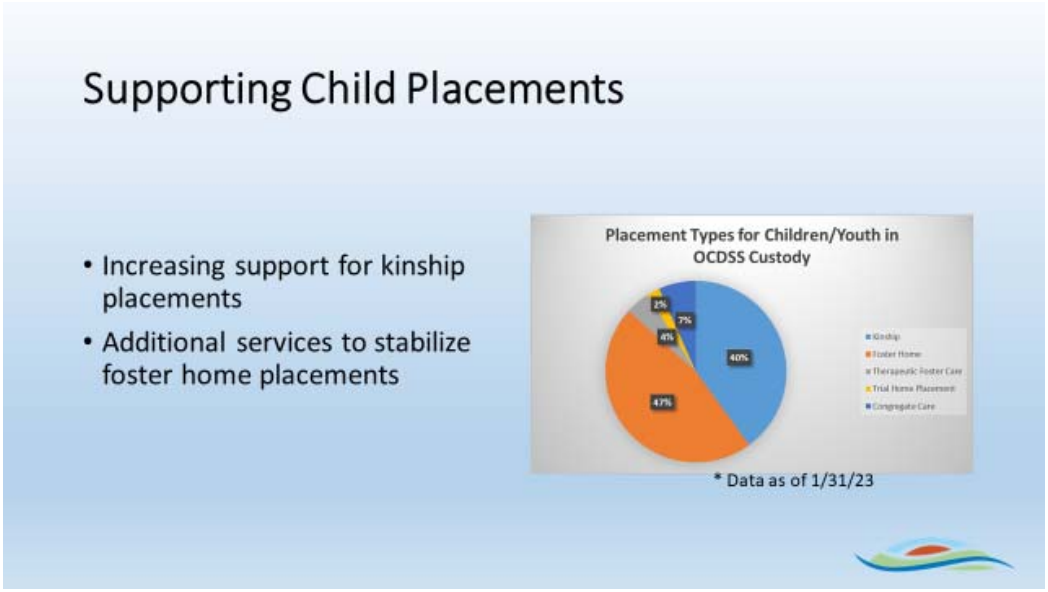


Slide #12



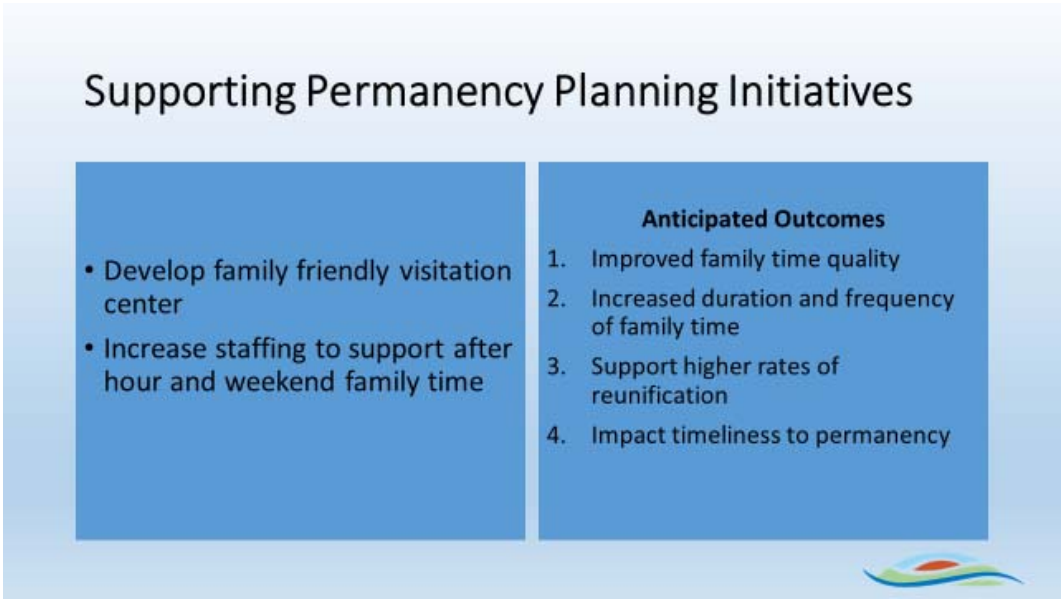
Nancy Coston said challenges are in the workforce. She said there are four vacancies and those are felt. She said it also takes time to learn how to do this. She said it is hard to compete for social workers and there is a widespread need. She said there is a STEP plan implemented for social workers to make sure they stay competitive. She said they are competing with nearby counties and their hiring rates. She said they are trying to make sure taking care of the employees that are here. She said staff spends a lot of time in court, but also spend a lot of time interviewing applicants for positions.

Slide #13



Nancy Coston said they have been talking with behavioral health partners for wrap around supportive services for foster families. She said sometimes there are older kids who need behavioral health wrap around services to provide support to them and foster families and their kin families.

Slide #14



Nancy Coston said they are trying to increase family time because that increases the chances of reunification and creates a better environment. She said that it is being done in a home rather than in the office.

Slide #15



Nancy Coston said there are three weeks of initial training required by the state before they can begin work. She said they are trying to keep the staff they have, and it is hard work.

Chair Bedford asked if some of the outside agencies the county funds help with after school programs for foster children.

Crystal Mitchell said yes that they partner with several agencies including the Exchange Center of the Piedmont and the Boomerang Program, among others.

Commissioner Portie-Ascott asked about the home in the neighborhood for parents to visit with their children.

Nancy Coston said this is a new trial. She said that having the visit in a more traditional family setting allows flexibility for how to spend the time together.

8. 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 motion was made by Commissioner Greene, seconded by Commissioner Hamilton, to approve the consent agenda.

VOTE: UNANIMOUS

a. Minutes

The Board approved the draft minutes for the February 16, 2023 BOCC Meeting as submitted by the Clerk to the Board.

b. Fiscal Year 2022-23 Budget Amendment #7

The Board approved budget, grant, and capital project ordinance amendments for fiscal year 2022-23.

c. Schools Adequate Public Facilities Ordinance (SAPFO) – Receipt and Transmittal of 2023 Annual Technical Advisory Committee Report

The Board received the 2023 Annual Report of the SAPFO Technical Advisory Committee (SAPFOTAC) and transmit it to the SAPFO partners for comments before certification in May.

d. Professional Services Award for Whitted Buildings HVAC Replacement

The Board:

1) Approved the County entering into a professional service agreement with Progressive Design Collaborative, LTD of Raleigh, NC for the design and construction administration of the Richard E. Whitted Buildings A and B Heating, Ventilation, and Air Conditioning (HVAC) Replacement; and

2) Authorized the County Manager to execute the Agreement, subject to final review by the County Attorney, and any subsequent amendments for contingent and unforeseen requirements up to the approved budget amount on behalf of the Board.

e. Boards and Commissions – Appointments

The Board approved the Boards and Commissions appointments as reviewed and discussed during March 14, 2023 Work Session.

f. Change in BOCC Meeting Schedule for 2023

The Board approved a change to the Board of Commissioners' meeting calendar for 2023.

g. Alliance Health Board of Directors – Appointment

The Board approved an appointment to the Alliance Health Board of Directors.

9. County Manager's Report

Bonnie Hammersley mentioned that the Orange County Climate Action Plan Mission and Vision Statements are included as an information item in follow up to the Board's request at their retreat.

10. County Attorney's Report

John Roberts had no report for the Board.

11. *Appointments

None.

12. Information Items

- March 7, 2023 BOCC Meeting Follow-up Actions List
- Memorandum – Orange County Climate Action Plan Mission and Vision Statements

13. Closed Session

None.

14. Adjournment

A motion was made by Commissioner Fowler, seconded by Commissioner Greene, to adjourn the meeting at 9:01 p.m.

VOTE: UNANIMOUS

Jamezetta Bedford, Chair

Recorded by Tara May, Deputy Clerk to the Board

Submitted for approval by Laura Jensen, Clerk to the Board

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-b

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):
Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:
Nancy Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for seven (7) taxpayers with a total of seven (7) 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 $1,565.11 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2022-2023 is $18,192.49.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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-2023-036

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, Laura Jensen, 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 business 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 _____, 2023

_____
Clerk to the Board of Commissioners

BOCC REPORT - REGISTERED MOTOR VEHICLES
MAY 2, 2023

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Alston, Sameul	71142280	2022	20,500	500	(190.72)	Antique plate (property classification)	
Birdsong, Laurie	30988895	2021	10,400	0	(197.68)	County changed to Chatham (illegal tax)	
Collins, Charles	67881606	2021	11,110	11,110	(109.39)	*Situs error (illegal tax)	
Crawford, Thomas	70569840	2022	14,200	500	(125.22)	Antique plate (property classification)	
Goode, Steven Lynn	71152921	2022	13,148	500	(117.14)	Antique plate (property classification)	
Munster, Juan	71455970	2022	44,070	0	(707.01)	County changed to Durham (illegal tax)	
Win, Soe	68157000	2022	12,700	12,700	(117.95)	*Situs error (illegal tax)	
					(1,565.11)	**TOTAL**	

Adjustment Descriptions

Clerical error G.S. 105-381(a)(1)(a): e.g. when there is an actual error in mathematical calculation.

Illegal tax G.S. 105-381(a)(1)(b): e.g. when the vehicle should have been billed in another county, an incorrect name was used, or an incorrect rate code was used.

Tax levied for an illegal purpose G.S. 105-381(a)(1)(c): e.g. charging a tax that was later deemed to be impermissible under State law.

Appraisal appeal G.S. 105-330.2(b): e.g. reduction in value due to excessive mileage or vehicle damage.

**Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical*

Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or
refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

Military Leave and Earning Statement (LES): Is a document given on a monthly basis to members of the United States military which reports their pay, home of record and service status. The LES is required when applying for exemption from Motor Vehicle Property Taxes. Active duty, non-resident military personnel may be exempt from North Carolina motor vehicle property tax as allowed by United States Code, Title 50, Service members' Civil Relief Act of 1940. (Amended in 2009 by The Military Spouse's Residency Relief Act)

Titles and Brands: Section 1, Chapter 7
NCDMV Title Manual 14th Edition Revised January 2016

Title: Document that records the ownership of vehicles and the liens against them.
Custom-Built: A vehicle that is completely reconstructed or assembled from new or used parts. Will be branded "Specially Constructed Vehicle"
Flood Vehicles: A motor vehicle that has been submerged or practically submerged in water to the extent that damage to the body, engine, transmission or differential has occurred.
Reconstructed Vehicles: A motor vehicle required to be registered that has been materially altered from original construction due to the removal addition or substitution of essential parts.
Salvaged Motor Vehicles: Is a vehicle that has been damaged by collision or other occurrence to the extent that the cost of repairs exceeds 75% of fair market value, whether or not the motor vehicle has been declared a total loss by an insurer. Repairs shall include the cost of parts and labor, or a vehicle for which an insurance company has paid a claim that exceeds 75% of the Fair Market Value. If the salvaged vehicle is six model years old or newer, an Anti-Theft Inspection by the License and Theft Bureau is required.
Salvage Rebuilt Vehicle: A salvaged vehicle that has been rebuilt for title and registration.
Junk Vehicle: A motor vehicle which is incapable of operation or use upon the highways and has no resale value except as scrap or parts. The vehicle shall not be titled.
Antique Vehicle: A motor vehicle manufactured in 1980 and prior
Commercial Trucking (IRP): The International Registration Plan is a registration reciprocity agreement among jurisdictions in the US and Canada which provides for payment of license fee on the basis of fleet miles operated in various jurisdictions.
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 Destruction: NC DMV will not register this type of vehicle. It is not fit for North Carolina roads.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-c

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):
Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:
Nancy Freeman, Tax Administrator,
(919) 245-2735

PURPOSE: To consider adoption of a resolution to release property tax values for four (4) taxpayers with a total of twelve (12) bills that will result in a reduction of revenue.

BACKGROUND: The Tax Administration Office has received four (4) 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 $8,452.89 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.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that 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-2023-037

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, Laura Jensen, 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 business 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 _____, 2023

_____
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 2, 2023

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Gallagher, John W	1062381	2018	450,500	349,500	(1,160.49)	Double billed (illegal tax)	Value changed due to house being located on adjacent parcel
Gallagher, John W	1062381	2019	474,900	373,900	(1,178.16)	Double billed (illegal tax)	Value changed due to house being located on adjacent parcel
Gallagher, John W	1062381	2020	474,900	373,900	(1,178.16)	Double billed (illegal tax)	Value changed due to house being located on adjacent parcel
Gallagher, John W	1062381	2021	495,600	386,500	(1,192.03)	Double billed (illegal tax)	Value changed due to house being located on adjacent parcel
Gallagher, John W	1062381	2022	331,249	222,279	(1,205.66)	Double billed (illegal tax)	Value changed due to house being located on adjacent parcel
Grijala, Anibal	1050525	2022	28,900	0	(443.97)	Double billed (illegal tax)	Double billed also on account 3198416
Schopler, Thomas	310999	2018	263,375	224,375	(376.00)	Assessed in error (illegal tax)	House is located and taxed in Alamance County
Schopler, Thomas	310999	2019	263,375	224,375	(386.72)	Assessed in error (illegal tax)	House is located and taxed in Alamance County
Schopler, Thomas	310999	2020	263,375	224,375	(386.72)	Assessed in error (illegal tax)	House is located and taxed in Alamance County
Schopler, Thomas	310999	2021	277,720	236,820	(385.32)	Assessed in error (illegal tax)	House is located and taxed in Alamance County
Schopler, Thomas	310999	2022	277,720	236,820	(390.43)	Assessed in error (illegal tax)	House is located and taxed in Alamance County
Williams, Dena	3196711	2021	9,570	0	(169.23)	Assessed in error (illegal tax)	Gap Bill: proof of registration in New Jersey during the gap period
				Total	**(8,452.89)**		

Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.
Approval of the release or refund of the principal tax amount also constitutes approval of the release or
refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-d

SUBJECT: Approval of Memorandum of Agreement between the Orange County Board of Commissioners and North Carolina State University

DEPARTMENT: Cooperative Extension

ATTACHMENT(S):
1. Memorandum of Agreement Between The Board of Commissioners Orange County and North Carolina State University
2. Addendum to Memorandum of Agreement Orange County

INFORMATION CONTACT:
Jonathon Smith, Interim County Extension Director, 919-245-2057

PURPOSE: To approve and authorize the Manager to sign a Memorandum of Agreement between Orange County and North Carolina State University (NCSU) that will define the individual relationships and mutually agreed upon responsibilities of NCSU and Orange County Government in the operation of the Orange County Center of North Carolina Cooperative Extension. To assure that educational programs offered by Cooperative Extension meet the needs of the local clientele, it is important that both elected and appointed decision makers at each level of government understand their respective responsibilities and relationships in conducting and funding this work.

BACKGROUND: In March 2023, a new Memorandum of Agreement was developed and distributed to each County Manager and County Extension Director in the State. This Memorandum of Agreement is to be signed by the Chair of the Orange County Board of Commissioners (or a Designee of the Board of County Commissioners), the Director of North Carolina Cooperative Extension, and the Dean of the College of Agriculture and Life Sciences at North Carolina State University.

The last Memorandum of Understanding was signed by Orange County on October 9, 2007. In an effort to update language and to ensure that the Agreement accurately reflects currently exisiting local, state, and national law, this new Memorandum of Agreement is presented to the Orange County Board of Commissioners for approval.

North Carolina State Extension (NC State Extension) was established as a part of the College of Agriculture and Life Sciences of North Carolina State University (NCSU) by federal and state legislation for the specific purpose of “extending” the educational services of the University to the people of the state, on subjects related to agriculture and natural resources, family and consumer sciences, 4-H youth development, and community and rural development. The laws creating the Cooperative Extension Service were specifically designed to assure that the findings of research in these areas are communicated to the people of the State.

Under the Federal Appropriations Act of 1972, funds were provided to the 1862 land-grant universities (including NCSU) to enhance the extension outreach of the 1890 universities, which included North Carolina A&T State University (NC A&T). The Food and Agriculture Act of 1977 further stipulated that these funds be appropriated directly to the 1890 institutions, and formalized the North Carolina Cooperative Extension Program as an official part of the School of Agriculture and Environmental Sciences at NC A&T.

North Carolina Cooperative Extension (Cooperative Extension) provides the opportunity for North Carolina State Extension and North Carolina A&T Extension to work together to better serve the people of the State through the delivery of locally relevant programs, education and expertise.

The legislation further provided for a cooperative relationship among three levels of government – federal, state, and county – to ensure that the needs of all three levels are addressed. The primary purpose of Cooperative Extension is to provide the people of North Carolina with the most current and relevant unbiased research-based information – particularly that which is related to strengthening the economy through profitable, sustainable and safe food, forest and green industry systems; protecting the environment and natural resources; and empowering youth and families to lead healthier lives and become community leaders. These purposes are furthered by Cooperative Extension employees who are charged with carrying out the extension education programs of the universities and the U.S. Department of Agriculture.

Cooperative Extension has sufficient flexibility to permit attention to the special problems, needs, and interests of the residents and leadership in each county. Therefore, the programmatic, personnel, and funding complement reflects the unique needs of each county. County Advisory Councils are consulted on a regular basis to assist in prioritizing the county educational program content. Program clientele or recipients of services include individuals, families, communities, municipalities, agricultural and seafood processing and marketing firms, other businesses and certain organizations. These services are delivered to adults and youth in both urban and rural settings.

FINANCIAL IMPACT: There is no financial impacts associated with this request. This agreement does not seek to change current funding levels for Cooperative Extension.

SOCIAL JUSTICE IMPACT: There are no Orange County Social Justice Goal impacts associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this item.

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

1. Approve the attached Memorandum of Agreement between Orange County and North Carolina State University;
2. Approve the “Addendum to the Memorandum of Agreement: Change to Payroll Arrangement for Orange County” with Non Lock-In provision; and
3. Authorize the County Manager to sign the Agreement and Addendum on behalf of the County.

Attachment 1

NC STATE EXTENSION

Memorandum of Agreement

Between
The Board of County Commissioners
Orange County
And
North Carolina State University

Preamble

North Carolina State Extension (NC State Extension) was established as a part of the College of Agriculture and Life Sciences of North Carolina State University (NCSU) by federal and state legislation for the specific purpose of "extending" the educational services of the University to the people of the state, on subjects related to agriculture and natural resources, family and consumer sciences, 4-H youth development, and community and rural development. The laws creating the Cooperative Extension Service were specifically designed to assure that the findings of research in these areas are communicated to the people of the State.

Under the Federal Appropriations Act of 1972, funds were provided to the 1862 land-grant universities (including NCSU) to enhance the extension outreach of the 1890 universities, which included North Carolina A & T State University (NCA&T). The Food and Agriculture Act of 1977 further stipulated that these funds be appropriated directly to the 1890 institutions, and formalized the North Carolina Cooperative Extension Program as an official part of the School of Agriculture and Environmental Sciences at NCA&T.

North Carolina Cooperative Extension (Cooperative Extension) provides the opportunity for North Carolina State Extension and North Carolina A & T Extension to work together to better serve the people of the State through the delivery of locally relevant programs, education and expertise.

The legislation further provided for a cooperative relationship among three levels of government – federal, state, and county – to ensure that the needs of all three levels are addressed. The primary purpose of Cooperative Extension is to provide the people of North Carolina with the most current and relevant unbiased research-based information – particularly that which is related to strengthening the economy through profitable, sustainable and safe food, forest and green industry systems; protecting the environment and natural resources; and empowering youth and families to lead healthier lives and become community leaders. These purposes are furthered by Cooperative Extension employees who are charged with carrying out the extension education programs of the universities and the U.S. Department of Agriculture.

Cooperative Extension has sufficient flexibility to permit attention to the special problems, needs, and interests of the citizens and leadership in each county. Therefore, the programmatic, personnel, and funding complement reflects the unique needs of each county. County Advisory Councils are consulted on a regular basis to assist in prioritizing the county educational program content. Program clientele or recipients of services include individuals, families, communities, municipalities, agricultural and seafood processing and marketing firms, other businesses and certain organizations. These services are delivered to adults and youth in both urban and rural settings.

To assure that educational programs offered by Cooperative Extension meet the needs of the local clientele, it is important that both elected and appointed decision makers at each level of government understand their respective responsibilities and relationships in conducting and funding this work. To this end, this Memorandum of Agreement will detail the individual relationships and mutually agreed-upon responsibilities of NCSU and each county or tribal community that signs this Memorandum of Agreement.

Part I.
NC State Extension will:

1. Establish minimum requirements and qualifications for employment in Cooperative Extension work.

2. Receive and examine applications for employment.

3. Interview and screen applicants to determine their qualifications and availability.

4. Consult with the Board of County Commissioners, or the County Manager as designee, regarding qualified applicants for appointment to vacant or new Cooperative Extension positions.

5. Consult with the Board of County Commissioners, or the County Manager as designee, regarding the salaries and salary splits of all Cooperative Extension employees, including but not limited to County Extension Directors, Extension Agents, and County Operations Support Staff (COSS).

6. Prepare and submit an annual budget to the Board of County Commissioners, or the County Manager as designee, for securing the county's share of funds for salaries and operating expenses each based on the state fiscal year.

7. Provide funds for official travel necessary to conduct Cooperative Extension work and postage funds, to the extent that funds are available, and for purposes authorized by state and federal policies.

8. Accept responsibility and provide the leadership for administration and supervision of Cooperative Extension programs and personnel, including compliance with affirmative action and equal employment opportunity requirements. NC State will investigate all cases of discrimination, harassment, or retaliation following applicable NC State policies.

9. Investigate and manage all employee relations issues related to NC State employees housed in local offices. We will work collaboratively with local county government and NC A&T University when an issue impacts their employees.

10. Develop and administer a personnel management plan that will provide the annual review of each employee's performance, counseling for job improvement where needed, and periodic county program reviews.

11. Provide a staff of specialists to train agents in current technology and other changes affecting agriculture and natural resources, family and consumer sciences, 4-H and youth, and community and rural development, and to otherwise assist them in conducting work in these areas.

12. Provide Cooperative Extension professionals with training programs as needed to maintain effective program delivery.

13. Seek regular input from the County and maintain a County Advisory Leadership System to ensure that county Cooperative Extension programs are based on the particular needs of people in their respective county.

14. Prepare and submit a "Report to the People" to the Board of Commissioners, or the County Manager as designee, at least annually, informing the Board or Manager of Cooperative Extension programs and work accomplished.

Part II.
The Board of County Commissioners will:

1. Provide the County's share of salaries and benefits for Cooperative Extension personnel.

2. Comply with North Carolina's Workers Compensation Act, N.C. General Statute § 97-2(2).

3. Provide offices, equipment, utilities, telephones, office supplies, instructional materials and other items needed for efficient operation of the County Extension Center and its programs; and comply with the accessibility provisions of the Americans with Disabilities Act.

4. Review and consider the annual budget request from NCSU, and take appropriate action by July 1 of each fiscal year.

5. Provide regular input to the District and County Extension Directors on the particular needs of people in their respective county to help ensure that county Cooperative Extension programs are based on specific needs and meet county programming plans.

Part III.
NC State Extension and the Board of County Commissioners mutually agree:

1. That all county Cooperative Extension employment appointments and separations will be made in consultation between NCSU and the Board of County Commissioners, or the County Manager as designee, and that no official action related to such appointments or separations will be taken by either party regarding appointment or separation prior to discussion of the matter with the other party.

2. That the Board of County Commissioners and NCSU shall each be responsible for compliance with applicable laws and regulations relating to their respective operations.

3. To cooperate in implementing affirmative action and equal employment opportunity plans of NCSU.

4. The parties will work together to maintain an environment of high-quality cooperation and services. At the request of any party, a meeting or conference will promptly be held between the Parties' representatives to resolve any problems or develop any improvements.

5. That the policies established by the State of North Carolina under N.C. General Statute §126 and followed by the UNC System for SHRA employees be used in the granting and administration of leave related to the earning rates, transfer policies, payout computation and timing, and administration of vacation, sick, civil, community involvement, military, Family and Medical Leave, Family Illness Leave, leaves of absence, and other approved leave programs for Cooperative Extension personnel.

6. That Cooperative Extension employees will follow county policies relative to office hours, office closings for inclement weather, and holidays, and for the management and use of county property.

7. That personnel procedures are as follows:

(a) Establishing Accounts to Operationalize the Payroll Process.

i. To operationalize the payroll arrangement, NCSU will establish a Trust Fund Account for the County at NCSU that will serve as the vehicle for the transfer of funds from the County to NCSU for use in paying the county's agreed-upon share of salary and benefits for Cooperative Extension personnel.

ii. Procedure for Providing Funds to the Account. A State Treasurer's Electronic Payment System (STEPS) form will be completed and the original submitted to the Assistant Extension Director of HR and Operational Strategy via the appropriate District Extension Director. The County Finance Officer, or the designated County representative, will receive notification from the NCSU College of Agriculture and Life Sciences HR Office prior to the University's payroll date, generally the last working day of each month, advising the amount due for the current payroll. Within 5 business days following the payday, the respective University will draft against the County's established trust account in the amount communicated.

iii. Administration of the Account. The trust account will be maintained in accordance with the respective NCSU accounting policies and procedures. The trust account will be audited and reconciled by the NCSU College of Agriculture and Life Sciences Business Office to ensure the month-end account balance remains zero.

(b) Employee Benefits.

i. Retirement Benefits. All Extension Personnel will participate solely in either the North Carolina Teachers and State Employees Retirement System (TSERS) and accompanying North Carolina Disability Income Plan, or the Optional Retirement Plan, based on eligibility criteria established by the State. They will be eligible solely for respective NCSU employee benefits for which they qualify based on their appointment and FTE, and former federal appointees will maintain federal benefits, the employer-paid parts of which will be paid for solely by NCSU.

(c) Taxes and Fringe Benefits.

i. The County will be responsible for providing their proportional share of fringe benefits for all Cooperative Extension personnel, including but not limited to the following:

1. Employer contributions to all applicable Federal and State taxes.

2. Employer contribution to TSERs per N.C. General Statute §135, or to ORP per N.C. General Statute §135-5.1.

3. Employer contribution to the Health Insurance matching charges per N.C. General Statute §135.

(d) Workers' Compensation will be administered pursuant to N.C. General Statute §97-2(2). The County will provide full and direct coverage for those employees subject to the County workers' compensation insurance within the county insurance program. Employees for whom the County will maintain workers' compensation coverage are the following:

1. All administrative and any other positions designated as County Operations Support Staff (COSS); and

a. All Program Assistants/Associates who are not funded by directly allocated federal funds such as EFNEP, or Program Assistants/Associates who are paid in part by EFNEP funds but which account for less than 50% funding.
b. NCSU will provide full and direct coverage for their respective Cooperative Extension employees subject to NCSU's workers' compensation insurance. Cooperative Extension employees for whom NCSU will maintain workers' compensation coverage are the following:

i. All County Extension Directors and Extension Agents; and

ii. All Program Assistants or Associates who are funded by directly allocated federal funds such as EFNEP, or Programs Assistants or Associates who are paid in part by EFNEP funds at equal to or more than 50% funding.

(e) Employee Separation

1. NCSU will process severance pay for reductions-in-force (RIFs) as delineated in the COSS Employee Handbook for County Operations Support Staff (COSS).

2. Upon an employee's separation, the County will pay out its proportional share of annual/vacation leave, up to a maximum of 240 hours per the OSHR and/or UNC System guidelines, and any applicable bonus leave balance.

3. The County will pay its proportional share of state longevity for COSS employees upon an employee's service anniversary date.

4. The County will pay out its proportional share of any accrued "extra" time (hour-for-hour) or overtime (1.5 hour-for-hour) to Cooperative Extension employees that are subject to Fair Labor Standards Act or the North Carolina Wage and Hour Act upon an employee's earning anniversary date or as due to the employee at the time of separation.

(f) Optional County-paid Salary Increases or Bonuses to Cooperative Extension Personnel. At their discretion, Counties may award additional permanent salary increases or one-time pay awards (“bonuses”) to Cooperative Extension personnel. If such salary increases or bonuses are proposed by the County under the "non-lock-in" payroll arrangement, they must be communicated to the appropriate District Extension Director's office no later than the first day of any month in which the proposed increase or bonus is to be applied. Increases must be entered in the current fiscal year.

(g) Lock-In Provision

This section describes the preferred arrangement to support the salary agreement between the County and NCSU for Extension personnel. All counties will participate in the Lock-In provision unless designated on an Opt-Out Addendum the arrangement as Non Lock-In.

1. Salary Adjustments for Extension Employees under the Lock-In Provision. The full compensation plan for university employees as approved by the General Assembly and implemented by the Office of the President, University of North Carolina System, will serve as the basis for all compensation adjustments and both the County and NCSU will adhere to the plan's effective dates and implementation instructions. Cooperative Extension personnel receiving salary from grant funds will be governed by the terms and conditions of the applicable grant within the scope and applicability of NCSU personnel policies governing grants. These compensation components include, but are not limited to:

   Across-the-board adjustments,
   Cost-of-living adjustments (COLA),
   Merit adjustments,
   Bonuses (in any form conveyed), and
   Promotion, classification, market, or equity adjustments.

   Salary and Benefits. Salaries and benefits, as delineated above in 7(a-e), will be split according to the hiring agreement and will be detailed on an attached addendum. As both parties may provide increases, these percentages will change slightly from the original hire percentage.

2. County Increases in the Lock-In Provision
   The County may elect to include NCSU employees in County increases, bonuses, etc. at any time. See 6(c) for more information on submitting county increases. Lock-In Provision indicates that all State adjustments will be honored as stated in 7(a) and automatically drafted, but the County is not limited to just the State increases in this agreement.

Part IV.
DURATION, AMENDMENT, AND TERMINATION

The parties will conduct a periodic review of this collaboration and responsibilities to determine and evaluate whether the parties are achieving the goals and accomplishing the responsibilities activities herein. No amendment of the terms of this Agreement will be effective unless made in writing and signed by each Party's authorized signatory.

Signatures of the persons below authorize execution of this document, effective as of January 1, 2023, and continuing year-to-year, unless otherwise terminated in writing by either party under written notification to the other party no less than one-hundred twenty (120) days prior to the proposed termination date. Termination of this Memorandum of Agreement shall have the effect of terminating the Cooperative Extension activities and programs in the County.

Signature: _____ Date: _____

Chairperson or Designee Board of County Commissioners

Orange County

Signature: _____ Date: _____

Director
North Carolina Cooperative Extension
North Carolina State University

Signature: _____ Date: _____

Dean
College of Agriculture and Life Sciences
North Carolina State University

Addendum Attached Executed _____

NC STATE EXTENSION

Addendum to Memorandum of Agreement
Orange County

This addendum documents the current salary percentages provided by the County and by NCSU.

Salary Percentages for Orange County as of January 1, 2023.

Position Title	**Salary Percentage County**	**Salary Percentage NCSU**
County Extension Director (vacant)	**50**	**50**
4-H Agent	**46.069**	**53.932**
4-H Program Assistant	**100**	**0**
Horticulture/Crops Agent	**60.477**	**39.523**
Community Dev Agent	**75.462**	**24.538**
FCS Agent	**66.443**	**33.557**
EFNEP Program Assistant	**57.436**	**42.564**
Office Assistant	**100**	**0**
Administrative Assistant (.75 FTE)	**50.971**	**49.029**

County Ag Add-On = .4

Any position added to this county's staff of Extension Personnel through mutual agreement between the County and NCSU subsequent to the effective date of this modification will have its funding splits documented in correspondence between this County and NCSU and will become part of this Agreement.

Addendum to the Memorandum of Agreement
Change to Payroll Arrangement for Orange County

Under a Lock-in agreement with NC Cooperative Extension, counties agree to fund salary adjustments, increases and bonuses and promotions earned according to the current percentage of employee salaries. Counties that are not lock-in are encouraged to fund state increases, bonus and promotions earned. In both scenarios, counties may include Extension employees in any county increases, longevity or raises at any time.

Non Lock-In Provisions of the Cooperative Arrangement

Enacting the Non Lock-in Provision. By signing this addendum, the County and NCSU shall adhere to the following provisions, guidelines, and procedures.

1. The county agrees to all provisions, guidelines, and procedures of the existing MOA with the exception of item 7(g) the Lock-in Provision.

2. Salary Adjustments for Extension Employees under the Non Lock-In Provision. The full compensation plan for university employees as approved by the General Assembly and implemented by the Office of the President, University of North Carolina System, will serve as the basis for all compensation adjustments for NCSU. The County may match the salary adjustments on their percentage of the employee salary. Cooperative Extension personnel receiving salary from grant funds will be governed by the terms and conditions of the applicable grant within the scope and applicability of NCSU personnel policies governing grants. These compensation components include, but are not limited to:

   Across-the-board adjustments,
   Cost-of-living adjustments (COLA),
   Merit adjustments,
   Bonuses (in any form conveyed), and
   Promotion, classification, market, or equity adjustments.

   Salary and Benefits. Salaries and benefits, as delineated above in 7(a-e), will be split according to the hiring agreement and will be detailed on an attached addendum. As both parties may provide increases, these percentages will change slightly from the original hire percentage.

_____ **Change from Lock-In Provision to Non Lock-in (formerly known as Send In)**

The above named county wishes to change its payroll agreement with North Carolina Cooperative Extension, as initially approved on _____, to non Lock-in.

Signatures of the persons below authorize execution of this document, effective _____ (*date*), and continuing year-to-year, unless otherwise terminated in writing by either party under notification to the other party no less than one-hundred twenty (120) days prior to the desired termination date.

Chairperson or Designee – Board of County Commissioners

Signature: _____ Date: _____

Director, North Carolina Cooperative Extension Service, NC State University or Designee

Signature: _____ Date: _____

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-e

SUBJECT: North Carolina Local Government Commission Audit Contract with Mauldin & Jenkins, LLC – First Renewal

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):
1. Local Government Commission Audit Contract

INFORMATION CONTACT:
Gary Donaldson, (919) 245-2453

PURPOSE: To:
1) Approve the first of two one-year renewal options for Mauldin & Jenkin, LLC to perform full audit services which includes financial, single audits and financial statement preparation; and
2) Authorize the Chair and Finance Officer to sign the North Carolina Government Commission audit contract on behalf of the BOCC pending staff and attorney review.

BACKGROUND: The North Carolina Local Government Commission (LGC) requires that all local governments receive State approval for audit contracts.

The audit and associated fee covers six (6) major Federal and State programs and completion of the Annual Comprehensive Financial Report (ACFR). The audit firm Mauldin & Jenkins, LLC completed the FY 2021-22 audit pursuant to a one-year contract. This first renewal option for Mauldin & Jenkins would cover the FY 2022-23 audit.

The audit services will encompass a financial and compliance examination of the County's Annual Comprehensive Financial Report (ACFR) in accordance with the laws of the State of North Carolina and preparation of the financial statements. The financial and compliance audit will cover federal, state and local funding sources in accordance with the Federal and State Single Audit Acts; applicable laws and regulations; and generally accepted auditing standards.

FINANCIAL IMPACT: Funds are sufficiently budgeted for the audit contract.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact with approval of this item.

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

1) Approve the first of two one-year renewal options for Mauldin & Jenkin, LLC in the amount of $110,000; and
2) Authorize the Chair and Finance Officer to sign the LGC audit contract on behalf of the BOCC pending staff and attorney review.

LGC-205 **CONTRACT TO AUDIT ACCOUNTS** **Rev. 11/2022**

The | Governing Board: Board of County Commissioners

of | Primary Government Unit: Orange County

and | Discretely Presented Component Unit (DPCU) (if applicable): n/a

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and | Auditor Name: Mauldin & Jenkins, LLC

Auditor Address: 4208 Six Forks Road, Suite 1000, Raleigh, NC 27609

Hereinafter referred to as Auditor

for | Fiscal Year Ending: 06/30/23 | Date Audit Will Be Submitted to LGC: 10/31/23

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended $100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit- related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.

9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. the invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.

10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).

11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.

12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.

13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later. T**he auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;

b) the status of the prior year audit findings;

c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and

d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

LGC-205 **CONTRACT TO AUDIT ACCOUNTS** Rev. 11/2022

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards,2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☑ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:	***Title and Unit / Company:***	***Email Address:***
Gary Donaldson	CFO (Orange County, NC)	gdonaldson@orangecountync.gov

OR Not Applicable ☐ *(Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)*

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Orange County
Audit Fee	$ 110,000.00
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	$
Writing Financial Statements	$
All Other Non-Attest Services	$

DPCU FEES (if applicable)

Discretely Presented Component Unit	n/a
Audit Fee	$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	$
Writing Financial Statements	$
All Other Non-Attest Services	$

LGC-205 **CONTRACT TO AUDIT ACCOUNTS** Rev. 11/2022

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Mauldin & Jenkins, LLC	
Authorized Firm Representative (typed or printed)* Timothy M. Lyons	Signature* Timothy M. Lyons
Date* 03/30/23	Email Address* tlyons@mjcpa.com

GOVERNMENTAL UNIT

Governmental Unit* Orange County	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)*	Signature*
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA") NA	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed)	Signature*
Date of Pre-Audit Certificate*	Email Address*

SIGNATURE PAGE – DPCU
(complete only if applicable)

DISCRETELY PRESENTED COMPONENT UNIT

DPCU* n/a	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all required signatures prior to submission.

PRINT

ORD-2023-021

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-f

SUBJECT: Application for North Carolina Education Lottery Proceeds for Chapel Hill Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #8-B Related to CHCCS Capital Project Ordinances

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):
Attachment 1. CHCCS – Lottery Proceeds Debt Service Application

INFORMATION CONTACT:
Gary Donaldson, (919) 245-2453
Kirk Vaughn, (919) 245-2153

PURPOSE: To approve an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2022-23 debt service payments for Chapel Hill Carrboro City Schools (CHCCS), and to approve Budget Amendment #8-B, contingent on the NCDPI's approval of the application.

BACKGROUND: Both County School Systems have previously presented approved resolutions from their respective Boards requesting that the County modify its Capital Funding Policy by applying accumulated lottery funds to debt service payments, and permitting current year withdrawals of lottery proceeds immediately after the State's quarterly lottery fund allocations. This policy expedites both the application process and the receipt of funds for both school systems.

Currently, the accumulated available lottery proceeds for Chapel Hill Carrboro City Schools (CHCCS) is $824,304. The attached application requests NCDPI to release lottery proceeds in the amount of $824,304 to cover debt service for projects previously financed for the CHCCS system.

Budget Amendment #8-B provides for the receipt of the Lottery Proceeds, contingent on NCDPI's approval of the application, and substitutes the amount of Lottery Proceeds approved for debt service as additional Pay-As-You-Go (PAYGO) funds for FY 2022-23 for CHCCS long-range capital needs and projects. These additional PAYGO funds were budgeted as part of the FY 2022-23 (Year 1) Capital Investment Fund approved by the Board of County Commissioners and are allocated to the following projects:

Chapel Hill Carrboro City Schools ($824,304):

Plumbing ($10,800) – Project #53051
Trail Design ($150,000) – Project #53051
Northside Elementary School Building Material ($663,504) – Project #53051

FINANCIAL IMPACT: The total Lottery Proceeds requested from the NCDPI for Chapel Hill Carrboro City Schools is $824,304.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve, and authorize the Chair to sign, the application for North Carolina Education Lottery Proceeds; and approve Budget Amendment #8-B receiving the Lottery Proceeds, contingent on NCDPI's approval of the application.

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

Approved: _____

Date: _____

County: Orange

LEA: Chapel Hill-Carrboro City

Address: P.O. Box 8181 Hillsborough, NC

Contact Person: Gary Donaldson

Title: Chief Financial Officer

Phone: 919-245-2453

Project Title: FY 2022-23 Debt Service (2012 Bonds - issued in April 2012)

Location:

Type of Facility:

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds…

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor***.

Short description of Construction Project: Debt Service associated with Limited Obligation Bonds - Series 2012 (Northside Elementary School) and other improvements

Estimated Costs:

Purchase of Land	$	
Planning and Design Services		
New Construction		
Additions / Renovations		
Repair		
Debt Payment / Bond Payment		824,304.00
TOTAL	$	824,304.00

Estimated Project Beginning Date: 7/1/2022

Est. Project Completion Date: 6/30/2023

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of $824,304.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners) (Date)

(Signature — Chair, Board of Education) (Date)

ORD-2023-022

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-g

SUBJECT: Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #8-C Related to OCS Capital Project Ordinances

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):
Attachment 1. OCS – Lottery Proceeds Debt Service Application

INFORMATION CONTACT:
Gary Donaldson, (919) 245-2453
Kirk Vaughn, (919) 245-2153

PURPOSE: To approve an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2022-23 debt service payments for Orange County Schools (OCS), and to approve Budget Amendment #8-C, contingent on the NCDPI's approval of the application.

BACKGROUND: Both County School Systems have previously presented approved resolutions from their respective Boards requesting that the County modify its Capital Funding Policy by applying accumulated lottery funds to debt service payments, and permitting current year withdrawals of lottery proceeds immediately after the State's quarterly lottery fund allocations. This policy expedites both the application process and the receipt of funds for both school systems.

Currently, the accumulated available lottery proceeds for Orange County Schools (OCS) is $578,050. The attached application requests NCDPI to release lottery proceeds in the amount of $578,050 to cover debt service for projects previously financed for the Orange County School system.

Budget Amendment #8-C provides for the receipt of the Lottery Proceeds, contingent on NCDPI's approval of the application, and substitutes the amount of Lottery Proceeds approved for debt service as additional Pay-As-You-Go (PAYGO) funds for FY 2022-23 for OCS long-range capital needs and projects. These additional PAYGO funds were budgeted as part of the FY 2022-23 (Year 1) Capital Investment Fund approved by the Board of County Commissioners and are allocated to the following projects:

Orange County Schools ($578,050):
School Roofing Improvements ($578,050) – Project #51036

FINANCIAL IMPACT: The total Lottery Proceeds requested from the NCDPI for Orange County Schools is $578,050.

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve, and authorize the Chair to sign, the application for North Carolina Education Lottery Proceeds; and approve Budget Amendment #8-C receiving the Lottery Proceeds, contingent on NCDPI's approval of the application.

APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY

Approved: _____

Date: _____

County: Orange

LEA: Orange County - 680

Address: P.O. Box 8181 Hillsborough, NC

Contact Person: Gary Donaldson

Title: Chief Financial Officer

Phone: 919-245-2453

Project Title: FY 2022-23 Debt Service (2017B Bonds - issued in May 2017)

Location:

Type of Facility:

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds…

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor***.

Short description of Construction Project: Debt Service associated with Series 2017B (A.L. Stanback Middle School Roofing Project)

Estimated Costs:

Purchase of Land	$	
Planning and Design Services		
New Construction		
Additions / Renovations		
Repair		
Debt Payment / Bond Payment		578,050.00
TOTAL	$	578,050.00

Estimated Project Beginning Date: 7/1/2022

Est. Project Completion Date: 6/30/2023

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of $578,050.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners) (Date)

(Signature — Chair, Board of Education) (Date)

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-h

SUBJECT: Older Americans Month Proclamation

DEPARTMENT: Aging and Advisory Board on Aging

ATTACHMENT(S):
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 the community.

BACKGROUND: May is Older Americans Month, a tradition dating back to 1963. This year marks the 60th anniversary, and the hope is to challenge the narrative on aging. For many years the Orange County Board of Commissioners has issued a proclamation for Older Americans Month. This year's national theme is *Aging Unbound.* Just as every person is unique, so too is how they age and how they choose to do it – and there is no "right" way. This year's theme offers an opportunity to explore a wide range of aging experiences and to promote the importance of enjoying independence and fulfillment by paving each person's own path as we age.

As one looks at aging through the *Aging Unbound* theme it provides opportunities to:

- Embrace the opportunity to change. Find a new passion, be creative, explore classes/programs at the Seymour and Passmore Centers, and push boundaries by not letting age define your limits.
- Explore the rewards of growing older. With age comes knowledge, which provides insight and confidence to understand and experience the world more deeply.
- Stay engaged in your community. Everyone benefits when individuals stay connected and involved. Communities find strength in people – and people find strength in their communities. This has become even more evident as everyone continues to come out of a global pandemic. Volunteerism and community engagement is vital for the future in meeting the growing needs of the older adult in the community.
- Form relationships. If people learned anything during the pandemic, it is that social isolation is deadly. An essential ingredient of aging well is being socially engaged and having relationships enhance the quality of life. Investing time with friends, family and community is good for yourself and those around you.

In the community, older adults are a key source of strength. Through their experiences, successes, and difficulties, they have built resilience that helps them to face new challenges. When communities tap into this, they become stronger too. Ensuring that older adults remain involved and included in the communities for as long as possible benefits everyone. Today, aging is about eliminating outdated perceptions and redefining the way you want to age.

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 the community is involved in implementing the 2022-27 Master Aging Plan and the continuing efforts to develop Orange County as an Age Friendly Community.

Today there are over 32,000 Orange County residents who are 60+ years old, and of that group over 2,000 are age 85+. As large numbers of baby boomers reach retirement age, it is the 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. 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.

Everyone should celebrate aging and the journey!

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

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, and programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

The Older Americans Act provides funding for senior centers, daily lunch programs, caregiver support, preventive health services, adult day care and other community based assistance.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

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 2023

THEME – "Aging Unbound"

Whereas, Orange County includes over 32,000 persons aged 60 and older who contribute their time, strength, wisdom, and experience to our community; and

Whereas, Orange County benefits when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently and embrace our age-friendly community model; and

Whereas, Orange County recognizes the need to create a community that offers the services and supports older adults may need to make choices about how they age; and

Whereas, Orange County can work to build an even better community for older residents by:

- Not limiting our thinking about aging,
- Exploring and combating stereotypes,
- Emphasizing the many positive aspects of aging,
- Inspiring older adults to push past traditional boundaries, and
- Embracing our community's diversity.

Now, therefore, we, the Orange County Board of Commissioners, do hereby proclaim May 2023 to be Older Americans Month, and urge everyone to recognize the contributions of our older residents, help to create an inclusive society, accept the challenge of flexible thinking around aging and join efforts to support older adults' choices about how they age in their communities.

The 2nd day of May, 2023.

_____

Jamezetta Bedford, Chair
Orange County Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-i

SUBJECT: Provider Appreciation Day Proclamation

DEPARTMENT: Board of County Commissioners

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
Amy Fowler, Commissioner, 919-245-2130

PURPOSE: To approve a proclamation designating May 12, 2023 as Child Care Provider Appreciation Day in Orange County.

BACKGROUND: Established in 1996, Provider Appreciation Day is an annual celebration that affords an opportunity to recognize the contributions of child care providers to the overall health and welfare of the community and the essential role they play for the County's working families. The early years of a child's life from birth to age five is the most critical time in a child's development in which the brain's architecture is built and early learning sets the trajectory for future success. The Orange County child care community provides critical care, education, and enrichment opportunities for children of all backgrounds. The COVID-19 pandemic created tremendous hardship for child care providers and the families of Orange County who depend on them. However, the child care community continued to meet the needs of families while risking their health and financial stability to remain open. The proclamation affirms the important role the child care community plays in support of young children, their families, and the local economy.

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

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends the Board approve and authorize the Chair to sign the proclamation designating May 12, 2023 as Provider Appreciation Day in Orange County.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROVIDER APPRECIATION DAY
PROCLAMATION

WHEREAS, organizations nationwide are recognizing Child Care Providers on May 12, 2023, through Provider Appreciation Day; and

WHEREAS, Provider Appreciation Day is an annual celebration that affords an opportunity to recognize the contributions of child care providers to the overall health and welfare of our community and the essential role they play for our county's working families; and

WHEREAS, the early years of a child's life from birth to age five is the most critical time in a child's development in which the brain's architecture is built and early learning sets the trajectory for future success; and

WHEREAS, our child care community provides critical care and education opportunities for Orange County's young children, as well as support for social and emotional development; and

WHEREAS, our child care community provides enrichment opportunities and nurtures development for children of all backgrounds; and

WHEREAS, our child care providers form a vital building block of our local economy supporting Orange County's families as they work; and

WHEREAS, the COVID-19 pandemic created tremendous hardship for child care providers and the families of Orange County who depend on them, who have continued to meet the needs of families while risking their health and financial stability to remain open; and

WHEREAS, our future depends on the quality of the early childhood experiences provided to young children today; support for high-quality child care represents a worthy commitment to our children's future;

NOW, THEREFORE, we, the Orange County Board of Commissioners, hereby proclaim May 12, 2023, as Provider Appreciation Day, affirming the important role our child care community plays in support of our young children, their families, and our local economy, and urge all residents of Orange County to recognize child care providers for their work.

This the 2nd day of May, 2023.

_____

Jamezetta Bedford, Chair
Orange County Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 2, 2023

Action Agenda Item No. 8-j

SUBJECT: Mental Health Awareness Month Proclamation

DEPARTMENT: Board of Commissioners

ATTACHMENT (S):
Proclamation

INFORMATION CONTACT:
Commissioner Amy Fowler, 245-2130

PURPOSE: To approve a proclamation designating May 2023 as Mental Health Awareness Month in Orange County.

BACKGROUND: Mental Health Awareness Month has been observed in the U.S. since 1949. Each year millions of Americans face the reality of living with a mental illness. Even though mental health conditions are common and treatable like physical health conditions, many people are still afraid to talk about them due to the stigma associated with mental illness. In May, mental health organizations and affiliates will raise awareness with community events and messages of hope to highlight the importance of mental health.

The COVID-19 pandemic had a profound impact on the mental health of people of all ages. In 2020, area mental health partners saw fewer patients in-person, but experienced significantly more telehealth appointments. As social distancing requirements have relaxed, providers have seen in-person mental health visits rise to pre-pandemic levels. Now, more than ever, it is critical to reduce the stigma around mental health struggles and encourage people to seek help.

The Board of Commissioners is asked to proclaim May 2023 as “Mental Health Awareness Month” in Orange County to shine a light on mental illness and the need for long-term improvements in our mental health care system and improved access to care so no one feels alone.

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

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with this item.

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation designating May 2023 as “Mental Health Awareness Month” in Orange County and authorize the Chair to sign the proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

MENTAL HEALTH AWARENESS MONTH

WHEREAS, mental health is part of everyone's overall health and well-being, and mental illnesses are prevalent in our county, state, and nation, with one in five adults experiencing a mental health issue every year; and

WHEREAS, mental health sustains an individual's thought processes, relationships, productivity, and ability to adapt to change; and

WHEREAS, it is important to maintain mental health and to recognize the symptoms of mental illness and seek help when it is needed; and

WHEREAS, early identification and treatment can make a difference in successful navigation and management of mental illness and recovery; and

WHEREAS, stigma and the resulting discrimination is a primary obstacle to early identification and effective treatment of individuals with mental illness and the ability to recover to lead full, productive lives; and

WHEREAS, every person and community can help end the silence and stigma surrounding mental illness that for too long has made people feel isolated, alone and discouraged people from getting help; and

WHEREAS, Orange County remains engaged in the promise to address the challenges facing people with mental illness; and

WHEREAS, people with lived experience of mental illness and/or substance use disorders get better, live in recovery, and provide invaluable knowledge of how to improve and transform systems of care, and

WHEREAS, the COVID-19 pandemic increased the number of people experiencing feelings of anxiety and depression; and

WHEREAS, through public education and working together to raise awareness, we can help improve the lives of individuals and families affected by mental illness, and

WHEREAS, Mental Health Awareness Month is an opportunity to increase public understanding of the importance of mental health and to promote the identification and treatment of mental illness;

NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby recognize May 2023 as MENTAL HEALTH AWARENESS MONTH in Orange County and shine a light on mental health and the need for long-term improvements in our mental health care system and improved access to care so no one feels alone.

This the 2nd day of May, 2023.

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Jamezetta Bedford, Chair
Orange County Board of Commissioners

DRAFT

INFORMATION ITEM

Date Prepared: 04/20/23
Date Revised: 04/25/23

BOCC Meeting Follow-up Actions

Meeting Date	Commissioner/ Sponsor	Description	Target Date	Department	Department Director Assigned	Status	Date Completed
4/18/2023	Hamilton	Review and provide additional information to the Board regarding the University of Chicago tax/assessment gap study of North Carolina counties	12/2023	Tax	Nancy Freeman	Additional information to be provided	
4/18/2023	McKee	Work with Chapel Hill Library staff to provide the Board with statistical information regarding jurisdictional users, specifically non-Chapel Hill users, of the Chapel Hill Library	5/2023	Library	Erin Sapienza	Statistical information to be provided in preparation for/as part of Library Services discussion at upcoming Board budget work session	
4/18/2023	BOCC	Review and provide clarifying information to the Board regarding the inclusion of operational funding for the new Southern Branch Library as it relates to County library expenditures and the related calculations as they impact funding to the Chapel Hill Library	5/2023	Library	Erin Sapienza	Clarifying information to be provided in preparation for/as part of Library Services discussion at upcoming Board budget work session	

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report March 31, 2023

Tax Year 2022	Amount Charged in FY 22-23	Amount Collected	Accounts Receivable	Amount Budgeted in FY 22-23	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	$ 172,417,590.00	$ 172,138,781.22	1,731,851.24	172,417,590.00	$ 278,808.78	99.84%
Real and Personal Prior Year Taxes	$ 3,454,470.67	$ 1,030,074.05	2,040,940.52	$ 1,161,702.00	$ 131,627.95	88.67%
Total	$ 175,872,060.67	$ 173,168,855.27	$ 3,772,791.76	$ 173,579,292.00	$ 410,436.73	**99.76%**
Registered Motor Vehicle Taxes		$8,638,241.47	$7,525.85	$ 11,451,880.00	$ 2,813,638.53	75.43%

Tax Year 2021	Amount Charged in FY 21-22	Amount Collected	Accounts Receivable	Amount Budgeted in FY 21-22	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	$ 165,001,124.00	$ 166,196,945.97	2,050,324.40	$ 165,001,124.00	$ (1,195,821.97)	100.72%
Real and Personal Prior Year Taxes	$ 3,676,980.95	$ 924,050.32	2,319,923.60	$ 1,155,000.00	$ 230,949.68	80.00%
Total	$ 168,678,104.95	$ 167,120,996.29	$ 4,370,248.00	$ 166,156,124.00	$ (964,872.29)	**100.58%**
Registered Motor Vehicle Taxes		$7,788,028.55	$8,694.45	$ 10,770,627.00	$ 2,982,598.45	**72.31%**

2022 Current Year Overall Collection Percentage - Real & Personal	99.00%
2022 Current Year Overall Collection Percentage - with Registered Motor Vehicles	99.05%
2021 Current Year Overall Collection Percentage - Real & Personal	98.78%
2021 Current Year Overall Collection Percentage - with Registered Motor Vehicles	98.83%

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-

Fiscal Year 2022-2023

Effective Date of Report: MARCH 31, 2023

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	56	47	34	21	14	24	103	88	67				
Bank attachments	12	2	8	25	11	6	16	134	100				
Certifications	-	-	-	-	-	-	-	-	-				
Rent attachments	-	-	-	-	-	-	2	-	1				
Housing/Escheats/Monies	8	21	25	34	9	28	19	14	18				
Levies	-	-	-	-	-	-	-	-	-				
Foreclosures initiated	2	8	7	5	-	-	-	-	-				
NC Debt Setoff collections	$894.11	$ 3,922.51	$ 2,159.83	$ 2,060.80	$ 2,353.65	$ 804.99	$ -	$ 1,910.16	$ 9,576.11				

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2022-23. 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.

Delegation of Authority per NCGS 105-381
To Finance Officer

INFORMATION ITEM - RELEASES AND REFUNDS UNDER $100
MAY 2, 2023

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	TAX	FEE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	TAX CLASSIFICATION	ACTION	Approved by CFO	Additional Explanation	Submitted to CFO	CLERK	DATE
Anderson, Wendy	70656960	2022	3,910	0	(63.29)	($30.00)	**(93.29)**	County changed to Durham (illegal tax)	RMV-VTS	Approve	4/17/2023		4/17/2023	DMM	03/30/2023
Collins, Charles	67881603	2021	200	200	(1.50)		**(1.50)**	*Situs error (illegal tax)	RMV-VTS	Approve	4/17/2023		4/17/2023	JMM	03/30/2023
Collins, Charles	67881604	2021	1,550	1,550	(11.08)	($30.00)	**(41.08)**	*Situs error (illegal tax)	RMV-VTS	Approve	4/17/2023		4/17/2023	JMM	03/30/2023
Long, Alvis Lee	70952355	2022	12,280	12,280	(88.84)	($30.00)	**(118.84)**	*Situs error (illegal tax)	RMV-VTS	Approve	4/17/2023		4/17/2023	DMM	04/04/2023
Smith, Colin Travis	3206574	2023	5,430	5,430	(24.54)		**(24.54)**	Assessed in error (illegal tax)	Personal	Approve	03/30/2023	Gap Bill: Vehicle registered in P	03/30/2023	KLW	03/29/2023
UCUM Camp & Retreat Ministries	3204140	2022	1,290	0	(11.66)		**(11.66)**	Assessed in error (illegal tax)	Personal	Approve	4/17/2023	Gap Bill: Property is exempt	4/17/2023	DG	06/30/2023
							$ (290.91)	**Total**							

*Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.

Gap Bill: A property tax bill that covers the months between the expiration of a vehicle's registration and the renewal of that registration or the issuance of a new registration.

The spreadsheet represents the financial impact that approval of the requested release or refund would have on the principal amount of taxes.

Approval of the release or refund of the principal tax amount also constitutes approval of the release or refund of all associated interest, penalties, fees, and costs appurtenant to the released or refunded principal tax amount.

INFORMATION ITEM

ORANGE COUNTY
DEPARTMENT OF ASSET MANAGEMENT SERVICES

Memorandum

To: Board of County Commissioners
Bonnie Hammersley, County Manager

From: Amy Eckberg, Sustainability Programs Manager

Date: May 2, 2023

Subject: Orange County Participation Results of the Solarize the Triangle Program

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Orange County is a participant in the Triangle Sustainable Partnership (TSP), a partnership facilitated by Triangle J Council of Governments (TJCOG) to elevate climate work through regional collaborations like the Solarize the Triangle program. The TSP consists of eleven other local jurisdictions across our region including: City of Durham, Durham County, Chatham County, Town of Chapel Hill, Hillsborough, Carrboro, City of Raleigh, Town of Morrisville, Cary, Holly Springs and Apex.

What is Solarize the Triangle?
Solarize the Triangle is a public-private community program that provides participating communities with accessible and affordable clean energy technologies through community engagement and collaboration. This two-year program organized by TJCOG will expand residential, non-profit, and small business solar installations through group purchasing and installation. The program addresses market and policy barriers by reducing costs, vetting materials, approving contractors, and securing pricing. Solarize campaigns allow jurisdictions to educate residents on solar and to promote solar installations in their communities in a timely and cost-efficient manner.

The first year of the Solarize the Triangle program ended on March 31, 2023 setting a national record as the largest solarize program in the Country! With 1,500 assessments made and 181 contracts signed, the program achieved Tier 8 pricing, the lowest priced tier. The graphic below demonstrates the impacts of the program on energy savings, carbon emissions averted and renewable energy capacity achieved.



Interest in the Solarize the Triangle program in Orange County was very high. Orange County was second, only behind Wake County in terms of overall assessments, contracts signed, kW hours, and first in terms of the amount of battery storage purchased.

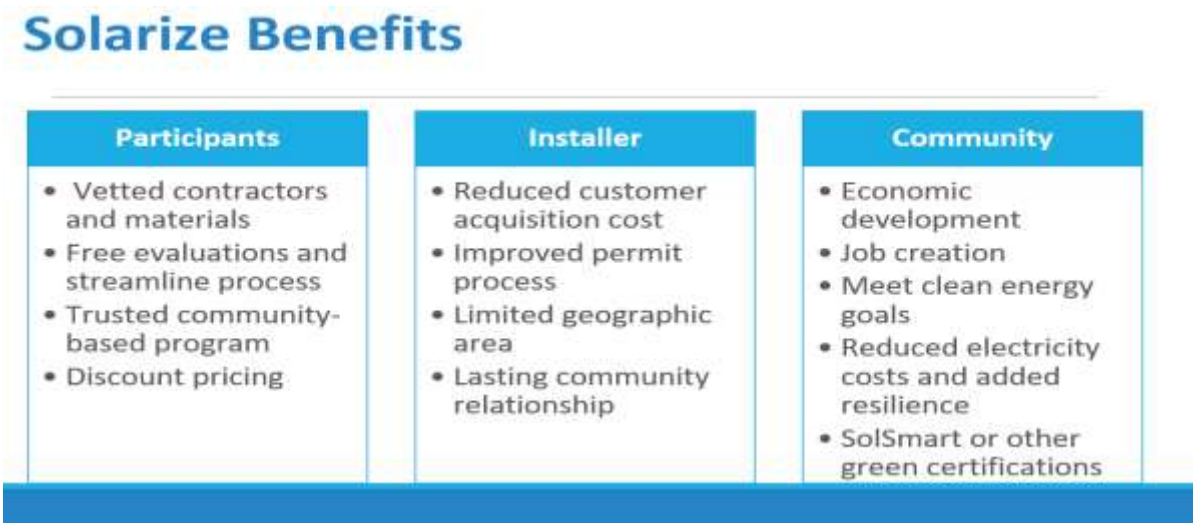
TJCOG will continue administering the Solarize the Triangle Partnership with Solar Crowdsource and is gearing up to launch the second year of the

program this spring. A soft launch occurred on Earth Day (April 22, 2023) to be followed by a community wide campaign launch event on May 15, 2023 in Durham which will provide details on pricing and equipment options. The enrollment deadline for this round is September 30, 2023 and residential contracts will need to be finalized by December 31, 2023. A variety of eductaion and outreach opportunities will continue throughout the program period and will include workshops, on-line informational webinars, solar tours and outreach through local community groups and "solarize social" events.

Orange County has taken advantage of the option to provide subsidies for low-income households who do not have disposable income to be able to benefit from solar installed on their home which can considerably lower their energy bills. Orange County has set aside $50,000 and will work with TJCOG and our community partners to identify qualified households for solar installations.

What does it cost for Orange County to participate?
Each local government contributes to the administration costs of running the program, but program participants pay the full cost of installing the solar on their homes, non-profits, or businesses. Orange County's portion is $1,495 for program administration to cover the two-year program.

Some of the benefits of a solarize program are summarized below, however the community-based public, private partnership that was formed to make this program such a success should be recognized and is a model we are currently exploring for future community-wide electrification programs.



INFORMATION ITEM

ORANGE COUNTY
NORTH CAROLINA

HUMAN RESOURCES

Brenda Bartholomew, Director | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2550

MEMORANDUM

TO: Board of County Commissioners

FROM: Brenda Bartholomew, Human Resources Director

DATE: May 2, 2023

SUBJECT: Recognizing Retirements from January 1, 2023 through March 31, 2023

This memorandum to the Board of County Commissioners is notice of employees that have retired during the period of January 1, 2023 through March 31, 2023. This is also to recognize and express gratitude to retirees for their devotion and service to Orange County and its residents and extend thanks to each of these retirees for their service to Orange County and for their dedication in meeting the primary mission of Orange County, in serving our residents with fairness, respect and understanding.

The following employees have retired during the period of January 1, 2023 through March 31, 2023:

First Name	Last Name	Department	Hire Date	Retirement Date	Years of Service
ALISA	CORNETTO	COUNTY MANAGER	08/19/2013	12/31/2022	9
TINA	LOVE	PLANNING & INSPECTIONS	11/02/2009	03/31/2023	13
ELIZABETH	YOUNG	ENVIRONMENT, AG, PARKS & REC	06/02/2008	03/31/2023	14
ROLDAN	MILAN	SHERIFF	04/03/2006	12/31/2022	16
JERYL	ANDERSON	EMERGENCY SERVICES	10/27/2003	12/31/2022	19
ROBERT	GILMORE	SOCIAL SERVICES	10/21/1999	12/31/2022	23
ROBERT	FERGUSON	SHERIFF	01/12/1998	01/31/2023	25
JEFFREY	CLAYTON	SHERIFF	02/02/1998	02/28/2023	25
VARLERIE	RICHMOND	SOCIAL SERVICES	02/12/1990	01/31/2023	32
VIRGINIA	SCHWARTZ	SOCIAL SERVICES	08/14/1989	12/31/2022	33
KENNETH	RAY	ENVIRONMENT, AG, PARKS & REC	01/11/1988	01/31/2023	35
TODD	ROBERTS	ENVIRONMENT, AG, PARKS & REC	09/24/1984	01/31/2023	38