



**Orange County
Board of Commissioners**

Agenda

Virtual Business Meeting

December 15, 2020

7:00 p.m.

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on December 15, 2020. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

In this new virtual process, there are two methods for public comment.

- Written submittals by email
- Speaking during the virtual meeting

Detailed public comment instructions for each method are provided at the bottom of this agenda. (Pre-registration is required.)

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 The Order of the Long Leaf Pine Award to Former Orange County Commissioner Dr. Alice M. Gordon
- b. Proclamation Recognizing David Hunt
- c. Proclamation Recognizing Dinah L. Jeffries

5. Public Hearings

- a. NCDOT Public Transportation Division/Public Transportation – 5311 Community Transportation and 5339 Combined Capital Program Grant Applications for FY2022
- b. Zoning Atlas Amendment: Master Plan Development Conditional Zoning District (MPD-CZ) for Efland Station (formerly Beaver Crossing)

6. Regular Agenda

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 – None
 - b. Second Reading: Emergency Services Franchise by Ordinance Priority Care Ambulance
 - c. Second Reading: Emergency Services Franchise by Ordinance UNC Campus EMS
 - d. Acceptance of N.C. Land and Water Fund Grant – Draper Savage Foundation
 - e. Fiscal Year 2020-21 Budget Amendment #5
 - f. Approval of Financing Arrangement for Efland Volunteer Fire Company, Inc. To Purchase a Fire Engine Truck
 - g. Schools Adequate Public Facilities Ordinance (SAPFO) – Approval of Membership and Capacity Numbers
 - h. Construction Bid Award for Office Upfit – Whitted Building
 - i. Construction Bid Award for the Orange County Visitors Bureau
 - j. Approval of a Resolution Authorizing a Revision in the Resolution Adopted June 18, 2019 Which Authorized the Orange County FY 2019-2020 HOME Program Design
 - k. Change in BOCC Meeting Schedule for 2021
 - l. Appointment of the Clerk to the Board
 - m. Approval of Boards and Commissions Assignments

9. County Manager's Report

10. County Attorney's Report



11. *Appointments

12. Information Items

- December 7, 2020 BOCC Meeting Follow-up Actions List
- Memorandum Regarding Buckhorn Area Plan and Next Steps
- Memorandum Regarding Update on First Round of Applications for the Orange County Community Climate Action Grant

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).

Public Comment Instructions

Public Comment – Written

(for Items not on the Agenda, Agenda Items and Public Hearings)

Members of the public may provide written public comment by submitting it to the ocbocc@orangecountync.gov email address by 3:00 PM on the afternoon of the meeting.

When submitting the comment, include the following:

- The date of the meeting
- The agenda item (example: 5-a) you wish to comment on
- Your name, address, email and phone number

The Orange County Board of Commissioners, County Manager, County Attorney and Clerk to the Board, will be copied on all of the emails that are submitted.

Public Comment – Verbal

(for Items not on the Agenda, Agenda Items and Public Hearings)

Members of the public will be asked to contact the Clerk to the Board using the email address ocpubliccomment@orangecountync.gov no later than 3:00 PM on the day of the meeting and indicate they wish to speak during the meeting.

When submitting the request to speak, include the following:

- The date of the meeting



- The agenda item (example: 5-a) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone

Prior to the meeting, speakers will be emailed a participant link to be able to make comments during the live meeting. Speakers may use a computer (with camera and/or microphone) or phone to make comments. Speakers using the phone for comments must use the provided PIN/Password number.

The public speaker's audio and video will be muted until the BOCC gets to the respective agenda item(s). Individuals who have pre-registered will then be brought into the public portion of the meeting one at a time.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

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

SUBJECT: Presentation of The Order of the Long Leaf Pine Award to Former Orange County Commissioner Dr. Alice M. Gordon

DEPARTMENT: County Manager

ATTACHMENT(S):
Biography

INFORMATION CONTACT:
Bonnie Hammersley, 919-245-2300
Ranee Haven-Odonell, Council
Member, Town of Carrboro

PURPOSE: To recognize former Orange County Commissioner Alice Gordon for receiving The Order of the Long Leaf Pine award from Governor Roy Cooper, the highest honor the Governor can confer on individuals. The award recognizes her significant contributions to the state and her community through her exemplary service and exceptional accomplishments.

BACKGROUND: Dr. Alice Gordon served as an Orange County Commissioner for 24 years, 1990-2014. Her most outstanding contributions recognized by this award are in the areas of environmental protection, school excellence, and improved regional transportation. Of these contributions, the most memorable are as follows: (1) She created Orange County's innovative and national award-winning Lands Legacy Program, which has now protected over 3000 acres of Orange County's most precious natural and cultural lands (2) She championed excellent public schools, with special attention for many years to the renovation of older schools, for which she was recognized when the "Alice Gordon Science Building" at Culbreth Middle School was named in her honor and (3) As Chair of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Board, she was co-leader of a successful cooperative effort to craft a multi-jurisdictional agreement, the Triangle's first ever joint Long Range Transportation Plan, which received a national planning award. She was also known as a public servant with integrity, who always remained true to her core values.

Environmental Protection. With the approval of her fellow commissioners, Alice Gordon created the national award-winning Lands Legacy Program in 1998, the first comprehensive county land acquisition program in North Carolina, which won a national planning award in 2007 for its innovation. The program has protected some of Orange County's most critical natural and cultural resources, such as forests, watershed riparian buffers, prime farmlands, and future parklands. Also with the commissioners' approval in 1998, she created a new environmental department (now part of the Department of Environment, Agriculture, Parks and Recreation) so that environmental protection would be a separate function and focus of Orange County

government, a special advantage in this era of climate change. The Lands Legacy Program and Alice's other initiatives to protect the environment will be among her most enduring contributions to Orange County. Having the institutional structure for environmental stewardship in place to protect critical resources, such as clean air and clean water, will help Orange County mitigate some effects of a warming planet.

School Excellence. Alice was a dedicated champion of high quality education for all public school children in Orange County, and consistently supported the funding necessary to foster school excellence because of her commitment to the success of all students. She led the effort to pass the Schools Adequate Public Facilities Ordinance so that new schools would be built when needed. She also promoted a systematic program to renovate all of the older schools in Orange County, and worked toward that goal for many years. For her achievements, the Alice Gordon Science Building at Grey Culbreth Middle School in Chapel Hill was named in her honor in 2014.

Improved Regional Transportation. Alice promoted public transit and improved regional transportation planning, and she served as Chair of two multi-jurisdictional regional transportation boards, Triangle Transit (now GoTriangle) and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization. As Chair of the latter board, she led a cooperative effort to create the joint 2035 Long Range Transportation Plan, the first plan for the entire Triangle region, a successful endeavor that received a national planning award in 2009.

Before becoming a commissioner, Alice was Chair of the Orange County Planning Board and President of the Chapel Hill-Carrboro City Schools PTA Council. As a commissioner, Alice served as both Chair and Vice Chair of the Board of County Commissioners.

Alice Gordon's other honors and awards include the 2006 Goodmon Award presented by Leadership Triangle for "Exemplary Regional Leadership by an Elected Official" and her designation as a "Town Treasure" by the Chapel Hill Historical Society in 2012.

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

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

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

RECOMMENDATION(S): The Manager recommends that the Board congratulate former Orange County Commissioner Dr. Alice M. Gordon for receiving The Order of the Long Leaf Pine award.

BIOGRAPHY OF ALICE M. GORDON, Ph.D.

Alice M. Gordon was born in Columbus, Ohio, and grew up there. After graduating from Columbus North High School as valedictorian of her class, she received a B.Sc. in Psychology summa cum laude from The Ohio State University. At Ohio State, she was elected to the academic honor society, Phi Beta Kappa, and also to Mortar Board, a national honor society recognizing college seniors for their exemplary scholarship, leadership, and service.

Alice received a Ph.D. in Psychology from Stanford University, California, specializing in children's cognitive and language development. She then studied children's language development on a postdoctoral fellowship at the University of California, Berkeley. Alice is a former research psychologist at the University of North Carolina's Frank Porter Graham Child Development Institute, where her focus was the study of children's language development.

Alice has been a resident of Orange County since 1972. She and her husband, Alan Biermann, have been married over fifty years, and have two grown children and four grandchildren.

RECORD OF SERVICE IN NORTH CAROLINA

Alice M. Gordon, Ph.D. is a distinguished leader who began serving Orange County when she was appointed to the Orange County Planning Board in 1980. Elected to the Board of County Commissioners in 1990, she served as an Orange County Commissioner for six terms, 1990-2014. During her 24 years as a commissioner, Alice made significant contributions to Orange County and the Research Triangle region of North Carolina in the areas of environmental protection, school excellence, and improved regional transportation. Two visionary initiatives for which she provided leadership — Orange County's "Lands Legacy Program" and the Triangle's joint 2035 "Long Range Transportation Plan" — received national planning awards, and the "Alice Gordon Science Building" was named in her honor for her stellar leadership in promoting school excellence. Alice was also known as a public servant with integrity, who always remained true to her core values.

I. SERVICE IN NORTH CAROLINA PRIOR TO BECOMING AN ORANGE COUNTY COMMISSIONER, 1980-1989

- Chair of the Orange County Planning Board. Appointed in 1980 and a member for six years, the last two as Chair.
- Second Vice President of the League of Women Voters.
- President of the Chapel Hill - Carrboro City Schools (CHCCS) PTA Council, a group representing all of the PTAs in the district. She also served on PTA boards of individual schools.

II. SERVICE IN NORTH CAROLINA AS AN ORANGE COUNTY COMMISSIONER, 1990-2014

- A. ENVIRONMENTAL PROTECTION - To make environmental protection a significant function of Orange County Government, Alice Gordon was the architect of three noteworthy initiatives, including the Lands Legacy Program. When the commissioners approved them, her initiatives:

- Created the Commission for the Environment, established in 1997, to advise the Orange County Commissioners on environmental matters.
- Created, in 1998, the Environment and Resource Conservation Department (now Department of Environment, Agriculture, Parks and Recreation).
- Created, in 1998, Orange County's innovative and national award-winning Lands Legacy Program (Comprehensive Resource Conservation Program). Since the year 2000, this program has preserved over 3000 acres of the county's most critical and high-priority natural and cultural resources before they could be damaged or destroyed. Having this program for critical resource protection already in place and functioning is an increasingly important asset in this era of global climate change.
- In 2007 the Lands Legacy Program won the "Excellence in County Planning Award" from the National Association of County Planners.
- To recognize her contributions, the Orange County Commission for the Environment dedicated two of their six State of the Environment Reports, in 2004 and again in 2014, to Commissioner Alice Gordon. The "State of the Environment 2004" dedication read in part: "In 1998, she proposed the creation of the Environment and Resource Conservation Department and the Comprehensive Resource Conservation Program now known as the Lands Legacy Program." The dedication also noted that the Commissioners had established the department and authorized the Lands Legacy Program.
- Alice was a featured environmental leader in the 2008 book, *Saving Magic Places*, by Emily Eve Weinstein.

B. EXCELLENT SCHOOLS - To champion excellent public schools, Alice worked both to build new schools when needed and to renovate older schools.

- Chaired the county-wide group of elected officials that crafted the "Schools Adequate Public Facilities Ordinance" (SAPFO) to plan ahead for future school facility needs. Adopted in 2003, SAPFO ensures that there is a plan to build new schools when they are needed, thereby preventing overcrowding.
- For many years promoted renovations and other improvements to all of the older schools in both of Orange County's school systems, and supported a systematic program of "substantial equivalence" to fund these improvements as soon as financially feasible. As part of that effort, she was a dedicated advocate for the addition of a science building to Culbreth Middle School in Chapel Hill. Her vision was that this building would be the first in a comprehensive program for the renovation and maintenance of all of the older schools in the county.
- The Culbreth Middle School science building, completed in 2014, was named the "Alice Gordon Science Building" in her honor by the Chapel Hill - Carrboro City Schools Board of Education because of "Dr. Gordon's commitment to the success of all students."
- Alice was honored as a "Town Treasure" by the Chapel Hill Historical Society in 2012 for her contributions to the Towns of Chapel Hill and Carrboro over the years. The society recognized her contributions in the areas of public education, environmental protection, and regional transportation.

C. IMPROVED REGIONAL TRANSPORTATION - To promote public transit and improve long range transportation planning in the Triangle region, Alice was a dedicated leader of two regional transportation policy boards.

(1) Triangle Transit (now GoTriangle) Board of Trustees - Member and Chair

- Chair of the Triangle Transit Board of Trustees in 2006-2007, after being an officer for the preceding four years. During her 16 years of service on the board (late 1995-early 2012), she promoted improved public transit and other alternatives to cars, and efforts to improve air quality in the Triangle region.
- Leadership Triangle honored Alice with the Goodmon Award for “Exemplary Regional Leadership by an Elected Official” in 2006. The award citation recognized her contributions in the areas of environmental protection and regional transportation.

(2) Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO)

Transportation Advisory Committee (now MPO Board) - Member and Chair, and Co-leader of a Nationally Recognized Transportation Planning Effort

- Chair of the Durham-Chapel Hill-Carrboro (DCHC) Metropolitan Planning Organization Board in 1996 and 1997, and again in 2007 and 2008. During her 24 years of service on the board (1990-2014), she was an officer for eight years, including four as Chair and four as Vice Chair. The DCHC MPO is the regional organization responsible for transportation planning for the western part of the Research Triangle, while the Capital Area MPO (CAMPO) does the planning for the eastern part. Previously the two MPOs produced their long range transportation plans separately. In 2007 and 2008 Alice worked with the leader of CAMPO to craft the Triangle region’s first ever joint “Long Range Transportation Plan” (LRTP).
- The joint 2035 LRTP won the “National Award for Outstanding Achievement in Metropolitan Transportation Planning” in 2009 from the Association of Metropolitan Planning Organizations as an example of “exemplary practice within the planning process.”

D. OTHER SERVICE - Alice Gordon served on many boards and commissions during her tenure as an Orange County Commissioner, including the Orange County Board of Health (member), Orange County Commission for the Environment (commissioner representative), Intergovernmental Parks Work Group (convenor), and Triangle J Council of Governments (TJCOG Board of Delegates and Executive Committee member).

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

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

SUBJECT: Proclamation Recognizing David Hunt

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

Proclamation

INFORMATION CONTACT:

Greg Wilder, 919-245-2130

PURPOSE: To consider a proclamation recognizing and expressing gratitude to David Hunt for his devotion and service to the people of Orange County.

BACKGROUND: After over 17 years of service to the Board of Commissioners in the Clerk to the Board's Office, David Hunt is retiring as the Deputy Clerk to the Board/Information Specialist.

After a career in the private sector, David Hunt joined the Clerk to the Board's Office in 2003 as the Deputy Clerk to the Board/Information Specialist. In his initial years, Mr. Hunt managed Orange County's public information efforts developing press releases, drafting public hearing notices, monitoring and updating the County website, and compiling multiple materials to inform the public of County activities and projects. Mr. Hunt has also become a trusted resource in the Clerk's Office for the Board of Commissioners and staff Countywide, including developing a substantial bank of photographs utilized by County Departments and others to highlight services and promote events associated with Orange County. Mr. Hunt has also over the years served as a valuable contributor serving the needs of the public at the Emergency Operations Center during weather and other hazardous events.

More recently, Mr. Hunt became the point person for the Board of Commissioners and multiple County staff for conducting virtual meetings. David has served as the principal County contact for organizing Board of Commissioners' meetings virtually, as well as interacting and coordinating with presenters, members of the public wishing to speak, and others involved.

It should also be noted that while serving the County, Mr. Hunt has also been an active member in the community, including serving as a dedicated volunteer with the New Hope Volunteer Fire Department.

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

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with consideration of the proclamation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with consideration of the proclamation.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the attached proclamation recognizing and expressing appreciation to David Hunt for his service to the people of Orange County and wishing him well in his retirement.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION RECOGNIZING AND EXPRESSING GRATITUDE TO DAVID HUNT, RETIRING DEPUTY CLERK/INFORMATION SPECIALIST

WHEREAS, David Hunt, after working in the private sector for multiple years, joined the Clerk to the Orange County Board of Commissioners Office in 2003; and

WHEREAS, during his early years with Orange County, Mr. Hunt managed Orange County's public information efforts by developing press releases, drafting public hearing notices, monitoring and updating the County website, and compiling multiple materials to inform the public of County activities and projects; and

WHEREAS, David has become a trusted resource in the Clerk's Office serving the Board of Commissioners and staff Countywide, including developing a substantial bank of photographs utilized by County Departments and others to highlight services and promote events associated with Orange County; and

WHEREAS, Mr. Hunt has also over the years served as a valuable contributor serving the needs of the public at the Emergency Operations Center during weather and other hazardous events; and

WHEREAS, more recently, David became the point person for the Board of Commissioners and multiple County staff for conducting virtual meetings, and has served as the principal County contact for organizing Board of Commissioners' meetings virtually, as well as interacting and coordinating with presenters, members of the public wishing to speak, and others involved; and

WHEREAS, Mr. Hunt is retiring from Orange County on December 31, 2020, after over 17 years in service to the County and its residents, and will be missed;

NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby recognize and express deep appreciation and respect for the services rendered by David Hunt to the Orange County community, and wish him well in his retirement.

This the 15th day of December 2020.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

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

SUBJECT: Proclamation Recognizing Dinah L. Jeffries

DEPARTMENT: Emergency Services

ATTACHMENT(S):

Proclamation

INFORMATION CONTACT:

Kirby Saunders 919-245-6135

PURPOSE: To consider a proclamation recognizing and expressing gratitude to Dinah L. Jeffries for her devotion and service to Orange County.

BACKGROUND: After 37 years of dedicated service to the Orange County community, Dinah Jeffries is retiring at the end of December 2020.

Dinah Jeffries began her career of service with Orange County in 1983 as a temporary youth counselor in a summer program with the Recreation Department. Three months later, Dinah started her public safety journey when she was hired as Telecommunicator with the Emergency Services department. Dinah was promoted to a Communications Shift Leader in 1988, a role she served in for five years until transferring to a training position. In 2007, Dinah assumed the role of Communication Operations Manager and lead the 9-1-1 Communications Division through the implementation of new technologies, adoption of national protocols, and a re-design of the current center at Meadowlands Drive.

Dinah Jeffries made history in 2016 when she became the first woman and the first woman of color charged with leading the Emergency Services department. In 2020, Ms. Jeffries provided invaluable leadership in guiding the County wide response to the COVID-19 Pandemic alongside Health Director, Quintana Stewart. In addition to her service to Orange County, Dinah also made significant contributions to her profession by serving as a board member to the North Carolina 911 Board and the NC Chapter of the Association of Public Safety Communication Officials (APCO) Executive Board. For 37 years, Dinah Jeffries has led with integrity, compassion, professionalism and unwavering dedication to her communities and those she had been charged to lead.

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

SOCIAL JUSTICE IMPACT: There is no Orange County Social Justice Goal impact associated with consideration of the proclamation.

ENVIRONMENTAL IMPACT: There is no Orange County Environmental Responsibility Goal impact associated with consideration of the proclamation.

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the attached proclamation recognizing and expressing appreciation to Dinah Jeffries for her service to the people of Orange County and wishing her well in her retirement.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION RECOGNIZING AND HONORING DINAH L. JEFFRIES, RETIRING DIRECTOR, ORANGE COUNTY EMERGENCY SERVICES

WHEREAS, in 1983, Ms. Jeffries embarked on a career of public service by joining the Emergency Management Department as a full-time 9-1-1 Telecommunicator; and

WHEREAS, in 1988, Ms. Jeffries was promoted to serve as a Communications Shift Leader, an Emergency Management Training Specialist in 1993, and the Communications Operations Manager in 2007; and

WHEREAS, in 2016, Dinah Jeffries made history by becoming the first woman and first woman of color to be charged with leading the Orange County Emergency Services Department; and

WHEREAS throughout her distinguished career, Dinah has helped to advance the 9-1-1 system throughout Orange County with the implementation of advanced technologies and national protocols for EMS, Fire, and Police dispatch; and

WHEREAS, Ms. Jeffries has served as a faithful advocate, representing both the Orange County community and the State of North Carolina by serving on the North Carolina 911 Board and the North Carolina Chapter of the Association of Public Safety Officials (APCO) Executive Board; and

WHEREAS, as Director, Ms. Jeffries provided invaluable mentorship, led the effort to create the local Peer Support program for first responders, and exemplified steady leadership in challenging times, including guiding the County's response to the 2020 COVID-19 Pandemic ; and

WHEREAS, Dinah's work in Orange County has ensured that the Emergency Services Department is diverse and thriving and is capable of sustaining such for generations to come; and

WHEREAS, Ms. Jeffries is retiring from Orange County on December 31, 2020, after 37 years in service to our communities, and will be missed;

NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby recognize and express deep appreciation and respect for the services rendered by Dinah Jeffries to the Orange County community, and wish her well in her retirement.

This the 15th day of December 2020.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT
Meeting Date: December 15, 2020

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

SUBJECT: NCDOT Public Transportation Division/Public Transportation – 5311 Community Transportation and 5339 Combined Capital Program Grant Applications for FY2022

DEPARTMENT: Transportation Services
(OCTS), Public Transportation Division

ATTACHMENT(S):

- 1) FY2022 Resolution
- 2) FY 2022 Anticipated DBE/DWE Vendor Awards
- 3) FY 2022 DBE Good Faith Efforts Certification
- 4) FY 2022 Local Share Certification
- 5) FY 2022 Title IV Program Report
- 6) Public Hearing Notices (English and Spanish Versions)

INFORMATION CONTACT:

Theo Letman, Transit Director, 919-245-2007
Teleishia Holloway, Transportation Administrator, 919.245.2002

PURPOSE: To:

- 1) Approve Submittal of application to receive funding from NCDOT 5311 Community Transportation Program and Combined Capital Program: Non-Urbanized Area Formula Program, Human Service Transportation Management Program: 5311 by Orange County Public Transportation (OCPT) for FY 2022
- 2) Hold a Public hearing and Approve the 5311 Grant application for FY 2022 in the total amount of \$182,325 with a local match total of \$ 36,465 to be provided when necessary;
- 3) Hold a Public hearing and Approve the Combined Capital Grant applications for FY 2022 in the total amount of \$1,047,700 with a local match total of \$ 209,540 to be provided when necessary;
- 4) Approve and authorize the Chair to sign the Grant Program Resolution and the Local Share Certification for Funding form; and
- 5) Authorize the Chair and the County Attorney to review and sign the annual Certifications and Assurances documents.

BACKGROUND: Each year, the NCDOT Public Transportation Division accepts requests for capital, operations and administrative needs for county-operated community transportation programs. OCPT is eligible to make application for both capital and administrative funding. NC DOT has allotted a combined total of \$1,230,025 for funding.

Detailed breakdown is outlined in the table below:

5311 Grant Application:		5339 Combined Capital Grant:	Totals:
Total	\$ 182,325	\$1,047,700	\$ 1,230,025
Federal	\$ 145,860	\$838,160	\$ 984,020
Local	\$ 36,465	\$209,540	\$ 246,005

FINANCIAL IMPACT: The NCDOT 5311 Community Transportation and 5339 Combined Capital Grant Programs: The department will utilize any currently available carryover funds from Article 43 Transit Tax proceeds to cover the required local match, and will address this in a future Budget Amendment for consideration by the Board of Commissioners.

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.

OCPT provides opportunity for access to jobs and services to many individuals.

The 5311 and 5339 Combined Capital Grants provide Orange County access to funds to support its transportation infrastructure that promotes economic self-sufficiency to a wide range of residents and locations. The funds additionally support a system that enhances the access of residents in the non-urbanized areas to health care, shopping, education, employment, public services, and recreation.

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

- 1) Approve submittal of 5311 and 5339 Combined Capital Grant applications for FY 2022 in the total amount of \$1,230,025 with a local match total of \$246,005 to be provided when necessary;
- 2) Approve and authorize the Chair to sign the 5311 Program Resolution, the DBE/MBE/WBE/HUB Anticipated Vendor Awards, the DBE Good Faith Efforts Certification the Local Share Certification and the Title VI Program Report;
- 3) Authorize the Chair to sign the annual Certifications and Assurances documents (when these legal documents are issued by the federal register) and upon final review by the County Attorney;
- 4) Close the public hearing;
- 5) Authorize the acceptance of written comment(s) via e-mail to the Board at ocbooc@orangecountync.gov or by delivery to the Orange County Transportation Services office at, 600 Hwy 86 N Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday December 17, 2020.

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2022 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by (*Board Member's Name*) Commissioner _____ and seconded by (*Board Member's Name or N/A, if not required*) Commissioner _____ for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for "purchase-of-service" projects under the Capital budget Section 5310 program.

WHEREAS, (*Legal Name of Applicant*) Orange County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the Chair of the Orange County Board of Commissioners is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

I (*Certifying Official's Name*)* _____ (*Certifying Official's Title*) _____ do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the (*Name of Applicant's Governing Board*) Orange County Board of Commissioners, duly held on the _____ day of _____, _____.

Signature of Certifying Official

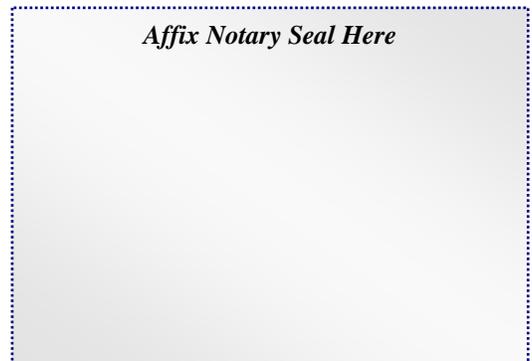
****Note that the authorized official, certifying official, and notary public should be three separate individuals.***

Seal Subscribed and sworn to me
(*date*) _____

*Notary Public **

Printed Name and Address

My commission expires
(*date*) _____



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION DIVISION

DBE/MBE/WBE/HUB ANTICIPATED VENDOR AWARDS in FY 2022

APPLICANT'S NAME: Orange County PERIOD COVERED
 MAILING ADDRESS: PO Box 8181, Hillsborough, NC 27278 From: July 1, 2021
 VENDOR NUMBER: _____ To: June 30, 2022

We expect to utilize the following list of DBE/MBE/WBE/HUB Vendors in FY 2022:

DBE/MBE/WBE/HUB Vendor/Subcontractor's Name	Mailing Address City, State, Zip	ID# from NCDOT Website	Describe Service/ Item to be Purchased	Anticipated Expenditure (\$)
				TOTAL

- The above list includes the DBE/MBE/WBE/HUB Vendors the applicant expects to utilize in FY 2022.
- The applicant does **NOT** expect to utilize any DBE/MBE/WBE/HUB Vendors in FY 2022.

Signature of Authorized Official

Date

DBE GOOD FAITH EFFORTS CERTIFICATION

This is to certify that in all purchase and contract selections (*Legal Name of Applicant*) Orange County is committed to and shall make good faith efforts to purchase from and award contracts to Disadvantaged Business Enterprises (DBEs).

DBE good faith efforts will include the following items that are indicated by check mark(s) or narrative:

Required by PTD	Check all that apply	Description
*	<input type="checkbox"/>	Write a letter/email to Certified DBEs in the service area to inform them of purchase or contract opportunities;
*	<input type="checkbox"/>	Document telephone calls, emails and correspondence with or on behalf of DBEs;
	<input type="checkbox"/>	Advertise purchase and contract opportunities on local TV Community Cable Network;
*	<input type="checkbox"/>	Request purchase/contract price quotes/bids from DBEs;
	<input type="checkbox"/>	Monitor newspapers for new businesses that are DBE eligible
*	<input type="checkbox"/>	Encourage interested eligible firms to become NCDOT certified. Interested firms should contact the office of contractual services at (919) 707-4800 for more information
*	<input type="checkbox"/>	Encourage interested firms to contact the Office of Historically Underutilized Businesses at (919) 807-2330 for more information
*	<input type="checkbox"/>	Consult NCDOT Certified DBE Directory. A DBE company will be listed in the DBE Directory for each work type or area of specialization that it performs. You may obtain a copy of this directory at https://www.ebs.nc.gov/VendorDirectory/default.html
	<input type="checkbox"/>	Other efforts: Describe:
	<input type="checkbox"/>	Other efforts: Describe:

You may obtain a copy of the USDOT Disadvantaged Business Enterprise Program Title 49 Part 26 at <https://www.ebs.nc.gov/VendorDirectory/default.html>

Reminder: Documentation of all good faith efforts shall be retained for a period of five (5) years following the end of the fiscal year.

I certify that, to the best of my knowledge, the above information describes the DBE good faith efforts.

Signature of Authorized Official

Date

Type Name and Title of Authorized Official

ReFY 2022 LOCAL SHARE CERTIFICATION FOR FUNDING

Orange County
(Legal Name of Applicant)

Requested Funding Amounts

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$ <u>182,325</u>	\$ <u>36,465</u> (20%)
5311 Operating (No State Match)	\$ _____	\$ _____ (50%)
5310 Operating (No State Match)	\$ _____	\$ _____ (50%)
5307 Operating	\$ _____	\$ _____ (50%)
5307 Planning	\$ _____	\$ _____ (20%)
Combined Capital	\$ <u>1,047,700</u>	\$ <u>209,540</u> (20%)
Mobility Management	\$ _____	\$ _____ (50%)
5310 Capital Purchase of Service	\$ _____	\$ _____ (10%)
_____	\$ _____	\$ _____ (__ %)
_____	\$ _____	\$ _____ (__ %)
_____	\$ _____	\$ _____ (__ %)

Funding programs covered are 5311, 5310, 5339 Bus and Bus Facilities, 5307 (Small fixed route, regional, and consolidated urban-rural systems)

TOTAL	\$ <u>1,230,025</u>	\$ <u>246,005</u>
	Total Funding Requests	Total Local Share

The Local Share is available from the following sources:

<u>Source of Funds</u>	<u>Apply to Grant</u>	<u>Amount</u>
<u>General Funds</u>	<u>CTP 5311</u>	\$ <u>36,465</u>
<u>Article 43</u>	<u>Combined Capital</u>	\$ <u>209,540</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

FY 2022 Local Share Certificate (page 2)

_____	_____	\$ _____
_____	_____	\$ _____
<hr/> <hr/>		
TOTAL		\$ <u>246,005</u>

**** Fare box revenue is not an applicable source for local share funding**

I, the undersigned representing (*Legal Name of Applicant*) **Orange County** do hereby certify to the North Carolina Department of Transportation, that the required local funds for the FY2022 Community Transportation Program and 5307 Governors Apportionment will be available as of **July 1, 2021**, which has a period of performance of July 1, 2021 – June 30, 2022.

Signature of Authorized Official

Renee Price, Chair, Board of County Commissioners
Type Name and Title of Authorized Official

Date

SECTION 5311, 5310, 5339, Combined Capital, 5307 or State Funds Call for Projects
TITLE VI PROGRAM REPORT

Legal Name of Applicant: Orange County
 (Complete either Part A or Part B; and Part C)

Part A – No complaints or Lawsuits Filed

I certify that to the best of my knowledge, **No complaints or lawsuits** alleging discrimination have been filed against **Orange County Public Transportation** (*Transit System Name*) during the period **July 1, 2020 through June 30, 2021**.

 Signature of Authorized Official

 Date

 Chair, Board of Orange County Commissioners
 Type Name and Title of Authorized Official

Part B – Complaints or Lawsuits Filed

I certify that to the best of my knowledge, the below described complaints or lawsuits alleging discrimination have been filed against *Transit System Name* during the period **July 1, 2020 through June 30, 2021**.

Complainant Name/Address/Telephone Number	Date	Description	Status/Outcome

(Attach an additional page if required.)

 Signature of Authorized Official

 Date

 Type Name and Title of Authorized Official

Part C - Title VI Plan

Do you currently have a Title VI Plan: _____

Date of last plan update: _____

PUBLIC HEARING NOTICE

Section 5311 (ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

This is to inform the public that a public hearing will be held on the proposed Orange County Community Transportation Program Application to be submitted to the North Carolina Department of Transportation no later than December 23, 2020. The public hearing will be held on December 15, 2020 at 7:00pm before the (*governing board*) Orange County Board of County Commissioners at **Virtual Meeting Session**.

Those interested in attending the public hearing and needing either auxiliary aids and services under the Americans with Disabilities Act (ADA) or a language translator should contact TeLeishia Holloway on or before December 11, 2020, at telephone number 919.245.2002 or via email at tholloway@orangecountync.gov.

The Community Transportation Program provides assistance to coordinate existing transportation programs operating in Orange County as well as provides transportation options and services for the communities within this service area. These services are currently provided using fixed, demand response, deviated fixed, and subscription routes. Services are rendered by Orange County Public Transportation.

The total estimated amount requested for the period July 1, 2021 through June 30, 2022

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$ 182,325	\$ 36,465 (20%)
Operating (5311)	\$	\$ (50%)
Capital (Vehicles & Other)	\$ 1,047,700	\$ 209,540 (20%)
5310 Operating	\$	\$ (50%)
Other _____	\$	\$ (%)
TOTAL PROJECT	\$ 1,230,025	\$ 246,005

Total Funding Request

Total Local Share

This application may be inspected at Orange County Public Transportation Administration Building at 600 Highway 86 North, Hillsborough, NC 27278 from 8:00am -5:00pm, Monday through Friday. Written comments should be directed to ocboecc@orangecountync.gov email address by 3:00pm on the afternoon of the meeting (January 19, 2021).

End of Notice

Note: AN ORIGINAL COPY of the published Public Hearing Notice must be attached to a signed Affidavit of Publication. **Both the Public Hearing Notice and the Affidavit of Publication** must be submitted with the grant application.

Public Comment Instructions

Public Comment – Written

(for Items not on the Agenda, Agenda Items and Public Hearings)

Members of the public may provide written public comment by submitting it to the ocbocc@orangecountync.gov email address by 3:00 PM on the afternoon of the meeting.

When submitting the comment, include the following:

- The date of the meeting
- The agenda item (example: 6-a) you wish to comment on
- Your name, address, email and phone number

The Orange County Board of Commissioners, County Manager, County Attorney and Clerk to the Board, will be copied on all of the emails that are submitted.

Public Comment – Verbal

(for Items not on the Agenda, Agenda Items and Public Hearings)

Members of the public will be asked to contact the Clerk to the Board using the email address ocpubliccomment@orangecountync.gov no later than 3:00 PM on the day of the meeting and indicate they wish to speak during the meeting.

When submitting the request to speak, include the following:

- The date of the meeting
- The agenda item (example: 6-a) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone

Prior to the meeting, speakers will be emailed a participant link to be able to make comments during the live meeting. Speakers may use a computer (with camera and/or microphone) or phone to make comments. Speakers using the phone for comments must use the provided PIN/Password number.

The public speaker's audio and video will be muted until the BOCC gets to the respective agenda item(s). Individuals who have pre-registered will then be brought into the public portion of the meeting one at a time.

If a member of the public encounters any concerns prior to or during the meeting related to speaking, please contact Greg Wilder at 919-245-2314.

End of Notice

Note: AN ORIGINAL COPY of the published Public Hearing Notice must be attached to a signed Affidavit of Publication. **Both the Public Hearing Notice and the Affidavit of Publication** must be submitted with the 5307 grant application.

AVISO DE AUDIENCIA PUBLICA

SECCIÓN 5311 (ADTAP), 5310, 5339, 5307 y fondos estatales aplicables, o una combinación de ellos.

Esto es para informar al público de que se llevará a cabo una audiencia pública sobre las Solicitudes propuestas para el Programa de Transporte Comunitario del **Condado de Orange** que se presentarán al Departamento de Transporte de Carolina del Norte a más tardar **el 23 de diciembre de 2020**. La audiencia pública se llevará a cabo el **15 de diciembre de 2020** a las **7:00 pm** ante la Junta de Comisionados del Condado de Orange en el **Virtual Meeting**.

Las personas interesadas en asistir a la audiencia pública y que necesiten ayuda y servicios auxiliares según la Ley de Estadounidenses con Discapacidades (ADA) o un traductor de idiomas deben comunicarse con **Teleishia Holloway** el **11 de diciembre de 2020** o antes, al número de teléfono **919.245.2002** o por correo electrónico a **tholloway@orangecountync.gov**.

El Programa de Transporte Comunitario brinda asistencia para coordinar los programas de transporte existentes que operan en el **Condado de Orange**, así como opciones y servicios de transporte para las comunidades dentro de esta área de servicio. Estos servicios se proporcionan actualmente mediante **respuesta a la demanda rural y rutas de suscripción**. Los servicios son prestados por el **Departamento de Transporte del Condado de Orange**.

El monto total estimado solicitado para el periodo comprendido entre el **(1 de julio de 2021 y el 30 de junio de 2022)**.

<u>Proyecto</u>	<u>Cantidad Total</u>	<u>Compartir Local</u>	
Administrativo	\$ 182,325	\$ 36,465	(20%)
Funcionamiento			
(5307 21-SU-056A)	\$	\$	(50%)
(5307 21 LU-056B)			
Capital (Vehiculos y otros)	\$ 1,047,700	\$ 209,540	(20%)
Otro	\$ N/A	\$ N/A	
<hr/>			
TOTAL DEL PROYECTO	\$1,230,025	\$ 246,005	

Solicitud de financiación total

Total cuota Local

Esta solicitud puede ser inspeccionada en en el **edificio de administración de transporte público del Condado de Orange en 600 Highway 86 North, Hillsborough, NC 27278** de **8:00 am a 5:00 pm**. Los comentarios escritos deben dirigirse a **ocboecc@orangecountync.gov** antes del 3:00pm **19 de enero de 2021**.

Las reuniones y sesiones de trabajo de la Junta de Comisionados del Condado de Orange están disponibles a través de transmisión de video en vivo en **orangecountync.gov/967/Meeting-Videos** y en Orange County Gov-TV (televisión de gobierno del condado de Orange) en los canales 1301 o 97.6 (Spectrum Cable).

Instrucciones para Comentario Público

Comentario Público - Escrito

(para temas que no están en la agenda, Temas de la Agenda y Audiencias Públicas)

Los miembros del público pueden proporcionar comentarios públicos por escrito enviándolos a ocbocc@orangecountync.gov dirección de correo electrónico antes de las 3:00 PM de la tarde del día de la reunión.

Al enviar el comentario, incluya lo siguiente:

- La fecha de la reunión
- El tema de la agenda (ejemplo: 6-a) sobre el que desea comentar
- Su nombre, dirección, correo electrónico y número de teléfono

Se le enviará una copia a la Junta de Comisionados del Condado de Orange, al Administrador del Condado, al Fiscal del Condado y al Secretario de la Junta de todos los correos electrónicos que se reciban.

Comentario Público - Verbal

(para temas que no están en la agenda, temas de la Agenda y Audiencias Públicas)

Se pedirá a los miembros del público que se comuniquen con el Secretario de la Junta utilizando la dirección de correo electrónico ocpubliccomment@orangecountync.gov a más tardar a las 3:00 PM del día de la reunión e indicar que desean hablar durante la reunión.

Al enviar la solicitud para hablar, incluya lo siguiente:

- La fecha de la reunión
- El tema de la agenda (ejemplo: 6-a) sobre el que desea hablar
- Su nombre, dirección, correo electrónico y número de teléfono
- El número de teléfono debe ser el mismo número desde el que usted planea llamar si participa por teléfono

Antes de la reunión, los oradores recibirán un enlace de participante por correo electrónico para que puedan hacer comentarios durante la reunión en vivo. Los oradores pueden usar una computadora (con cámara y/o micrófono) o un teléfono para hacer sus comentarios. Los oradores que usen el teléfono para hacer comentarios deben usar el número de PIN/Contraseña proporcionados.

El audio y el video del orador público se silenciarán hasta que la Junta de Comisionados del Condado (BOCC, sus siglas en inglés) llegue a los respectivos tema(s) de la agenda. Las personas que se hayan preinscrito serán llevadas a la parte pública de la reunión de una en una.

Si un miembro del público tiene alguna inquietud antes o durante la reunión relacionada con el discurso, por favor comuníquese con Greg Wilder al 919-245-2314.

Nota: **UNA COPIA ORIGINAL** de la Notificación de audiencia pública publicada debe adjuntarse a una Declaración jurada de publicación firmada. **Tanto el Aviso de audiencia pública como la Declaración jurada de publicación** deben presentarse junto con la solicitud de subvención 5307.

**ORANGE COUNTY
BOARD OF COUNTY COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: December 15, 2020**

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

SUBJECT: Zoning Atlas Amendment: Master Plan Development Conditional Zoning District (MPD-CZ) for Efland Station (formerly Beaver Crossing)

DEPARTMENT: Planning and Inspections

ATTACHMENTS:

1. *MPD-CZ Application Package and Exhibit(s) only provided electronically due to size – posted on the County website as detailed below]*
2. Vicinity and Current Zoning Maps
3. Future Land Use and Growth Management Systems Maps
4. Project Correspondence and Staff Comment(s)
5. Notes from Neighborhood Information Meeting
6. Excerpt of Draft Planning Board Minutes from November 4, 2020 and Statement of Consistency
7. Notification Materials and Certification
8. Statement of Consistency
9. Ordinance amending the Orange County Zoning Atlas – Draft Conditions of Approval

INFORMATION CONTACT:

Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2592

PURPOSE: To hold a public hearing, receive the Planning Board/staff recommendation and public comment, close the public hearing, and schedule action for a specific future date on an applicant initiated Zoning Atlas Amendment for parcels within the Cheeks Township of Orange County.

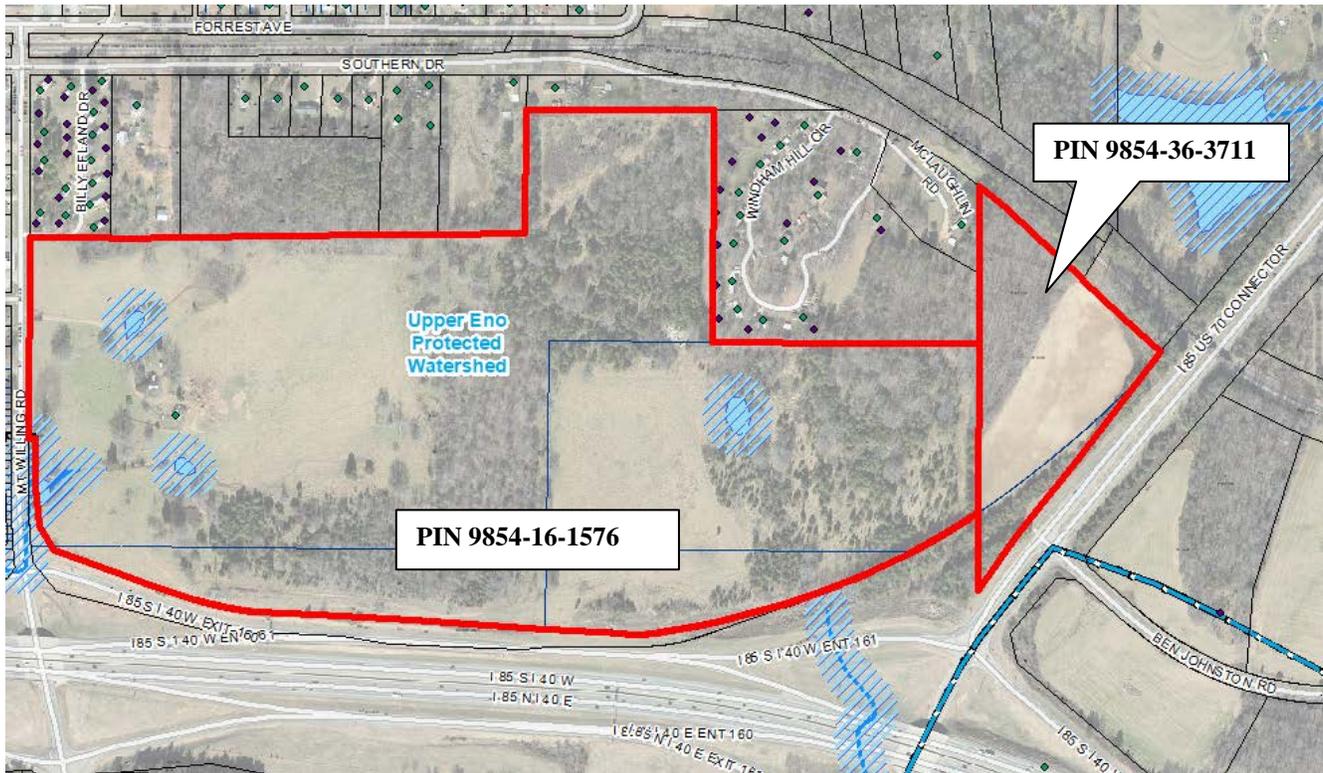
Specifically, Buc-ee's Limited is seeking to rezone 2 parcels totaling approximately 104 acres to Master Plan Development Conditional Zoning (MPD-CZ) district. As indicated herein, due to the size of the application, it is available electronically on the County website at: <https://www.orangecountync.gov/1722/Current-Interest-Projects>.

BACKGROUND: On August 7, 2020 a Zoning Atlas Amendment application was received proposing to rezone 2 parcels, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9854-16-1576 and 9854-36-3711 (hereafter 'the Property'):

FROM: Office/Research and Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

TO: Master Plan Development Conditional Zoning (MPD-CZ) district; Upper Eno Protected Watershed Protection Overlay District ; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

(map of parcels)



The basic facts concerning this application are as follows:

Applicant: Buc-ee's Limited (LTD)
327 FM 2004
Lake Jackson, TX 77566

Agent(s):	Elizabeth (Beth) Trahos	Kelsey W. Hall, P.E.	Earl Lewellyn, P.E.
	Attorney	Kimley-Horn	Kimley-Horn
	Nelson-Mullins	300 Morris Street	300 Morris Street
	4140 Parklake Ave	Suite 200	Suite 200
	Raleigh, NC 27612	Durham, NC 27701	Durham, NC 27701

Parcel Information: A. **Parcels and Size:** Subject parcels, identified utilizing Orange County Parcel Identification Numbers (PIN), are:

1. PIN 9854-16-1576: An approximately 92 acre parcel.
2. PIN 9854-36-3711: An approximately 12 acre parcel.

If approved, the new MPD-CZ district would be approximately 104 acres in area. A vicinity map denoting the location of the parcels, and current zoning, is contained in Attachment 2.

- B. **Township:** Cheeks.
- C. **Future Land Use Map (FLUM) Designation:** Both parcels are located within the Commercial Industrial Transition Activity Node. A copy of the FLUM Map is contained in Attachment 3.
- D. **Growth Management System Designation:** Both parcels are Urban Designated. A copy of the Growth Management System Map is contained in Attachment 3.
- E. **Existing Conditions/Physical Features:** Varying topography with wooded areas, cleared area apparently used as pasture for farm animals, and water features (i.e. ponds, streams, wetland areas).
- F. **Roads:**
1. North: Southern Drive (roadway located within the Southern railroad right-of-way). Neither Property has direct frontage and/or access to Southern Drive;
 2. South: Interstate 85/40 including interstate on/off ramp;
 3. West: Mt. Willing Road;
 4. East: US Highway 70/I-85 Connector road.
- G. **Water and Sewer:** Water utility services are provided by Orange-Alamance Water System (OAWS). Wastewater utilities (i.e. sewer) are provided by the City of Mebane.

Surrounding Land Uses:

- North:** Railroad, Single-family residential land uses on parcels zoned Rural Residential (R-1), Home park on a parcel zoned R-1; Undeveloped 6 acre parcel zoned Office/Research and Manufacturing (O/RM);
- South:** Interstate 85/40;
- West:** Mt. Willing Road, restaurant and gas station on parcels zoned Neighborhood Commercial (NC-2), Single-family residential land uses on parcels zoned R-1;
- East:** US Highway 70/I-85 Connector Road and Ben Johnson Road, large undeveloped parcels of property zoned Agricultural Residential (AR).

MPD Conditional Zoning (CZ) Process: Involves review/action of a rezoning petition and a master concept development plan allowing for the development of specific land use(s). Applications are processed in a legislative manner (i.e., does not require sworn testimony or evidence) and decisions are based on the BOCC's determination that the project is consistent with the purpose and intent of the Comprehensive Plan.

As this is a MPD-CZ proposal, a formal site plan is not required to be submitted. Applicants are required to produce a concept plan consistent with the provisions of Section 6.7 of the Unified Development Ordinance (UDO). The typical cadence for review is as follows:

- **First Action** – Planning staff schedules a Neighborhood Information Meeting (NIM).

Staff Comment – DONE. This meeting was held in an on-line format on September 15, 2020. Notes from this meeting are contained within Attachment 5.

Please note, staff held a follow-up information meeting on October 28, 2020 to review modifications to the application package (i.e. name change, land use buffer/access management changes, etc.).

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

Staff Comment. The Planning Board completed its review of the Project at its November 4, 2020 regular meeting, voting unanimously to recommend approval.

- **Third Action** – The BOCC receives the Planning Board recommendation and makes a decision at a previously advertised public hearing.

Staff Comment – If the public hearing is held remotely, there is a 24-hour waiting period required before a decision can be effective per State legislation regarding virtual/remote meetings. The purpose of the 24-hour waiting period is to allow for submission of written comments.

Per Section 2.9.2 (F) (3) of the UDO, mutually agreed upon conditions can be imposed as part of 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.

If approved, the Zoning Atlas will be amended and the zoning designation of the property shall be changed to MPD-CZ. Development, including permitted land uses, would be in accordance with the approved development proposal and conditions imposed as part of the atlas amendment process.

Development of the Property shall only be permitted through the review and approval of site plan application(s) in accordance within Section 2.5 of the UDO. This is so staff can verify all imposed conditions are adhered to and allow for final review by members of the Development Advisory Committee (DAC) as detailed within Section 1.9 of the UDO.

Proposal: The applicant is proposing to rezone the Property to MPD-CZ district allowing for the development of Efland Station, formerly known as Beaver Crossing, summarized as follows:

- i. Intended to: ‘... *create a mixed-use unified development providing a variety of retail, service, hotel, dining, light industrial/office flex space uses consistent with the Orange County 2030 Comprehensive Plan ...*’;
- ii. Construction of approximately 500,000 sq.ft. of building area supporting various land uses, specifically:
 - a. A Travel Center including a 120 pump gas station and approximately 64,000 sq.ft. of retail;

STAFF COMMENT: The applicant has clarified it will be 60 pumps with 120 actual fuel nozzles/hoses (i.e. 2 fuel nozzles per pump).

- b. 120-room multi-story hotel;

- c. 150,000 sq.ft. of Office/Service/Manufacturing land uses;
 - d. 8,000 sq.ft. of medical office space;
 - e. 30,000 sq.ft. of retail space;
 - f. A 3,500 sq.ft. drive-in bank;
 - g. 12,000 sq.ft. of casual restaurant(s); and
 - h. 20,000 SF of high-turnover sit-down restaurant(s) space.
- iii. Designation of parcel for development of transit facilities/amenities along the northern portion of the Property (south of railroad);
 - iv. Preservation of approximately 38% or 40 acres (1,742,400 sq.ft.) of open space;
 - v. Roadway access proposed off of:
 - a. Right-in/right-out driveways off of the Interstate 85/40 on/off ramp;
 - b. Driveway access off of US Highway 70/I-85 Connector Road; and
 - c. Mt. Willing Road.

Development will be completed in 2 phases with the travel center completed in Phase 1 and remaining land uses in Phase 2 (hereafter 'the Project').

The applicant is proposing imposition of development and design standards (i.e. architectural design, signage, internal and external setback limits, height limits, landscaping/buffer standards, outdoor lighting standards, erosion control/stormwater, etc.) governing overall development of the project if the MPD-CZ district is approved by the County.

STAFF COMMENT: Proposed land uses, excluding the Travel Center, are currently permitted within the existing O/RM general use zoning district. Development of these uses would be 'permitted by right' (i.e. staff administrative review of site plan without advisory board/elected official review/comment). The applicant has elected to go through the MPD-CZ process for the following reasons:

- Development of the Property 'as a whole' rather than subdividing land into separate parcels for independent development (i.e. separate access points, parking, stormwater facilities, grading/land disturbance, access drives, etc.);
- Employment/use of comprehensive traffic access management strategies;
- Maximize preservation of open space;
- Provide for comprehensive stormwater management/treatment;
- Minimize the overall land disturbance/grading activities associated with the Project; and
- Seek approval for the proposed Travel Center land use.

Staff has heard concerns from residents the MPD-CZ designation allows for more intensive development activity than currently permitted. This is not necessarily correct. If approved, the Project would result in more open space area and less overall constructed building area than what is permitted by-right with the existing zoning designation. The main difference between the existing O/RM district and the MPD-CZ is the potential development of the proposed travel center as detailed herein.

Staff has also heard concerns approval of the MPD-CZ will eliminate existing Planning Board and BOCC involvement with the review and approval of site plans.

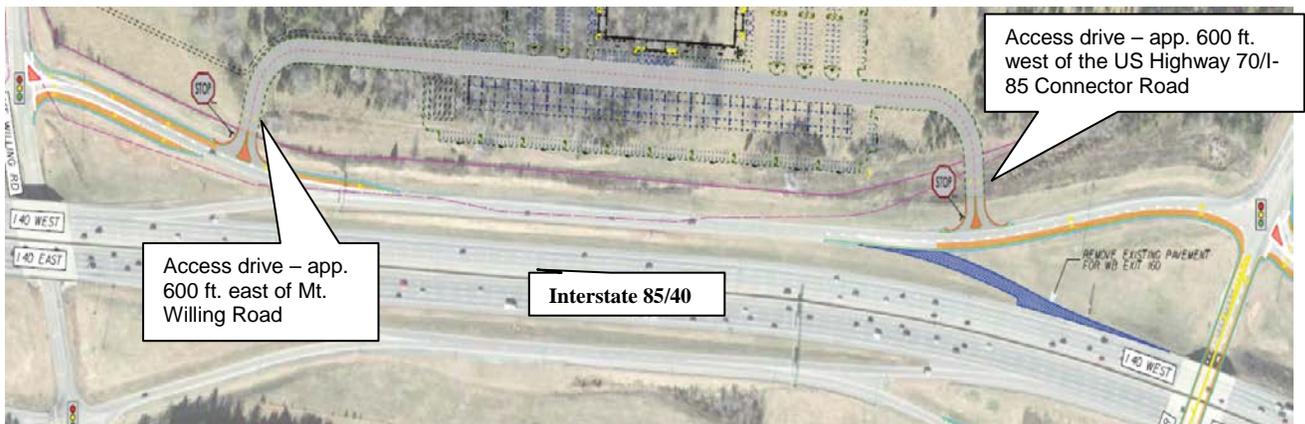
As staff has detailed in numerous meetings, and herein, the majority of proposed land uses are currently permitted 'by right'. This means the Planning Board and BOCC already have no involvement with site plan review or approval.

For example, a 120 room hotel could be developed on the property today without public notice/review/comment or review/action by Planning Board/BOCC members. Staff would review/take action on a site plan submitted in accordance with Section 2.5 of the UDO.

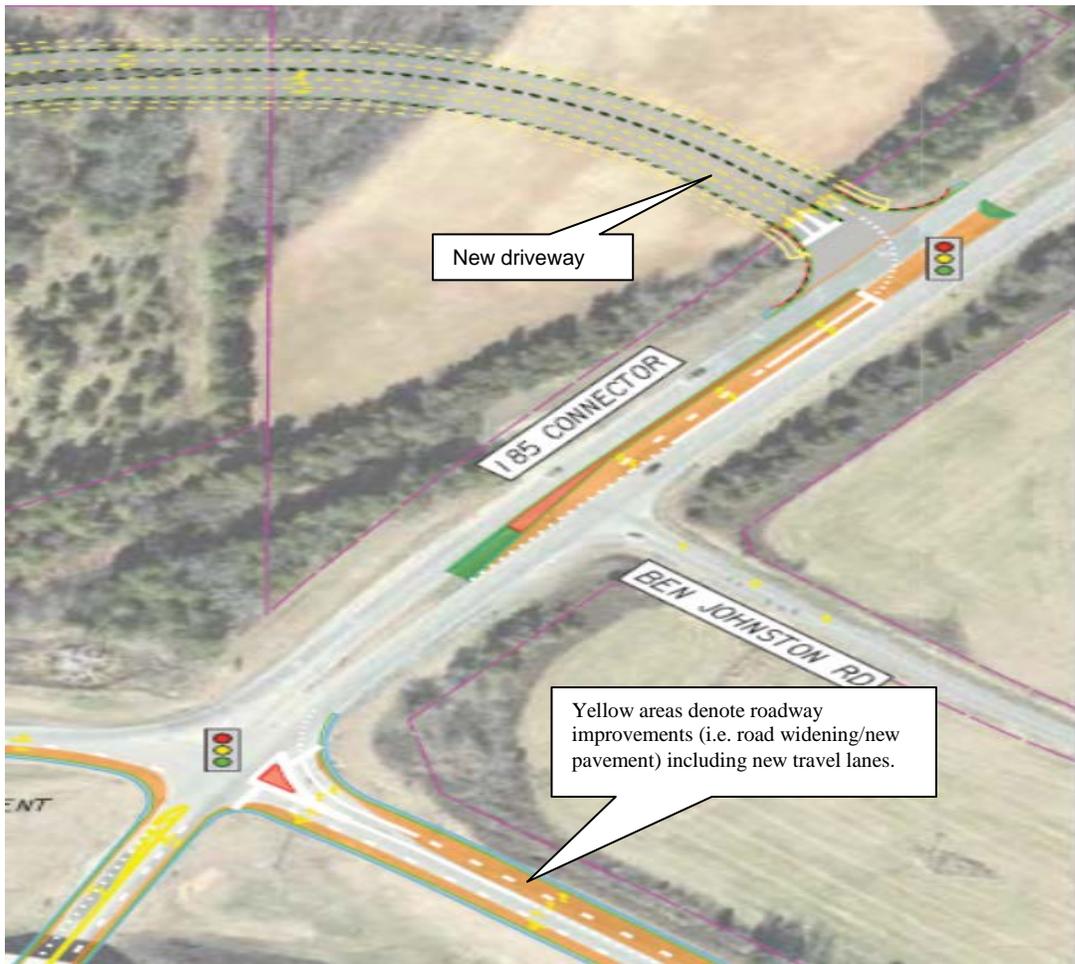
The MPD-CZ process is providing an opportunity for more public review/comment than would currently be allowed under the current general use zoning designation.

Access: The Project is proposing phased access improvements, namely:

- i. Two right-in/right-out driveways off Interstate 85/40 on/off ramp, developed in Phase 1 (initial development) as shown below:



- ii. Driveway off of US Highway 70/I-85 Connector Road, developed in Phase 1, 500 ft. north of Ben Johnson Road including installation of a new traffic signal (shown below):



- iii. Access of off Mt. Willing Road across from Turner Street controlled by a Stop Sign constructed in Phase 2 (shown below):



- iv. Elimination of westbound Exit 160 off I-85/40 (i.e. the Efland/Mt. Willing Exit) in Phase 1.

The exit will be combined with existing Exit 161 (US Highway 70/I-85 Connector Road). As staff understands it, signage will be added indicating Exit 161 allows access to 'Efland' and 'Mt Willing Road'. To access Mt. Willing Road from west bound I-85/40, travelers will be required to:

- a. Exit the Interstate at Exit 161;
- b. Stop at the proposed new stoplight;
- c. Go straight through the intersection, driving onto the existing Interstate 85/40 on/off ramp;
- d. Travel approximately 3,200 ft. west arriving at Mt. Willing Road.

STAFF COMMENT: The current configuration (i.e., Exits 161 and 160) of the interchange is commonly referred to as a "braided ramp interchange" where entrance/exit points overlap. Vehicular traffic utilizes shared access roadways resulting in weaving conflicts between traffic attempting to exit and access the Interstate using these same travel lanes.

The current interchange configuration was designed approximately 25 years ago using traffic volumes based on anticipated land use and traffic growth/distributions assumptions in place at that time.

In reviewing the matter with NC DOT, the current layout is not particularly desirable due to inherent operational and safety problems associated with the traffic movement conflicts and relatively short distance provided for deceleration/acceleration for motorists'. Current traffic weaving maneuvers result in potentially unsafe conditions which would be significantly exacerbated by increases in traffic volumes.

While it is fair to say this Project has accelerated the need to consider revising the existing interchange, Planning staff have been informed by NC DOT that improvement(s) to the interchange would eventually be made to address public safety issues. These 'improvements' would likely have involve eliminating westbound Exit 160 to address public safety issues as traffic volumes increase in the area.

The elimination of westbound Exit 160/reconfiguration of Exit 161, requires additional review as part of NC DOT and Federal Highway Administration (FHWA) processes, which are independent of this zoning atlas amendment process.

If approved, the project will move forward consistent with the master concept plan. If denied, the applicant will have to address modification(s) at a future date.

As a practical matter, the processing of this rezoning request is the first step in this process.

During our initial review of the Project, staff made the following recommendation(s) concerning the proposed location of right-in/right-out driveway points (Attachment 4):

- Eliminating the access drive(s) on the interstate on/off ramp west of US Highway 70/I-85 Connector Road altogether; OR
- Limit the two proposed access drives to an 'entrance only' east of Mt. Willing Road and an 'exit only' west of the US Highway 70/I-85 connector road versus a right-in/right-out for both driveways as current designed.

If the proposed access drives were eliminated altogether, motorists would access Interstate 40/85 from the Project either via the US Highway 70/I-85 Connector Road

or Mt. Willing Road. Staff made this recommendation in an effort to preserve Exit 160 as currently configured and reduce anticipated traffic conflicts.

NC DOT staff have indicated westbound Exit 160 may be eliminated/relocated/redesigned to address anticipated traffic safety needs as traffic volumes increase in the area. Further, the applicant expressed concern over not having direct access to the Project via the on/off ramp.

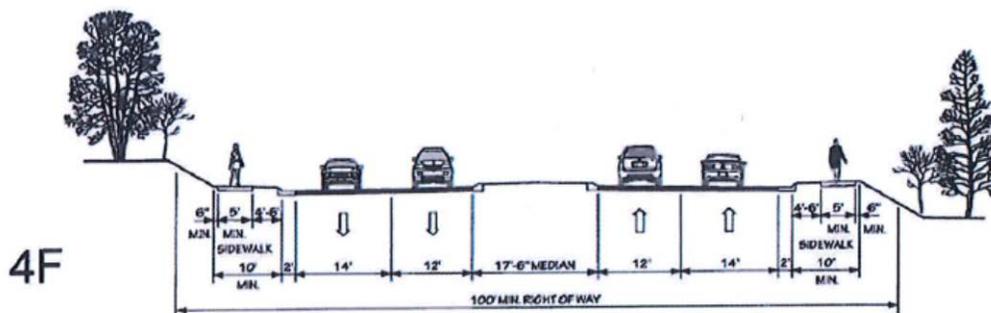
Staff still believes there is merit to continue investigating limiting the proposed access drives to be an 'entrance only' and/or 'exit only' thereby reducing potential vehicular conflicts and continued study on preserving westbound Exit 160, recognizing the ultimate decision on these components of the Project have to go through a separate State and Federal review process.

- ii. Installation of new traffic signals (i.e., new driveway/Exit 161 intersection with US Highway 70/I-85 Connector Road and the intersection of the I-85/40 on/off ramp with Mt. Willing Road) in Phase 1;
- iii. Turning Ben Johnson Road into a 'right turn only'. Vehicles attempting to access the Interstate from Ben Johnson Road will turn right onto US Highway 70/I-85 Connector Road, complete a U-turn at the proposed signal approximately 500 ft. north, and access the Interstate via the existing on/off ramp. This work would be completed in Phase 1;
- iv. Numerous roadway improvements (i.e. widening for adding of turning lanes, development of traffic stops, etc.).

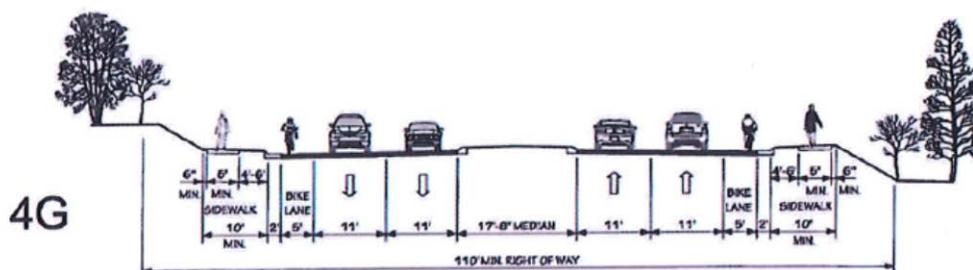
STAFF COMMENT: Both Planning and NC DOT staff have reviewed the proposal. Comments are contained in Attachment 4.

Improvements will need to be made to Mt. Willing Road to accommodate the current/anticipated traffic flow. County Comprehensive/Transportation Planning staff have recommended a roadway design consistent with the approved Efland-Buckhorn-Mebane Access Management Plan (EBM AMP).

As currently envisioned, the widening of Mt. Willing Road would be addressed through the typical County/NC DOT roadway improvement process. The applicant has indicated a willingness to reserve/dedicate necessary right-of-way to accommodate roadway improvements and abide by the following consistent with the EBM AMP:



4 LANE DIVIDED (17'-6" RAISED MEDIAN) WITH CURB & GUTTER,
WIDE OUTSIDE LANES, AND SIDEWALKS
POSTED SPEED 35-45 MPH



4 LANE DIVIDED (17'-6" RAISED MEDIAN) WITH CURB & GUTTER,
BIKE LANES, AND SIDEWALKS
POSTED SPEED 35-45 MPH

Driveway access to the Project from Mt. Willing Road will be developed in a future phase (i.e. will not be part of the initial development of the travel center in Phase 1). The applicant has proposed a temporary access road from Mt. Willing Road for emergency vehicle access (i.e., fire, ambulance, Sheriff, etc.). This temporary access proposal has been approved by the County Fire Marshal.

Staff has concerns vehicles will be unable to access the proposed travel center directly from Mt. Willing Road until Phase 2, the proposed elimination of Exit 160, and the individual right-in and right-outs allowing access to the proposed Travel Center off of the Interstate on/off ramp.

Utilities: The project is proposed to be served by public water (Orange-Alamance Water System) and sewer (City of Mebane). Orange County is continuing to work with Orange-Alamance and City of Mebane officials to address any and all necessary improvement(s) to accommodate the Project. Sewer services shall be provided consistent with the existing inter-local utility agreement between the County and the City of Mebane.

STAFF COMMENT: The application was forwarded to Orange-Alamance Water System and City of Mebane staff. As of the writing of this abstract, staff has not received formal comment(s) from Orange-Alamance staff but have received acknowledgement, via email to the Director, they have capacity to serve the Project.

There are memorandums from the County Staff Engineer and City of Mebane in Attachment 4 concerning provision of services.

Erosion Control/Stormwater Regulations: The applicant has indicated the project will abide by existing stormwater, Section 6.14, and erosion control, Section 6.15, regulations of the UDO.

STAFF COMMENT: There have been numerous public comment(s) made over stormwater runoff impacting adjacent parcels, including the County's Severn Mile Creek Preserve. Staff has also heard complaint(s) from local residents over the Project negatively impacting water quality.

The County has nutrient reduction strategies addressing water quality issues consistent with State regulations. Typically these strategies are achieved with the installation/management of stormwater control measures (SCMs).

State rules allow developers to pay 'offset fees' to aid in meeting these regulations. These fees are part of a 'nutrient trading program' allowed under State rules to fund riparian restoration/enhancement projects constructed elsewhere within the watershed. The goal is to promote overall watershed health and compliance with applicable nutrient reduction strategies.

Currently, the predominant strategy utilized in the State is the restoration and/or enhancement of riparian forested buffers on agricultural lands.

The concern is use of offset payment methods will not address potential impacts to adjacent water features (i.e. streams, wetlands, etc.). While the overall health of the watershed may be 'protected', the quality of local waterways could still be negatively impacted.

It has been suggested by both staff and local residents the applicant be required to either:

- Abide by nutrient reduction strategies as detailed in Section 6.14.7 of the UDO without participation in the State recognized offsite mitigation program; or
- Any off-site mitigation has to occur in Orange County near the Property to ensure preservation of local water quality.

Staff is supportive of imposing either as a condition.

Solid Waste: The applicant has indicated development within the project shall abide by the Orange County Solid Waste Management Ordinance.

Land Use Buffers/Setbacks: The applicant is proposing:

- PIN 9854-16-1576:
 - Northern property line:
 - 40 ft. land use buffer and setback;

STAFF COMMENT: Staff has recommended a 50 ft. land use buffer and only allowing for vehicular access (i.e. travel lanes) within 75 ft. of the northern property line. This effectively would impose a 75 ft. setback for all structures.

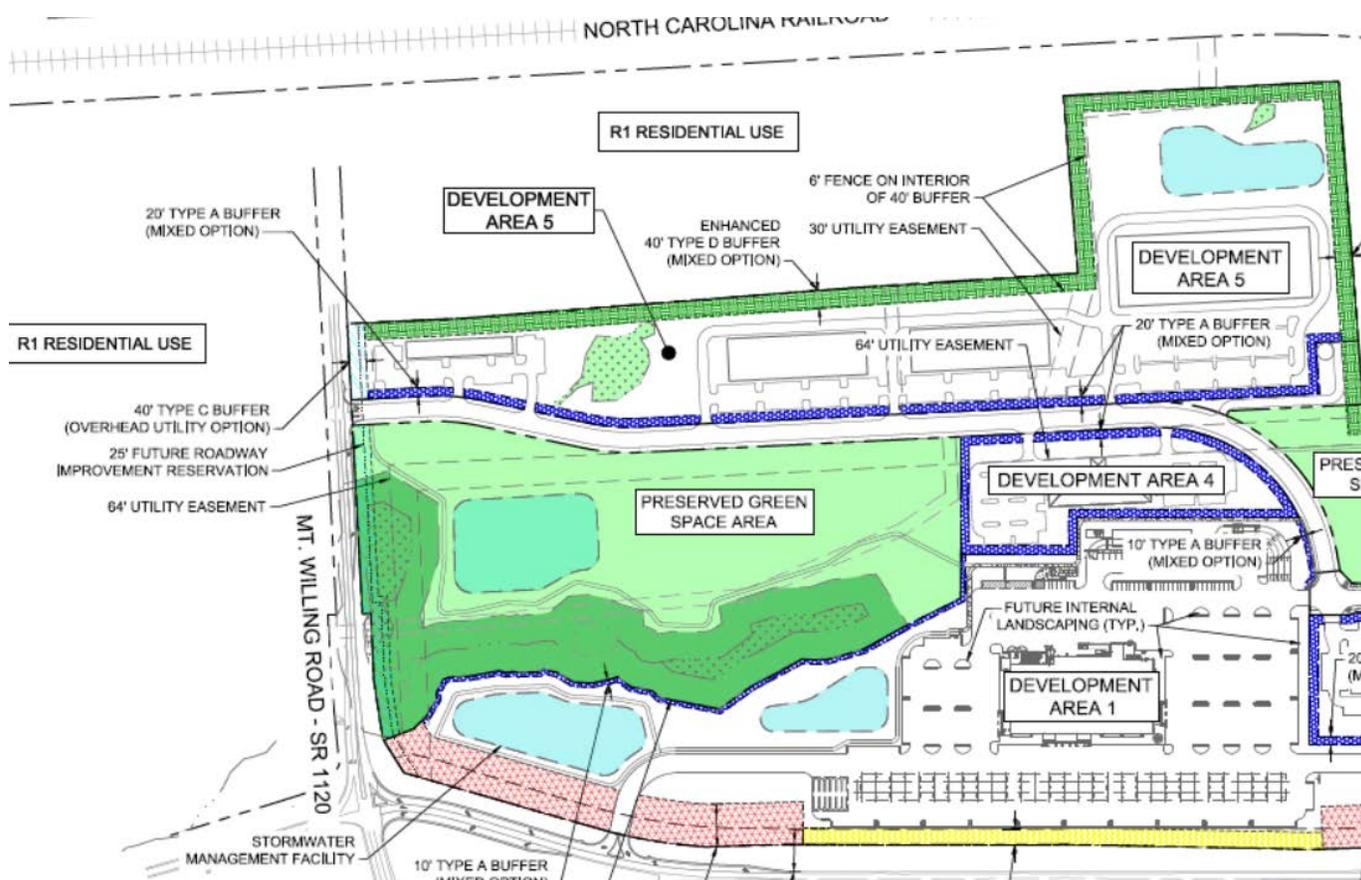
The applicant has indicated they are amenable to a 50 ft. land use buffer.

The applicant has offered, as a condition, to erect a 6 ft. wall outside of the buffer creating additional shielding of the Project along the northern property line as well.

- Western property line (Mt. Willing Road):

- 40 ft. land use buffer and setback;

STAFF COMMENT: Staff has recommended a 50 ft. buffer and setback.



- Southern property line - Major Transportation Corridor (MTC) Buffer: The applicant is proposing to develop/install/maintain an enhanced MTC Buffer as follows:

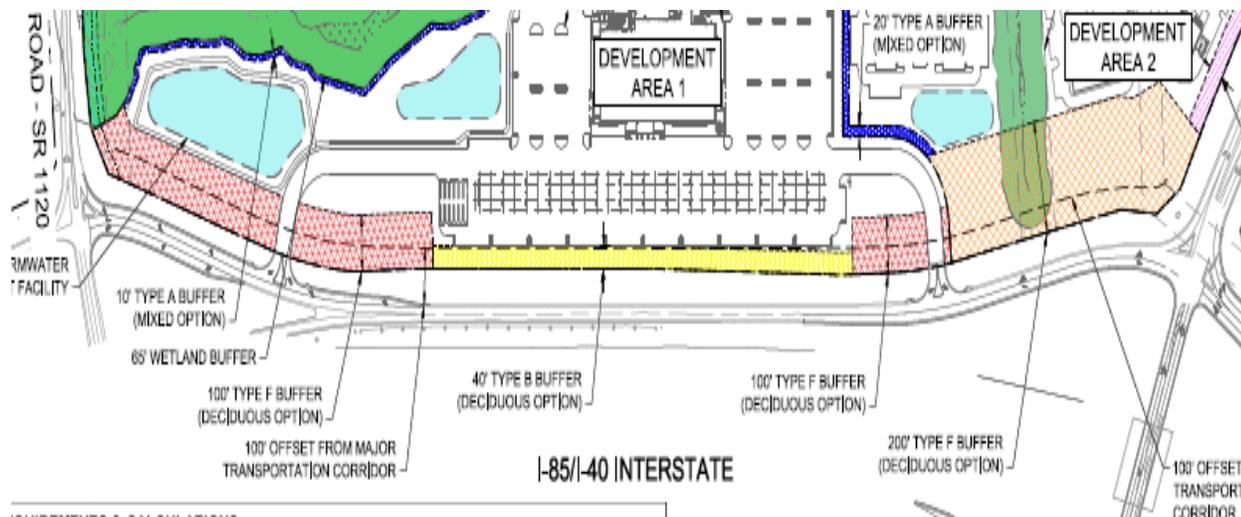
- A 100 ft. buffer extending approximately 1,000 linear feet east from the intersection of Mt. Willing Road consistent with Section 6.6.4 of the UDO;
 - 40 ft. buffer along approximately 1,220 linear feet of the interstate on/off ramp in front of the proposed travel center;

STAFF COMMENT: Section 6.6.4 (A) (5) of the UDO allows for the clearing of up to 50% of the MTC buffer to create a 'visual break' along the Interstate.

The applicant is proposing a managed buffer in this area versus a total clearing of landscaping (i.e. foliage will be replanted and a buffer shall be maintained in perpetuity).

- East of the 40 ft. managed buffer, the applicant will maintain a 100 ft. buffer extending approximately 220 linear feet towards the US Highway 70/I-85 Connector Road;
 - A 200 ft. enhanced MTC buffer running approximately 746 ft. east towards the US Highway 70/I-85 Connector Road.

The MTC buffer proposal is depicted as follows on the submitted master concept plan:



- Eastern property line (US Highway 70/I-85 Connector Road):
 - 40 ft. land use buffer and setback.

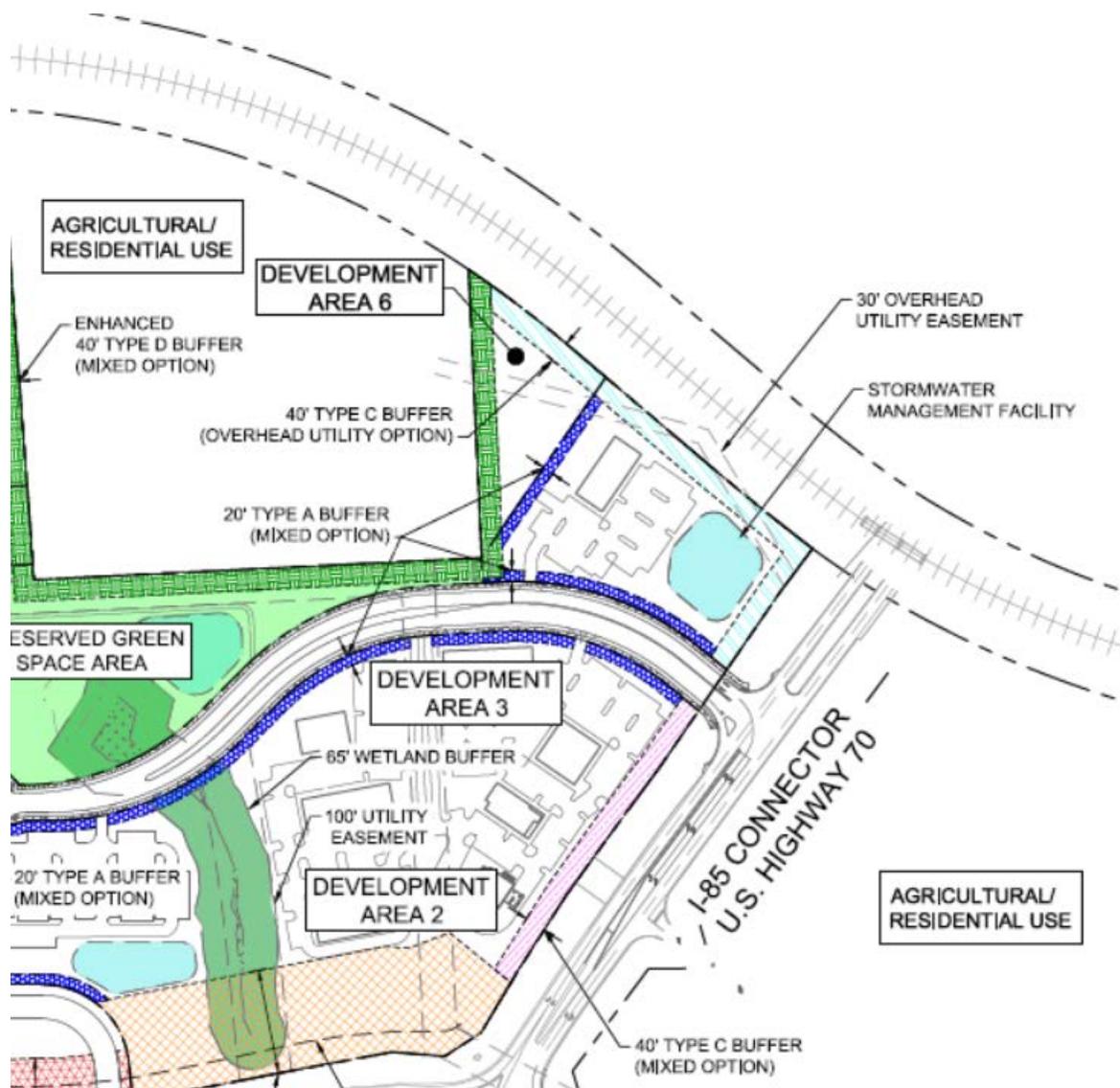
STAFF COMMENT: Staff does not have a concern with this proposal.
- PIN 9854-36-3711:
 - Northern Property line (south of railroad):
 - 40 ft. land use buffer and setback.

STAFF COMMENT: Staff does not have a concern with this proposal relating to the setback/buffer from the railroad right-of-way.
 - Western Property line (adjacent to existing Home Park):
 - 40 ft. land use buffer and setback.

STAFF COMMENT: Development adjacent to the existing Home Park (i.e. manufactured housing community) is limited to serving various transit needs as determined by Orange County. There will be no 'commercial' development activities. As a result, staff does not have a concern with this proposal.

Staff does recommend allowing for an access easement which would allow residents from the Home Park to access the Project and, more importantly, the development area intended to support regional transit needs.
 - Eastern Property line (US Highway 70/I-85 Connector Road):
 - 40 ft. land use buffer and setback.

STAFF COMMENT: Staff does not have a concern with this proposal relating to the US Highway 70/I-85 Connector Road right-of-way.



STAFF COMMENT: Per Section 6.8.12 (C) of the UDO, land use buffers are based on proposed development as well as existing land use(s) on the adjacent parcel. Further, Section 6.8.7 (D) (1) (a) of the UDO requires parking areas to provide a landscape area at least ten feet in width, exclusive of drainage and/or utility easements, between the vehicular use areas and the right of way or adjacent property line.

- Stream buffers shall be in accordance with the provisions of Section 6.13 of the UDO and range from 65 to 80 ft. based on slope;

Environmental Assessment (EA): The applicant completed the EA for this project as required under Section 6.16 of the UDO. At this time the EA indicates:

- Project will not impact any environmentally sensitive areas;

STAFF COMMENT: Existing water features (i.e. streams, ponds, wetlands) are located within identified open space areas. Stream buffers are protected consistent with Section 6.13 of the UDO.

- Steep slopes along the southeastern property line are going to be preserved in established open space/Major Transportation Corridor (MTC) buffers;

iii. No culturally/archeologically significant areas have been denoted on the properties;

STAFF COMMENT: As detailed in within documents contained within Attachment 6 historic structure(s) were previously identified on the property in 1993. These structures no longer possess physical integrity lending them to preservation efforts.

iv. There are no floodplains on the Property;

v. No endangered species have been identified as being on the Property.

STAFF COMMENT: At this stage of review, staff has determined the master concept plan appears to address protection of applicable on-site environmental features. Further review by staff will be necessary, presuming approval of the rezoning application, to address environmental impacts associated with anticipated development.

Staff is concerned about fuel storage, and potential impacts arising from a leak, but the UDO does not contain a measureable standard by which we can regulate. Storage tanks are permitted through the State.

As presently configured, the Project proposes 6 double-walled concrete encased storage tanks for fuel, each with a maximum capacity of 40,000 gallons of fuel storage. The permitting of these underground tanks will be consistent with NC Department of Environmental Quality (NC DEQ) standards. There are concerns over the potential impact(s) associated with the storage of the necessary fuel supporting 60 gas pumps/120 gas nozzles that will have to be addressed during future site plan review and State permitting of the fuel storage tanks.

On October 28, 2020 the applicant provided a response to staff's environmental assessment review memo focusing on fuel storage and the oil/water separations that have to be included in the stormwater inlet systems proposed for the Project. This information is contained in Attachment 1.

Staff and the applicant have recommended the imposition of various condition(s) to address development impacts as contained in Attachment 9.

Other pertinent information concerning the proposed MPD-CZ is as follows:

- Future Land Use Map (FLUM) Designation: As previously detailed herein, both parcels are located within the Commercial-Industrial Transition Activity Node (CITAN).

The FLUM can be accessed utilizing the following link:

<http://www.orangecountync.gov/DocumentCenter/View/4054/Future-Land-Use-Map-PDF>.

- Comprehensive Plan: Per Appendix F, "*Relationships Between Land Use Categories and Zoning Districts Matrix*" of the adopted Orange County Comprehensive Plan, the MPD-CZ district is a permissible zoning designation for property located within a CITAN.

For more information on the definition of activity node, and to review the allowed zoning designations permitted within same, the Comprehensive Plan can be accessed utilizing the following link:

<http://www.orangecountync.gov/1242/2030-Comprehensive-Plan>.

- Growth Management System Map Designation: As previously indicated herein, both parcels within an 'Urban' designated area.

STAFF COMMENT: The Growth Management System Map is a tool utilized by staff to identify permit review thresholds for residential (i.e. subdivision) projects.

- Water and Sewer Management, Planning and Boundary Agreement (WASMPBA): The parcels are located within Orange County's Primary Service Area meaning public utilities (i.e. water and sewer) could be extended. As detailed above, public utility service would be provided by the Orange-Alamance Water System (OAWS) and the City of Mebane. The document can be accessed utilizing the following link:

<http://www.orangecountync.gov/DocumentCenter/View/4190/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF>.

- Efland-Mebane Small Area Plan: The parcels are located within an area the small area plan designates as supporting high-intensity/urban style development including non-residential development(s).

The adopted plan can be accessed utilizing the following link:
<https://www.orangecountync.gov/DocumentCenter/View/4196/Efland-Mebane-Small-Area-Plan-PDF>.

Analysis: As required under Section 2.9.2 (E) of the UDO, the Planning Director is required to: '... cause an analysis to be made of the application' and pass that analysis on to the reviewing body. In analyzing this request, the Planning Director offers the following:

1. The application is complete in accordance with the requirements of Section 2.9.2 (C) of the UDO;
2. The proposal appears consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
 - 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. Objective LU-1.1: *Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available.*
 - e. Economic Development Objective ED-2.1: *Encourage compact and higher density development in areas served by water and sewer.*
 - f. Economic Development Objective ED-2.10: *Extend public water and sewer into all three Economic Development Districts.*
3. The proposal appears consistent with the various goals/policies outlined within the Efland-Mebane Small Area Plan, approved by the BOCC in 2006. Specifically, the

Project is proposing development of high intensity non-residential land uses in an area reserved specifically for such development as identified within the Plan.

4. The applicant has provided a basic environmental assessment as part of this submittal. Staff has reviewed and determined there ought to be no significant environmental impact from this project based on existing conditions.

Staff is recommending the imposition of a condition as part of the approval of this project that additional environmental studies be prepared for all site plans as detailed in Section 6.16 of the UDO;

5. The proposed development is consistent with existing/anticipated development within the area and the various land uses associated with the project are compatible with various goals/policies as detailed herein.

During review of the Project, local residents identified the following concerns related to the Project, which staff is including herein for information purposes only:

- a. The Project is out of character with the rural Efland Community;
- b. Development of a '120 nozzle gas station' is inconsistent with a County goal of reducing dependency on fossil fuels;
- c. Stormwater runoff from the Project will have a negative impact on adjacent sensitive water features as well as the County's Seven Mile Creek Preserve;
- d. Insufficient information has been provided ensuring adequate protection of groundwater from fuel contamination;
- e. The Project will significantly increase/exacerbate existing light pollution in the area;
- f. There is no justification for an 80 ft. tall freestanding sign.

Neighborhood Information Meeting: A neighborhood information meeting for the project was held on September 15, 2020 in accordance with Section 2.9.2 (D) of the UDO. The meeting was held in an on-line format due to current public health concerns. A synopsis of comments made at the meeting can be found within Attachment 5.

Planning staff held a virtual outreach meeting on October 28, 2020 to review applicant modification(s) to the Project including, but not limited to: name change (from Beaver Crossing to Efland Station), access management and landscaping modifications.

Public Notifications: In accordance with Section 2.8.7 of the UDO, notices were mailed via first class mail to property owners within 1,000 ft. of the subject parcels providing the date/time of the BOCC public hearing where the proposal is to be reviewed. These notices were mailed on November 25, 2020, 19 days before the meeting. Staff also posted the subject parcels with signs indicating the date/time of the public hearing on December 4, 2020, 11 days before the meeting. For more information, please refer to Attachment 7.

Courtesy Review: This request was submitted to the City of Mebane and Orange-Alamance Water System (OAWS) as part of our courtesy review program. To date, staff has not received comment(s) from OAWS staff.

Planning Board Recommendation: The Planning Board reviewed the zoning atlas amendment at its November 4, 2020 regular meeting. At this meeting the Board voted **unanimously** to

recommend **approval** of the Statement of Consistency (Attachment 8) and the proposed Zoning Atlas Amendment (Attachment 9).

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 8.
2. Ordinance amending the Zoning Atlas, as well as imposing development conditions, for the identified parcels as contained in Attachment 9.

Presuming:

- a. BOCC and applicant acceptance of recommended conditions as contained in Attachment 9;
- b. Direction from the BOCC, with the applicants consent as imposition of conditions must be mutual, on imposition of the following addressing staff concerns on:

- i. Stormwater:

Imposition of a condition that requires the applicant to either:

1. Abide by nutrient reduction strategies as detailed in Section 6.14.7 of the UDO without participation in the State recognized offsite mitigation program; or
2. Any off-site mitigation has to occur in Orange County near the Property, within the County's Upper Eno Protected or Critical Watershed Protection Overlay District, to ensure preservation of local water quality.

- ii. Access Management:

1. Driveway access from the Interstate on/off ramp be restricted to 2 driveways, one allowing access to the Project east of Mt. Willing Road (i.e. a right turn into the Project only) and one allowing access to the on/off ramp west of the US Highway 70/I-85 Connector Road (i.e. a right turn out of the Project only);

Staff shall continue to work with the applicant and NC DOT officials to preserve westbound Exit 160 as being part of a dual westbound exit for both Exit(s) 160 and 161 at the existing Exit 161 location.

FINANCIAL IMPACT: This request has been reviewed by various County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services. Costs associated with advertising, including the public hearing notice and mailings, were paid by the applicant in accordance with the adopted Orange County Fee Schedule.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this agenda 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 notwithstanding the Project will adhere to existing adopted local, State, and Federal environmental regulations.

RECOMMENDATION: The Manager recommends the Board:

1. Receive the request;
2. Conduct the public hearing and accept comment;
3. Provide direction to staff and the applicant on any additional conditions consistent with Section 2.9.2 (F) (3) of the UDO;
4. Close the public hearing
5. Authorize the acceptance of written comment(s) via e-mail to the Board at ocbocc@orangecountync.gov or by delivery to the Planning Department's office at 131 West Margaret Lane, 2nd floor, Hillsborough, North Carolina 27278, until 9:00 a.m. on Thursday December 17, 2020;

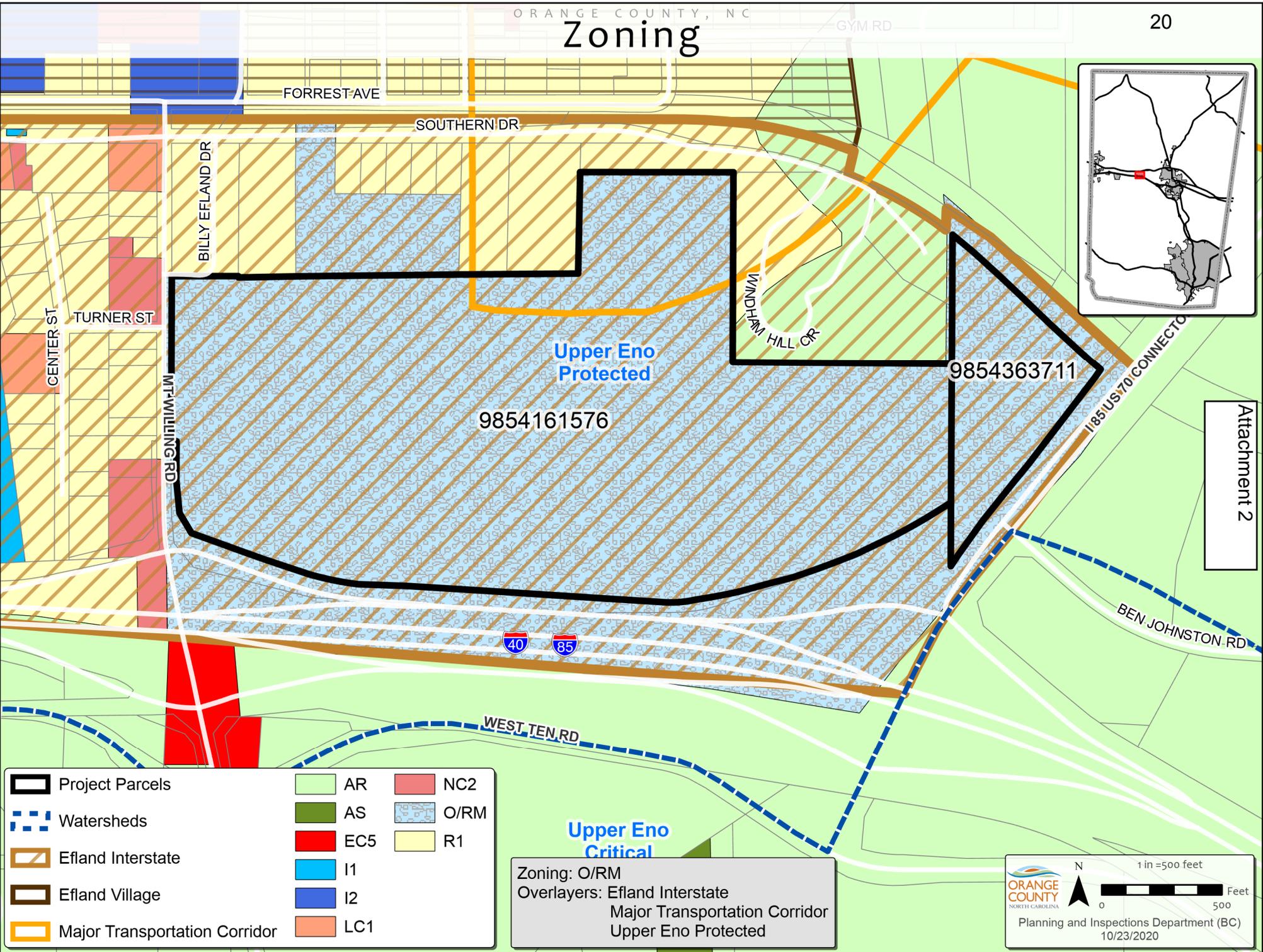
STAFF COMMENT: In accordance with Session Law 2020-3 Section 4.31(a), regarding remote meetings during declared emergencies, while voting may be allowed on the night of the meeting, staff is recommending the Board vote at a subsequent meeting due to the complex nature of the project.

Session Law 2020-3 further allows the record to be supplemented by written comments on items heard at a public hearing by accepting written comments for 24 hours after the public hearing is closed. Due to the late hour at which this public hearing is expected to conclude, staff is recommending an additional period of time in excess of this 24 hour period to accept written comments.

6. Schedule a vote to approve the:
 - a. Statement of Consistency (Attachment 8), and
 - b. Zoning Atlas Amendment (Attachment 9)

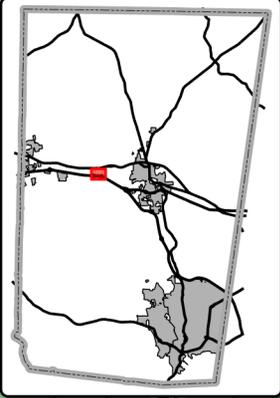
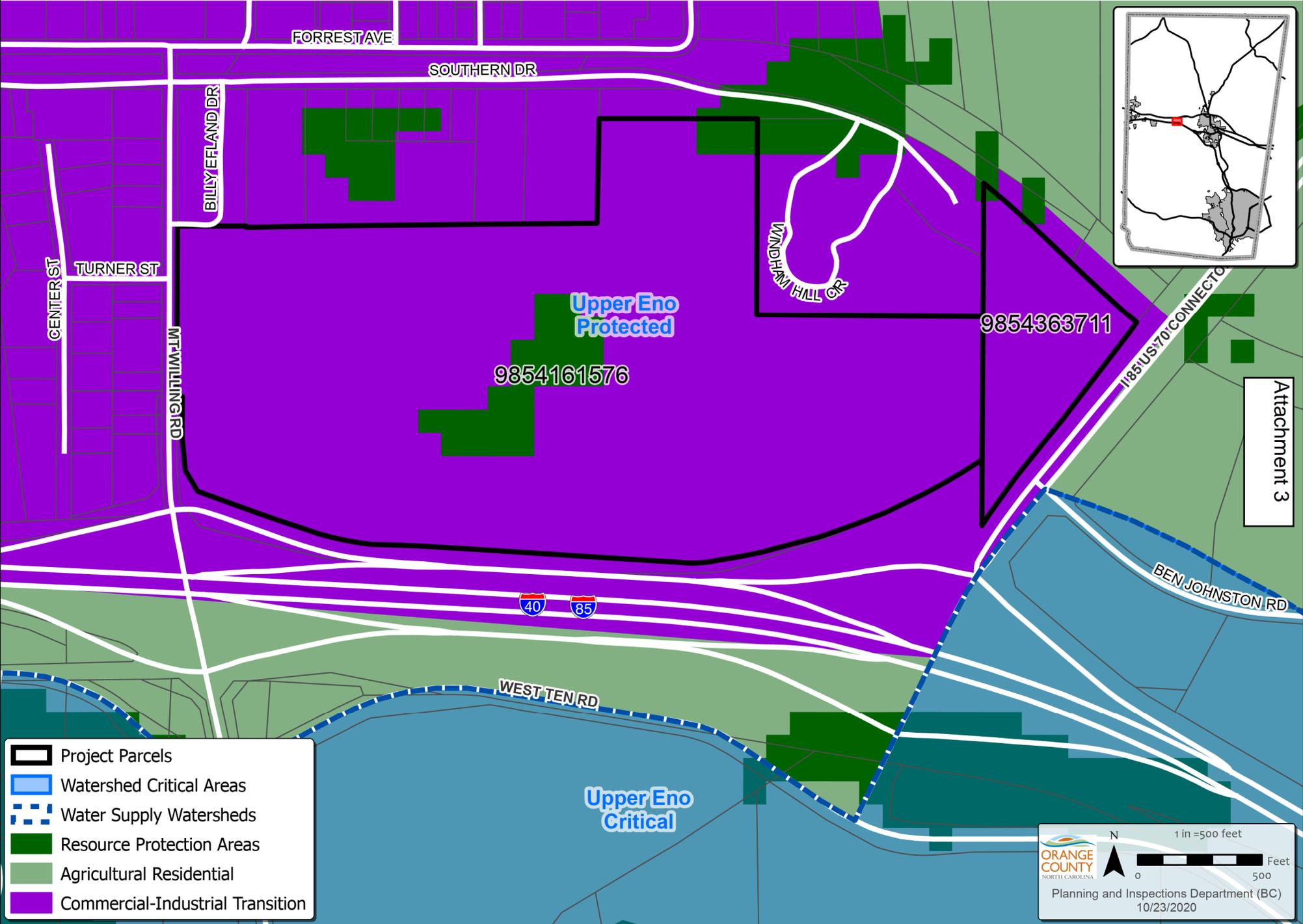
at the Board's January 19, 2021 business meeting as recommended by the Planning Board and Planning Director. **No additional public comments shall be received on this item at the January 19, 2021 business meeting.**

Zoning



Attachment 2

Future Land Use Map



Attachment 3

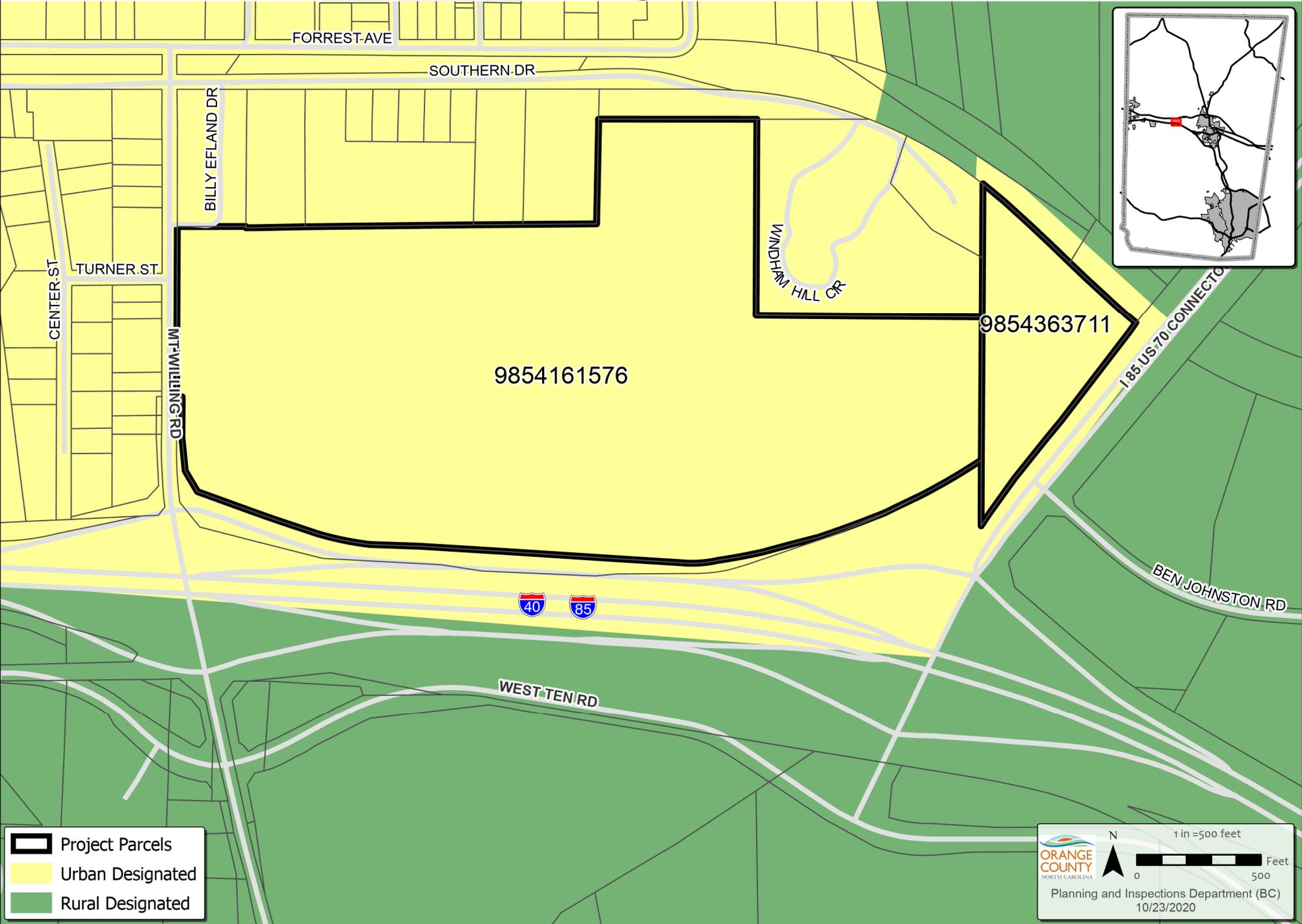
-  Project Parcels
-  Watershed Critical Areas
-  Water Supply Watersheds
-  Resource Protection Areas
-  Agricultural Residential
-  Commercial-Industrial Transition

1 in = 500 feet

ORANGE COUNTY
NORTH CAROLINA

Planning and Inspections Department (BC)
10/23/2020

Growth Management System



PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278



August 31, 2020

Kelsey Westwood Hall, P.E.
 300 Morris Street
 Suite 200
 Durham, NC 27701

RE: REVIEW of Conditional Zoning Atlas Amendment – Master Plan Development (MPD) for
STAFF INITIAL REVIEW COMMENTS

To Whom It May Concern:

On or about August 7, 2020 the Orange County Planning Department received a Conditional Zoning Atlas Amendment application for a parcel of property located north of Interstate 85/40 within the Cheeks Township.

Specifically, staff received an application to rezone an approximately 104 acres of property, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9854-16-1576 and 9854-36-3711 (hereafter 'the Property'):

FROM: Office/Research and Manufacturing (O/RM) ; Upper Eno Protected Watershed Protection Overlay District ; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

TO: Master Plan Development Conditional Zoning (MPD-CZ) district; Upper Eno Protected Watershed Protection Overlay District ; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

According to the submittal, the purpose of the development is to: '*... create a mixed-use unified development providing a variety of retail, service, hotel, dining, light industrial/office flex space uses consistent with the Orange County 2030 Comprehensive Plan ...*'. As proposed, development will occur on approximately 104 acres of land and involve approximately 500,000 sq.ft. of building area supporting previous identified land use categories (hereafter 'the Project').

Review and action on the Project shall be in accordance with the provision(s) of Section 2.9 *Conditional Districts* of the Unified Development Ordinance (UDO).

In accordance with Section 2.2 *Applications* of the Unified Development Ordinance (UDO), staff began a sufficiency review of the submittal that was deemed complete and formally accepted for review on August 12, 2020.

As a general reminder the timeline for the review of the project remains as follows:

- a. August 14 through August 28, 2020 – Staff review and comment.
- b. September 14 through 18, 2020 – Neighborhood Information Meeting (NIM). A NIM shall be held allowing local property owners to ask the applicant questions and for staff to provide information on the process associated with the review of the project.

Given current COVID-19 pandemic protocols, this will be an on-line meeting sponsored/administered by the applicant with presentation materials linked on the County website.

The applicant is responsible for sending out notices to all property owners within 1,000 ft. of the Property notifying them of the date/time of the NIM.

These notices are required to be sent 15 days prior to the date of the NIM and are required to have a statement on the actual envelope indicate the letter is *Notification of a Neighborhood Information Meeting (NIM) – Beaver Crossing*.

Staff will assume responsibility for posting a sign on the Property advertising the NIM

- c. October 7, 2020 – Anticipated Planning Board meeting;
- d. November 5, 2020 – First available date for public hearing by the BOCC.

NOTE: The public hearing will be a virtual meeting.

In accordance with Session Law 2020-3 Section 4.31(a), pertaining to remote meetings during declared emergencies, written comments on items heard at a public hearing are accepted for 24 hours after the public hearing is closed.

The BOCC will be unable to make a decision on public hearing items until the 24-hour period for the submittal of written comments has concluded.

In reviewing the submitted application package, staff would like to offer the following observation(s) and comment(s):

I. COMMENT(S):

A. GENERAL:

1. Staff is continuing to review language on utility permitting and connection standards with the Orange Alamance Water (water provided) and the City of Mebane (sewer provider) staff and will provide additional feedback as soon as possible.
2. The Property is located within an area defined as a High Quality Water (HQW) zoned by the State of North Carolina. As site specific

development plans are submitted, the State will be reviewing the proposal for compliance with applicable standards.

Please note 'uncovered areas' in HQW zones shall be limited at any one time to a maximum total area of 20 acres within the boundaries of the Property. Larger areas may be uncovered with the written approval of the Director of the Division of Land Resources of the Department of Environment and Natural Resources.

3. When reviewing similar development proposals, conditions have been recommended by advisory board/elected officials requiring a specific number, or percentage of required, parking be designed to accommodate electrical charging stations. Staff believes there will be similar interest for the Project.

Section 2.5 H *Sustainable Design* of the Narrative contains the following statement:

Electric Vehicle Charging Stations: (i) a paved EV charging station area including the required electrical conduit system will be reserved within Development Area 1, (but completion of the charging station installation would occur at Applicant's sole discretion) and, (ii) as to other Development Areas, EV charging stations will be encouraged, provided that such facilities shall be ancillary to a principal land use and as a service to patrons or employees.

It is staff's opinion advisory board/elected officials will be looking for specifics (i.e. actual number of stations).

4. When reviewing similar development proposals, conditions have been recommended by advisory board/elected officials requiring the creation/designation of parking spaces to support 'park and ride' activities. Staff believes there will be similar interest for the Project.
5. The Narrative will need more information on the anticipated water needs/usage of the Project. Staff is concerned existing infrastructure is not suitable to support all anticipated land uses and comply with applicable State Fire Codes.
6. Sewer services will be provided by the City of Mebane. Consistent with the current inter-local agreement with the City, there is a maximum daily sewer allocation for this entire area.

The Narrative needs to provide additional detail on the anticipated sewer needs/usage for the Project. Staff is concerned this one development could negatively impact available sewer service to the entire area based on the engineering design for the existing 12 inch sanitary sewer line.

Staff needs this additional detail on anticipated sewer flow to review with the City of Mebane and formulate a response.

At a minimum, staff may be looking at a condition requiring low flow toilets and/or low flow users to ensure the continued viability of the system as a whole.

7. In general, staff will be recommending conditions for this Project that the applicant shall comply with all utility connection requirements/policies enforced by the City of Mebane and Orange Alamance Waster System Incorporated.

II. SPECIFIC – NARRATIVE:

- A. Page 6 of the narrative contains a few grammatical errors that should be corrected, detailed below:

To that end, and in accordance with the provision of Section 2.9.2 of the (UDO), we hereby submit this application requests to rezone the approximately 104.55 acres of land generally depicted on Sheet C1.0 (the Property”) to the Master Plan Development Conditional Zoning (MPD-CZ) zoning designation to allow for the development of the Project consistent with the land uses, development standards and other terms and provisions of this rezoning plan (including these Development Standards and accompanying Sheets, the “Rezoning Plan”).

- B. Page 7 of the narrative ‘estimates’ the amount of open space for the project at 30%. Staff believes the narrative can definitively state the amount of proposed open space for the Project.

As an aside, there is language in the same paragraph indicating the proposed open space will be ‘well in excess of UDO minimum standards’. Typically, the minimum open space area required for such projects is 30% when you factor in total limits on impervious surface area for non-residential development, landscaping/buffering requirements, installation of stormwater control measures, etc.

- C. Page 7, second paragraph of the narrative contains a few grammatical errors that should be corrected, detailed below:

Significant new internal roads, ~~and~~ pedestrian improvements, and off-site traffic improvements are proposed to serve the new development activities and support/improve mobility and assure appropriate access management. These new roadway improvements will ensure acceptable levels of service in the area, remove the duplicative ramp activity on I- 40/85 between Hwy 70 and Mt. Willing Road, ~~and~~ re-route obtrusive overhead transmission lines along that section of the I-40/85 frontage, and provide much needed connectivity from Mt. Willing Road/Turner Road by way of a new street through the Project to connect with the I-85 Connector, among other improvements.

Staff believes the following comment(s)/observation(s) should be considered/addressed:

- i. It might be prudent to include a reference to the various map(s) and/or document(s) where this information is for the layperson reading the narrative;

- ii. Be mindful some may not agree with your characterization of the current location of the overhead power lines as being 'obtrusive'. Some may argue they are only 'obtrusive' to you and that your proposed relocation plan will only transfer the problem to 'others';
 - iii. The narrative uses the term 'acceptable levels of service'. Be mindful that there will be some property owners within the notification area who would argue the proposed traffic impacts of the project are not acceptable to them;
 - iv. Staff is not clear on what is meant by the statement 'remove duplicative ramp activity on I-40/85 between Hwy 70 and Mt. Willing Road'.
- D. The narrative on page 7 provides a synopsis of beneficial impacts with the development of 'Phase 1' of the Project (i.e. the Buc-ee's Travel center). There is, however, no overview of the project as a whole. Staff is concerned a lack of analysis/explanation of the anticipated benefits of the Project as a whole will become a focal point of criticism.
- E. Page 9 of the narrative uses the term 'vacant' to describe property to the south of the Project.

As a general observation, staff has seen previous projects criticized for using the term 'vacant' with residents arguing there is nothing inherently wrong with property that is undeveloped.

Staff suggests you consider revising language within the document to indicate property without land uses/developments be referred to as 'undeveloped' rather than 'vacant'.

- F. Page 10 of the narrative, under Section 1-5 (B) contains the following language:

'Therefore, there will be instances where modifications will be allowed without requiring administrative review under the UDO ...'

Staff believes what you are trying to articulate is that certain modifications to the Project will not require 'BOCC review/approval'. Technically, the Project is always under 'administrative review' by staff consistent with the provision(s) of the Unified Development Ordinance (UDO).

Staff does not want someone to argue your narrative is inconsistent with the UDO.

- G. Consistent with Section 1-5 (C) of the Narrative, staff understands you are requesting 'vested rights' for the Project. This request, however, may not be necessarily required.

What this proposal represents is, ultimately, the adoption of a new zoning district governing development of approximately 104 acres of property. There will be development requirements, conditions, and a list of permitted land uses for this new district. If approved, the new zoning district is not subject to being extinguished without formal County action to rezone the property consistent with Section 2.8 of the UDO.

Staff is continuing to review language with the Attorney's office and will provide additional analysis in the near future.

- H. Page 16 Section 2-3 *Project Development Areas* subsection (A) of the Narrative inadvertently repeats a phrase twice:

For ease of ~~ease of~~ reference and as an organizing feature associated with the master planned nature of the Project, a series of 6 Development Areas (as defined in Section 1-5 above) are generally depicted on Sheets C2.0 & 2.1 along preserved green/open space areas .

Staff also recommends you add the following language to the last paragraph of this section:

The exact boundaries of the Development Areas and preserved green/open space areas may be modified to account for Development/Site Elements (as defined below) and other modifications needed to fulfill the design and development intent of the Rezoning Plan. Please note in this context, modification refers specifically to location and not required minimums. An approved dimensional standards (i.e. floor area ratio limits, minimum percentage of property reserved/preserved as open space, minimum number of required parking spaces, etc.) shall be adhered to unless otherwise modified in accordance with the provisions of the UDO.

- I. Section 2-4 *Permitted Uses, Development Levels, and Use Conversion Rights* (page 17) subsection (A):

- i. Staff recommends revising number 1 as follows:

The Property may contain and may be developed with uses permitted by right in the MPD-CZ district as proposed herein, together with accessory uses as allowed in the MPD-CZ district, but except as expressly limited by the provisions of subsections 2-4B. and C. below.

Sheet C 2.0 of the Master Concept Plan makes reference to specific land use categories being developed within the Project. These are the land use categories you are proposing for development within the Project. Reference needs to be made that allowable land use categories are linked to your 'rezoning plan' and 'master concept plan'.

- ii. Staff recommends you list out the requested land use categories in the narrative as currently depicted within the Master Concept Plan for the Project. A new Section 1.a could be include within the narrative reading as follows:

1 (A) As submitted, the Project will allow development of individual land uses consistent with the following land use categories in accordance with

Section 5.2 Table of Permitted Uses of the County's UDO:

- i. -Manufacturing, Assembly, Processing, and Distribution Uses – Food Uses, excluding those land uses identified herein;
- ii. Manufacturing, Assembly, Processing, and Distribution Uses – Other Uses, limited specifically to Research Facility with Manufacturing;
- iii. Medical Uses, excluding those land uses identified herein;
- iv. Office and Financial Services Uses, excluding those land uses identified herein;
- v. Automotive/Transportation Uses limited specifically to Motor Vehicle Service Station (i.e. gas station) and Bus/rail Passenger Shelters land uses;
- .vi Service Uses limited specifically to Eating and Drinking Establishments and Short Term Rental – Non-host Occupied land uses.

Development of individual land uses shall occur consistent with the standards imposed as part of the MPD-CZ approval process and those specific regulation(s) contained within the UDO allowing for the development of that specific land use.

- iii. Staff recommends you include language indicating the proposed car wash is considered to be an accessory use to the proposed Motor Vehicle Service Station.

Further, in order for the 'car wash' to be considered an 'accessory use', it shall be located within the same development district as the proposed Motor Vehicle Service Station (i.e. Development Area 1);

- iv. The Narrative will need to provide more detail on what 'temporary uses' are envisioned for the Project. Currently, there is no allowance for 'temporary' activities within an MPD-CZ district.

J. Section 2-4 *Permitted Uses, Development Levels, and Use Conversion Rights* (page 17) subsection (B):

- i. Please correct the following grammatical issue:

Except for the uses allowed for Development Area 1 (including without limitation retail sales to include among

other uses the sale of gas and related products and services and quick service EDEE uses with drive-through facilities), no gas station nor convenience store/gasoline sales uses and will be allowed on the Property, and no fast food restaurant with drive-thru window facility will be allowed on the Property. For the purposes of this provision, the term "gasoline sales" shall including petroleum, ethanol, diesel or other motor vehicle fuels.

ii. Number 2:

1. Staff believes you are attempting to reference allowable land uses for a MPD-CZ district as detailed in Section 5.2 of the UDO. If this assumption is correct, please revise existing language accordingly:

- i. Staff recommends you provide a list of all 'prohibited' land uses for each proposed category, for example:

a. Manufacturing, Assembly, Processing, and Distribution Uses – Food Uses: The following land uses are expressly prohibited:

i. Animal Feed Preparation, Manufacturing, Packaging, and Distribution;

ii. Animal Slaughtering and Processing, Packaging, and Distribution;

iii. Seafood Preparation, Packaging, and Distribution;

iv. Starch, Vegetable Fats and Oils Manufacturing; and

v. Tobacco Processing, Preparation, Packaging, and Distribution

b. Manufacturing, Assembly, Processing, and Distribution Uses – Other Uses, is expressly limited to Research Facility with Manufacturing;

c. Medical Uses. The following land uses are expressly prohibited:

i. Hospital;

ii. Veterinary Hospital

d. Office and Financial Services Uses. The following land uses are expressly prohibited:

i. Building/Trade contractor offices with external equipment storage yards;

- ii. Pawnshop/payday loan services:
- e. Automotive/Transportation Uses is expressly limited specifically Motor Vehicle Service Station (i.e. gas station) and Bus/rail Passenger Shelters land uses:
- f. Service Uses limited specifically to Eating and Drinking Establishments and Short Term Rental – Non-host Occupied land uses:

This list is consistent with existing UDO language and simplifies what will and will not be permitted within the Project.

- b. The narrative should be revised to include additional detail(s) on proposed development activities, namely:
 - i. A description/identification of each individual development area or 'pod' within the Project (i.e. acreage of development area, intended access, allowable floor area, etc.);
 - ii. Anticipated number of buildings and their size;
 - iii. An explanation on the anticipated number of parking spaces;
 - iv. An explanation of loading berths/zones for each area or 'pod';

This information should also be placed on the Master Concept Plan as well (Sheet C 2.0 and/or c 2.1).

K. PERFORMANCE STANDARDS:

- i. IN GENERAL: The Narrative needs to contain a summary of the findings of the Environmental Assessment (Exhibit F) as you begin the discussion of the Project's 'performance standards'. Specifically, an analysis of the information demonstrating compliance with applicable standards (i.e. Section 6.16.3 (B) of the UDO) which will be vital in documenting your rationale for arguing an Environmental Impact Statement, as detailed in Section 6.16.4 of the UDO, is not required for the Project.
- ii. Floor Area Ratio (FAR): the Narrative indicates the Project will observe a FAR of 0.65 or 28,314 sq.ft. of building floor area per acre of property. If we presume single-story building(s) for the Project, this would translate to a maximum of 2,944,656 sq.ft. of building area (67 acres).

Staff realizes we will not be dealing with single-story structures throughout the project, but is concerned this proposed FAR is inconsistent with the Transportation Impact Analysis (TIA) submitted for this project, which estimates traffic generated for

approximately 500,000 sq.ft. of building area/land uses (Exhibit F). The FAR either needs to be:

- Modified to be consistent with the building square footage utilized in the development of the TIA,
- The TIA need to be modified to document traffic impacts anticipated for the square footage of proposed building area based on a FAR of .65, or
- A condition needs to be recommended that floor area exceeding that studied as part of the TIA will require modification to the MPD-CZ consistent with Section 2.9.2 of the UDO.

The FAR for the Project should also be listed on the Master Concept Plan, specifically sheet(s) C 2.0 and/or 2.1.

- iii. Open Space: the Narrative indicates there will be a minimum of 30% open space for the project, translating to approximately 32 acres of land area. Please correct the narrative to reflect 30% of the proposed 104 acre development site.
- iv. Proposed building height for the Project is listed at a maximum of 60 ft. Existing language indicates 'accessory structures' may exceed 60 ft. in overall height. Typically there are additional setback requirements for structures exceeding 40 ft. in height per Section 3.7 of the UDO. Staff recommends references in the narrative to a '60 ft. height limit' be replaced with the following:

Buildings within the development shall abide by the height limitations and allowances established within Section 3.4 Office/Research and Manufacturing of the UDO. Building height shall be limited to 35 ft. 2 feet of additional height shall be allowed for one foot increase in require setback from an external road/property line with a maximum cap of 60 ft.

Additional information is required on the anticipated accessory land uses exceeding the 60 ft. height limit. Put simply: the applicant will need to provide a detailed list of land uses, other than signs, exceeding the height limit and the rationale for same.

Height limit(s) will also need to be listed on the Master Concept Plan, specifically sheet(s) C 2.0 and/or 2.1.

- v. A total impervious surface limit should be established for the project. Under current regulations, development with this area of the County could be a maximum of 70% with compliance development of stormwater control measures.

After conferring with the Director, it has been recommended the narrative contain language discussing the cumulative/shared nature of the development (i.e. shared access roads, shared parking, common stormwater control measures, open space preservation,

etc.) resulting in an overall reduction in the amount of land clearing/grading that will be required to accommodate the Project.

This will result in an overall reduction in the anticipated environmental impact of the Project thereby potentially justifying additional impervious surface area.

- vi. The Narrative indicates the Project will comply with the provision(s) of Section(s) 6.13 *Stream Buffers* and 6.21 *Flood Regulations* of the UDO. This includes preserving required buffers around identified water features (i.e. streams, wetlands, floodplain, etc.) as defined in the UDO.
- vii. The Narrative appears to indicate the Project will comply with the provision(s) of Section(s) 6.14 *Stormwater* and 6.15 *Erosion Control* of the UDO.

Orange County Erosion Control and Stormwater Management staffs are reviewing the proposed conditions. As a general observation: If it is your intention to make use of nutrient buy-down tools, the Narrative should contain language denoting same.

- viii. Staff encourages the applicant to use on-site ponds, designed to capture runoff, for irrigation purposes as detailed on page 22 of the Narrative.

L. ENVIRONMENTAL FACTORS: The Narrative indicates the project shall abide by the provisions of Section 6.4 *Performance Standards* of the UDO inclusive (i.e. noise, vibration, air pollution, etc.).

M. ARCHITECTURAL DESIGN STANDARDS: The proposed architectural design standards appears consistent with the provisions of Section 6.5 *Architectural Design Standards* of the UDO.

N. SETBACKS: Staff is recommending the following:

- i. 100 ft. perimeter structure setback from all external property lines and right-of-way (i.e. Mt. Willing Road, the Interstate, etc.);
- ii. Vehicular use areas (i.e. access drive-isle, parking, loading berths):
 - 1. 100 ft. from residentially zoned property (i.e. the property north of the Project);
 - 2. 50 ft. from all other property lines/external public rights-of-way;
 - 3. Staff is recommending all internal setbacks be 20 ft.
- iii. Signage: the proposed setbacks appear reasonable. Having said that, staff would like to discuss the potential need for more restrictive setbacks for signs exceeding 48 ft. Specifically, staff is looking to address potential impacts from a large sign becoming compromised and collapsing.

O. **LANDSCAPING:** The Narrative contains landscaping and buffering requirements in Section 2.5 *Performance Standards (E)* beginning on page 26.

- i. In General: The section should provide detail on the landscape and buffer management standards for the Project, including the amount of proposed foliage within identified landscaped areas.
- ii. Section 6.8.7 (F) of the UDO, the County establishes various buffer types outlining the number/species of foliage required within every 100 linear ft. of property. The narrative will need to define what level of landscaping is going to be required consistent with this standard.

Sheet C 6.0 of the Master Concept Plan contains this information. Staff recommends it be placed in the Narrative as well.

Staff shall provide comment(s) on proposed buffers in the next section of this document.

- iii. Number 4 *Planting Requirement(s) – Street Trees*. Language within this section of the Narrative is inconsistent with information provided on Sheet C 6.0. There are going to be instances where a canopy tree will be required more than once for every 100 linear ft.
- iv. Number 6 *Planting Requirements – Foundation Plantings*. Staff is recommending the following:
 1. A minimum of 40% of the building foundation in District 1 shall be landscaped with foliage by means of raised planters, sidewalk cutouts, or portable planters.
- v. Number 7 *Planting Requirements – Vehicular Use Areas*. Staff is recommending the following:
 1. The Project shall comply with the provisions of Section 6.8.7 (D) (1) of the UDO requiring all parking areas observe a vegetative buffer, at least 10 ft. in width, separating parking from adjacent open space, vehicular use areas, property lines, etc.
- vi. Number 9 *Interior Landscaping*. Staff is recommending the following:
 1. Language appears to indicate interior parking lot landscaping shall be installed where above/below ground utility and stormwater infrastructure allows.

Development of the Project will be required to take into consideration these factors while allowing for the installation of required landscaping.

Staff believes the Project can and should comply with all internal tree planting standards.
- vii. Please revise this section of the Narrative to contain the following additional detail(s):

1. Canopy trees installed within a landscape island shall be, at a minimum, 1 ½ inch caliper at dbh at time of installation;
2. Staff recommends inclusion of a typical 'tree grate area' design schematic showing the 'tree grate area' design as well as the anticipated installation of proposed foliage.

P. SIGNS: Staff summarizes the proposed signage for the Project as follows:

i. Current County sign regulation(s) would allow the following within an O/RM district general use zoning district:

1. 1 on premise sign with a height limit of 24 ft. and a maximum area of 72 sq.ft. for parcels that are large than 60,000 sq.ft. and have more than 300 linear ft. of frontage on a NC Department of Transportation maintained roadway;
2. 1 wall sign per building façade with frontage on a street right-of-way. Maximum allowable area for a wall sign is 64 sq.ft. for parcels that are larger than 60,000 sq.ft., have more than 300 linear ft. of frontage on a NC Department of Transportation maintained roadway, and contain a structure with more than 100 linear ft. of building length facing a public right-of-way;
3. Window signs are limited to a maximum of 30% of the total window area within the sign is to be located;
4. Per Section 6.12.13 a service station would be allowed signage on the gas pumps as follows:
 - a. No internal or external illumination shall be permitted;
 - b. Signs shall be limited to four square feet in area;
 - c. Signs must advertise items for sale on the property. Under no circumstances may a sign advertise a sale, activity, business, or product not associated with the principal use of property
5. With respect to signage on a canopy, the UDO currently indicates advertising material shall be limited to trademarks, logos, and the name of the service station or other similar display limited to six square feet of area. Signage on the canopy is usually reserved to the portion of the canopy facing/with frontage along a right-of-way.

ii. The submitted application proposes the following:

1. Development Area 1 (i.e. Buc-ees Travel Center):
 - a. 1 on premise sign approximately 100 ft. tall with a total sign area of 601 sq.ft.; - Roughly constituting a 800% increase in allowable sign area;

- b. 3 wall signs (i.e. on portions of the building that could have frontage/visibility from a road right-of-way) each approximately 270 sq.ft. in area (total cumulative sign area of 810 sq.ft.); - Roughly constituting a 400% increase in allowable sign area per sign;
- c. Logos on the canopy – 4 total logos each approximately 50 sq.ft. in area (total cumulative sign area of 200 sq.ft.); - Roughly constituting a 900% increase in allowable sign area per sign;
- d. A total of 16 signs on several separate gas pumps advertising fuel type, each sign 5.5 sq.ft. in area (total of approximately 88 sq.ft.) – A negligible increase in allowable sign area (i.e. allowed 4 sq.ft. proposing 5.5 sq.ft.).

2. Other development areas:

- a. A total of 8 monument signs, each with 240 sq.ft. of sign area not exceeding 20 ft. in height (cumulative of 1,920 sq.ft. of sign area);
- b. Wall Signs: 64 sq.ft. of wall sign area for each individual tenant space (insufficient information to determine cumulative sign area);
- c. Directional and temporary/construction/real estate signage consistent with the provisions of Section 6.12 *Signs* of the UDO.

A rough estimate of total requested sign area for the Project appears to be between 2,800 and 3,600 sq.ft. depending on the number of individual tenants requiring wall signage.

While the Conditional Zoning process allows the County to make additional signage allowances (i.e. height, allowable sign area, etc.), the requested signage is several orders of magnitude beyond what we current regulations would allow on the property.

The Narrative should contain information justifying the nature of the request based on the overall Property area of 04 acres and the specific design elements of the Project.

For example, the applicant may choose to include language within the Narrative arguing that under current regulations, the 104 acres of property zoned O/R M general use could be subdivided to create approximately 24 separate 4 acres lots, each with its own sign allotment.

In this scenario, there would be a maximum of:

- 24 freestanding signs (1 for each separate parcel) totaling 1,728 sq.ft. of allowable sign area; and

- 24 wall signs (presuming 1 sign for a single building on the 24 separate parcels) totaling 1,536 sq.ft. of sign area.

The Narrative would have to 'demonstrate' how the proposed signage for the Project would be consistent with the overall development potential of this 104 acres of O/R M zoned property if you were dealing with multiple, individual parcels.

As a general observation staff is concerned over the proposed 100 ft. free standing sign for in Development Area 1 (i.e. Buc-ee's Travel center) and recommends a maximum height limit of 60 ft. for the proposed sign. This recommendation takes into consideration this site is higher elevation than surrounding properties and the Interstate.

With respect to flags, staff recommends a maximum of 3 flags be allowed per individual development area, with a size limit of 24 sq.ft. per flag, consistent with Section 6.12.12 (A) of the UDO. Staff is not comfortable with the proposal to allow 2 flags each development area comply with the provision(s) of your proposal as articulated on page 29 of The Narrative. Staff is not comfortable recommending approval of the proposed standard, specifically each individual building being allowed to have 2 flags, as this is inconsistent with the spirit and intent of Section.

Q. LIGHTING: Staff has the following comment(s)/recommendation(s):

- An audit of current lighting levels should be completed and made part of the Narrative.

This audit will establish the baseline of existing illumination in and around the Property, most notably along the Interstate service road, allowing for a determination as to how much light already exists in the area.

Once the results of this audit are available, staff would have no problem recommending a condition for Development Area 1 (i.e. Buc-ee's Travel center) that: *there shall be no net increase in existing foot-candle/lumen levels along the southern property line adjacent to the Interstate service road with development in Development Area 1 of the Project.*

- Staff has no concerns over the proposed maximum pole height of 36 ft.
- Staff agrees with the recommended condition that all fixtures shall be full-cut off design consistent with Section 6.11.6 of the UDO.
- If the location of outdoor lighting fixtures is known, a formal lighting plan is required to be submitted as part of the MPD-CZ application (refer to Section 6.11.5 (B) of the UDO). If not, please add language indicating same within the Narrative.
- Staff recommends the applicant add language to the narrative indicating all security lights shall abide by the requirements of Section 6.11.3 (J) of the UDO.

- vi. Add language indicating formal lighting plans shall be submitted with all site plans where outdoor lighting is proposed.
- vii. Add language that lighting for the project shall comply with applicable NC Department of Transportation requirements for roadway lighting.

R. **PARKING:** At this time, staff has no comments on the proposed parking ratios (i.e. number of spaces per sq.ft. of building area based on land use) contained in Section III of the Narrative (page 32).

III. TRANSPORTATION IMPACT ANALYSIS (TIA):

There are 2 phases to the Project, specifically:

- Construction of a 120 pump gas station (Phase 1); and
- Construction of:
 - 120-room hotel (square footage of structure unknown);
 - 8,000 sq.ft. of medical office space;
 - 30,000 sq.ft. of specialty retail space;
 - A 3,500 sq.ft. drive-in bank;
 - 12,000 sq.ft. of casual restaurant; and
 - 20,000 SF of high-turnover sit-down restaurant space

(Phase 2).

As previously indicated herein the overall size of the structures referenced within the TIA appears inconsistent with the Narrative and information provided on the Master Concept Plan.

In reviewing the TIA, staff would offer these initial comments:

A. On August 31, 2020 staff was informed by NC Department of Transportation (NC DOT) staff they required clarification on various issues and had 'tabled' their review of the TIA proposal until responses were received.

PLEASE NOTE: DOT's review of this TIA is essential to the Project being able to move forward in the zoning atlas amendment process.

B. Staff is concerned the proposed square footages for structures, as detailed on the Master Concept Plan and within the Project narrative, are not clearly reflected within the TIA.

Put simply, there appears to be more building area generating potential traffic impacts that are not addressed in the submittal we are currently reviewing.

C. Staff would like to review the possibility of reserving a 50 ft. right-of-way along the northern property line to accommodate a future access road for parcels fronting on Southern Drive to obtain access to Mt. Willing Road.

This could be a separate roadway or some form of internal connectivity for these adjacent parcels to the internal roadway network within the Project. This is to address potential loss of Southern Drive as an access for these parcels in the event of railroad expansion.

- D. Staff is concerned about the proposed drive access points along the Interstate exit ramp running parallel with the southern Property line.

Specifically, staff is concerned about what appears to be 2-way traffic access onto the exit ramp from Development Area 1 (i.e. Buc-ee's Travel center).

Staff will be recommending to the applicant and NC DOT the proposal be revised to allow for right-turn only for these driveways, specifically:

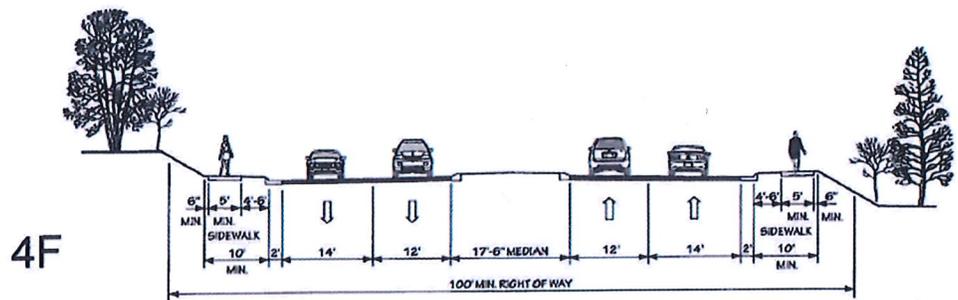
- Entrance to the Project near the intersection of Mt. Willing Road;
- Exit onto the allowing drivers to access Development Area 1 near the intersection of the UD Highway 70 connector.

This presumes NC DOT allows for the development of driveway/access roads onto the exit ramp serving Development Area 1.

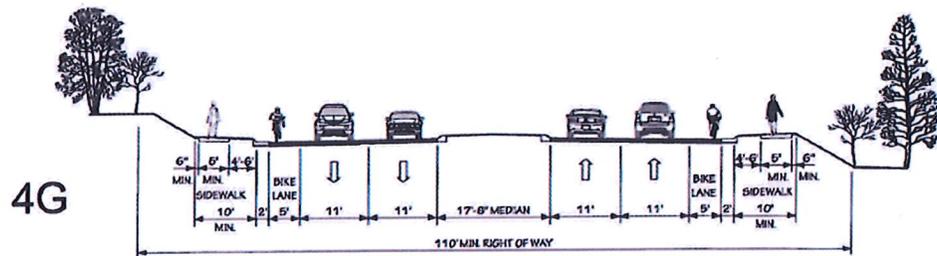
- E. Orange County Planning supports the proposed US Highway 70 connector improvements as detailed on the Master Concept Plan and referenced within the TIA.

- F. Mt. Willing Road is on the County's adopted 2019 *Efland-Buckhorn-Mebane Access Management Plan* (EBM AMP) as well as the Orange County CTP. Staff will be recommending the incorporation of the following:

- i. 4-Lane divided cross section (*page 20* of the EBM AMP)
- ii. The current right-of-way for Mt. Willing Road is 60 ft. Staff is recommending a 25' reservation of additional right-of-way along the western boundary of the Property in support of future improvements along the roadway.
- iii. Staff will be requiring a 100 right-of-way (4F) or 110' right-of-way (4G) – NOTE: sample cross sections on next page;
- iv. County staff will recommend to the BOCC that Mt. Willing Road improvements be approved as a County priority in SPOT 7 and subsequent processes.



4F
 4 LANE DIVIDED (17'-6" RAISED MEDIAN) WITH CURB & GUTTER,
 WIDE OUTSIDE LANES, AND SIDEWALKS
 POSTED SPEED 35-45 MPH



4G
 4 LANE DIVIDED (17'-6" RAISED MEDIAN) WITH CURB & GUTTER,
 BIKE LANES, AND SIDEWALKS
 POSTED SPEED 35-45 MPH

- G. Mt. Willing at I-40 EB off ramp should be considered for a signalized intersection in Phase 2.
- H. Stop sign currently at the off ramp; there is a 4-way stop intersection with W. Ten Road just south of this juncture. Staff will be working with the applicant to secure the necessary right-of-way dedication to facilitate these proposals.
- I. Staff would like to see an area of the project (either in Phase I or II) be reserved for connection to the transit systems of the area; this could include:
- i. A bus stop location with signage
 - ii. A bus shelter with signage
- J. A "Future Transit Amenity by others" on a 1.62-acre parcel on the northeast edge of the project area is listed on the second page of the Master Concept Plan, but was not indicated in either TIA.
- K. Staff is interested in the internal roadway features of the project site (when both phases are built out) and what accommodations (sidewalks, side paths, bike lanes, etc.) might be included.

IV. MASTER PLAN SET:

- A. Section 6.7.1 (B) (1) of the UDO requires a map of the development site. While the Master Concept Plan set provides the majority of required detail(s), specifically Sheet(s) C 2.0 and 2.1 the submittal should be modified as indicated:
- i. Label and identify the various 'lines' on the submitted map(s). Staff recommends you use different colors to help distinguish the information contained on the individual maps.
 - ii. Sheet(s) C 2.0 and 2.1 should display the stream/wetland buffer area per Section 6.13 of the UDO.
 - iii. As previously indicated herein, Sheet(s) C 2.0 and 2.1 should display the following information:
 1. Proposed floor area ratio (FAR) for the Project.
 2. Proposed impervious surface area for the Project.
 3. Proposed open space.
 4. Breakdown of landscape/buffer area (i.e. acreage) for the Project.
 5. Proposed setbacks (internal and external).
 6. Anticipated number of parking spaces, loading berths/stalls, etc.
 7. Maximum allowable building height (in general and per each individual development 'pod' if there will be a difference).
 8. Anticipated number of parking spaces with access to alternative energy charging stations (if proposed).
 - iv. The Project will involve the relocation of existing overhead utility lines. Staff will need documentation indicating the relocated power line/easement(s) have been approved, and if development is located within the easement said activity has been approved by the utility provider.
 - v. Sheet C 6.0 and 6.1 serves as the landscape master plan for the project. Staff recommend(s) the following:
 1. A 75 ft. land use buffer along the northern property line separating the residential land uses from Development Area(s) 5 and 3. Planting requirements would follow what is proposed for the Type F buffer option as depicted on Sheet 6.1.
 2. The proposed tree planting requirements appear to be consistent with the provisions of Section 6.8.6 (F) of the UDO.

3. Denote internal landscaping (i.e. parking lot and parking lot perimeter, building, preservation of existing significant foliage, etc.) on Sheet 6.0 of the Master Concept Plan set.
4. Major Transportation Corridor (MTC) buffers, including requested breaks consistent with Section 6.6.4 of the UDO. Staff is recognizes the proposal calls for a managed MTC buffer, versus a cleared 'visual break', for the approximately 1,200 linear ft. of Property along the Interstate exit.

This proposed 'managed MTC buffer break' constitutes a design standard exceeding current UDO requirements.

- vi. The roadway cross-section on Sheet C 5.0 appears acceptable for internal roadway development. Staff recommends the drawing be updated to show typical landscaping installation as well.
- vii. Provide language (Sheet C 2.0) indicating if denoted stormwater control measures (SCMs) are:
 1. For illustrative purposes (i.e. final SCM location shall be determined with the submittal of a formal stormwater management plan in accordance with the UDO);
 2. Are anticipated to serve as master drainage basin areas or for specific 'pods'.
- viii. Sheet C 4.0: Section 6.7.1 (B) (6) of the UDO requires a map detailing the utility master plan for the project. While this Sheet provides the majority of required detail(s), the submittal should be modified as indicated:
 1. Provide notes detailing anticipated/proposed utility lines (i.e. water/sewer) anticipated within the project.
 2. Denote the anticipated location of sidewalks to assist staff ascertain if there will be any conflicts with utility location.
 3. The map will need to be modified to include the detailed design calculations for the project indicating that the proposed utility lines are sufficient for expected development and associated/estimated density for the project.
 4. Include a note indicating: *'All onsite utilities shall be underground unless approved by the Board of County Commissioners'*.
 5. Indicate connection points to various utility lines.
 6. Denote the location of any anticipated/planned utility infrastructure (i.e. pump stations, etc.).
 7. Provide detail on anticipated fire flow for the proposed utility lines with detail on how same will support the project. As a general reminder fire flow requirements are necessary for consideration when sizing water lines.

8. Provide detail on the anticipated placement of manholes and elevations same. This will include the provision of a typical manhole construction detail.
9. Denote anticipated stub out locations.
10. Additional detail on expected build-out. This information shall be essential in evaluating the ability of installed infrastructure to meet current and future needs of the project.

Please note this document represents staff comments on the project thus far and should in no way be construed as our final determination.

Additional correspondence shall be provided as necessary outlining our comments on the project. This will include comment(s) from other County agencies (i.e. Erosion Control/Stormwater, Fire Marshal, Solid Waste, County's Attorney office, etc.) and external review partners (i.e. NC Department of Transportation, City of Mebane, Orange-Alamance Water, etc.)

We will of course be more than happy to meet with you in person to review these comments, any new issues, and methods of complying with other regulatory requirements. Please contact me at (919) 245-2597 and/or mharvey@orangecountync.gov schedule and/or discuss the project in greater detail.

Sincerely,



Michael D. Harvey AICP, CFM, CZO
Current Planning Supervisor
Orange County

CC: Travis Myren, Deputy County Manager;
Craig Benedict, Planning Director;
Steve Brantley; Economic Development;
James Bryan, County Attorney's Office;
Chris Rollins, City of Mebane;
Cy Stobber, City of Mebane;
Chuck Edwards, NC DOT;
OAWS staff;
Elizabeth (Beth) Trahos, Attorney for the Applicant
File.



October 15, 2020

Michael D. Harvey AICP, CFM, CZO
 Current Planning Supervisor
 Orange County
 131 W. Margaret Lane
 Suite 201
 P.O. Box 8181
 Hillsborough, NC 27278

**Conditional Zoning Atlas Amendment
 Master Plan Development (MPD)
 Comment Responses**

Review Comments found on page:

General Comments 1
 Narrative Comments:..... 3
 Transportation Impact Analysis (TIA) Comments: 14
 Master Plan Set Comments:..... 17
 Engineering Comments: 19
 Environment, Agriculture, Parks & Recreation Comments:..... 22
 Solid Waste Comments:..... 22

General Comments

1. Staff is continuing to review language on utility permitting and connection standards with the Orange Alamance Water (water provided) and the City of Mebane (sewer provider) staff and will provide additional feedback as soon as possible.
Response: Comment noted. Kimley-Horn is working to schedule meetings with Orange Alamance Water and the City of Mebane to discuss the improvements necessary for connection to existing water and sewer near the site.

2. The Property is located within an area defined as a High-Quality Water (HQW) zoned by the State of North Carolina. As site specific development plans are submitted, the State will be reviewing the proposal for compliance with applicable standards. Please note 'uncovered areas' in HQW zones shall be limited at any one time to a maximum total area of 20 acres within the boundaries of the Property. Larger areas may be uncovered with the written approval of the Director of the Division of Land Resources of the Department of Environment and Natural Resources.

Response: We will comply with the land area disturbance limitation required by the HQW. We are working with Orange County and the state of North Carolina to identify the best approach to abide by the requirements.

3. When reviewing similar development proposals, conditions have been recommended by advisory board/elected officials requiring a specific number, or percentage of required, parking be designed to accommodate electrical charging stations. Staff believes there will be similar interest for the Project. Section 2.5 H Sustainable Design of the Narrative contains the following statement:

Electric Vehicle Charging Stations. (i) a paved EV charging station area including the required electrical conduit system will be reserved within Development Area 1, (but completion of the charging station installation would occur at Applicant's sole discretion) and, (ii) as to other Development Areas, EV charging stations will be encouraged, provided that such facilities shall be ancillary to a principal land use and as a service to patrons or employees.

It is staff's opinion advisory board/elected officials will be looking for specifics (i.e. actual number of stations).

Response: No less than 10 electric vehicle charging stations will be provided within Development Area 1. Refer to Sheet C2.0 of the Rezoning Plan and Section 2-5.B.12 of the Narrative for details.

4. When reviewing similar development proposals, conditions have been recommended by advisory board/elected officials requiring the creation/designation of parking spaces to support 'park and ride' activities. Staff believes there will be similar interest for the Project.

Response: A portion of the site (Development Area 6) has been reserved for a Future Transit Amenity to be designed and constructed by others as described within Sections 3-2 and Section 2-4.C of the Narrative.

5. The Narrative will need more information on the anticipated water needs/usage of the Project. Staff is concerned existing infrastructure is not suitable to support all anticipated land uses and comply with applicable State Fire Codes.

Response: Additional information regarding anticipated water needs and usage of the project is now provided within Section IV of the Narrative.

6. Sewer services will be provided by the City of Mebane. Consistent with the current inter-local agreement with the City, there is a maximum daily sewer allocation for this entire area. The Narrative needs to provide additional detail on the anticipated sewer needs/usage for the Project. Staff is concerned this one development could negatively impact available sewer service to the entire area based on the engineering design for the existing 12-inch sanitary sewer line. Staff needs this additional detail on anticipated sewer flow to review with the City of Mebane and formulate a response. At a minimum, staff may be looking at a condition requiring low flow toilets and/or low flow users to ensure the continued viability of the system as a whole.

Response: Additional information regarding anticipated sanitary sewer needs and usage of the project is now provided within Section IV of the Narrative.

7. In general, staff will be recommending conditions for this Project that the applicant shall comply with all utility connection requirements/policies enforced by the City of Mebane and Orange Alamance Waster System Incorporated.

Response: Comment noted. Kimley-Horn is working to schedule meetings with Orange Alamance Water and the City of Mebane to discuss the improvements necessary for connection to existing water and sewer near the site.

Narrative Comments:

- A. Page 6 of the narrative contains a few grammatical errors that should be corrected, detailed below:
To that end, and in accordance with the provision of Section 2.9.2 of the (UDO), we hereby submit this application request to rezone the approximately 104.55 acres of land generally depicted on Sheet C1.0 (the Property) to the Master Plan Development Conditional Zoning (MPD- CZ) designation to allow for the development of the Project consistent with the land uses, development standards and other terms and provisions of this rezoning plan (including these Development Standards and accompanying Sheets, the "Rezoning Plan").

Response: The Narrative has been revised as noted above. Refer to Section 1-1 of the Narrative for details.

- B. Page 7 of the narrative 'estimates' the amount of open space for the project at 30%. Staff believes the narrative can definitively state the amount of proposed open space for the Project. As an aside, there is language in the same paragraph indicating the proposed open space will be 'well in excess of UDO minimum standards.' Typically, the minimum open space area required for such projects is 30% when you factor in total limits on impervious surface area for non-residential development, landscaping/buffering requirements, installation of stormwater control measures, etc.

Response: The Narrative has been revised to show the percentage of open space depicted on the Rezoning Plan and proposed with the project. Refer to Sections 1-1 and 2.4.C of the Narrative for details.

- C. Page 7, second paragraph of the narrative contains a few grammatical errors that should be corrected, detailed below:

Significant new internal roads, pedestrian improvements, and off-site traffic improvements are proposed to serve the new development activities and support/improve mobility and assure appropriate access management. These new roadway improvements will ensure acceptable levels of service in the area, remove the duplicative ramp activity on I- 40/85 between Hwy 70 and Mt. Willing Road, re-route obtrusive overhead transmission lines along that section of the I-40/85 frontage, and provide much needed connectivity from Mt. Willing Road/Turner Road by way of a new street through the Project to connect with the I-85 Connector, among other improvements.

Response: The Narrative has been revised as noted above. Refer to Section 1-1 of the Narrative for details.

Staff believes the following comment(s)/observation(s) should be considered/addressed:

- i. It might be prudent to include a reference to the various map(s) and/or document(s) where this information is for the layperson reading the narrative;

Response: Comment noted. Additional references to relevant maps and documents have been added throughout the Narrative as deemed necessary.

- ii. Be mindful some may not agree with your characterization of the current location of the overhead power lines as being 'obtrusive'. Some may argue they are only 'obtrusive' to you and that your proposed relocation plan will only transfer the problem to 'others';

Response: The overhead powerline relocation will remain within the limits of the proposed development and is not anticipated to impact adjacent property owners.

- iii. The narrative uses the term 'acceptable levels of service'. Be mindful that there will be some property owners within the notification area who would argue the proposed traffic impacts of the project are not acceptable to them;
Response: Comment noted. The term "Level of Service" is a quantitative engineering measure of traffic operations correlated to volume to capacity ratios, vehicle delay, density, and other measured parameters at acceptable levels as defined by the Highway Capacity Manual and NCDOT.
- iv. Staff is not clear on what is meant by the statement 'remove duplicative ramp activity on I-40/85 between Hwy 70 and Mt. Willing Road'.
Response: This statement is in reference to removal of Westbound I-40 Exit 160, which duplicates the function of Exit 161.
- D. The narrative on page 7 provides a synopsis of beneficial impacts with the development of 'Phase 1' of the Project (i.e. the Buc-ee's Travel center). There is, however, no overview of the project as a whole. Staff is concerned a lack of analysis/explanation of the anticipated benefits of the Project as a whole will become a focal point of criticism.
Response: The Narrative has been revised to provide more explanation for the project as a whole. Refer to Section 1-1 of the Narrative for details.
- E. Page 9 of the narrative uses the term 'vacant' to describe property to the south of the Project. As a general observation, staff has seen previous projects criticized for using the term 'vacant' with residents arguing there is nothing inherently wrong with property that is undeveloped. Staff suggests you consider revising language within the document to indicate property without land uses/developments be referred to as 'undeveloped' rather than 'vacant'.
Response: The reference in the Narrative to adjacent 'vacant' properties has been revised to show that the properties are 'undeveloped' as recommended. Refer to Section 1-3 of the Narrative for details.
- F. Page 10 of the narrative, under Section 1-5 (B) contains the following language:
'Therefore, there will be instances where modifications will be allowed without requiring administrative review under the UDO ...'
 Staff believes what you are trying to articulate is that certain modifications to the Project will not require 'BOCC review/approval'. Technically, the Project is always under 'administrative review' by staff consistent with the provision(s) of the Unified Development Ordinance (UDO). Staff does not want someone to argue your narrative is inconsistent with the UDO.
Response: The Narrative has been revised to specify that certain modifications to the project will not require Board of County Commissioners review and approval. Refer to Section 1-6.B of the Narrative for details.
- G. Consistent with Section 1-5 (C) of the Narrative, staff understands you are requesting 'vested rights' for the Project. This request, however, may not be necessarily required. What this proposal represents is, ultimately, the adoption of a new zoning district governing development of approximately 104 acres of property. There will be development requirements, conditions, and a list of permitted land uses for this new district. If approved, the new zoning district is not subject to being extinguished without formal County action to rezone the property consistent with Section 2.8 of the UDO. Staff is continuing to review language with the Attorney's office and will provide additional analysis in the near future.
Response: Comment noted. If necessary, the Narrative will be revised upon additional analysis by Orange County.

- H. Page 16 Section 2-3 Project Development Areas subsection (A) of the Narrative inadvertently repeats a phrase twice:

For ease of reference and as an organizing feature associated with the master planned nature of the Project, a series of 6 Development Areas (as defined in Section 1-5 above) are generally depicted on Sheets C2.0 & 2.1 along preserved green/open space areas.

Staff also recommends you add the following language to the last paragraph of this section:

The exact boundaries of the Development Areas and preserved green/open space areas may be modified to account for Development/Site Elements (as defined below) and other modifications needed to fulfill the design and development intent of the Rezoning Plan. Please note in this context, modification refers specifically to location and not required minimums. An approved dimensional standard (i.e. floor area ratio limits, minimum percentage of property reserved/preserved as open space, minimum number of required parking spaces, etc.) shall be adhered to unless otherwise modified in accordance with the provisions of the UDO.

Response: The Narrative has been revised as noted above. Refer to Section 2-3 of the Narrative for details.

- I. Section 2-4 Permitted Uses, Development Levels, and Use Conversion Rights (page 17) subsection (A):

- i. Staff recommends revising number 1 as follows:

The Property may contain and may be developed with uses permitted by right in the MPD-CZ district as proposed herein, together with accessory uses as allowed in the MPD-CZ district, but except as expressly limited by the provisions of subsections 2-4B. and C. below.

Sheet C 2.0 of the Master Concept Plan makes reference to specific land use categories being developed within the Project. These are the land use categories you are proposing for development within the Project. Reference needs to be made that allowable land use categories are linked to your 'rezoning plan' and 'master concept plan'.

Response: The Narrative has been revised as requested. Refer to Section 2-4 of the Narrative for details.

- ii. Staff recommends you list out the requested land use categories in the narrative as currently depicted within the Master Concept Plan for the Project. A new Section 1.a could be included within the narrative reading as follows:

1(A) As submitted, the Project will allow development of individual land uses consistent with the following land use categories in accordance with Section 5.2 Table of Permitted Uses of the County's UDO:

- i. Manufacturing, Assembly, Processing, and Distribution Uses — Food Uses, excluding those land uses identified herein;*
- ii. Manufacturing, Assembly, Processing and Distribution Uses — Other Uses, limited specifically to Research Facility with Manufacturing;*
- iii. Medical Uses, excluding those land uses identified herein;*
- iv. Office and Financial Services Uses, excluding those land uses identified herein,*
- v. Automotive/Transportation Uses limited specifically to Motor Vehicle Service Station (i.e. gas station) and Bus/rail Passenger Shelters land uses;*
- vi. Service Uses limited specifically to Eating and Drinking Establishments and Short-Term Rental — Non-host Occupied land uses.*

Development of individual land uses shall occur consistent with the standards imposed as part of the MPD-CZ approval process and those specific regulation(s) contained within the UDO allowing for the development of that specific land use.

Response: The Narrative has been revised as requested. Refer to Section 2-4 of the Narrative for details. Additional Uses have been added to describe all permitted uses.

- iii. Staff recommends you include language indicating the proposed car wash is considered to be an accessory use to the proposed Motor Vehicle Service Station. Further, in order for the 'car wash' to be considered an 'accessory use', it shall be located within the same development district as the proposed Motor Vehicle Service Station (i.e. Development Area 1)

Response: The car wash is now located within Development Area 1 and is described as an accessory use. Refer to Section 2-4 of the Narrative and Sheet C2.0 of the Rezoning Plan for details.

- iv. The Narrative will need to provide more detail on what 'temporary uses' are envisioned for the Project. Currently, there is no allowance for 'temporary' activities within an MPD-CZ district.

Response: References to 'temporary uses' have been removed from the Narrative.

J. Section 2-4 Permitted Uses, Development Levels, and Use Conversion Rights (page 17) subsection (B):

- i. Please correct the following grammatical issue:

Except for the uses allowed for Development Area 1 (including without limitation retail sales to include among other uses the sale of gas and related products and services and quick service EDEE uses with drive-through facilities), no gas station nor convenience store/gasoline sales uses and will be allowed on the Property, and no fast food restaurant with drive-thru window facility will be allowed on the Property. For the purposes of this provision, the term "gasoline sales" shall include petroleum, ethanol, diesel or other motor vehicle fuels.

Response: The Narrative has been revised as requested. Refer to Section 2-4.B of the Narrative for details. The language has also been revised to indicate that no drive-thru windows will be permitted. Take out windows are allowed to accommodate a prevalent practice that has developed during the COVID crisis.

- ii. Number 2:

- 1. Staff believes you are attempting to reference allowable land uses for a MPD-CZ district as detailed in Section 5.2 of the UDO. If this assumption is correct, please revise existing language accordingly:

- i. Staff recommends you provide a list of all 'prohibited' land uses for each proposed category, for example:

a. *Manufacturing, Assembly, Processing, and Distribution Uses — Food Uses: The following land uses are expressly prohibited.*

- i. *Animal Feed Preparation, Manufacturing, Packaging, and Distribution;*

- ii. *Animal Slaughtering and Processing, Packaging, and Distribution,*

- iii. *Seafood Preparation, Packaging, and Distribution.*

- iv. *Starch, Vegetable Fats and Oils Manufacturing; and*

- v. *Tobacco Processing, Preparation, Packaging, and Distribution*

b. *Manufacturing, Assembly, Processing, and Distribution Uses — Other Uses, is expressly limited to Research Facility with Manufacturing,*

c. *Medical Uses. the following land uses are expressly prohibited.*

- i. *Hospital;*

- ii. *Veterinary Hospital*

- d. *Office and Financial Services Uses. The following land uses are expressly prohibited:*
 - i. *Building/Trade contractor offices with external equipment storage yards;*
 - ii. *Pawnshop/payday loan services;*
- e. *Automotive/Transportation Uses is expressly limited specifically Motor Vehicle Service Station (i.e. gas station) and Bus/rail Passenger Shelters land uses:*
- f. *Service Uses limited specifically to Eating and Drinking Establishments and Short Term Rental — Non-host Occupied land uses;*

This list is consistent with existing UDO language and simplifies what will and will not be permitted within the Project.

Response: The Narrative has been revised to include a detailed list of prohibited land use categories similar to the sample list provided above. Refer to Section 2-4.B of the Narrative for details.

- a. The narrative should be revised to include additional detail(s) on proposed development activities, namely:
 - i. *A description/identification of each individual development area or 'pod' within the Project (i.e. acreage of development area, intended access, allowable floor area, etc.);*
 - ii. *Anticipated number of buildings and their size;*
 - iii. *An explanation on the anticipated number of parking spaces;*
 - iv. *An explanation of loading berths/zones for each area or 'pod';*

This information should also be placed on the Master Concept Plan as well (Sheet C 2.0 and/or C2.1).

Response: The Narrative has been revised to provide additional details on the proposed development to the greatest extent possible. Refer to Section 2-4.C of the Narrative for and Sheet C2.0 of the Rezoning Plan for details.

K. PERFORMANCE STANDARDS:

- i. **IN GENERAL:** The Narrative needs to contain a summary of the findings of the Environmental Assessment (Exhibit F) as you begin the discussion of the Project's 'performance standards'. Specifically, an analysis of the information demonstrating compliance with applicable standards (i.e. Section 6.16.3 (B) of the UDO) which will be vital in documenting your rationale for arguing an Environmental Impact Statement, as detailed in Section 6.16.4 of the UDO, is not required for the Project.
Response: A summary of the findings of the Environmental Assessment are now included within the Narrative. Refer to Section 1-5 of the Narrative for details.
- ii. **Floor Area Ratio (FAR):** the Narrative indicates the Project will observe a FAR of 0.65 or 28,314 sq.ft. of building floor area per acre of property. If we presume single-story building(s) for the Project, this would translate to a maximum of 2,944,656 sq.ft. of building area (67 acres). Staff realizes we will not be dealing with single-story structures throughout the project, but is concerned this proposed FAR is inconsistent with the Transportation Impact Analysis (TIA) submitted for this project, which estimates traffic generated for approximately 500,000 sq.ft. of building area/land uses (Exhibit F). The FAR either needs to be:
 - Modified to be consistent with the building square footage utilized in the development of the TIA,

- The TIA need to be modified to document traffic impacts anticipated for the square footage of proposed building area based on a FAR of 0.65, or
- A condition needs to be recommended that floor area exceeding that studied as part of the TIA will require modification to the MPD-CZ consistent with Section 2.9.2 of the UDO.

The FAR for the Project should also be listed on the Master Concept Plan, specifically sheet(s) C 2.0 and/or 2.1.

Response: The Narrative has been modified to specify that the FAR for each Development Area shall not exceed 0.65 provided that the total development of the project shall not exceed 500,000 SF of gross floor area. The addition of this provision within the Narrative allows for total development of the site to be consistent with the TIA. Refer to Section 2-5.A.2 of the Narrative and Sheet C2.0 of the Rezoning Plan for details.

- iii. Open Space: The Narrative indicates there will be a minimum of 30% open space for the project, translating to approximately 32 acres of land area. Please correct the narrative to reflect 30% of the proposed 104 acre development site.

Response: The Narrative has been corrected to show a minimum of 40 acres of open space for the project which equates to approximately 38% of the site. Refer to Section 2-5 of the Narrative for details.

- iv. Proposed building height for the Project is listed at a maximum of 60 ft. Existing language indicates 'accessory structures' may exceed 60 ft. in overall height. Typically, there are additional setback requirements for structures exceeding 40 ft. in height per Section 3.7 of the UDO. Staff recommends references in the narrative to a '60 ft. height limit' be replaced with the following:

Buildings within the development shall abide by the height limitations and allowances established within Section 3.4 Office/Research and Manufacturing of the UDO. Building height shall be limited to 35 ft. 2 feet of additional height shall be allowed for one foot increase in require setback from an external road/property line with a maximum cap of 60 ft.

Additional information is required on the anticipated accessory land uses exceeding the 60 ft. height limit. Put simply: the applicant will need to provide a detailed list of land uses, other than signs, exceeding the height limit and the rationale for same. Height limit(s) will also need to be listed on the Master Concept Plan, specifically sheet(s) C 2.0 and/or 2.1.

Response: The Narrative has been revised to modify the language for allowable building height above 35' and additional detail is provided for land uses that may exceed the 60' height limit. Refer to Section 2-5.A.4 of the Narrative and Sheet C2.0 of the Rezoning Plan for details.

- v. A total impervious surface limit should be established for the project. Under current regulations, development with this area of the County could be a maximum of 70% with compliance development of stormwater control measures. After conferring with the Director, it has been recommended the narrative contain language discussing the cumulative/shared nature of the development (i.e. shared access roads, shared parking, common stormwater control measures, open space preservation, etc.) resulting in an overall reduction in the amount of land clearing/grading that will be required to accommodate the Project. This will result in an overall reduction in the anticipated environmental impact of the Project thereby potentially justifying additional impervious surface area.

- Response: A total impervious surface limit of 62% is now proposed for the project, which is more restrictive than the maximum of 70% permitted under the UDO. Refer to Section 2-5.A.1 of the Narrative for details.**
- vi. The Narrative indicates the Project will comply with the provision(s) of Section(s) 6.13 Stream Buffers and 6.21 Flood Regulations of the UDO. This includes preserving required buffers around identified water features (i.e. streams, wetlands, floodplain, etc.) as defined in the UDO.
Response: Comment noted. Additional language has been added to Section 2-5.B.5 of the Narrative to specify preservation of required buffers around identified water features where possible and Sheet 3.1 of the Rezoning Plans shows the buffers to be preserved.
- vii. The Narrative appears to indicate the Project will comply with the provision(s) of Section(s) 6.14 Stormwater and 6.15 Erosion Control of the UDO. Orange County Erosion Control and Stormwater Management staffs are reviewing the proposed conditions. As a general observation: If it is your intention to make use of nutrient buy-down tools, the Narrative should contain language denoting same.
Response: The Narrative has been revised to specify that water quality requirements will be met on site by SCMs or nutrient buy-down payments. Refer to Section 2-5.B.8.c.ii of the Narrative for details.
- viii. Staff encourages the applicant to use on-site ponds, designed to capture runoff, for irrigation purposes as detailed on page 22 of the Narrative.
Response: The applicant will attempt to utilize onsite runoff to the greatest extent practical for irrigation purposes and to provide regional stormwater ponds that will be available to individual site developers for irrigation purposes. Refer to Section 2-5 of the Narrative for details.
- L. ENVIRONMENTAL FACTORS: The Narrative indicates the project shall abide by the provisions of Section 6.4 Performance Standards of the UDO inclusive (i.e. noise, vibration, air pollution, etc.).
Response: Comment noted. Refer to Section 2-5 of the Narrative for details.
- M. ARCHITECTURAL DESIGN STANDARDS: The proposed architectural design standards appears consistent with the provisions of Section 6.5 Architectural Design Standards of the UDO.
Response: Comment noted. Refer to Section 2-5 of the Narrative for details.
- N. SETBACKS: Staff is recommending the following:
- i. 100 ft. perimeter structure setback from all external property lines and right-of-way (i.e. Mt. Willing Road, the Interstate, etc.);
Response: The proposed setbacks are provided within Section 2-5 of the Narrative. Although a full 100' perimeter structure setback is not proposed, significant buffers are proposed along all external property lines and right-of-way and planting and screening requirements along the rear property line have been increased to address concerns from adjacent property owners. Refer to Sheets C6.0, C6.1, and C6.2 for information on proposed buffers.
 - ii. Vehicular use areas (i.e. access drive-aisle, parking, loading berths):
 1. 100 ft. from residentially zoned property (i.e. the property north of the Project);
 2. 50 ft. from all other property lines/external public rights-of-way;
 3. Staff is recommending all internal setbacks be 20 ft.

Response: The proposed setbacks are provided within Section 2-5 of the Narrative. Although a full 100' setback is not proposed along the northern property boundary, enhanced plantings and a 6' fence will be provided to screen adjacent residentially zoned parcels from the development. Additionally, a variable width buffer is provided along external public rights-of-way (between 40' and 200'). All internal setbacks for Development Areas 2-5 are 20' and a 10' buffer is now proposed within Development Area 1. Refer to Sheets C6.0, C6.1, and C6.2 for additional information on proposed buffers.

- iii. Signage: the proposed setbacks appear reasonable. Having said that, staff would like to discuss the potential need for more restrictive setbacks for signs exceeding 48 ft. Specifically, staff is looking to address potential impacts from a large sign becoming compromised and collapsing.

Response: The sign has been relocated such that it is further than 200 feet from 40/85. The sign will be designed to meet building code standards.

- O. LANDSCAPING: The Narrative contains landscaping and buffering requirements in Section 2.5 Performance Standards (E) beginning on page 26.

- i. In General: The section should provide detail on the landscape and buffer management standards for the Project, including the amount of proposed foliage within identified landscaped areas.

Response: Section 2-5.E of the Narrative has been updated to include additional detail on the landscaping and buffer management standards. All required internal landscaping shall be installed and maintained by the developer or their successor in perpetuity. The "Land Use Buffers" section of the Narrative has been updated to include the exact quantities and types of proposed foliage as requested. Please see the "Landscape Buffer Requirements & Calculations" table for more information.

- ii. Section 6.8.7 (F) of the UDO, the County establishes various buffer types outlining the number/species of foliage required within every 100 linear ft. of property. The narrative will need to define what level of landscaping is going to be required consistent with this standard. Sheet C 6.0 of the Master Concept Plan contains this information. Staff recommends it be placed in the Narrative as well. Staff shall provide comment(s) on proposed buffers in the next section of this document.

Response: In Section 2.5.E. the "Land Use Buffers" section of the Narrative has been updated to include the exact quantities and types of proposed foliage as requested. Please see the "Landscape Buffer Requirements & Calculations" table for more information.

- iii. Number 4 Planting Requirement(s) — Street Trees. Language within this section of the Narrative is inconsistent with information provided on Sheet C 6.0. There are going to be instances where a canopy tree will be required more than once for every 100 linear ft.

Response: Section 2-5.E of the Narrative has been revised to note that street trees will be installed per the requirements illustrated on the Landscape Buffer Plan (Sheet C6.0).

- iv. Number 6 Planting Requirements — Foundation Plantings. Staff is recommending the following:

1. A minimum of 40% of the building foundation in District 1 shall be landscaped with foliage by means of raised planters, sidewalk cutouts, or portable planters.

Response: For all building foundations within Development Area 1, Planting areas will be provided adjacent to the three primary sides (excluding the rear) of all buildings in the form of landscape islands. Landscape islands will be directly adjacent to the primary sidewalks to each building. Total square footage provided for all landscape islands will be equivalent to 5 feet times the total length of the three primary sides (excluding the rear) of all buildings. Landscaping will not be placed in direct proximity to the building foundation due to safety and foundation infiltration concerns. Section 2-5.E.8 of the Narrative has been updated to reflect this requirement.

- v. Number 7 Planting Requirements — Vehicular Use Areas. Staff is recommending the following:
1. The Project shall comply with the provisions of Section 6.8.7(D) (1) of the UDO requiring all parking areas observe a vegetative buffer, at least 10 ft. in width, separating parking from adjacent open space, vehicular use areas, property lines, etc.

Response: The Narrative has been updated to clarify the Rezoning Plan request as related to planting requirements within vehicular use areas. Refer to Section 2-5.E.9 for details.

- vi. Number 9 Interior Landscaping. Staff is recommending the following:
1. Language appears to indicate interior parking lot landscaping shall be installed where above/below ground utility and stormwater infrastructure allows. Development of the Project will be required to take into consideration these factors while allowing for the installation of required landscaping. Staff believes the Project can and should comply with all internal tree planting standards.

Response: The Narrative has been updated to clarify the Rezoning Plan request as related to planting requirements within vehicular use areas. Refer to Section 2-5.E.9 for details.

- vii. Please revise this section of the Narrative to contain the following additional detail(s):
1. Canopy trees installed within a landscape island shall be, at a minimum, 1 ½ inch caliper at dbh at time of installation;

Response: The Narrative has been updated to require that all canopy trees installed within a landscape island shall be a minimum of 1 ½ inch caliper at DBH at the time of planting. See Section 2.5.E.3 of the Narrative.

2. Staff recommends inclusion of a typical 'tree grate area' design schematic showing the 'tree grate area' design as well as the anticipated installation of proposed foliage.

Response: Tree grate areas are not currently proposed because all trees will be installed outside of the sidewalk within the proposed streetscape. Refer to Sheet C6.0 of the Rezoning Plan for details. Additionally, all applicable construction details will be included as part of the submitted site plan package after completion of the rezoning process.

P. SIGNS: Staff summarizes the proposed signage for the Project as follows:

- i. Current County sign regulation(s) would allow the following within an O/RM district general use zoning district:
 1. 1 on premise sign with a height limit of 24 ft. and a maximum area of 72 sq.ft. for parcels that are large than 60,000 sq.ft. and have more than 300 linear ft. of frontage on a NC Department of Transportation maintained roadway;
 2. 1 wall sign per building façade with frontage on a street right- of-way. Maximum allowable area for a wall sign is 64 sq.ft. for parcels that are larger than 60,000 sq.ft.,

- have more than 300 linear ft. of frontage on a NC Department of Transportation maintained roadway, and contain a structure with more than 100 linear ft. of building length facing a public right-of-way;
3. Window signs are limited to a maximum of 30% of the total window area within the sign is to be located;
 4. Per Section 6.12.13 a service station would be allowed signage on the gas pumps as follows:
 - a. No internal or external illumination shall be permitted;
 - b. Signs shall be limited to four square feet in area;
 - c. Signs must advertise items for sale on the property. Under no circumstances may a sign advertise a sale, activity, business, or product not associated with the principal use of property
 5. With respect to signage on a canopy, the UDO currently indicates advertising material shall be limited to trademarks, logos, and the name of the service station or other similar display limited to six square feet of area. Signage on the canopy is usually reserved to the portion of the canopy facing/with frontage along a right-of-way.
- ii. The submitted application proposes the following:
1. Development Area 1 (i.e. Buc-ees Travel Center):
 - a. 1 on premise sign approximately 100 ft. tall with a total sign area of 601 sq.ft.; - Roughly constituting a 800% increase in allowable sign area;
 - b. 3 wall signs (i.e. on portions of the building that could have frontage/visibility from a road right-of- way) each approximately 270 sq.ft. in area (total cumulative sign area of 810 sq.ft.); - Roughly constituting a 400% increase in allowable sign area per sign;
 - c. Logos on the canopy — 4 total logos each approximately 50 sq.ft. in area (total cumulative sign area of 200 sq.ft.); - Roughly constituting a 900% increase in allowable sign area per sign;
 - d. A total of 16 signs on several separate gas pumps advertising fuel type, each sign 5.5 sq.ft. in area (total of approximately 88 sq.ft.) — A negligible increase in allowable sign area (i.e. allowed 4 sq.ft. proposing 5.5 sq.ft.).
 2. Other development areas:
 - a. A total of 8 monument signs, each with 240 sq.ft. of sign area not exceeding 20 ft. in height (cumulative of 1,920 sq.ft. of sign area);
 - b. Wall Signs: 64 sq.ft. of wall sign area for each individual tenant space (insufficient information to determine cumulative sign area);
 - c. Directional and temporary/construction/real estate signage consistent with the provisions of Section 6.12 Signs of the UDO.

A rough estimate of total requested sign area for the Project appears to be between 2,800 and 3,600 sq.ft. depending on the number of individual tenants requiring wall signage. While the Conditional Zoning process allows the County to make additional signage allowances (i.e. height, allowable sign area, etc.), the requested signage is several orders of magnitude beyond what we current regulations would allow on the property. The Narrative should contain information justifying the nature of the request based on the overall Property area of 104 acres and the specific design elements of the Project.

For example, the applicant may choose to include language within the Narrative arguing that under current regulations, the 104 acres of property zoned O/R M general use could be subdivided to create approximately 24 separate 4 acres lots, each with its own sign allotment. In this scenario, there would be a maximum of:

- 24 freestanding signs (1 for each separate parcel) totaling 1,728 sq.ft. of allowable sign area; and
- 24 wall signs (presuming 1 sign for a single building on the 24 separate parcels) totaling 1,536 sq.ft. of sign area.

The Narrative would have to 'demonstrate' how the proposed signage for the Project would be consistent with the overall development potential of this 104 acres of O/R M zoned property if you were dealing with multiple, individual parcels.

As a general observation staff is concerned over the proposed 100 ft. free standing sign for in Development Area 1 (i.e. Buc-ee's Travel center) and recommends a maximum height limit of 60 ft. for the proposed sign. This recommendation takes into consideration this site is higher elevation than surrounding properties and the Interstate.

With respect to flags, staff recommends a maximum of 3 flags be allowed per individual development area, with a size limit of 24 sq.ft. per flag, consistent with Section 6.12.12 (A) of the UDO. Staff is not comfortable with the proposal to allow 2 flags each development area comply with the provision(s) of your proposal as articulated on page 29 of The Narrative. Staff is not comfortable recommending approval of the proposed standard, specifically each individual building being allowed to have 2 flags, as this is inconsistent with the spirit and intent of Section.

Response: The sign standards have been revised within Section 2-5.F of the Narrative. The narrative reflects the argument made here that total signage is consistent with that permitted if the site is developed on a piecemeal basis. The height limit has been reduced to eighty (80) feet. Please see Exhibit D.1. Flags have been removed as signage option.

Q. LIGHTING: Staff has the following comment(s)/recommendation(s):

- An audit of current lighting levels should be completed and made part of the Narrative. This audit will establish the baseline of existing illumination in and around the Property, most notably along the Interstate service road, allowing for a determination as to how much light already exists in the area. Once the results of this audit are available, staff would have no problem recommending a condition for Development Area 1 (i.e. Buc-ee's Travel center) that there shall be no net increase in existing foot-candle/lumen levels along the southern property line adjacent to the Interstate service road with development in Development Area 1 of the Project.
Response: A study has been completed to determine existing light levels. Please see Exhibit J. This standard has been addressed in Section 2-5.G of the Narrative.
- Staff has no concerns over the proposed maximum pole height of 36 ft.
Response: Comment noted.
- Staff agrees with the recommended condition that all fixtures shall be full-cut off design consistent with Section 6.11.6 of the UDO.
Response: Comment noted.
- If the location of outdoor lighting fixtures is known, a formal lighting plan is required to be submitted as part of the MPD-CZ application (refer to Section 6.11.5 (B) of the UDO). If not, please add language indicating same within the Narrative.

Response: Additional language has been added to the Narrative to specify that lighting plans will be submitted as part of the site plan process. Refer to Section 2-5 of the Narrative for details.

- v. Staff recommends the applicant add language to the narrative indicating all security lights shall abide by the requirements of Section 6.11.3 (J) of the UDO.

Response: Language has been added to specify that security lighting within Development Areas 2 -5 shall abide by the requirements of Section 6.11.3(J) of the UDO. Refer to Section 2-5.G.2 of the Narrative for details.

- vi. Add language indicating formal lighting plans shall be submitted with all site plans where outdoor lighting is proposed.

Response: The requested language has been added to the narrative. Refer to Section 2-5 for details.

- vii. Add language that lighting for the project shall comply with applicable NC Department of Transportation requirements for roadway lighting.

Response: The Narrative has been revised to specify that lighting for the project will comply with applicable NCDOT requirements.

- R. PARKING: At this time, staff has no comments on the proposed parking ratios (i.e. number of spaces per sq.ft. of building area based on land use) contained in Section III of the Narrative (page 32).

Response: Comment noted.

Transportation Impact Analysis (TIA) Comments:

There are 2 phases to the Project, specifically:

- Construction of a 120 pump gas station (Phase 1); and
- Construction of:
 - 120-room hotel (square footage of structure unknown);
 - 8,000 sq.ft. of medical office space;
 - 30,000 sq.ft. of specialty retail space;
 - A 3,500 sq.ft. drive-in bank;
 - 12,000 sq.ft. of casual restaurant; and
 - 20,000 SF of high-turnover sit-down restaurant space (Phase 2).

As previously indicated herein the overall size of the structures referenced within the TIA appears inconsistent with the Narrative and information provided on the Master Concept Plan.

Response: The Narrative has been modified to specify that the FAR for each Development Area shall not exceed 0.65 provided that the total development of the project shall not exceed 500,000 SF of gross floor area. The addition of this provision within the Narrative allows for total development of the site to be consistent with the TIA. Refer to Section 2-5.A.2 of the Narrative and Sheet C2.0 of the Rezoning Plan for details.

In reviewing the TIA, staff would offer these initial comments:

- A. On August 31, 2020 staff was informed by NC Department of Transportation (NC DOT) staff they required clarification on various issues and had 'tabled' their review of the TIA proposal until

responses were received. PLEASE NOTE: DOT's review of this TIA is essential to the Project being able to move forward in the zoning atlas amendment process.

Response: Comment noted. As a result of their preliminary review, NCDOT requested supplemental sensitivity analyses. Recognizing that this information was forthcoming, their review was paused. The Congestion Management Unit of NCDOT has now completed their review of all associated analyses and has forwarded their comments to the District Engineer. We expect formal comments from NCDOT before 10/20.

- B. Staff is concerned the proposed square footages for structures, as detailed on the Master Concept Plan and within the Project narrative, are not clearly reflected within the TIA. Put simply, there appears to be more building area generating potential traffic impacts that are not addressed in the submittal we are currently reviewing.

Response: The Narrative has been modified to specify that the FAR for each Development Area shall not exceed 0.65 provided that the total development of the project shall not exceed 500,000 SF of gross floor area. The addition of this provision within the Narrative allows for total development of the site to be consistent with the TIA. Refer to Section 2-5.A.2 of the Narrative and Sheet C2.0 of the Rezoning Plan for details.

- C. Staff would like to review the possibility of reserving a 50 ft. right-of-way along the northern property line to accommodate a future access road for parcels fronting on Southern Drive to obtain access to Mt. Willing Road. This could be a separate roadway or some form of internal connectivity for these adjacent parcels to the internal roadway network within the Project. This is to address potential loss of Southern Drive as an access for these parcels in the event of railroad expansion.

Response: At this time, a 50' right-of-way is not proposed along the northern property line because there is existing access from these properties to Mt. Willing Road through Southern Drive.

- D. Staff is concerned about the proposed drive access points along the Interstate exit ramp running parallel with the southern Property line. Specifically, staff is concerned about what appears to be 2-way traffic access onto the exit ramp from Development Area 1 (i.e. Buc-ee's Travel center). Staff will be recommending to the applicant and NC DOT the proposal be revised to allow for right-turn only for these driveways, specifically:

- Entrance to the Project near the intersection of Mt. Willing Road;
- Exit onto the allowing drivers to access Development Area 1 near the intersection of the UD Highway 70 connector.

This presumes NC DOT allows for the development of driveway/access roads onto the exit ramp serving Development Area 1.

Response: The two Development 1 driveways onto the service road are limited to right-in/right-out movements only. Two-way traffic onto the service road is not proposed. The proposed number and configuration of site driveways is necessary to provide adequate capacity for and efficient dispersal of overall projected traffic demands.

- E. Orange County Planning supports the proposed US Highway 70 connector improvements as detailed on the Master Concept Plan and referenced within the TIA.
- Response: Comment noted.**

- F. Mt. Willing Road is on the County's adopted 2019 Efland-Buckhorn- Mebane Access Management Plan (EBM AMP) as well as the Orange County CTP. Staff will be recommending the incorporation of the following:

- i. 4-Lane divided cross section (page 20 of the EBM AMP)
Response: A 4-lane divided cross section is not proposed or deemed necessary as part of this project, but a 25' reservation has been provided along Mt. Willing Road to accommodate future expansion by others if desired.
 - ii. The current right-of-way for Mt. Willing Road is 60 ft. Staff is recommending a 25' reservation of additional right-of-way along the western boundary of the Property in support of future improvements along the roadway.
Response: A 25' reservation has been provided along Mt. Willing Road to accommodate future expansion by others if desired.
 - iii. Staff will be requiring a 100 right-of-way (4F) or 110' right-of-way (4G) — NOTE: sample cross sections on next page;
Response: A 25' reservation has been provided along Mt. Willing Road to accommodate future expansion by others if desired.
 - iv. County staff will recommend to the BOCC that Mt. Willing Road improvements be approved as a County priority in SPOT 7 and subsequent processes.
Response: Comment noted.
- G. Mt. Willing at 1-40 EB off ramp should be considered for a signalized intersection in Phase 2.
Response: The applicant proposes to install a traffic signal at this intersection in Phase 2 subject to NCDOT approval.
- H. Stop sign currently at the off ramp; there is a 4-way stop intersection with W. Ten Road just south of this juncture. Staff will be working with the applicant to secure the necessary right-of-way dedication to facilitate these proposals.
Response: The Applicant is not clear what right-of-way dedication or proposals are being referenced. No improvements are being proposed at the subject 4-way stop intersection. Please clarify.
- I. Staff would like to see an area of the project (either in Phase I or II) be reserved for connection to the transit systems of the area; this could include:
 - i. A bus stop location with signage
 - ii. A bus shelter with signage**Response: Development Area 6 is reserved for future transit improvements by others. Additionally, Section 3-2 of the Narrative specifies the proposed transit improvements committed as part of this project.**
- J. A "Future Transit Amenity by others" on a 1.62-acre parcel on the northeast edge of the project area is listed on the second page of the Master Concept Plan, but was not indicated in either TIA
Response: This area is being set aside for development by others. As such, there is no traffic generated in association with this project.
- K. Staff is interested in the internal roadway features of the project site (when both phases are built out) and what accommodations (sidewalks, side paths, bike lanes, etc.) might be included.
Response: The Rezoning Plan provides a cross section to show the proposed improvements included as part of the development. Refer to Sheet C5.0 for details.

Master Plan Set Comments:

- L. Section 6.7.1 (B) (1) of the UDO requires a map of the development site. While the Master Concept Plan set provides the majority of required detail(s), specifically Sheet(s) C 2.0 and 2.1 the submittal should be modified as indicated:
- i. Label and identify the various 'lines' on the submitted map(s). Staff recommends you use different colors to help distinguish the information contained on the individual maps.
Response: The different line types have been called out on Sheets C2.0 and C2.1. The line types have been differentiated in the sheet legends.
 - ii. Sheet(s) C 2.0 and 2.1 should display the stream/wetland buffer area per Section 6.13 of the UDO.
Response: The stream / wetland buffer area is now included as part of Sheets C2.0 and C2.1 of the Rezoning Plan.
 - iii. As previously indicated herein, Sheet(s) C 2.0 and 2.1 should display the following information:
 1. Proposed floor area ratio (FAR) for the Project.
 2. Proposed impervious surface area for the Project.
 3. Proposed open space.
 4. Breakdown of landscape/buffer area (i.e. acreage) for the Project.
 5. Proposed setbacks (internal and external).
 6. Anticipated number of parking spaces, loading berths/stalls, etc.
 7. Maximum allowable building height (in general and per each individual development 'pod' if there will be a difference).
 8. Anticipated number of parking spaces with access to alternative energy charging stations (if proposed).**Response: The information referenced above is now included on Sheet C2.0 to the greatest extent possible. Refer to the Rezoning Plan for details.**
 - iv. The Project will involve the relocation of existing overhead utility lines. Staff will need documentation indicating the relocated power line/easement(s) have been approved, and if development is located within the easement said activity has been approved by the utility provider.
Response: Comment noted. Documentation will be provided as soon as it becomes available.
 - v. Sheet C 6.0 and 6.1 serves as the landscape master plan for the project. Staff recommend(s) the following:
 1. A 75 ft. land use buffer along the northern property line separating the residential land uses from Development Area(s) 5 and 3. Planting requirements would follow what is proposed for the Type F buffer option as depicted on Sheet 6.1.
Response: The buffer along the northern property line remains at 40 feet in width but is planted as an enhanced Type D buffer. This new buffer type includes the Type D requirements as well as a 6-foot-high fence. We feel that planting this buffer any more densely will result in failure of the vegetation due to overcrowding. The enhanced Type D buffer elevation is illustrated as a elevation graphic on Sheet C6.1 Landscape Buffer Elevations.

2. The proposed tree planting requirements appear to be consistent with the provisions of Section 6.8.6 (F) of the UDO.
Response: Comment noted.
3. Denote internal landscaping (i.e. parking lot and parking lot perimeter, building, preservation of existing significant foliage, etc.) on Sheet 6.0 of the Master Concept Plan set.
Response: Internal landscaping has been noted on Sheet 6.0 Landscape Buffer Plan of the plan set.
4. Major Transportation Corridor (MTC) buffers, including requested breaks consistent with Section 6.6.4 of the UDO. Staff recognizes the proposal calls for a managed MTC buffer, versus a cleared 'visual break', for the approximately 1,200 linear ft. of Property along the Interstate exit. This proposed 'managed MTC buffer break' constitutes a design standard exceeding current UDO requirements.
Response: Comment noted.
- vi. The roadway cross-section on Sheet C 5.0 appears acceptable for internal roadway development. Staff recommends the drawing be updated to show typical landscaping installation as well.
Response: The cross section on Sheet C5.0 has been revised to show typical landscaping installation as requested.
- vii. Provide language (Sheet C 2.0) indicating if denoted stormwater control measures (SCMs) are:
 1. For illustrative purposes (i.e. final SCM location shall be determined with the submittal of a formal stormwater management plan in accordance with the UDO);
Response: A note has been added to Sheet C2.0 to specify that SCMs are conceptual in nature and the final location and design will be submitted separately.
 2. Are anticipated to serve as master drainage basin areas or for specific 'pods.'
Response: A note has been added to Sheet C2.0 to specify that the SCMs are anticipated to serve as master drainage basin areas and are not exclusively serving each pod.
- viii. Sheet C 4.0: Section 6.7.1 (B) (6) of the UDO requires a map detailing the utility master plan for the project. While this Sheet provides the majority of required detail(s), the submittal should be modified as indicated:
 1. Provide notes detailing anticipated/proposed utility lines (i.e. water/sewer) anticipated within the project.
Response: Additional details are now provided on Sheet 4.0 to identify the anticipated size of proposed water and sewer mains for the project.
 2. Denote the anticipated location of sidewalks to assist staff ascertain if there will be any conflicts with utility location.
Response: Sidewalks are shown where locations are known, and utilities have been routed to avoid conflicts to the greatest extent possible. Refer to Sheet C4.0 for details.

3. The map will need to be modified to include the detailed design calculations for the project indicating that the proposed utility lines are sufficient for expected development and associated/estimated density for the project.
Response: Anticipated design flows for sanitary sewer and potable water are now shown on a table on Sheet C4.0 (Water and Sewer Map).
4. Include a note indicating: 'All onsite utilities shall be underground unless approved by the Board of County Commissioners'.
Response: The requested note has been added to Sheet C4.0 (Water and Sewer Map).
5. Indicate connection points to various utility lines.
Response: Connection points have been called out on Sheet C4.0 (Water and Sewer Map).
6. Denote the location of any anticipated/planned utility infrastructure (i.e. pump stations, etc.).
Response: The location of anticipated infrastructure is provided on the plans. See Sheet C4.0 for details.
7. Provide detail on anticipated fire flow for the proposed utility lines with detail on how same will support the project. As a general reminder, fire flow requirements are necessary for consideration when sizing water lines.
Response: A note has been added to Sheet C4.0 detailing the anticipated fire flow and potential improvements required.
8. Provide detail on the anticipated placement of manholes and elevations same. This will include the provision of a typical manhole construction detail.
Response: Anticipated manhole locations are shown on the plans, and elevations for existing structures are shown on sheet C1.0 Existing Conditions. Proposed structures will tie into existing structures, and the proposed elevations will primarily be driven by site grading to be determined at the Site Plan level.
9. Denote anticipated stub out locations.
Response: Anticipated stub out locations are shown on the plan. Refer to Sheet C4.0 for details.
10. Additional detail on expected build-out. This information shall be essential in evaluating the ability of installed infrastructure to meet current and future needs of the project.
Response: A note detailing additional water needs for the full build-out has been added to Sheet C4.0 (Water and Sewer Map).

Engineering Comments:

A. General:

- i. Orange County requests that the applicant consider Orange County's proposed recordation of up to four (4) 30-ft wide public sanitary sewer easements as shown on the attached redlines.

See Attachment 1. This accommodation would allow for potential future public sewer service to multiple private tracts that are located adjacent to the Project.

Response: Four easements are now provided to allow future public sewer service to private tracts adjacent to the project. Refer to Sheet C4.0 (Water and Sewer Map) for details.

- ii. The Project is located within the Upper Eno Protected Watershed Zoning Overlay District (Neuse River Basin), as zoned by Orange County, and within an area classified as a High-Quality Water (HQW), as zoned by the State of North Carolina. Orange County and the North Carolina Department of Environmental Quality (NCDEQ) will review the Project for compliance with applicable Orange County and State standards, as formal site development plans are finalized and submitted.

Response: Comment noted. We will comply with the land area disturbance limitation required by the HQW. We are working with Orange County and the state of North Carolina to identify the best approach to abide by the requirements.

B. Water:

- i. Public water service will likely be provided by Orange Alamance Water System (OAWS). This statement shall in no way be interpreted as a final determination by Orange County or OAWS to serve the Project with public water.
Response: Comment noted. Kimley-Horn is working to schedule meetings with Orange Alamance Water to discuss the improvements necessary for connection to existing water and sewer near the site.
- ii. OAWS staff has informally notified Orange County Engineering staff that OAWS has available water capacity based on the evaluation of a DRAFT sanitary sewer capacity summary (average daily demand) of 76,421 gallons per day (GPD) as provided to Orange County by the applicant on September 1, 2020. However, OAWS has not yet formally confirmed with Orange County Engineering staff an ability to serve the Project with public water. Orange County Engineering staff is not aware of any detailed water demand data received by Orange County to date.
Response: Comment noted. Additional information on anticipated flows is now provided within the Narrative and the Rezoning Plan.
- iii. So as to prevent a potentially negative impact to available public water capacity within the regional water service area, Orange County Engineering staff recommends a reassessment of proposed water demands via the incorporation of low-flow water fixtures and/or lower-flow end users throughout the Project, where feasible.
Response: The use of low flow water fixtures will be considered as part of the discussions with OAWS to ensure that the available water capacity is taken into account when necessary infrastructure improvements are designed and constructed.
- iv. If updated water demand data are available, applicant shall provide them to Orange County, specifically so that OAWS may further evaluate their available water capacity and their desire to serve the Project with public water.
Response: Comment noted. Additional information on anticipated demands is now provided within the Narrative and the Rezoning Plan.
- v. Provide additional information on the proposed dead-end water line near the intersection of Ben Johnston Road on the east side of the Project. It appears that the proposed water line will exist

as a dead end throughout both phases of the Project. Applicant shall ensure that NCDEQ and OAWS design criteria and/or direction are followed specific to the proposed dead-end water line.
Response: A flushing hydrant and mechanical joint cap are now shown at the termination of the proposed waterline. Refer to Sheet C4.0 for details.

- vi. Water utility design, permitting, and construction shall conform to NCDEQ and/or OAWS standards.

Response: Comment noted. Standards will be met as part of the site plan and construction drawing review process.

C. SEWER:

- i. Sewer service will likely be provided by City of Mebane. This statement shall in no way be interpreted as a final determination by Orange County or City of Mebane to serve the Project with public sewer.

Response: Comment noted. Kimley-Horn is working to schedule meetings with the City of Mebane to discuss the improvements necessary for connection to existing water and sewer near the site.

- ii. City of Mebane staff has informally notified Orange County Engineering staff that the City of Mebane has available sewer capacity based on the evaluation of a DRAFT sanitary sewer capacity summary (average daily demand) of 76,421 gallons per day (GPD) as provided to Orange County by the applicant on September 1, 2020. However, the City of Mebane has not yet formally confirmed with Orange County Engineering staff an ability to serve the Project with public sewer. Only limited sewer demand data have been made available to Orange County Engineering staff to date.

Response: Comment noted. Additional information on anticipated flows is now provided within the Narrative and the Rezoning Plan.

- iii. So as to prevent a potentially negative impact to available public sewer capacity within the regional sewer service area, Orange County Engineering staff recommends a reassessment of proposed sewer demands via the incorporation of low-flow water fixtures and/or lower-flow end users throughout the Project, where feasible.

Response: The use of low flow water fixtures will be considered as part of the discussions with the City of Mebane to ensure that the available sewer capacity is taken into account when necessary infrastructure improvements are designed and constructed.

- iv. If updated sewer demands are available, applicant shall provide them to City of Mebane so that City of Mebane may further evaluate their available sewer capacity and their desire to serve the Project with public water.

Response: Comment noted. Additional information on anticipated flows is now provided within the Narrative and the Rezoning Plan.

- v. The existing terminal sewer manhole along Mt. Willing Road is located in front of Orange County PIN 9844965832, slightly south of where currently shown on the preliminary Water and Sewer Map as submitted to Orange County. See Attachment 2.

Response: The existing terminal manhole is shown per surveyed information. Refer to Sheet C1.0 for details.

- vi. Sewer utility design, permitting, and construction shall conform to NCDEQ and/or City of Mebane standards.

Response: Comment noted. Standards will be met as part of the site plan and construction drawing review process.

D. STORMWATER MANAGEMENT:

- i. Stormwater management design, permitting, and construction shall conform to Section 6.14 of the Orange County Unified Development Ordinance (UDO).

Response: Comment noted. Standards will be met as part of the site plan and construction drawing review process.

E. EROSION & SEDIMENTATION CONTROL:

- i. Erosion & Sedimentation Control (E&SC) design, permitting, and construction shall conform to Section 6.15 of the Orange County Unified Development Ordinance (UDO).

Response: Comment noted. Standards will be met as part of the site plan and construction drawing review process.

Environment, Agriculture, Parks & Recreation Comments:

- A. The planned development would set aside areas of open space consisting of protected riparian buffers along the two tributaries, roadside buffers adjacent to the service road, Mt Willing Road, and interstate connector, and adjacent property buffers along all aspects of the property boundaries.

Both parcels have been utilized in active agriculture, primarily beef cattle production, for the known history of ownership. Over half of the total project area is in some stage of early successional forest, having been left to fallow at some point over the last 20-30 years.

On the western and southern borders of the property lie two ephemeral streams that drain into two unnamed tributaries as they flow south. Both of the tributaries drain directly into Seven Mile Creek, part of the Upper Eno watershed, a class WS-II, High Quality Watershed, with Nutrient Sensitive Water designation. The streams lay within the Upper Eno Protected Watershed on the property and the Upper Eno Critical Watershed corridors immediately after leaving the property. The property and the streams mentioned are approximately 1 mile north of the County's Seven Mile Creek Natural Area and less than ½ mile from the Seven Mile Creek Natural Heritage Area as is inventoried in the North Carolina Natural Heritage Program.

Due to the importance of these tributaries to the water quality and species of the Seven Mile Creek watershed, it is in the County's and the public interest to have the areas around the two tributaries protected as an extension of the site's open space, and to assist the landowner toward that end. Staff recognizes the site plan submitted shows the developer's effort to this effect. If the landowners wish the area to remain in private ownership, they could grant a conservation easement to the County. As the easement "grantee" the County would be responsible for monitoring the site at least once each year to make sure that the terms of the easement are not violated. Advance notice would be provided to the landowners before County staff entered the property for easement monitoring.

Response: Comment noted. Dedication of a conservation easement will be considered as part of the rezoning process.

Solid Waste Comments:

- A. I have drafted a suggested revision to the subject Performance Standards for Solid Waste for the Beaver Crossing Project. A copy of that document is attached for your review and comment. Given the size and scope of this project, OCSW won't be able to provide recycling collection services there so they will have to privately contract for that service along with garbage collection, cardboard collection for recycling, and food waste collection for recycling. I am asking that my version be used in place of what the applicant has in their application narrative.

Response: Comment noted. The Narrative has been revised to include the revised language.



DATE: October 21, 2020
TO: Nolan D. Raney, P.E. – Kimley-Horn
FROM: Kyle Smith – City of Mebane Utilities Director
SUBJECT: Efland Station (formally Beaver Crossing) Sanitary Sewer

Mr. Raney,

This letter is to inform you and/or your developer that the subject property (104 acres PIN #s 9854-16-1576 and 9854-36-3711) has access gravity sewer in the area with the ability to serve the property. The City does not guarantee gravity sewer services as the elevations of the site, line locations, proposed buildings, and other environmental features may control connection types and locations and/or potential line extensions.

The City of Mebane does have the available capacity for the estimated 76,421 gallons average daily flow as this anticipated flow will count against the previously allocated flow for Orange County. As an effort to preserve sewer capacity within the region, the City of Mebane request the use of low-flow end users in conjunction with low-flow fixtures throughout the Efland Station Project where feasible.

This willingness to serve the Efland Station Project with sanitary sewer shall be subject to Orange County zoning approval and shall expire on December 31, 2022 should no sewer flow be permitted by the State. At this time the remainder of the sewer allocation shall return to Orange County for other potential projects unless a request to extend the willingness to serve is granted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kyle Smith".

Kyle Smith, P.E.
City of Mebane Utilities Director

Beaver Crossing Master Planned Development Conditional Zoning (MPD-CZ) – August 2020
Section 2-5, PERFORMANCE STANDARDS, B. Environmental Factors, 6. Solid Waste.

Requested Language Revisions by J. Scouten, Orange County Solid Waste Management Dept. 8/17/20 as written below:

6. Solid Waste and Recycling. The following standards shall apply to the management of solid waste, recyclable materials (including corrugated cardboard), and food waste:
- a. The developer of the Project or an individual development site within the Project shall contract for the private collection and disposal of solid wastes and for the collection and marketing of mixed recyclables (including corrugated cardboard), and food waste.
 - b. The developer of the Project or an individual development site within the Project shall provide external space for the proper storage and collection of solid waste, recyclable materials (including corrugated cardboard) and food waste.
 - c. Storage/collection areas shall be located in such a manner as to provide convenient access for users of the facility and for safe and efficient access by collection vehicles.
 - d. In cases where storage/collection areas are located across property lines or district lines for shared areas, the developer shall prepare and record a joint access agreement (and a shared storage/collection facility agreement) to assure that sharing parties may use the proposed storage/collection facility and that they can be serviced across property lines or district lines.
 - e. The developer shall reserve space within all storage/collection facilities that serve food and lodging operations for segregated food waste collection near the delivery entrance for any such building that houses, proposes to include, or may at some future date incorporate a restaurant, cafeteria, bar, other food service facility, or a lodging facility.
 - f. The layout and design of waste/storage facilities for solid wastes, recyclable materials (including corrugated cardboard), and food wastes shall comply with the standards and guidelines of Orange County Solid Waste Management (OCSW) and the Orange County Environmental Health Food & Lodging Division. Further, such waste/storage facilities shall be designed and situated so not to negatively affect adjacent properties; and shall be located so not to impact internal traffic flow, or located in loading zones.
 - g. The following OCSW standard notes shall be placed on any site/construction plan:
 - In accordance with the Orange County Regulated Recyclable Materials Ordinance (RRMO), clean wood waste, scrap metal, and corrugated cardboard present in construction and demolition waste shall be recycled.
 - In accordance with the RRMO, all haulers of construction and demolition waste shall be licensed with OCSW.
 - Prior to the issuance of a permit to demolish any structure five hundred (500) square feet or greater in size, the permittee or owner shall have requested and received a deconstruction assessment by OCSW Enforcement staff in accordance with the RRMO.

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Current Planning
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278



MEMORANDUM

TO: Travis Myren, Deputy County Manager
 Craig Benedict, Planning Director

FROM: Michael D. Harvey, Current Planning Supervisor

DATE: October 13, 2020

SUBJECT: ENVIRONMENTAL ANALYSIS of Efland Station (formerly Beaver Crossing)

The following memorandum serves as a synopsis of development opportunities and/or constraints associated with approximately 100 acres of property within the Cheeks Township of Orange County. Specifically, this memorandum provides an analysis of environmental constraints associated with the proposed Efland Station (formerly Beaver Crossing) development.

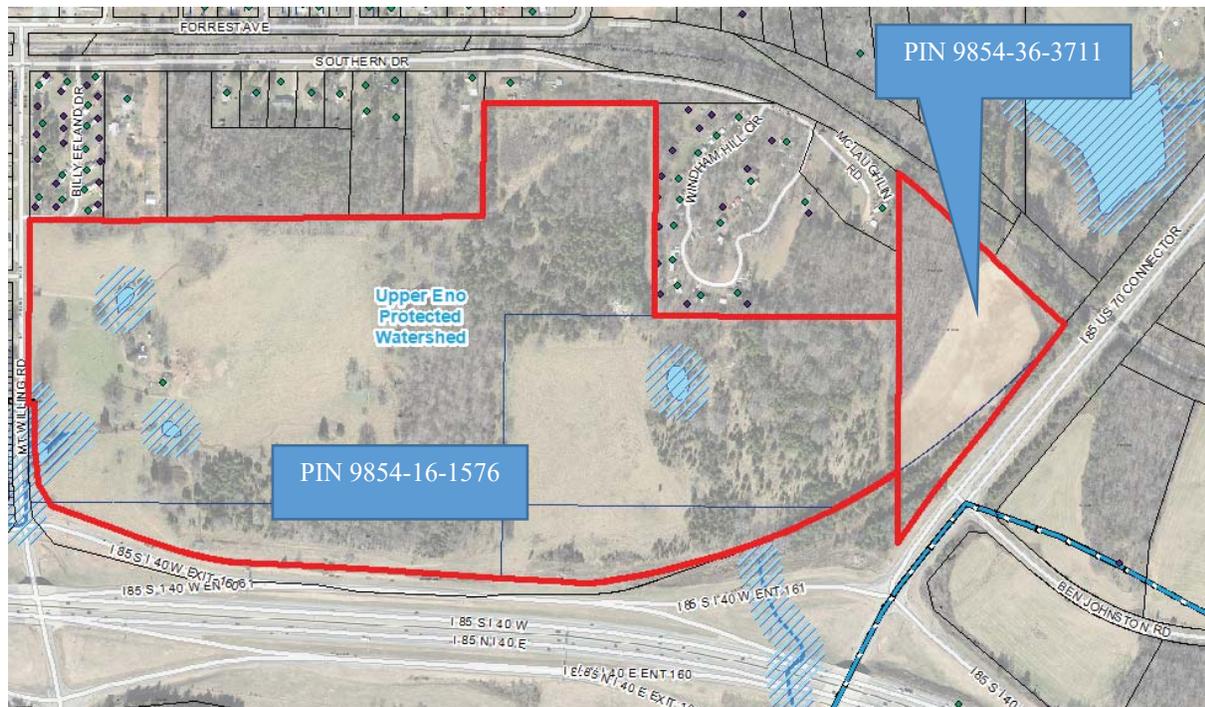
BACKGROUND: On or about August 7, 2020 the Orange County Planning Department received a Conditional Zoning Atlas Amendment application to rezone 2 parcels located north of Interstate 85/40, west of Mt. Willing Road, within the Cheeks Township.

Specifically, staff received an application to rezone approximately 104 acres contained in 2 separate parcels, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9854-16-1576 and 9854-36-3711 (hereafter 'the Property'):

FROM: Office/Research and Manufacturing (O/RM) ; Upper Eno Protected Watershed Protection Overlay District ; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

TO: Master Plan Development Conditional Zoning (MPD-CZ) district; Upper Eno Protected Watershed Protection Overlay District ; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

(map of parcels)



PROPOSAL: According to the submittal, the purpose of the development is to: ‘... create a mixed-use unified development providing a variety of retail, service, hotel, dining, light industrial/office flex space uses consistent with the Orange County 2030 Comprehensive Plan ...’. As proposed, development will occur on approximately 104 acres of land and involve approximately 500,000 sq.ft. of building area supporting previous identified land use categories (hereafter ‘the Project’).

As proposed, the Project would involve development of the following specific land uses:

- Construction of a 120 pump gas station with an approximately 64,000 sq.ft. retail center;
- Construction of:
 - 120-room hotel (square footage of structure unknown);
 - 150,000 sq.ft. of Office/Service/Manufacturing land uses;
 - 8,000 sq.ft. of medical office space;
 - 30,000 sq.ft. of specialty retail space;
 - A 3,500 sq.ft. drive-in bank;
 - 12,000 sq.ft. of casual restaurant; and
 - 20,000 SF of high-turnover sit-down restaurant space

Review and action on the Project shall be in accordance with the provision(s) of Section 2.9 *Conditional Districts* of the UDO. If the proposal is approved by the BOCC,

development of the Property will be consistent with the master plan and any/all conditions imposed by the County as part of its action on the zoning atlas amendment.

As part of the submittal, the applicant provided a completed Environmental Assessment (EA) application. Staff has also received comment(s) from the Orange County Department of Environment, Agriculture, Parks and Recreation (DEAPR) attached for reference purposes.

CURRENT CONDITIONS:

- I. PIN 9854-16-1576: An approximately 90 acre parcel previously utilized as a farm (i.e. pasture) with frontage on:
 - Mt Willing Road (western property line); and
 - I-85/40 freeway on/off ramp (southern property line).

There are barns/sheds along the western property line near Mt. Willing Road. There are utility lines running through the parcel, specifically a sewer line through the middle of the property and power lines along the southern property line running parallel with the I-85/40 freeway on/off ramp.

Staff has identified the following environmental features:

- a. Water Features: There are streams running approximately 600 ft. east on the property from Mt. Willing Road and several hydrologically connected ponds (i.e. streams, springs, etc.) on the parcel as well.;
Available information indicates there are wetlands on the property, including an area along the western property line, approximately 400 ft. east of an existing driveway access off Mt. Willing Road;
- b. Floodplain: The parcel is not encumbered by floodplain;
- c. Slope:
 - i. Northern property line: Varying degree of slope towards the I-85/40 freeway on/off ramp ranging from 4% to 7.5% with the average highest elevation being approximately 676 ft.;
 - ii. Southern property line: Varying degree of slope towards the I-85/40 freeway on/off ramp ranging from 5% to 10% with the average highest elevation being approximately 660 ft.;
 - iii. Eastern property line: North of the intersection of the I-85/US 70 Connector with the I-85/40 freeway on/off ramp, there are significant grade changes in the property ranging from 8% to 12% with the average highest elevation being approximately 658 ft.;
 - iv. Western property line: Varying degree of slope towards the I-85/40 freeway on/off ramp ranging from 4% to 6% with the average highest elevation being approximately 630 ft.
- d. Vegetation:

- i. Northern property line: There significant vegetation on the portion of property towards Southern Drive composed of pine and other hardwoods.
Along the residentially zoned parcels to the north-west, towards Mt. Willing Road, there is almost no existing vegetation;
 - ii. Southern property line: There is significant existing vegetation running through the middle of the property/north of the I-85/40 freeway on/off ramp composed primary of pines and other hardwoods;
 - iii. Eastern property line: Significant existing vegetation composed primary of pines and other hardwoods;
 - iv. Western property line: Along Mt. Willing Road there is very little existing vegetation.
- II. PIN 9854-36-3711: An approximately 10 acre parcel of undeveloped property with frontage on:
- Southern railroad (northern property line); and
 - I-85/US 70 Connector (eastern property line).

There is no information indicating there are utilities on this parcel. Staff has identified the following environmental features:

- a. Water Features: Based on available data, there are no water features (i.e. streams, ponds, floodplains, etc.) on the parcel;
- b. Floodplain: The parcel is not encumbered by floodplain;
- c. Slope: In general, the property has a west/east slope with the highest elevation (i.e. adjacent to PIN 9854-16-1576) of 672 ft. and the lowest elevation, adjacent to the I-85/US 70 Connector road, at 630 ft.;
- d. Vegetation: There is an approximately 5 acres area of property, including an area with frontage along the I-85/US 70 Connector road, which has been cleared. The remaining portions of the property have significant vegetation composed of various hardwoods.

CURRENT CONDITIONS – OTHER:

The following needs to be kept in consideration when reviewing the potential development of the Project:

- a. **Upper Eno Protected Watershed:** The Project is located within the Neuse River Basin and is within the State's defined Upper Eno Watershed area, a class WS-II watershed with Nutrient Sensitive Water designation serving as a public water supply for Hillsborough residents.

The County has designated the area as being within the Upper Eno Protected Watershed Protection Overlay District, which establishes limits on the total cumulative percentage of impervious surface area. As discussed in more detail herein, impervious surface can be as high as 70% or 30,492 sq.ft. of impervious

surface area per acre of property with the incorporation of stormwater control devices.

At the writing of this memorandum the Project proposes the development of several stormwater devices, which would potentially allow up to 70% impervious surface area on the Property.

- b. **Seven Mile Creek Preserve:** The Project is approximately 1 mile north of the County's Seven Mile Creek Natural Area and the Seven Mile Creek Natural Heritage Area, as defined/ inventoried in the North Carolina Natural Heritage Program.

The Seven Mile Creek Natural Area is a County designated preserve, which is also a part of the 366 acre Upper Eno Nature Preserve, acquired throughout the 1970's and 1980's at a time when a possible future reservoir was being considered. Once the need for the reservoir was eliminated, the County began conservation efforts to maintain the area as a natural area.

The County designated natural area includes portions of two significant natural heritage areas, specifically the '*Crabtree Creek Monadnock Ridge*' and the '*Sevenmile Creek Sugar Maple Bottom*' featuring large stands of southern sugar maples, hackberry and swamp chestnut oaks and serves as a host for several state listed rare plants and significant wildlife species.

ENVIRONMENTAL REVIEW:

I. COUNTY DOCUMENT(S):

a. Unified Development Ordinance (UDO):

- i. Per Section 6.13 *Stream Buffers*, identified water features (i.e. streams, hydrologically connected ponds, wetlands, etc.) are required to be left undisturbed. The width of this required natural area ranges from 65 ft. to 80 ft. based on the slope of the property in and around the water feature;

STAFF COMMENT: The submittal indicates identified water features will be located within designated open space areas, with vegetation either being preserved or re-established consistent with applicable County standards.

Please note: the applicant has the ability to seek a permit from the US Army Corps of Engineer to locate a roadway within/adjacent to identified wetland areas. The proposed driveway off of Mt. Willing Road will be required to secure a permit before development activity can occur.

Section 6.13.6 of the UDO lists various development activities that are permitted within identified stream buffers, which include roadway development.

- ii. Impervious surface: The Property is located within the Upper Eno Protected Watershed Protection Overlay District. Per Section 4.2.6 *Impervious Surface/Detention Pond Requirements for Non-*

residential Uses of the UDO, the Project will have to comply with the following impervious surface limitation(s):

1. Development is limited to 12% or 5,227 sq.ft. of impervious surface area per acre of property;
2. Projects can observe a 70% or 30,942 sq.ft. per acre impervious allotment with the installation of stormwater control measures (SCMs).

STAFF COMMENT: Impervious surface area is defined in Article 10 *Definitions* of the UDO as:

A surface composed of any material that impedes or prevents the natural infiltration of water into the soil. Such surfaces include concrete, asphalt and gravel surfaces. These include, but are not be limited to, streets and parking areas, sidewalks, patios, and structures that cover the land.

According to the submittal, development of the Project will involve multiple SCMs to address compliance with various provision(s) of the UDO.

As a result, there is potential to have 70% impervious on the Property. The Project is required, at a minimum, to design their SCMs to accommodate the on-site infiltration of the first inch of runoff.

iii. Stormwater: Per Section 6.14, the Project would have to abide by the following:

1. Nutrient load contribution(s) must meet the standards listed in Section 6.14.7 of the UDO and as required by the North Carolina Department of Environmental Quality (NCDEQ);

STAFF COMMENT: New development exceeding established nutrient loading rates are required to include engineered stormwater controls designed to have a Primary and/or Secondary Stormwater Control Measure (SCM) per NCDEQ requirements.

2. Systems shall be designed to control and treat, at a minimum, the stormwater runoff generated by one inch of rainfall from all project area surfaces;
3. Development shall be required to observe a no net increase in peak flow leaving the site from predevelopment conditions for the 1 year, 24 hour, storm.

STAFF COMMENT: The Project will comply with the provisions of Section 6.14 of the UDO.

- iv. Erosion Control: The applicant has indicated the Project will comply with the provisions of Section 6.15 of the UDO. This includes compliance with the following:

1. High Quality Waters (HQW): Under applicable State regulations, surface waters are classified into various, unique, 'designations' in an attempt to identify/define the best uses to be protected within said waters.

For example is the water feature ideal for swimming, fishing, for use as a drinking water supply and therefore activities should be limited, etc. These designations carry with them water quality standards designed to address potential impacts.

These designations, ultimately, are designed to protect water quality, wildlife, or other special characteristics.

The 'High Quality Water' (HQW) classification is intended to protect waters rated excellent, based on biological and physical/chemical characteristics, to serving as public water supplies, nursery areas, etc.

Under current local/State regulations, development is limited to no more than 20 acres of land area being 'uncovered' (i.e. disturbed) at any one time. State regulations would allow for additional acreage to be 'uncovered' only with the issuance of a waiver by state staff.

This Project is in a HQW area and will have to abide by a 20 acre disturbance limit unless the applicant applies to the State for a waiver.

- v. Environmental Assessments (EA) and Impact Statements (EIS): Section 6.16 outlines the submittal/review of environmental document(s) for projects disturbing a set amount of land area.

STAFF COMMENT: All MPD-CZ projects are required to complete and submit and EA application.

Regulations are designed to require the full disclosure of anticipated development activities on a given parcel of property so the County can proactively work with a developer/land owner to either avoid or mitigate impacts to environmentally sensitive areas (i.e. streams, floodplains, wetlands, steep slopes, water features, etc.).

STAFF COMMENT: Per Section 6.16.4 of the UDO, a project is deemed to have a 'significant environmental impact' when it:

- Involves surface or subsurface extraction activity requiring a Mining Permit issued by the State;
- Involves long-term storage or disposal of hazardous wastes;

- Requires an EIS by a Federal or State agency;
- Fails to adequately protect identified in "*Inventory of Sites of Cultural, Historic, Recreational, Biological, & Geological Significance in the Unincorporated Portions of Orange County*" and the "*Orange County Inventory of Natural Areas*";
- Involves a land surface application wastewater treatment system, within the Water Quality Critical Area of Water Supply Watersheds as defined by the Orange County Comprehensive Land Use Plan.

At this time, staff has reviewed the submitted EA and made a preliminary determination the Project will not have a negative impact on on-site environmental features.

Presuming approval of the Project additional environmental review, including the completion of a formal Environmental Impact Statement (EIS), will more than likely be required with the development of the proposed travel center/120 pump gas station and fuel storage area.

This would occur at the site plan submittal stage.

- b. Orange County *Inventory of Natural Areas and Wildlife Habitats*: A County staff generated report completed in 1987, updated in 2004, identifying environmentally sensitive areas, natural and cultural resources subject to protection during development activities. In reviewing this document, staff notes the following:
- i. The Property was not identified in the document as having significant wildlife, heritage areas, or identified cultural resource areas needed heightened protection(s);
 - ii. The report designates the water features on the Property need to be preserved/protected;
 - iii. The report does not indicate the presence of protected/endangered species on the Property;
 - iv. The report indicated development activity within/near the Property needed to take into consideration protection of the Seven Mile Creek area/preserve, approximately 1 mile south of the Project (i.e. south of I-85/40);
 - v. There are significant wildlife corridors south of the Project. The Property, however, does not contain identified wildlife corridors.

As indicated herein, there is a significant natural area approximately 1 mile south of the Project (i.e. Seven Mile Creek) that will have to be taken into consideration when reviewing potential impacts of the Project.

One concern staff has continuously heard from adjacent property owners, is the need for large fuel storage tanks serving the proposed 120 gas pumps and potential environmental impact(s) associated with fuel spills/leaks.

- c. County Historic Resources Inventory: While completing an inventory of historic resources in Orange County, staff determined there were 2 structures on the property having potentially significant historic value. These were a one-room dwelling and a detached kitchen built sometime in 1870.

Planning staff has confirmed these structures are not eligible for listing on the National Register of Historic Places and have almost entirely collapsed due to neglect and the exposure to the elements. These structures no longer possess physical integrity and have been deemed to be beyond saving.

II. STATE INFORMATION:

- a. State of NC Natural Heritage Program: In reviewing available State data, staff has determined the following:
 - i. The Property was not identified as having protected heritage areas or identified cultural resource areas;
 - ii. Water features were identified;

STAFF COMMENT: As indicated herein, identified water features will be preserved/protected consistent with applicable County stream buffer standards exceeding State minimum requirements.
 - iii. There was no indication of protected/endangered species being identified on the Property;
 - iv. There was no indication of significant wildlife corridors on the Property.

CONCLUSION: At this stage of review, staff has determined the master concept plan appears to address protection of applicable environmental features. Further review will be necessary, presuming approval, to address environmental impacts of anticipated development (i.e. proposed travel center).

As indicated herein, there are concerns over the potential impact(s) associated with the storage of the necessary fuel to support 120 gas pumps.

ORANGE COUNTY



Department of Environment,
Agriculture, Parks & Recreation

MEMORANDUM

To: Michael Harvey, *Current Planning Supervisor, Planning and Inspections Dept.*

From: Christian Hirni, *DEAPR Land Conservation Manager*

Date: October 13, 2020

Re: Beaver Crossing

Thank you the opportunity to review and comment on the proposed Beaver Crossing rezoning proposal and draft site plans. The subject property is compiled of three separate parcels (PIN's 9854-16-1576, 9854-36-3711), located west of Hillsborough on the north side of I-40/85 and service road; between Mt. Willing Road and the I-85/US-70 Connector in Efland. Both Parcels drain into two unnamed tributaries that drain south to Seven Mile Creek, which flows directly to the Eno River.

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 planned development would set aside areas of open space consisting of protected riparian buffers along the two tributaries, roadside buffers adjacent to the service road, Mt Willing Road, and interstate connector, and adjacent property buffers along all aspects of the property boundaries.

Both parcels have been utilized in active agriculture, primarily beef cattle production, for the known history of ownership. Over half of the total project area is in some stage of early successional forest, having been left to fallow at some point over the last 20-30 years.

On the western and southern borders of the property lie two ephemeral streams that drain into two unnamed tributaries as they flow south. Both of the tributaries drain directly into Seven Mile Creek, part of the Upper Eno watershed, a class WS-II, High Quality Watershed, with Nutrient Sensitive Water designation. The streams lay within the Upper Eno Protected Watershed on the property and the Upper Eno Critical Watershed corridors immediately after leaving the property. The property and the streams mentioned are approximately 1 mile north of the County's Seven Mile Creek Natural Area and less than ½ mile from the Seven Mile Creek Natural Heritage Area as is inventoried in the North Carolina Natural Heritage Program.

Due to the importance of these tributaries to the water quality and species of the Seven Mile Creek watershed, it is in the County's and the public interest to have the areas around the two tributaries protected as an extension of the site's open space, and to assist the landowner toward that end. Staff recognizes the site plan submitted shows the developer's effort to this effect. If the landowners wish the area to remain in private ownership, they could grant a conservation easement to the County. As the easement "grantee" the County would be responsible for monitoring the site at least once each year to make sure that the terms of the easement are not violated. Advance notice would be provided to the landowners before County staff entered the property for easement monitoring.

If the owners or their agents are interested in exploring this option, I would be happy to sit down with them to discuss potential pros and cons.

If you have questions please contact Christian at x-2514.

ORANGE COUNTY



Department of Environment,
Agriculture, Parks & Recreation

MEMORANDUM

To: Michael Harvey, *Current Planning Supervisor, Planning and Inspections Dept.*

From: Peter Sandbeck, *DEAPR Cultural Resources Coordinator*

Date: Oct. 20, 2020

Re: Beaver Crossing

Thank you the opportunity to review and comment on the proposed Beaver Crossing rezoning proposal and draft site plans. The subject property is compiled of two separate parcels (PIN's 9854-16-1576 and 9854-36-3711), located west of Hillsborough on the north side of I-40/85 and service road; between Mt. Willing Road and the I-85/US-70 Connector in Efland.

This memo is being provided to address potential impacts to important cultural resources, as a follow up to our earlier DEAPR memo regarding natural resources.

Cultural Resources Review Comments: There is only one previously identified historic resource located within the proposed project area, on the larger of the two parcels (PIN 9854-16-1576). This is identified as the Thompson House in our Orange County Historic Resources Survey and in the State Historic Preservation Office GIS database (site number OR1136). I photographed and documented this historic property in November, 2014, at the time the County contracted with an archaeological consulting firm to undertake a Cultural and Archaeological (C&A) Survey of this large parcel as part of the planning process for the Buckhorn-Efland-Mebane sewer project. That archaeological survey project did not find any significant archaeological or cultural resources within that parcel; the final report is on file with DEAPR.

The Thompson House consists of two separate log structures—a one-room dwelling and a detached one-room kitchen—both built c. 1870. The dwelling portion was enlarged c. 1900 with a wood frame addition that created a two-room house with a loft above. There is one deteriorated farm structure of uncertain purpose standing near these log structures. The site was first documented as part of our County historic resources inventory in 1993, then updated in 2014. It is not eligible for listing on the National Register of Historic Places due to its extremely poor condition. Since 2014, the log house and kitchen have almost entirely collapsed due to neglect and the elements, so the property no longer possesses physical integrity.

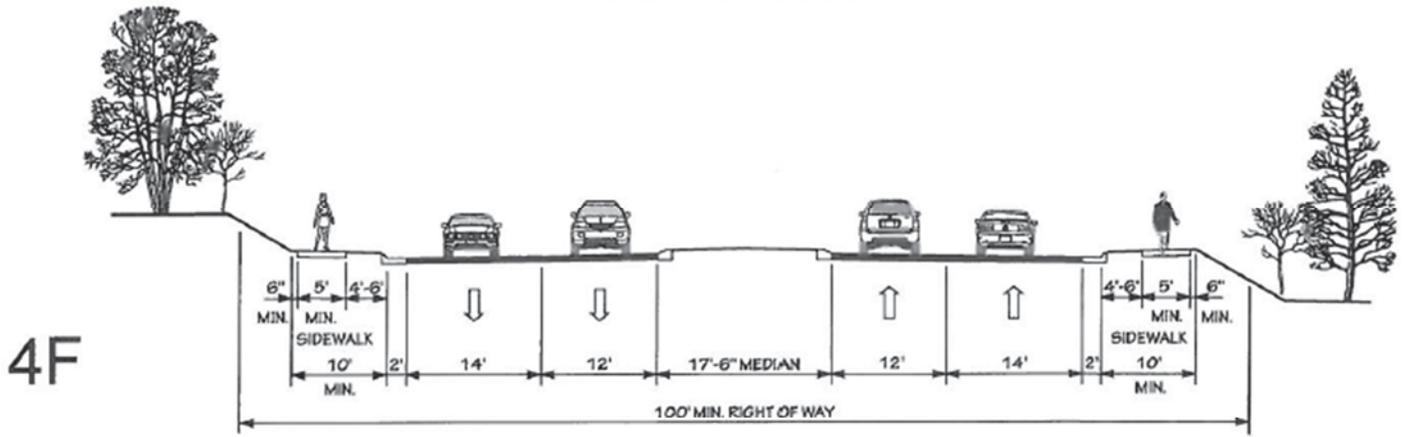
As with any development, care should be taken to locate, identify and protect any potential human burial sites or cemeteries. The current Cemetery Census web site and the County GIS site do not show any identified burials on this parcel. Great care should be taken by the project developers to watch for potential burials. Anyone who encounters what appears to be a burial or grave should immediately contact the Orange County Cultural Resources Coordinator at 919-245-2517.

If you have questions, please contact me at (919) 245-2517.

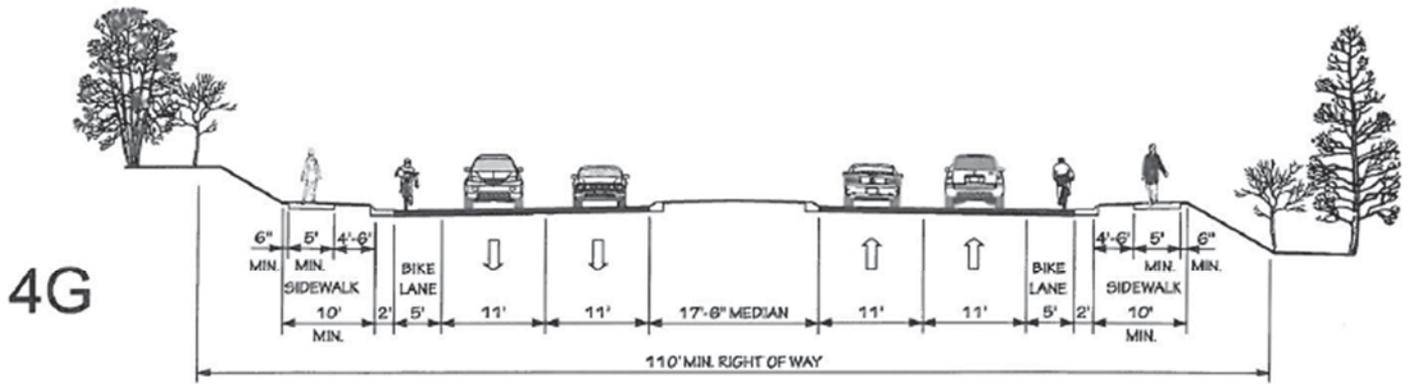
cc: David Stancil
Chris Hirni

Nish and Tom's Comments on Buc-ee's TIA

- Developer is willing to put in a number of off-site improvements (and investments).
- Orange County Planning has been pushing for US 70 Connector improvements for some time; the US 70 Connector remains a County priority by resolution.
- Mt. Willing is on the locally adopted 2019 Efland-Buckhorn-Mebane Access Management Plan as well as the Orange County CTP with the following recommendations:
 - o 4-Lane divided cross section (page 20 of the EBM AMP)
 - 100' ROW (4F) or 110' ROW (4G) – *cross sections on next page*
 - Current ROW is 60'; recommending a 25' ROW reservation for future improvements along Mt. Willing Road
 - County staff will recommend to the BOCC that Mt. Willing Road improvements be approved as a County priority in SPOT 7 and subsequent processes.
- Mt. Willing at I-40 EB off ramp should be considered for a signalized intersection in Phase 2
 - o Stop sign currently at the off ramp; there is a 4-way stop intersection with W. Ten Road just south of this juncture.
- Ben Johnson Road is not yet on the Triangle Regional Model (TRM) yet, but this project would help to support its addition to the TRM.
 - o Ben Johnson Road turns into Dimmocks Mill Road and leads into Hillsborough; Dimmocks Mill Road was recently added to the TRM.
- Neither the West RI/RO nor the East RI/RO indicate the length of the stem; developer should specify stem length since these roadways feed directly into I-40 Service Road ramps.
- Staff would like to see an area of the project (either in Phase I or II) be reserved for connection to the transit systems of the area; this could include:
 - o A bus stop location with signage
 - o A bus shelter with signage
 - A "Future Transit Amenity by others" on a 1.62-acre parcel on the northeast edge of the project area is listed on the second page of the Master Concept Plan, but was not indicated in either TIA.
- Staff is interested in the internal roadway features of the project site (when both phases are built out) and what accommodations (sidewalks, side paths, bike lanes) might be included.



4 LANE DIVIDED (17'-6" RAISED MEDIAN) WITH CURB & GUTTER,
 WIDE OUTSIDE LANES, AND SIDEWALKS
 POSTED SPEED 35-45 MPH



4 LANE DIVIDED (17'-6" RAISED MEDIAN) WITH CURB & GUTTER,
 BIKE LANES, AND SIDEWALKS
 POSTED SPEED 35-45 MPH

Michael Harvey

From: Michael Harvey
Sent: Friday, September 18, 2020 12:22 PM
To: Chuck Edwards
Cc: Craig Benedict (cbenedict@orangecountync.gov); Travis Myren; Steve Brantley
Subject: Beaver Crossing

Chuck: as an update, Craig and I have been meeting on the Beaver Crossing project this morning.

It is our considered opinion, at least at this time, we need to preserve both existing Exits 161 (Connector) and 160 (MT. Willing).

While we recognize there may need to be modification(s) to traffic patterns as proposed by the applicant, we believe this would be more in line with the County's goals/interests in long term traffic planning.

We suggest a meeting with you all and the applicant the week of September 28, which we will coordinate, to discuss in more detail.

Many thanks!

Michael D. Harvey AICP, CFM, CZO
 Current Planning Supervisor
 Orange County
 131 West Margaret Lane
 Suite 201
 PO Box 8181
 Hillsborough, NC 27278

(919) 245-2597



Permit and Inspection Information is NOW AVAILABLE ONLINE!! [Click here to access our portal](#)

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

SERVICE IMPACTS FROM COVID-19

PLEASE NOTE: Orange County planning staff are still operating with limited in-person availability due to the **COVID-19 pandemic**. For the latest information and guidance relating to Orange County's COVID-19 response, visit <https://www.orangecountync.gov/Coronavirus>

The following adjustments have been made to protect employees and the general public to ensure that service levels can be maintained throughout the duration of the COVID-19 pandemic.

Office Hours: Current Planning offices shall be open from 10 a.m. to 3 p.m. daily for the receipt of applications and working with the general public. Members of the general public needing to see a planner will to wear face coverings (i.e. masks) and observe social distancing (i.e. stay a minimum of 6 ft. apart).

Planning staff can be reached at the following:

- Michael Harvey, Supervisor: (919) 245-2597 or mharvey@orangecountync.gov
- Patrick Mallett, Planner 2: (919) 245-2577 or pmallett@orangecountync.gov
- Molly Boyle, Planner 1: (919) 245-2599 or mboyle@orangecountync.gov
- Tyler Sliger, Planning Technician: (919) 245-2598 or tsliger@orangecountync.gov

Meetings: Meeting(s) shall occur by appointment only during revised operating hours listed above. Please note staff will observe appropriate social distancing requirements and staff 6 feet away from parties attending a meeting at all times.

Plan Review: Applications for development projects shall be accepted:

- Electronically via e-mail;
- By Mail sent to: Orange County Planning
ATTN: Current Planning Division
PO Box 8181
Hillsborough, NC 27278
- Dropped off in person during the revised operating hours listed above. **PLEASE NOTE:** Applications physically dropped off at Planning offices shall be placed in an appropriately labeled drop box and shall not be handed by staff until appropriate social distancing protocols can be observed. Staff will be unable to review and discuss the proposal with you at the time of submittal.

Submittal of Fees: Fees can be submitted with the application (mail and in person). Those applicant's needed to pay using a credit card shall be contacted by staff to process a payment over the phone. **PLEASE NOTE: Until further notice, cash shall not be accepted/handled by staff.**

Permits: Permits shall be processed as quickly as possible. Please note deficiencies in the application submittal will impact staff's ability to process the development request.

Inspections: Inspections shall be completed either on a first come basis or via appointment. If staff is required to meet applicants in the field, appropriate social distancing policies shall be adhered to.

Communications: Current Planning staff can be reached at the e-mail addresses and phone numbers listed above.

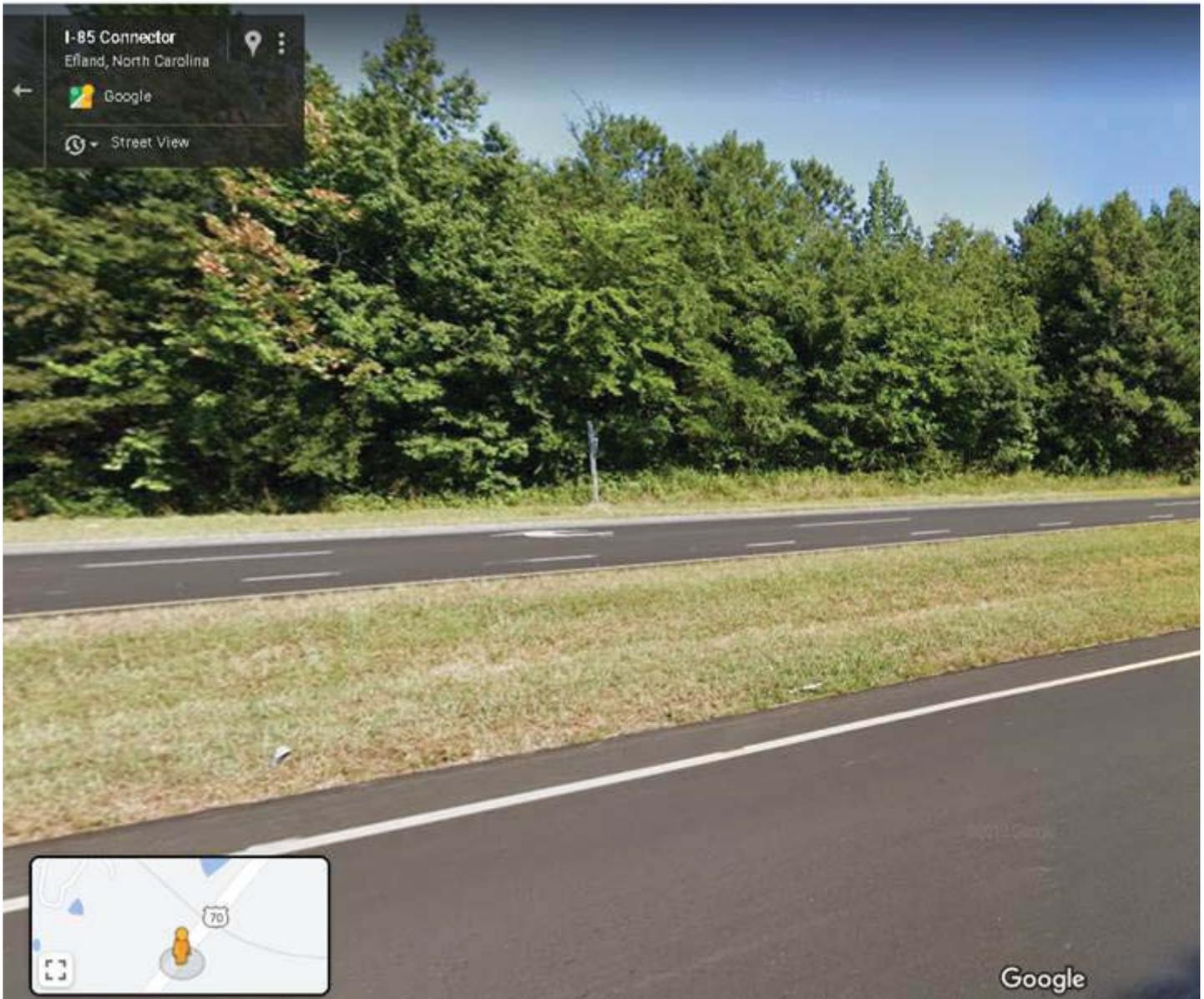
Michael Harvey

From: Nishith Trivedi
Sent: Thursday, September 24, 2020 8:58 AM
To: Michael Harvey
Cc: Thomas Ten Eyck; Tom Altieri; Craig Benedict
Subject: RE: Beaver Crossing

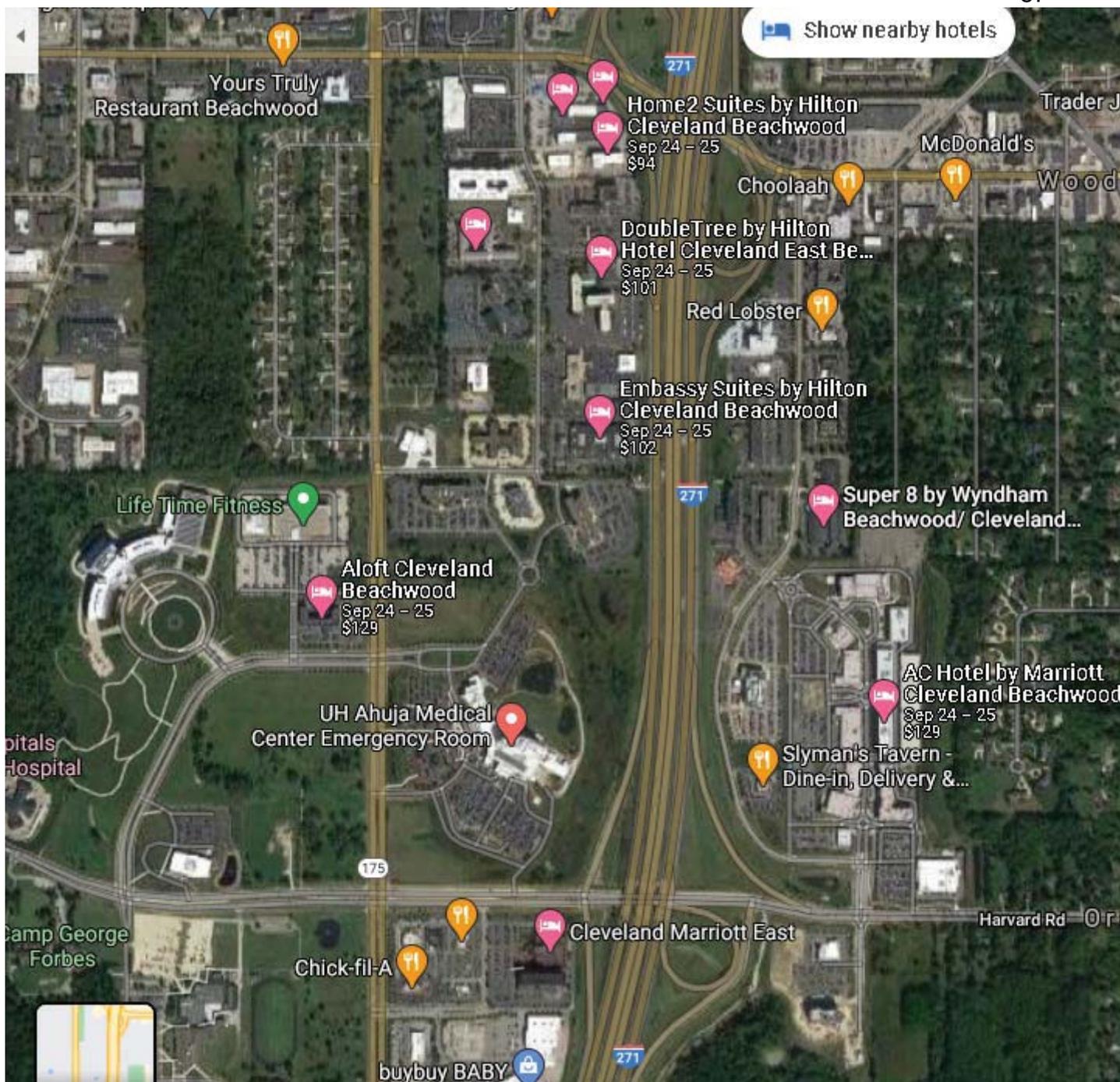
Michael,

I have finished my review of the attached two addendums for Beaver Crossing. Here are my 2 cents:

- Developer may not need to remove the West bound off ramp onto service road. Though I see the benefit – reducing conflict points and less traffic on service road – the cost is more traffic getting off at Mt. Willing exit to access the site.
 - The added traffic light at Mt. Willing south of the interchange is appreciated but more traffic will still go to Mt. Willing even with westbound off ramp removed from service drive.
- The amount of traffic added to the US-70/I-85 Connector is significant, this additional traffic may also come from and go into Ben Johnston road. As the Connector is a 4 lane divided highway, it needs left turn lanes into Ben Johnston Road due to increasing traffic
 - Right in/Right out on Ben Johnston Road is counterproductive
- I do not see any benefit from moving the east driveway access north 400', it puts it very close to the power easement and rail overpass. Below is a picture depicting the close proximity where this driveway access would go.



- Is the developer familiar with US-271 in Cleveland Ohio or any other similar situation where there are two interchanges in close proximity to each other with a service road connecting them. I know there are a lot in Texas, Charlotte, and Georgia. Here is what I am refereeing to about US-271





Granted the above example is an exaggeration. Service road has more lanes than the interstate. But the idea is the same.

Hope this helps.

Nish

From: Michael Harvey

Sent: Monday, September 21, 2020 8:22 AM

To: Travis Myren; Craig Benedict; Steve Brantley; Amanda Garner; Tom Altieri; Thomas Ten Eyck; Nishith Trivedi

Cc: James Bryan

Subject: FW: Beaver Crossing

FYI – I will not have a chance to review until the middle of this week

From: Lewellyn, Earl <Earl.Lewellyn@kimley-horn.com>

Sent: Friday, September 18, 2020 12:53 PM

To: Michael Harvey <mharvey@orangecountync.gov>

Cc: Stan Beard <Stan.Beard@buc-ees.com>; Beth Trahos (beth.trahos@nelsonmullins.com)

<beth.trahos@nelsonmullins.com>; Westwood, Kelsey <Kelsey.Westwood@kimley-horn.com>

Subject: [EXTERNAL MAIL!] Beaver Crossing

Good afternoon Michael. Hope you are well. Attached are 2 TIA addenda that we recently sent to NCDOT. The first one is a sensitivity analysis that adds 10% to the Buc-ee's Trip Generation. It also includes analysis of the Saturday peak with full buildout of phases 1 and 2. The second study examines the alternate access option, which shifts the access to the US 70 Connector about 400' to the north. Please let me know if you have any questions?

Thanks and have a great weekend!

Earl Lewellyn, P.E.

Kimley-Horn | 300 Morris Street, Suite 200, Durham, NC 27701

Direct: 919 653-5874 | Mobile: 919 971 2258 | Main: 919 682 3583

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1. COMMENTS:**a. GENERAL:**

- i. Orange County requests that the applicant consider Orange County's proposed recordation of up to four (4) 30-ft wide public sanitary sewer easements as shown on the attached redlines. See Attachment 1. This accommodation would allow for potential future public sewer service to multiple private tracts that are located adjacent to the Project.
- ii. The Project is located within the Upper Eno Protected Watershed Zoning Overlay District (Neuse River Basin), as zoned by Orange County, and within an area classified as a High Quality Water (HQW), as zoned by the State of North Carolina. Orange County and the North Carolina Department of Environmental Quality (NCDEQ) will review the Project for compliance with applicable Orange County and State standards, as formal site development plans are finalized and submitted.

b. WATER:

- i. Public water service will likely be provided by Orange Alamance Water System (OAWS). This statement shall in no way be interpreted as a final determination by Orange County or OAWS to serve the Project with public water.
- ii. OAWS staff has informally notified Orange County Engineering staff that OAWS has available water capacity based on the evaluation of a DRAFT sanitary sewer capacity summary (average daily demand) of 76,421 gallons per day (GPD) as provided to Orange County by the applicant on September 1, 2020. However, OAWS has not yet formally confirmed with Orange County Engineering staff an ability to serve the Project with public water. Orange County Engineering staff is not aware of any detailed water demand data received by Orange County to date.
- iii. So as to prevent a potentially negative impact to available public water capacity within the regional water service area, Orange County Engineering staff recommends a reassessment of proposed water demands via the incorporation of low-flow water fixtures and/or lower-flow end users throughout the Project, where feasible.
- iv. If updated water demand data are available, applicant shall provide them to Orange County, specifically so that OAWS may further evaluate their available water capacity and their desire to serve the Project with public water.
- v. Provide additional information on the proposed dead-end water line near the intersection of Ben Johnston Road on the east side of the Project. It appears that the proposed water line will exist as a dead end throughout both phases of the Project. Applicant shall ensure

that NCDEQ and OAWS design criteria and/or direction are followed specific to the proposed dead end water line.

- vi. Water utility design, permitting, and construction shall conform to NCDEQ and/or OAWS standards.

c. SEWER:

- i. Sewer service will likely be provided by City of Mebane. This statement shall in no way be interpreted as a final determination by Orange County or City of Mebane to serve the Project with public sewer.
- ii. City of Mebane staff has informally notified Orange County Engineering staff that the City of Mebane has available sewer capacity based on the evaluation of a DRAFT sanitary sewer capacity summary (average daily demand) of 76,421 gallons per day (GPD) as provided to Orange County by the applicant on September 1, 2020. However, the City of Mebane has not yet formally confirmed with Orange County Engineering staff an ability to serve the Project with public sewer. Only limited sewer demand data have been made available to Orange County Engineering staff to date.
- iii. So as to prevent a potentially negative impact to available public sewer capacity within the regional sewer service area, Orange County Engineering staff recommends a reassessment of proposed sewer demands via the incorporation of low-flow water fixtures and/or lower-flow end users throughout the Project, where feasible.
- iv. If updated sewer demands are available, applicant shall provide them to City of Mebane so that City of Mebane may further evaluate their available sewer capacity and their desire to serve the Project with public water.
- v. The existing terminal sewer manhole along Mt. Willing Road is located in front of Orange County PIN 9844965832, slightly south of where currently shown on the preliminary Water and Sewer Map as submitted to Orange County. See Attachment 2.
- i. Sewer utility design, permitting, and construction shall conform to NCDEQ and/or City of Mebane standards.

d. STORMWATER MANAGEMENT:

- i. Stormwater management design, permitting, and construction shall conform to Section 6.14 of the Orange County Unified Development Ordinance (UDO).

e. EROSION & SEDIMENTATION CONTROL

- i. Erosion & Sedimentation Control (E&SC) design, permitting, and construction shall conform to Section 6.15 of the Orange County Unified Development Ordinance (UDO).

10/13/2020

Kelsey Westwood Hall, P.E.

MPD for Beaver Crossing – Engineering Comments

This document represents the Orange County Engineering Division's comments and observations on the Project thus far, and shall not be interpreted as a final determination.

Please contact me at (919) 245-2583 and/or csandt@orangecountync.gov if you have any questions or comments.

Sincerely,

Christopher J. Sandt, P.E.

Christopher J. Sandt, P.E.

Staff Engineer

Enclosures: Attachment 1, Attachment 2

CC: Craig N. Benedict, Orange County
Steve Kaltenbach, Orange County
Michael D. Harvey, Orange County
Elaina Cheek, Orange County
FILE

Attachment 1 - Redlines_OC Engineering

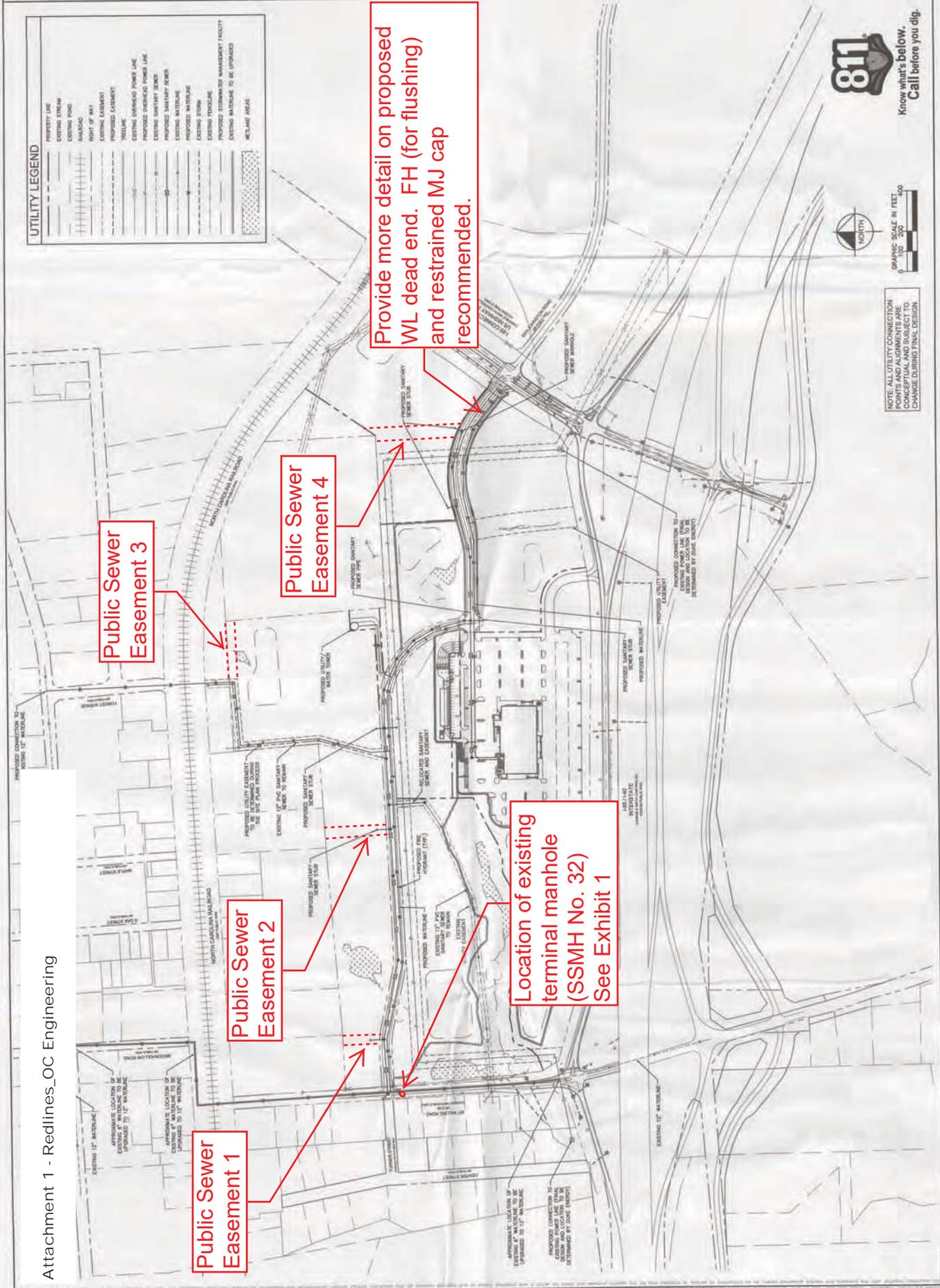
NO.	REVISIONS	DATE	BY

Kimley Horn
 417 PATHELET STREET, SUITE 300, RALEIGH, NC 27601
 PHONE: 919-874-0000 FAX: 919-877-2000
 WWW.KIMLEY-HORN.COM

PROJECT: BEAVER CROSSING WATER AND SEWER MAP
 DATE: 08/02/2020
 DRAWN BY: RAY
 CHECKED BY: KIM

SCALE: AS SHOWN
 SHEET NUMBER: C4.0
 PROJECT NUMBER: 012324003

BEAVER CROSSING MASTER PLAN
 NORTH CAROLINA
 96



UTILITY LEGEND

PROPERTY LINE
EXISTING STREAM
EXISTING POND
RAILROAD
RIGHT OF WAY
EXISTING EASEMENT
PROPOSED EASEMENT
TRELLIS
EXISTING OVERHEAD POWER LINE
PROPOSED OVERHEAD POWER LINE
EXISTING SANITARY SEWER
PROPOSED SANITARY SEWER
EXISTING WATERLINE
PROPOSED WATERLINE
EXISTING STORM
PROPOSED STORM
EXISTING FENCELINE
PROPOSED FENCELINE
PROPOSED TOWNSHIP MANAGEMENT FACILITY
EXISTING WATERLINE TO BE UPGRADED
WETLAND AREA

Provide more detail on proposed WL dead end. FH (for flushing) and restrained MJ cap recommended.

Public Sewer Easement 3

Public Sewer Easement 4

Public Sewer Easement 2

Location of existing terminal manhole (SSMH No. 32) See Exhibit 1

Public Sewer Easement 1

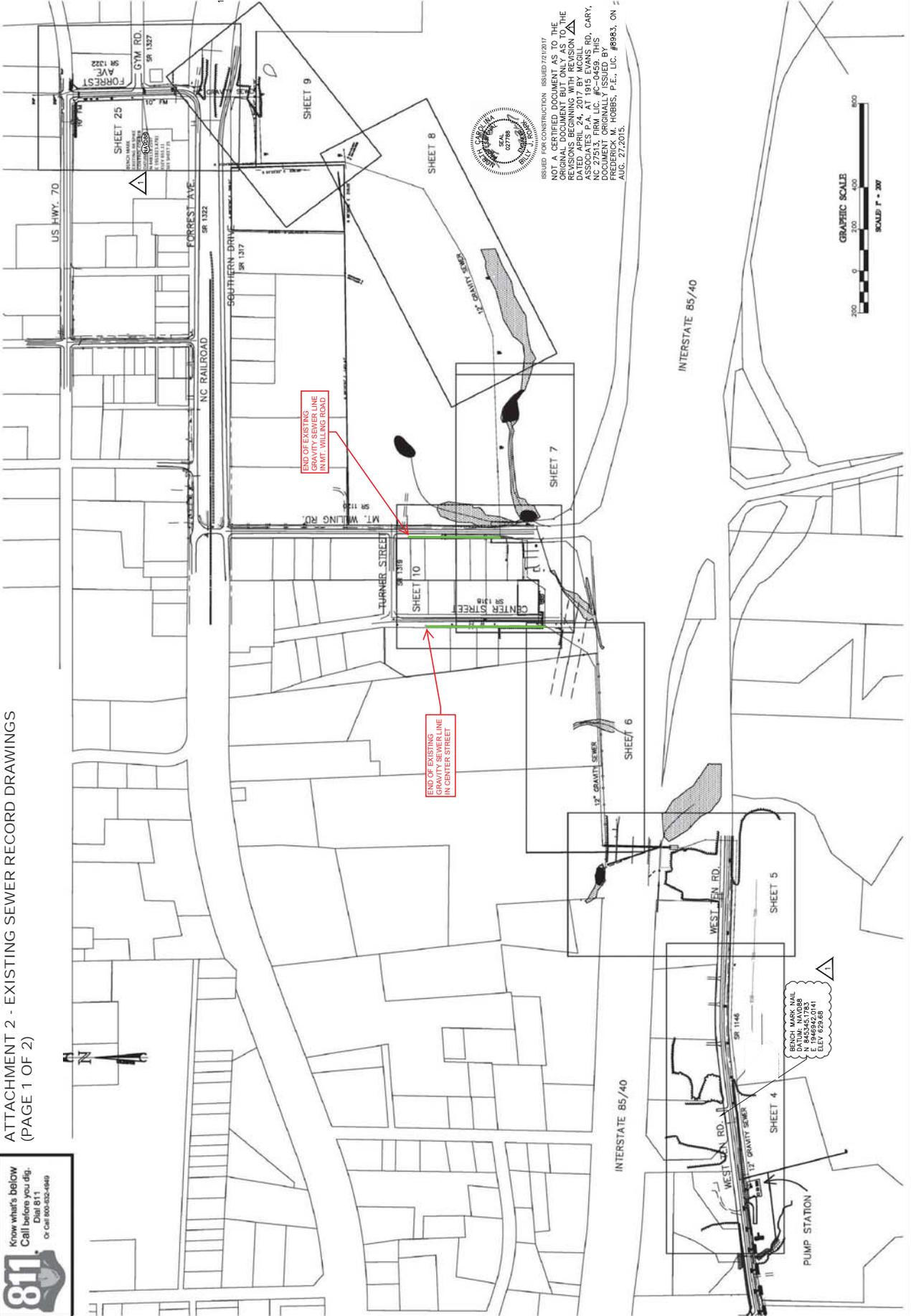
NOTE: ALL UTILITY CONNECTION POINTS AND ALIGNMENTS ARE CONCEPTUAL AND SUBJECT TO CHANGE DURING FINAL DESIGN.



Know what's below. Call before you dig.



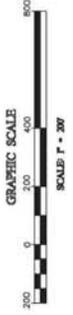
ATTACHMENT 2 - EXISTING SEWER RECORD DRAWINGS
(PAGE 1 OF 2)



END OF EXISTING LINE
IN MT. WILLING ROAD

END OF EXISTING
PROPERTY-SIDE LINE
IN CENTER STREET

BENCH MARK M&M
DATUM: NAVD83
E. 1948592.0141
ELEV. 628.68



DESIGN FOR CONSTRUCTION ISSUED PER 1717
THIS DOCUMENT IS TO BE USED AS A REFERENCE ONLY. THE ORIGINAL DOCUMENT IS THE ORIGINAL DOCUMENT BUT ONLY AS TO THE REVISIONS BEGINNING WITH REVISION DATED APRIL 24, 2017 BY AGS. THIS DOCUMENT IS NOT TO BE USED FOR ANY OTHER PROJECT. THIS DOCUMENT ORIGINALLY ISSUED BY FREDERICK M. HOBBS, P.E., LIC. #8983, ON AUG. 27, 2015.



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engineering | planning | surveying
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Phone: (910) 692-8618 | Fax: (910) 692-7944
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NO.	DATE	DESCRIPTION
1	04/24/17	ISSUED FOR BID

IRLAND SEWER TO MEBANE
BUCKHORN-MEBANE RHD PHASE 2 EXTENSION
WEST TEN ROAD PUMP STA. & OUTFALL
ORANGE COUNTY, NC

GRAVITY SEWER LAYOUT PLAN

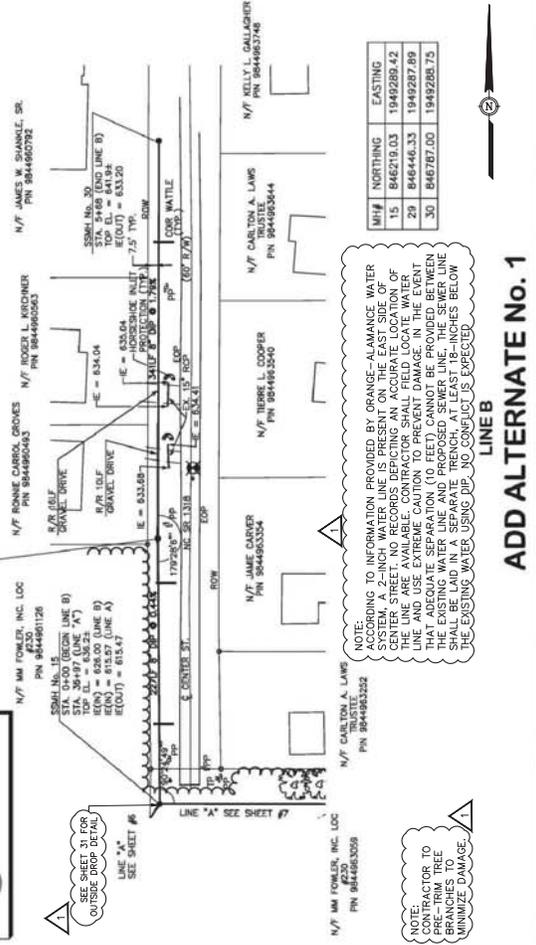
DATE: OCT. 2014
APP. NO.: OCT1002
DESIGNED BY: [blank]
CHECKED BY: [blank]
DATE: [blank]
SCALE: AS SHOWN

SHEET NO. 2 OF 95

PLAN 161610161_CUNAWSE COUNTY Files to Hobbs - Sewer - Phase 2 RHD Design Phase 2 RHD Sewer - Sheet 07/20/17 12:38 PM (AUTOMATIC)

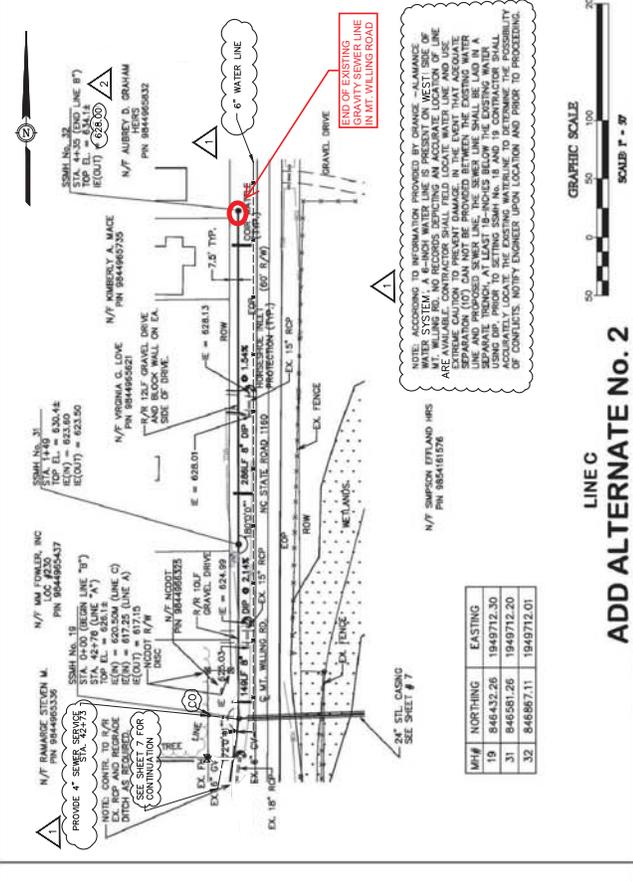
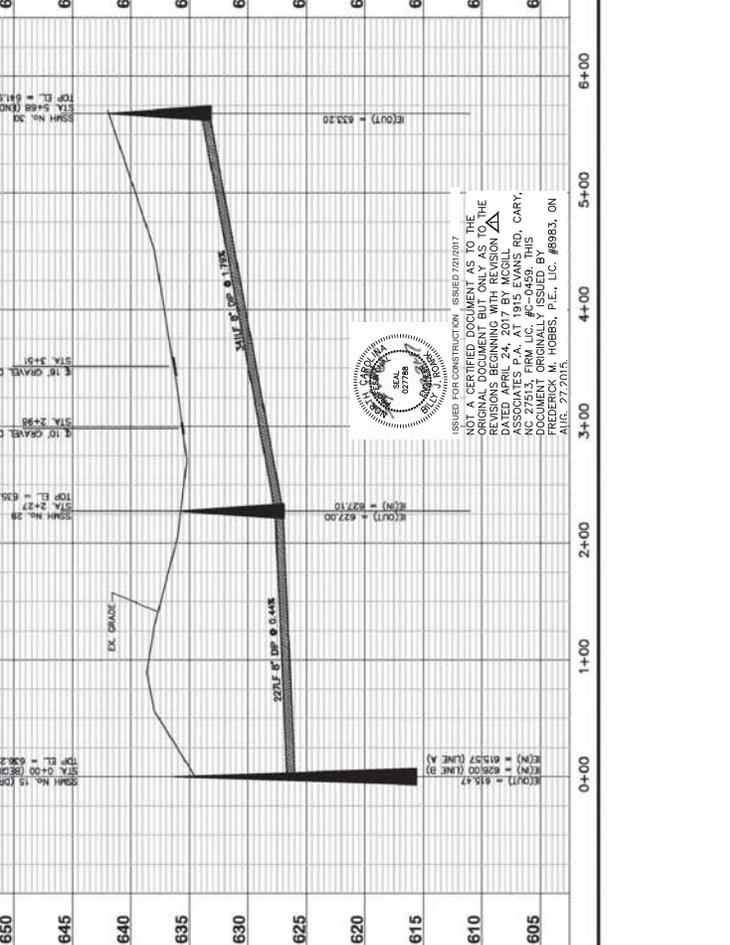


ATTACHMENT 2 - EXISTING SEWER RECORD DRAWINGS
(PAGE 2 OF 2)



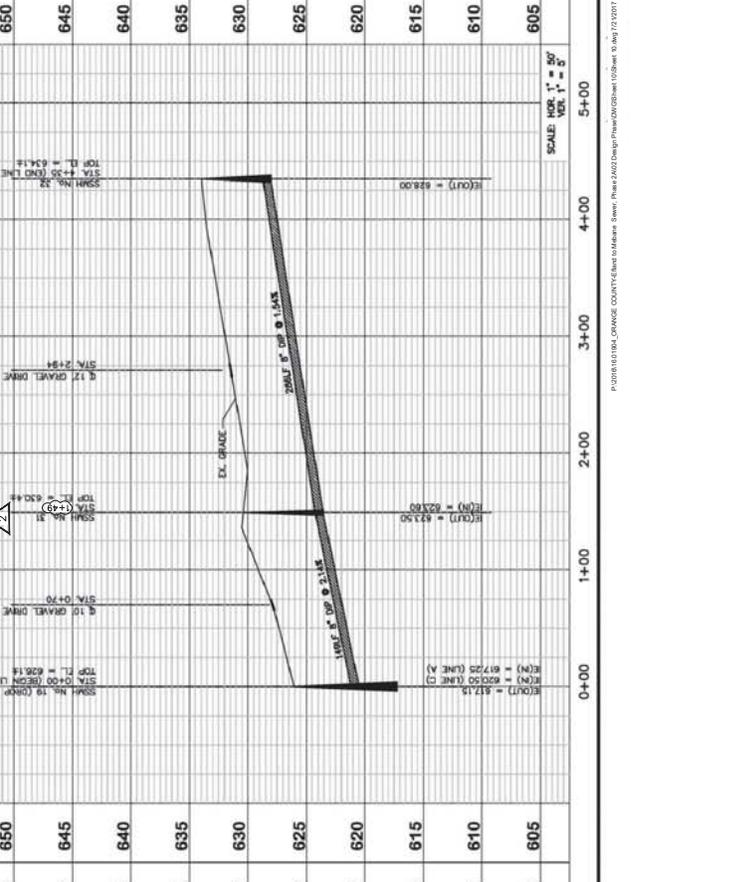
LINE A

M/H	NORTHING	EASTING
15	846219.03	1949288.42
29	846446.33	1949287.89
30	846787.00	1949285.75



LINE B

M/H	NORTHING	EASTING
19	846432.26	1949712.30
31	846581.26	1949712.20
32	846867.11	1949712.01



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License Number: C-0444

BUCKHORN-MEANE EDD PHASE 2 EXTENSION
WEST TEN ROAD PUMP STA & OUTFALL
ORANGE COUNTY, NC

EXTENSION SEWER TO MEANE
GRAVITY SEWER PLAN AND PROFILE
LINE B - & LINE C

DATE: OCT 2014
JOB NO.: OCT102
DRAWN BY: [Name]
CHECKED BY: [Name]
DESIGNED BY: [Name]

SCALE: HORIZ. 1" = 50'
VERT. 1" = 5'

10/39

Michael Harvey

From: Beth Trahos <beth.trahos@nelsonmullins.com>
Sent: Friday, October 23, 2020 11:43 AM
To: Michael Harvey
Cc: Stan Beard; Westwood, Kelsey
Subject: FW: [EXTERNAL] Eno 100Kv Line Relocation

Michael-

Below please find an email from Duke Energy indicating conceptual approval for the powerline relocation. Final approval will come with delineation of the easement meeting all Duke Energy standards before physical relocation takes place.

Let me know if you have any questions. Thanks, and have a great weekend!

Beth



ELIZABETH C. TRAHOS **PARTNER**

beth.trahos@nelsonmullins.com

GLENLAKE ONE | SUITE 200

4140 PARKLAKE AVENUE | RALEIGH, NC 27612

T 919.329.3884 F 919.329.3799

NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

From: Plumley, Lisa <Lisa.Plumley@duke-energy.com>
Sent: Wednesday, October 21, 2020 1:37 PM
To: Stan Beard <Stan.Beard@buc-ees.com>; Holleman, Leah Alexandra <Leah.Holleman@duke-energy.com>; Pait, Bruce E. <Bruce.Pait@duke-energy.com>
Cc: Scott Ratcliff <ratcliffeng@gmail.com>
Subject: RE: [EXTERNAL] Eno 100Kv Line Relocation

Stan,

So sorry for the delay in response, I wanted to double check that both Engineering and Asset Protection groups were OK with the plans from a conceptual standpoint. Engineering (Leah Holleman) approves, and I have Bruce's response copied below:

At this level, Transmission Asset Protection does not object to the project moving forward subject to the following:

1. We want to ensure that we have a new easement that is clear of structures and obstructions from edge to edge and good access to the easement and all of our future structure locations.

2. We should make note and consider the potential need for danger tree rights from the adjacent property owner to the north near the northeast corner of the future transmission line route.

As to Bruce's second point, we typically off-set our easement from any property boundaries by about 50' to ensure no 3rd party rights would be needed. This is not a requirement, just a suggestion, as acquiring third party danger tree rights are often difficult to obtain when considering numerous property owners. We thought it would be important to point this out early on for your awareness.

Let me know if you need any further information from us. Happy to help!

Thanks,

Lisa Plumley

Project Manager

Duke Energy, Carolinas West Transmission

Office: (980) 373-1219 | Cell: (704) 303-3848

Lisa.Plumley@Duke-Energy.com

Nelson Mullins is continuing to monitor developments related to COVID-19, including guidance from the Centers for Disease Control and various health officials; and federal, state, and local government authorities. The firm has implemented precautionary measures and plans to ensure the continuation of all firm services to clients from both in office and remote work arrangements across our 25 geographically disperse offices. [Click here to visit the Nelson Mullins Coronavirus Resources page](#). Information described therein is subject to change.

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STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

October 27, 2020

ORANGE COUNTY

Mr. Earl Lewellyn, PE
Kimley-Horn and Associates Inc.
300 Morris Street, Suite 200
Durham, NC 27701

Subject: Proposed Buc-ee's West Orange Site Located on SR 1239, I-85/
US 70 Connector and SR 1120, Mt Willing Road

- **Review of Traffic Study (TIA)**

Dear Mr. Lewellyn,

Staff from NCDOT Division 7 and the Transportation and Mobility Unit have reviewed the submittals listed below for the above-mentioned development. I offer the following comments based upon the information provided.

- TIA dated June 2020 and sealed June 30, 2020
- TIA Phase 2 dated August 2020 and sealed August 6, 2020
- TIA Addendum #1 dated and sealed September 11, 2020
- TIA Addendum #2 dated and sealed September 15, 2020
- Memorandum entitled Beaver Crossing- Efland NC- Exit 160 Weaving Assessment dated and sealed October 8, 2020

General:

The proposed site consists of a 120-pump gas station with convenience store and a number of outparcels identified as a 120-room hotel, 8,000 square feet (SF) of medical office space, 30,000 SF of specialty retail space, a 3,500 SF drive-in bank, 12,000 SF of fast casual restaurant space, and 20,000 SF of high-turnover sit-down restaurant space. The site is to be developed in two phases with the gas station comprising phase 1 to be completed in 2022 and the remaining uses to be developed in phase 2 with completion scheduled for 2023. The site is expected to generate an estimated 34,922 daily vehicle trips upon buildout. Proposed site access consists of a full movement access located on

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 7, DISTRICT 1
PO BOX 766
GRAHAM, NC 27253-0766

Telephone: (336) 570-6833
Fax: (336) 570-6873
Customer Service: 1-877-368-4968

Location:
115 EAST CRESCENT SQUARE DRIVE
GRAHAM, NC 27253

Website: www.ncdot.gov

the I-85/US 70 Connector approximately 400' north of the existing Ben Johnston Road and two right in-right out accesses on what is described in the study as a service road resulting from the modification of the existing braided interstate interchange via removal of the existing westbound 160 exit ramp. A full movement access on Mt. Willing Road directly across from Turner Street is proposed in phase 2.

Interstate Interchange Modifications:

As previously noted, the traffic study includes recommendations for modification of the existing westbound I-40/85 braided interstate interchange with removal of the existing westbound exit 160 ramp resulting in conversion of the braided configuration to a one-way service road providing access to Mt. Willing Road via reassignment of traffic currently using this exit 160 to the 161 exit ramp and utilizing the resulting service road to access Mt. Willing Road. Site access to the resulting service road in the form of two right in-right out driveways is proposed. NCDOT staff is in general agreement with the conclusion in the above- referenced weaving assessment that the current configuration is not desirable due to the presence of a high speed conflict point at the existing exit 160 gore and the relatively short weaving length provided by the existing braided ramps. Staff also concurs that operational and safety problems will worsen with the increase in traffic associated with the proposed development and/or future traffic growth. The proposed modification of the interchange and the proposed break in the controlled access right of way to accommodate the proposed site accesses will require review and approval by the NCDOT Right of Way Disposal and Controlled Access Committee as well as the Federal Highway Administration. The Applicant has not yet made the necessary submittals to these bodies; therefore, the outcome of this proposal is not determined at this time. The remaining comments in this letter are based on the presumption that the modification will proceed as proposed and contingent upon approval. In the event that the request is not approved, additional traffic operational analysis for alternate scenarios will be needed.

Required Road Improvements:

As a condition of the pending NCDOT Driveway Permit and contingent upon approval of the interstate interchange modification and controlled access breaks as described above, the Applicant will be required to construct the following road improvements to mitigate traffic impacts attributable to site traffic to ensure acceptable operation.

Phase 1 Improvements:

The following improvements shall be constructed with development of phase 1 and prior to placing the proposed gas station with convenience store into operation.

Intestate Interchange Modification:

Subject to FHWA approval, modify the existing interchange as follows:

- Remove existing westbound 160 exit ramp
- Reconfigure to provide for a one-way service road with dual thru lanes extending from the I-85/US 70 Connector to the westbound 160 on ramp and proceeding as a single thru lane to Mt. Willing Road

I-40/85 Westbound Service Road and East RI-RO Driveway:

- Provide one northbound ingress lane and one southbound egress lane with stop control on the driveway
- Provide a minimum 100' internal protected stem length
- Provide a westbound exclusive right turn lane with 150' of full storage and appropriate deceleration and transition accommodation per NCDOT requirements

I-40/85 Westbound Service Road and West RI-RO Driveway:

- Provide one northbound ingress lane and one southbound egress lane with stop control on the driveway
- Provide a minimum 100' internal protected stem length
- Provide a westbound exclusive right turn lane with 200' of full storage and appropriate transition per NCDOT requirements

I-40/85 Westbound Service Road and Mt. Willing Road:

- Provide a three-lane westbound approach consisting of the following:
 - One full single thru lane
 - One exclusive continuous right turn lane
 - One exclusive left turn lane with 280' of full storage and appropriate transitions per NCDOT requirements.
- Provide a coordinated traffic signal at this intersection.

I-40/85 Eastbound Ramp and I-85/US 70 Connector Intersection:

- Provide a two-lane eastbound approach consisting of the following:
 - One full combination thru-left-right turn lane
 - One exclusive left turn lane with 400' of full storage and appropriate transitions per NCDOT requirements
- Extend existing southbound left turn lane to provide for 400' of full storage and appropriate transitions per NCDOT requirements
- Provide a coordinated traffic signal at this intersection.

I-40/85 Westbound Ramp and I-85/US 70 Connector Intersection:

- Provide a three-lane northbound approach consisting of the following:
 - Dual full thru-lanes
 - One exclusive left turn lane with 250' of full storage and appropriate transition per NCDOT requirements
- Provide a four-lane westbound approach consisting of the following:
 - One full thru lane

- One combination thru-left turn lane with 450' of full storage and appropriate transition per NCDOT requirements.
- Dual exclusive right turn lanes with 450' of full storage each and appropriate transition per NCDOT requirements.
- Provide coordinated traffic signal at this location.

Proposed Site Access and I-85/US 70 Connector Intersection:

- Locate site access as far to the north as possible while adhering to applicable roadway design guidelines to maximize intersection spacing relative to Ben Johnston Road
- Evaluate alternatives to accommodating northbound U-turns from Ben Johnston Road in order to increase intersection efficiency at the site access via possible right turn overlap and signal timing afforded by relocated U-turn movements.
- Provide a three-lane eastbound approach consisting of the following:
 - One full exclusive right turn lane
 - One exclusive right turn lane with 300' of full storage and appropriate transition per NCDOT requirements
 - One exclusive left turn lane with 200' of full storage and appropriate transition per NCDOT requirements.
 - Provide a minimum internal protected stem of 300'
- Provide dual eastbound ingress lanes
- Construct dual northbound left turn lanes with 330' of full storage each and appropriate transitions per NCDOT requirements.
- Construct a southbound exclusive right turn lane with 100' of storage and appropriate transition per NCDOT requirements
- Provide coordinated traffic signal at this location.

I-85 and US Connector and Ben Johnston Road Intersection:

- Install appropriate median and channelization to convert Ben Johnston Road to RI-RO.
- Accommodate resulting U-turns at the following intersections:
 - Southbound U-turns- I-85/ US 70 Connector and I-40/85 Eastbound Ramps
 - Northbound U-turns- Evaluate alternatives to accommodating U-turns from Ben Johnston Road in order to increase intersection efficiency at the site access intersection via possible right turn overlap and signal timing afforded by relocated U-turn movements

Phase 2 Improvements:

The following improvements shall be constructed with development of phase and prior to placing the proposed site uses into operation.

I-40/85 Eastbound Ramps and Mt. Willing Road Intersection:

- Provide a two-lane eastbound approach consisting of the following:
 - One full combination thru-left turn lane
 - One exclusive right turn lane with 350' of full storage and appropriate transition per NCDOT requirements
- Extend existing southbound left turn lane to provide for 400' of full storage with appropriate transition per NCDOT requirements.
- Provide coordinated traffic signal at this location.

Mt. Willing Road and Turner Road/Proposed Site Driveway Intersection:

- Provide a two-lane westbound approach consisting of the following:
 - One full exclusive left turn lane
 - One exclusive right turn lane with a minimum of 100' of full storage and appropriate transition per NCDOT requirements
 - Provide a minimum of 100' internal protected stem length
- Provide dual eastbound ingress lanes to accommodate free-flow right turn movements.
- Construct a northbound exclusive free-flow right turn lane with 200' of full storage and appropriate transition per NCDOT requirements
- Construct a southbound exclusive left turn lane with 100' of full storage and appropriate transition per NCDOT requirements
- Monitor intersection for signalization.

Multi-modal and Streetscape Enhancements:

Any locally stipulated multi-modal enhancements including but not limited to sidewalk, bike lanes, bus pull offs, lighting, landscaping etc. on State maintained routes are subject to NCDOT requirements and approval through the encroachment process.

General Requirements:

It is necessary to obtain an approved driveway permit and/or encroachment agreement(s) prior to performing work on the NCDOT right of way. As a condition of the permit, the permittee shall be responsible for design and construction of the above stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fee, and any necessary performance and indemnity bonds.

The applicant shall dedicate any additional right of way necessary to accommodate the required road improvements or future improvements as stipulated.

Intersection radii and geometry shall be designed to accommodate turning movements of the largest anticipated vehicle.

All pavement markings shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadway.

The permittee shall be responsible for the installation and relocation of any additional highway signs that may be necessary due to these improvements and shall comply with the requirements of the MUTCD.

Feel free to contact me if you have any questions.

Sincerely,

DocuSigned by:
C. N. Edwards Jr., PE
C60BB6080F8A458...

C. N. Edwards Jr., PE
District Engineer

Cc: W. R. Archer, III, PE, Division Engineer
Kevin Lacy, PE, State Traffic Engineer
D. M. McPherson, Division Traffic Engineer
Brian Thomas, PE, Regional Traffic Engineer
Doumit Ishak, PE, Congestion Management Regional Engineer
Orange County

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

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131 W. Margaret Lane
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Hillsborough, NC 27278



September 18, 2020

SUMMARY MEETING NOTES
Neighborhood Information Meeting (NIM) for
Master Plan Development Conditional Zoning District (MPD-CZ)
Application
Beaver Crossing

Consistent with the requirement(s) of Section 2.9.2 (D) *Conditional Zoning District – Neighborhood Information Meeting* of the Orange County Unified Development Ordinance (UDO), a neighborhood information meeting (NIM) was held on Wednesday September 15, 2020 for a Master Plan Development Conditional Zoning (MPD-CZ) District Zoning Atlas Amendment for property north of Interstate 40/85 and east of Mt. Willing Road within the Cheeks Township of Orange County.

The project is commonly known as Beaver Crossing.

The applicant sent a notice of the meeting date, time, and on-line meeting registration link to all property owners within 1,000 feet of the subject property, consistent with the requirements of the UDO.

ATTENDEES: Stan Beard (Applicant Representative – Buc-ee’s); Beth Trahos (Attorney for Applicant); Kelsey Westwood (Kimley Horn – Site Plan/Engineering Design for Project); Earl Lewellyn (Kimley-Horn – Traffic Engineer who completed the TIA);

Michael Harvey and Craig Benedict (Orange County Planning);

A total of 55 individuals attended the call, including those listed above. Given the virtual nature of the call, a complete list of attendees is not available. The following names were available on the virtual format: Marshall Welch; Rick; Jared and Heather Cates, Sita; A Pate; Steven; Heather Smith; Douglas Efland; Jennifer; Steven; Mikki Fleming; Chris Smith; M and N Efland; Rob Roberts; Lindsay Efland; PM; Bill Efland; Jaye Ruth Efland; Joe Williams; and Kaye Cartmill.

SUMMARY OF PROJECT:

The applicant summarized the proposal as follows:

In accordance with Section 2.2 *Applications* of the Unified Development Ordinance (UDO), staff began a sufficiency review of the submittal that was deemed complete and formally accepted for review on August 12, 2020.

The applicant spoke generally about the project using a PowerPoint presentation. A copy of the presentation is attached hereto as Exhibit A. The applicant began by orienting the attendees to the property location, explaining the existing and proposed zoning districts and discussing the Comprehensive Plan. The applicant discussed the detailed uses permitted in each development pod identified by numbers 1-6 using the Master Plan Land Use Plan Map C2.1. The traffic impact analysis and planned road improvements, including the elimination of exit 160 per NCDOT, were discussed. The landscape plan and open space areas were also discussed. Finally, the applicant discussed job creation (especially for low barrier to entry jobs that pay a living wage), sales taxes and the ad valorem taxes expected from the planned Buc-ee's and the larger commercial development. At full build out, the project is expected to generate in excess of \$2,000,000 per year in taxes. The meeting was then opened to questions from attendees which are discussed in detail below.

The following summary of the proposed project is provided by Planning Staff based upon the initial project submittal as follows:

1. Project involves 104 acres (4,530,240 sq.ft.) of property;
2. The project will observe a floor area ratio of 0.65 (28,314 sq.ft. of allowable building area per acre (43,560 sq.ft.) of property) with a maximum potential of over 2,900,000 sq. Ft. of anticipated building area, although the applicant indicated that they intended to impose a limit of 500,000 sq. ft. of maximum building area;
3. There will be approximately 30 acres (30%) of open space, although applicant noted in that there would be a total of 40 acres (38%) of open space when including maintained buffer area and indicated the submittal would be updated to confirm this figure;
4. Setbacks from various property lines would be as follows:

Setback from Property Lines	Freestanding Buildings and Structures + Vehicular Use Areas	Signs
Interstate 85 / Interstate 40	One hundred (100) feet average Forty (40) feet minimum	10' from public right-of-way
Interstate 85 Connector / U.S. Highway 70	Forty (40) feet	10' from public right-of-way
Mount Willing Road	Forty (40) feet	10' from public right-of-way 100' from residential uses
External Rear Property Line	Forty (40) feet	10' from public right-of-way 100' from residential uses
Internal Front, Side, and Rear (Development Area 1)	Zero (0) feet	5' from private right-of-way 10' from public right-of-way
Internal Front, Side, and Rear (Development Areas 2-6)	Twenty (20) feet	5' from private right-of-way

5. Buildings shall observe a 60' height limit consistent with County regulations. Accessory structures (i.e. water tower, telecommunication tower, etc.) may be higher;
6. Application contains a master sign plan proposing the following signage:
 - a. Development Area 1 (i.e. Buc-ees Travel Center):
 - i. 1 on premise sign approximately 100 ft. tall with a total sign area of 601 sq.ft.;
 - ii. 3 wall signs (i.e. on portions of the building that could have frontage/visibility from a road right-of-way) each approximately 270 sq.ft. in area (total cumulative sign area of 810 sq.ft.);
 - iii. Logos on the canopy – 4 total logos each approximately 50 sq.ft. in area (total cumulative sign area of 200 sq.ft.);
 - iv. A total of 16 signs on several separate gas pumps advertising fuel type, each sign 5.5 sq.ft. in area (total of approximately 88 sq.ft.).
 - b. Other development areas:
 - i. A total of 8 monument signs, each with 240 sq.ft. of sign area not exceeding 20 ft. in height (cumulative of 1,920 sq.ft. of sign area);
 - ii. Wall Signs: 64 sq.ft. of wall sign area for each individual tenant space;
 - iii. Directional and temporary/construction/real estate signage consistent with the provisions of Section 6.12 *Signs* of the UDO.

7. Outdoor lighting shall abide by County regulations as it relates to allowable lighting intensities at property lines and the use of full cut off fixtures;
8. Access to the development shall be off of:
 - a. A proposed driveway off of Ben Johnson Road and Mt. Willing Road;
 - b. Access drives are also proposed off of the Interstate off-ramp to the south of the property;
9. The project shall abide by applicable erosion control and stormwater regulations as detailed in Section(s) 6.14 and 6.15 of the County UDO;
10. Stream and floodplain buffers shall be preserved consistent with County regulations;
11. Permitted land uses include:
 - a. A Buc-ee's Travel Center including 120 pump gas station and car wash with approximately 70,000 sq.ft. of retail/restaurant area serving same;
 - b. 150,000 sq.ft. of office/light industrial/ flex space;
 - c. 120-room hotel (square footage of structure unknown);
 - d. 8,000 sq.ft. of medical office space;
 - e. 30,000 sq.ft. of specialty retail space;
 - f. A 3,500 sq.ft. drive-in bank;
 - g. 12,000 sq.ft. of casual restaurant; and
 - h. 20,000 SF of high-turnover sit-down restaurant space.
12. The applicant reviewed maps contained within the Traffic Impact Analysis (TIA) of the application package (Exhibit G) and discussed anticipated traffic impacts/improvements.

This included discussion of improvements the Interstate exist ramps, including the elimination of Exit 160 known locally as the *Efland Exit*.

PUBLIC COMMENT(S) AND QUESTIONS:

- A. Several comment(s) and concerns were expressed over the proposed elimination of Exit 160. Property owners expressed extreme displeasure with the loss of the existing Efland exit, expressing concern over anticipated 'impacts'.

APPLICANT: Well in advance of the rezoning submittal, there was extensive coordination with NCDOT officials regarding the proposed access plan. Based on those discussions it is our understanding that, irrespective of this project, NCDOT desires to close the I-40 Westbound Exit 160 due to inadequate weaving distance along the service road between this Exit Ramp and the I-40 Entrance Ramp, which does not currently satisfy standard NCDOT guidelines. This concern is further compounded by the prevailing speeds. As a result, the traffic impact analysis (TIA) was prepared based on NCDOT direction to close this exit ramp. The study recommends extensive improvements to accommodate

the redirected traffic demands as well as site traffic impact via Westbound I-40 Exit 161. The cost of these extensive improvements will be born by the developer as a part of this project rather than by taxpayers at some point in the future.

Attendees inquired who at NCDOT was involved in this project so that they could be contacted directly. Kevin Lacy was identified as the primary contact. An email address for Mr. Lacy was requested by several neighbors of the call. Mr. Lacy can be reached at: ijklacy@ncdot.gov

COUNTY STAFF: The applicant has submitted a traffic impact analysis to the County and NC Department of Transportation (DOT) for review. Staff from both agencies have requested additional information on anticipated traffic demand and the various proposals to address same.

Concern had been expressed to the applicant concerning the proposed loss of Exit 160, but all parties (i.e. applicant, County Planning, NC DOT) are still completing their reviews of the proposal.

DOT staff has requested additional information from the applicant, which is being produced. As review comment(s) are finalized, this matter will continue to be reviewed and discussed.

B. Why do we need a 120 pump gas station in Orange County?

APPLICANT: The proposed zoning allows for a Buc-ee's Travel Center, including 120 fueling positions. Unlike a typical gas station, Buc-ee's offers this number of fueling position recognizing that many customers leave their cars at a fueling position for thirty minutes or more while visiting the many amenities offered by the travel center. In this way, queuing is minimized.

This project also allows for a broader mix of uses in a master planned project including restaurants, retail, office, medical office, a hotel and industrial/flex uses. This combination of uses is desirable in that it meets recommendations of the Future Land Use Map in the Orange County Comprehensive Plan. In addition, it provides opportunities for employment that pays a living wage in the Efland Community and creates a significant a non-residential tax base for the benefit of the broader community. At completion, the project is estimated to contribute \$2,000,000.00 in sales and ad valorem taxes per year to Orange County coffers.

COUNTY STAFF:

C. I am concerned over proposed access driveways onto the Interstate on/off ramp south of the property (listed as a 'service road' on maps provided by the applicant).

There does not appear to be sufficient space allowing people to accelerate to merge onto the Interstate safely. Further, there will be a lot more congestion on the ramp making access to Mt. Willing Road haphazard. The proposed traffic pattern is too dangerous.

APPLICANT: As noted in the question, NCDOT is also concerned about existing weaving operations along this service road, and for that reason

has required removal of I-40 Westbound Exit 160, eliminating the closely spaced, high-speed freeway weaving maneuvers. The resulting operations along the service road and movements onto the I-40 Entrance ramp will be improved due to slower speeds and metering of traffic by upstream signal and stop controlled intersections, thereby improving safety.

COUNTY STAFF:

- D. What traffic improvements are proposed on Ben Johnson, Mt. Willing, and the Interstate access ramp (i.e. traffic lights, stop signs, restricted turn lanes, etc.)?

APPLICANT: Please see the attached Exhibit B, which details planned roadway improvements consistent with NCDOT recommendations.

COUNTY STAFF:

- E. Mt. Willing Road is very congested. Existing traffic existing/accessing the Interstate, even without this project, creates huge backups during morning and evening rush hour periods along the roadways. This includes backups along Forrest Avenue. This project will only exacerbate the problem. How will the applicant rectify this issue?

APPLICANT: Significant roadway and traffic signal improvements are proposed at the interchange ramps and site access along Mt. Willing Road. Site traffic will have minimal impact north of the Mt. Willing site entrance and does not necessitate additional roadway improvements outside of those already proposed. Please see the attached Exhibit B referencing roadway improvements which are consistent with NCDOT recommendations.

COUNTY STAFF:

- F. Isn't this property in a Critical Watershed?

APPLICANT: No, the property is not within a critical watershed area. The development will meet stormwater and erosion control requirements outlined by the Orange County development ordinance and the state of North Carolina. Our open space is concentrated in an area where environmentally sensitive features exist.

COUNTY STAFF: The subject parcels are not located within a critical watershed area as defined by the State of North Carolina.

The parcels are located within the Upper Eno Protected Watershed Protection Overlay district. Consistent with applicable watershed management standards, development on these properties are required to abide by:

- Established impervious surface (i.e. asphalt, concrete, gravel, structures, etc.) limit of 70%. This will require the installation of stormwater control measures throughout the project consistent with the UDO;
- Erosion Control permitting standards as detailed in Section 6.15 of the UDO;

- Stormwater management standards, including nutrient removal, as detailed in Section 6.14 of the UDO.

G. Will existing streams and water features have to be buffered?

APPLICANT: There are streams and other water features on the property (shown on Sheets C3.0 and C3.1 of the Rezoning Plan) that are to be buffered consistent with County regulations. These areas are slated for preservation in designated open space areas within the project.

COUNTY STAFF: All water features are required to be buffered consistent with Section 6.13 *Stream Buffers* of the UDO. The anticipated buffer will be 65 ft. on each side of the stream bank.

H. I see the overhead power lines are being relocated. How will this impact property owners to the north and west of the project?

APPLICANT: The overhead powerline relocation will remain within the limits of the proposed development and is not anticipated to impact adjacent property owners.

COUNTY STAFF:

I. I am concerned over ground water contamination fuel leaks/spills impacting water quality and contaminating our groundwater. What steps are being taken to address this potential issue and preserve/protect our well water?

APPLICANT: We follow all current design criteria required at the federal, state, and local levels and are subject to plan review, construction inspections, and final cover procedures required at all levels. To date, no travel center fueling system has ever had a reportable release and we work hard to maintain that standard. As an additional precaution not required by code, the developer is committed to installing oil-water separators as a part of the stormwater systems which are to be located in close proximity to the fueling stations to intercept incidental hydrocarbons gathered by stormwater runoff so that they can be collected and disposed of appropriately.

COUNTY STAFF:

J. I am concerned over air quality. How are you going to address the venting of gas tanks and comply with applicable air quality standards?

APPLICANT: We will comply with all federal, state and local regulatory requirements. Exposure to gasoline vapors during vehicle refueling is regulated on the macro scale by the federal government. All vehicles manufactured today come equipped with a required Onboard Refueling Vapor Recovery (ORVR) system which captures the vapors displaced during refueling and keeps them within the vehicle.

COUNTY STAFF:

K. Where will fuel be stored?

APPLICANT: Fuel will be stored in 6 underground, double-walled, concrete encased, constantly monitored tanks each with a capacity of 40,000 gallons for a total capacity of 240,000 gallons.

COUNTY STAFF:

- L. What signage is proposed for this project? Are you really proposing a 100 ft. tall sign? This is inconsistent with the rural nature of Efland.

APPLICANT: The original submittal included the Applicant's standard hi-rise sign height of 100'. The purpose of the sign height is to provide the interstate traveler, traveling at high speeds, with enough notice to see the sign, change lanes, and maneuver safely to the exit. Subsequent to the initial application, a balloon test was conducted to best determine the appropriate height of the sign. That test concluded that a height of 80' is sufficient. The application has not yet been updated but the revised submittal will reflect a height limit of 80'.

COUNTY STAFF:

- M. Several general comment(s) were made that Efland is a rural community that this project will severely impact.

APPLICANT: The subject property is located immediately adjacent to Highway 40/85, one of the most heavily traveled roadways in our state, at a highly traveled connection to Highway 70. The subject property is designated as a Commercial-Industrial Transition Activity Node on the Future Land Use Map in the Orange County Comprehensive Plan. The Comprehensive Plan defined Commercial-Industrial Transition Activity Nodes as follows: "[I]and near major transportation routes that could be provided with public water and wastewater services and is appropriated for retail and other commercial uses, manufacturing and other industrial uses; offices and limited (not to exceed 25% of any Node) higher density residential uses." Similarly, the Efland-Mebane Small Area Plan encourages "Mixed Use" in the southeast portion of the planning area. Change is planned and appropriate for this area.

- N. Several individuals made the comment they were supportive of development, and the need for additional non-residential development to lessen the tax burden on residential property owners. These individuals, however, do not believe a 120 pump gas station is what should occur to address this need.

APPLICANT: The subject property is currently zoned Office/Research and Manufacturing (O/RM) with the Upper Eno Protected Watershed Protection Overlay District, the Major Transportation Corridor Overlay and the Efland Interstate Overlay District. A wide variety of land uses are permitted in O/RM district including, all as shown on Table 5.2 entitled the "Table of Permitted Uses" in the UDO. A sample of uses permitted in the O/RM district is listed below:

- Manufacturing, Assembly, Processing of Food Products Except as identified in the Table 5.2 of the UDO, entitled “Table of Permitted Uses”, Section 27(A)-(G);
 - Manufacturing, Assembly, Processing of Non-Food Products Except as identified in the Table 5.2 of the UDO, entitled “Table of Permitted Uses”, Section 28(A)-(Q);
 - Hospital, Veterinary Clinic, Veterinary Hospital and other Medical Uses subject to the standards identified in the Orange County UDO;
 - Office and Financial Services subject to use standards set out in the UDO;
 - Service Uses except as identified in the Table 5.2 of the UDO, entitled “Table of Permitted Uses”, in Section 62 (A)-(Q);
 - Telecommunication Towers subject to standards in the UDO or a special use permit depending on tower height; and
 - Elevated Water Storage Tanks with a special use permit.
- O. This property is located within an area defined by the State of North Carolina as a High-Quality Water (HQW) area. Why are we allowing a project of this magnitude in an HQW area?

APPLICANT: We will comply with the land area disturbance limitation required by the HQW. We are working with Orange County and the state of North Carolina to identify the best approach to abide by the requirements.

COUNTY STAFF: State Surface Water Classifications are designations applied to surface water bodies (i.e. streams, rivers, lakes, etc.) in an attempt to identify and define ‘protected activities’ (i.e. swimming, fishing, drinking water supply, etc.) for said waters.

Based on a water features classification, development(s) are required to adhere to specific standards addressing these ‘protected activities’. It needs to be remembered these ‘classifications’ are one of many ‘tools’ used by the State and local government(s) to protect water features.

The High-Quality Waters (HQW) classification is intended to protect waters which are rated excellent, based on biological and physical/chemical characteristics, and serve what staff will term ‘public purposes’ which can include serving as public drinking water supply.

State and County regulation(s) do not establish ‘prohibited’ land uses for HQW designated water features. Rather, development activities are severely curtailed, specifically there can be no more than 20 acres of ‘uncovered’ property area at any one time. The State allows for waivers with the approval of a formal erosion control plan.

In this instance, there are no regulation(s) prohibiting this development from locating within an HQW area. Development of the project, however, will have to comply with applicable land disturbance limits and erosion control guidelines enforced by the County.

- P. Mt. Willing and surrounding roadways are rural county roads. What steps are going to be taken to preserve our safety from additional traffic?

APPLICANT: Traffic generated by this project is predominately Interstate oriented. As such, roadways north of the site will experience only limited increases in traffic. As noted earlier, the planned removal of the I-40 Westbound Exit Ramp (Exit 160) will eliminate the existing substandard high-speed weaving condition along the westbound service road that is of concern to NCDOT. Consistent with TIA and NCDOT recommendations, numerous roadway and traffic signal improvements are proposed within the study area to mitigate resulting traffic demands and improve safety. Additional, supporting information about the unsafe conditions that exist at Exit 160 is available in a memo from Kimley-Horn dated October 8, 2020.

COUNTY STAFF: Staff is reviewing the Transportation Impact Analysis, submitted as part of the application package, with staff from the NC Department of Transportation.

- Q. Why is Mt. Willing being utilized as an access point for this project?

APPLICANT: The access onto Mt Willing Road provides for local traffic interconnectivity and provides for more efficient dispersal of site traffic, minimizing traffic impacts to the overall street network.

COUNTY STAFF: Mt. Willing Road offers another point of access for the project and allows for greater traffic flow/access to help address concern(s) over 'overloading' one or two roadways with too much traffic. The project will, essentially, have three central access points to help disperse traffic congestion.

- R. In staff's August 31, 2020 letter, they identified an inconsistency related to the proposed floor area ratio for the project and the estimated square footage of the development used as part of the traffic impact analysis. How can we move forward with this project as there appears to be a conflict with the information used in creation of the transportation study?

APPLICANT: We are fully aware of staff's concern and are working to rectify the matter. A revised submittal will include a commitment to no more than 500,000 square feet of building square footage, which is significantly less square footage than what is allowed in the current OR/M zoning designation. This limitation is commensurate with the traffic impact analysis.

- S. This application should not be reviewed until there can be physical meetings allowing for more public participation and discussion. There are people in the area who either have poor internet access and cannot participate or are not computer savvy enough to ensure they are able to have their voices heard.

COUNTY STAFF: The on-line meeting format is being conducted consistent with adopted State rules allowing local governments to process development proposals/applications.

While staff understands there are concerns over adjacent property owners being able to participate in the discussion of this project, the County is following established protocols.

To that end, additional opportunities are available multiple allowing individuals to participate the pending Planning Board meeting and BOCC public hearing. This includes provision of a call-in numbers so property owners with limited/no internet access can participate in the discussion.

T. How many stories are permitted within the 60' height allowance?

APPLICANT: The submittal is being revised to reflect a height of 35' with an increased setback for every foot above 35' up to 60'. Certain elements may exceed this height limitation, such as electrical lines, signs, water towers, telecommunication towers, and utility structures.

COUNTY STAFF: A 60 ft. building height allowance will typically result in 5 separate floors.

U. Are uses going to generate significant noise?

APPLICANT: We do not anticipate significant noise being generated on the subject property, especially given the ambient noise from the nearby highways. Of course, we will abide by the county noise ordinance.

COUNTY STAFF: At this time there is no indication of the noise level that could be generated by individual land uses. The County does have, and enforces, noise regulations. Development of, and those uses permitted to operate within, this project will have to abide by applicable standards.

V. What is the expected construction timeline?

APPLICANT: After full development approvals, construction is likely to take 12- 18 months, depending on site work requirements.

W. Has the Applicant performed an environmental study?

APPLICANT: Yes, as part of the application process, we completed an environmental assessment application package that is being reviewed by Orange County.

X. Are trees included in the landscaped buffer?

APPLICANT: Yes. Orange County requires a vegetative buffer along the perimeter of the project. Sheets C-6.0 and C-6.1 of the Master Concept

Plan denotes our anticipated buffer program being reviewed by County staff.

Y. What are the specific landscape standards being proposed for this project?

APPLICANT: The landscape standards for the development are outlined within the narrative submitted as part of the application. Aside from minor allowances within Tract 1, Tracts 2 through 6, the plans generally abide by the requirements outlined in the Orange County Unified Development Ordinance. Sheets C6.0 and C6.1 of the Rezoning Plan detail the landscape standards proposed with the development.

Z. Is this information available to the public?

COUNTY STAFF: Yes. Information on this zoning atlas amendment is available on the County website at:

<https://www.orangecountync.gov/792/Planning-Inspections>.

AA. What is the schedule of review for this project?

COUNTY STAFF: As indicated the review of this project is adhering to the following schedule:

- October 7, 2020 – Anticipated Planning Board meeting;
- November 5, 2020 – First available date for public hearing by the BOCC.

Both meetings will be virtual meeting. Link(s) allowing interested parties to attend the meeting will be included within the various notification letters sent out by the County and will also be posted to the County website.

In accordance with Session Law 2020-3 Section 4.31(a), pertaining to remote meetings during declared emergencies, written comments on items heard at a public hearing are accepted for 24 hours after the public hearing is closed. The BOCC will be unable to make a decision on public hearing items until the 24-hour period for the submittal of written comments has concluded.

BB. What happens if the City of Mebane says the project cannot be served by their sewer system?

APPLICANT: We are working with the City of Mebane and Orange Alamance Water System to implement system upgrades to ensure that the site can be served by water and sewer services as planned.

COUNTY STAFF:

EXHIBIT A

PowerPoint Presentation

Beaver Crossing

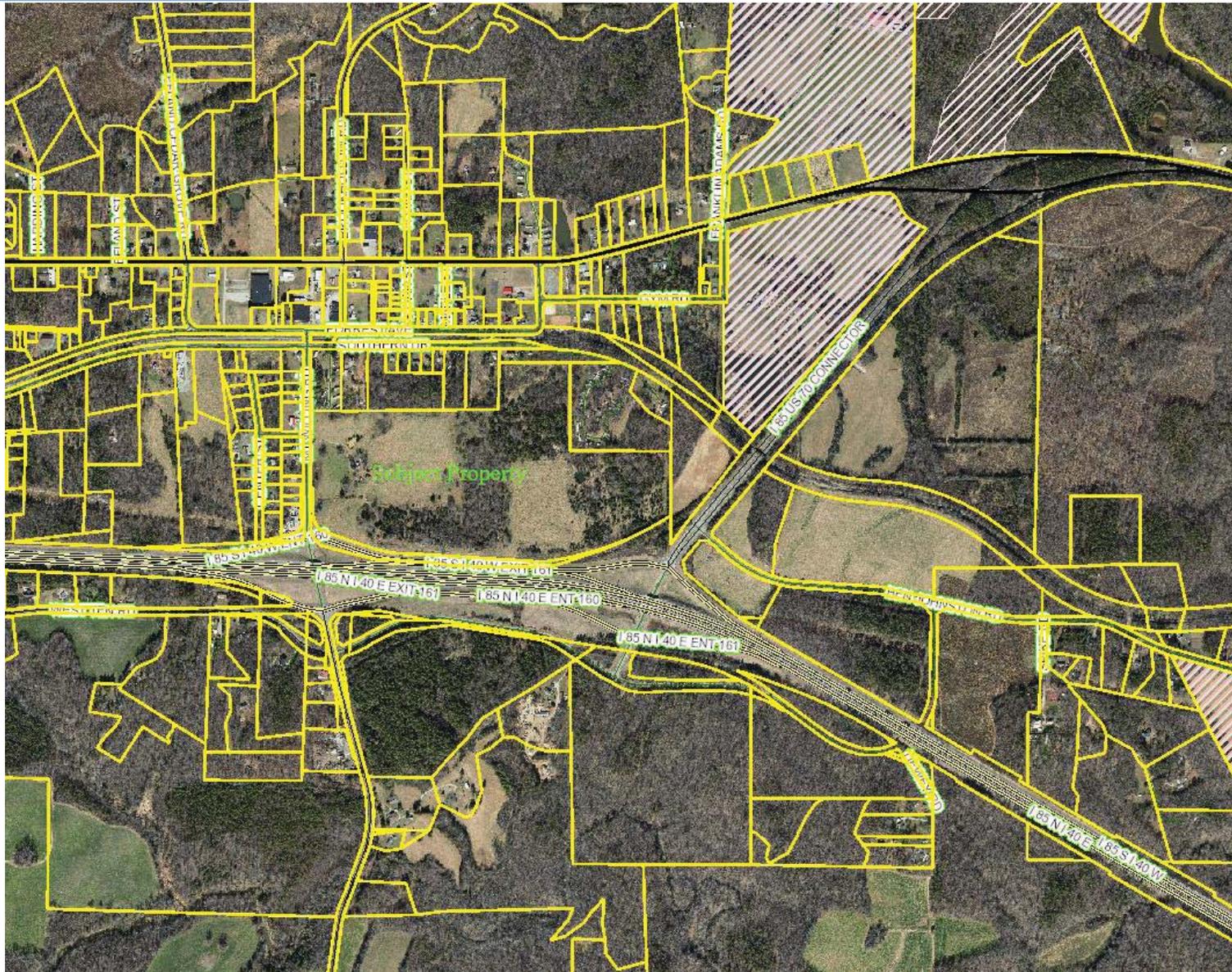
Existing Zoning: O/RM

Proposed Zoning: MPD-CZ

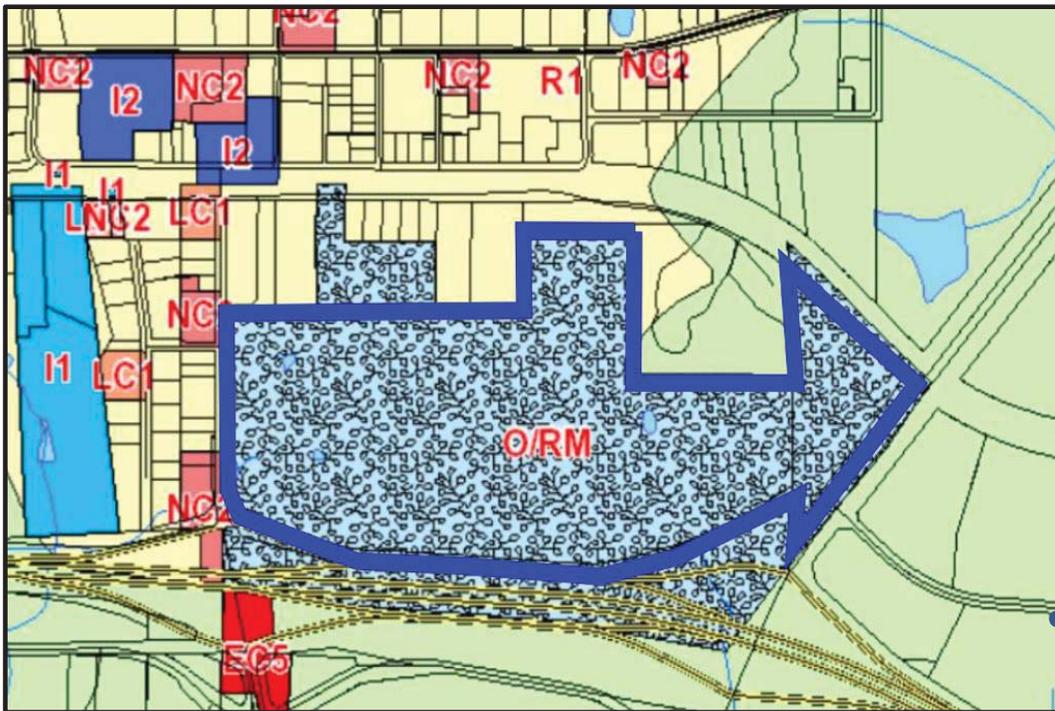
Two Parcels totaling 104.55± acres



General Area



Existing Zoning



- Office/Research Manufacturing (O/RM) with the following overlays: Upper Eno Protected Watershed Protection Overlay District; Major Transportation Corridor Overlay District; Efland Interstate Overlay District
- Master Plan Development Conditional Zoning (MPD-CZ) retaining all overlays

Comprehensive Plan - Commercial-Industrial Transition Activity Node

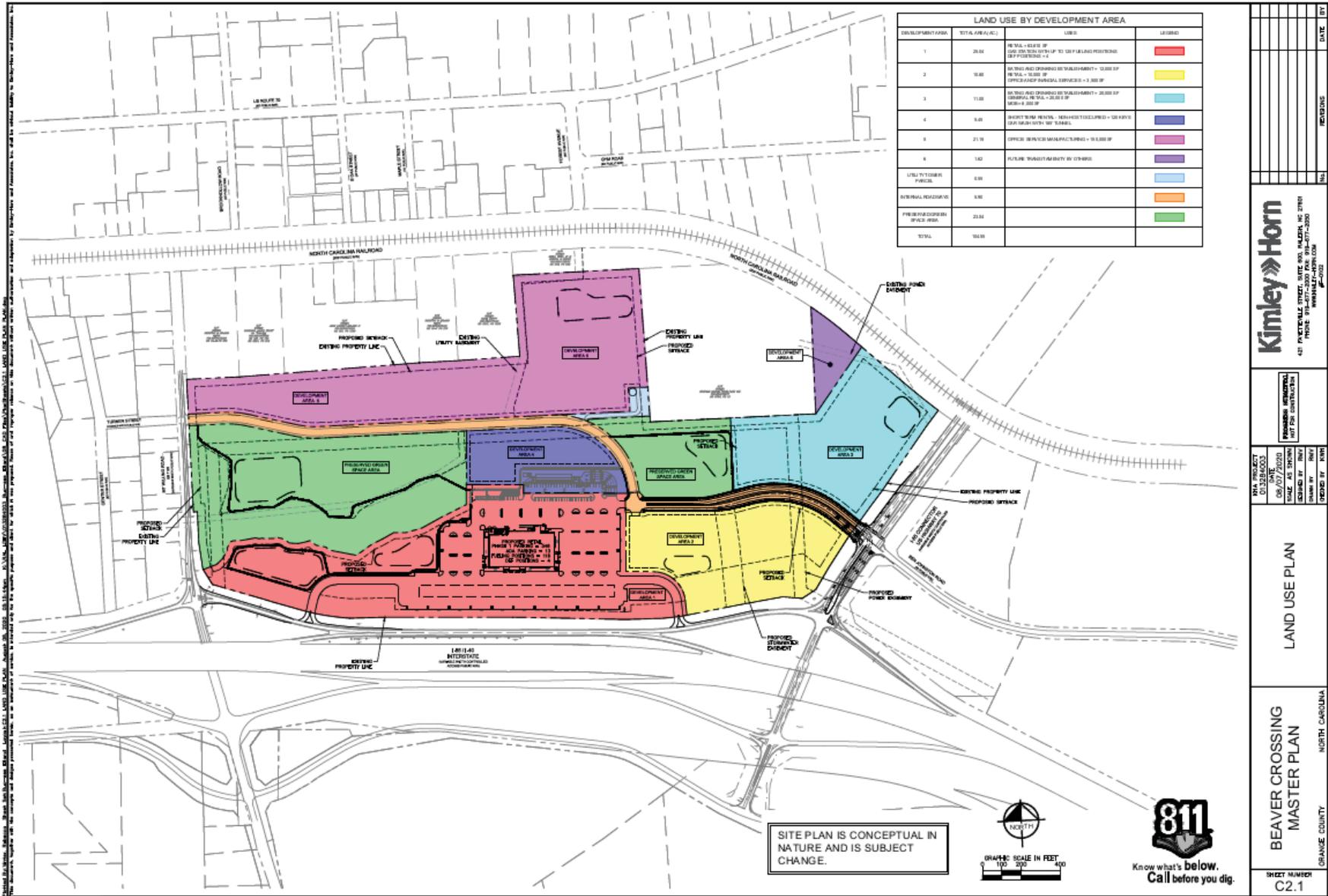
123

Commercial-Industrial Transition Activity Node: Land near major transportation routes that could be provided with public water and wastewater services and is appropriate for retail and other commercial uses; manufacturing and other industrial uses; office and limited (not to exceed 25% of any Node) higher density residential uses.”

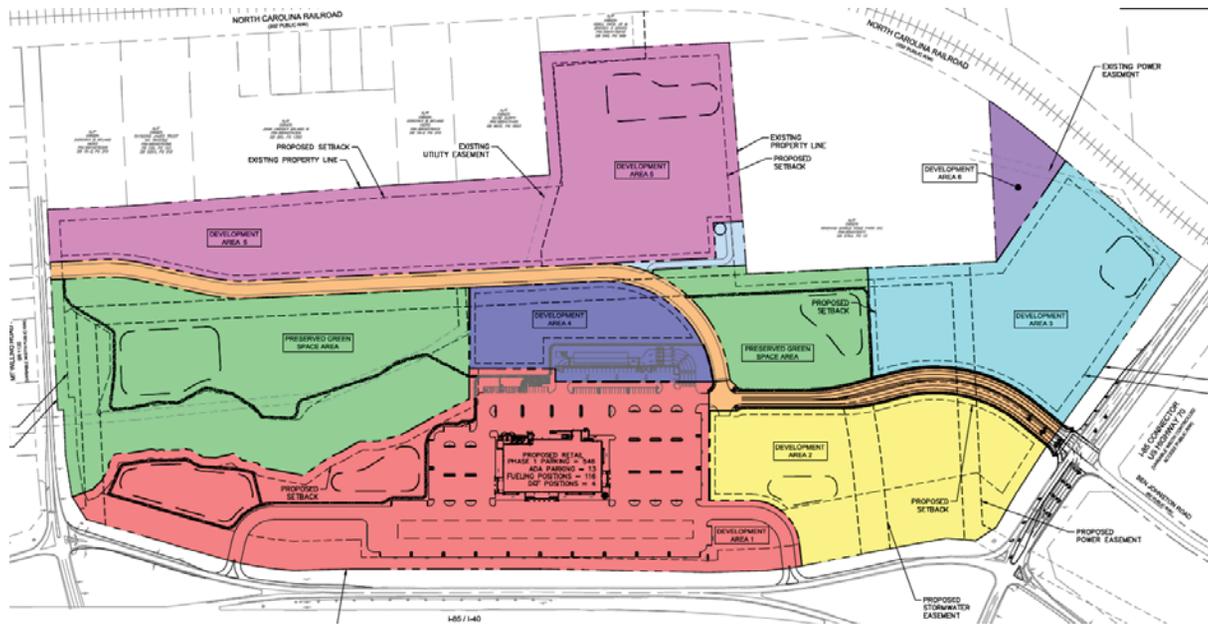
Efland-Mebane Small Area Plan

- The Property is located within the Southeast portion of the planning area of the Efland-Mebane Small Area Plan, a portion of the planning area that *“enjoys access to major transportation facilities including Interstate 40/85 and the US 70 Connector. Because of this, development potential for the area is high.”*
- *The southeast portion of the planning area should be considered for “Mixed Use” designation to be developed only when public water and sewer systems area available to the area.*

Site Plan



Site Plan



LAND USE BY DEVELOPMENT AREA			
DEVELOPMENT AREA	TOTAL AREA (AC.)	USES	LEGEND
1	25.04	RETAIL = 63,610 SF GAS STATION WITH UP TO 120 FUELING POSITIONS DEF POSITIONS = 4	
2	10.80	EATING AND DRINKING ESTABLISHMENT = 12,000 SF RETAIL = 10,000 SF OFFICE AND FINANCIAL SERVICES = 3,500 SF	
3	11.00	EATING AND DRINKING ESTABLISHMENT = 20,000 SF GENERAL RETAIL = 20,000 SF MOB = 8,000 SF	
4	5.45	SHORT TERM RENTAL - NON-HOST OCCUPIED = 120 KEYS CAR WASH WITH 185' TUNNEL	
5	21.15	OFFICE/ SERVICE/ MANUFACTURING = 150,000 SF	
6	1.62	FUTURE TRANSIT AMENITY BY OTHERS	
UTILITY TOWER PARCEL	0.55		
INTERNAL ROADWAYS	5.90		
PRESERVED GREEN SPACE AREA	23.04		
TOTAL	104.55		

Mixed Use Project - Retail, Services, hotel, dining, office flex space/light industrial ¹²⁷

- Phase I - Buc-ee's Travel Center:
 - Fueling Stations
 - Car Wash
 - Retail Store
 - Plentiful and Famously Clean Bathrooms
 - Family-friendly
 - No tractor-trailers allowed
 - Homemade BBQ and sandwiches

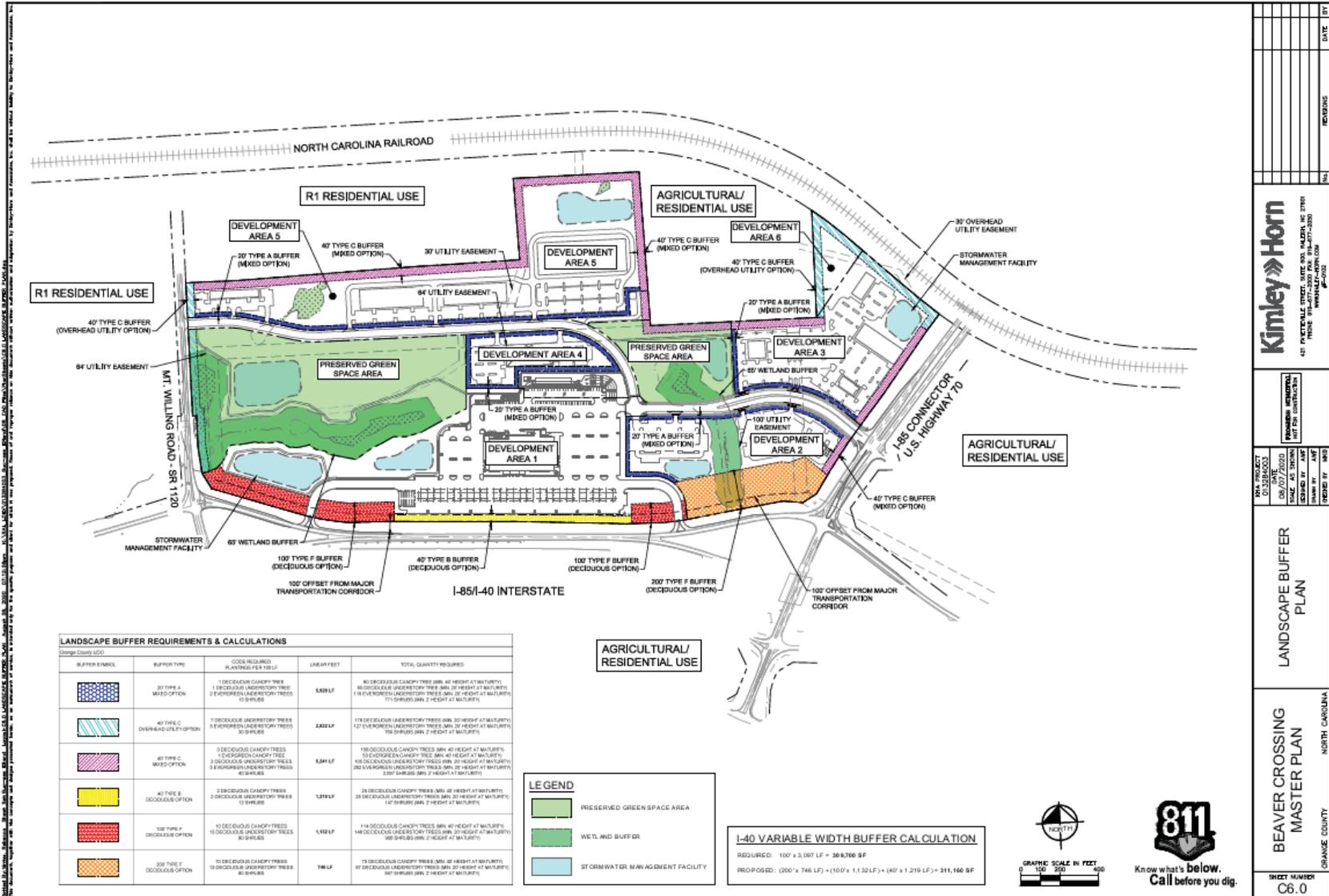


Mixed Use Project - Retail, Services, hotel, dining,¹²⁸ office flex space/light industrial

Phase II:

- Retail shops;
- Restaurants;
- Hotel with no more than 120 rooms;
- Offices and Financial Services;
- Medical Uses;
- Select Manufacturing Uses; and
- Utilities and Telecommunications Uses.

Landscape Buffers and Open Space



Kimley Horn
 437 PATEKILLE STREET, SUITE 300, WALKER, NC 27160
 PHONE: 919-407-3300 FAX: 919-407-3300
 WWW.KH.COM

LANDSCAPE BUFFER PLAN

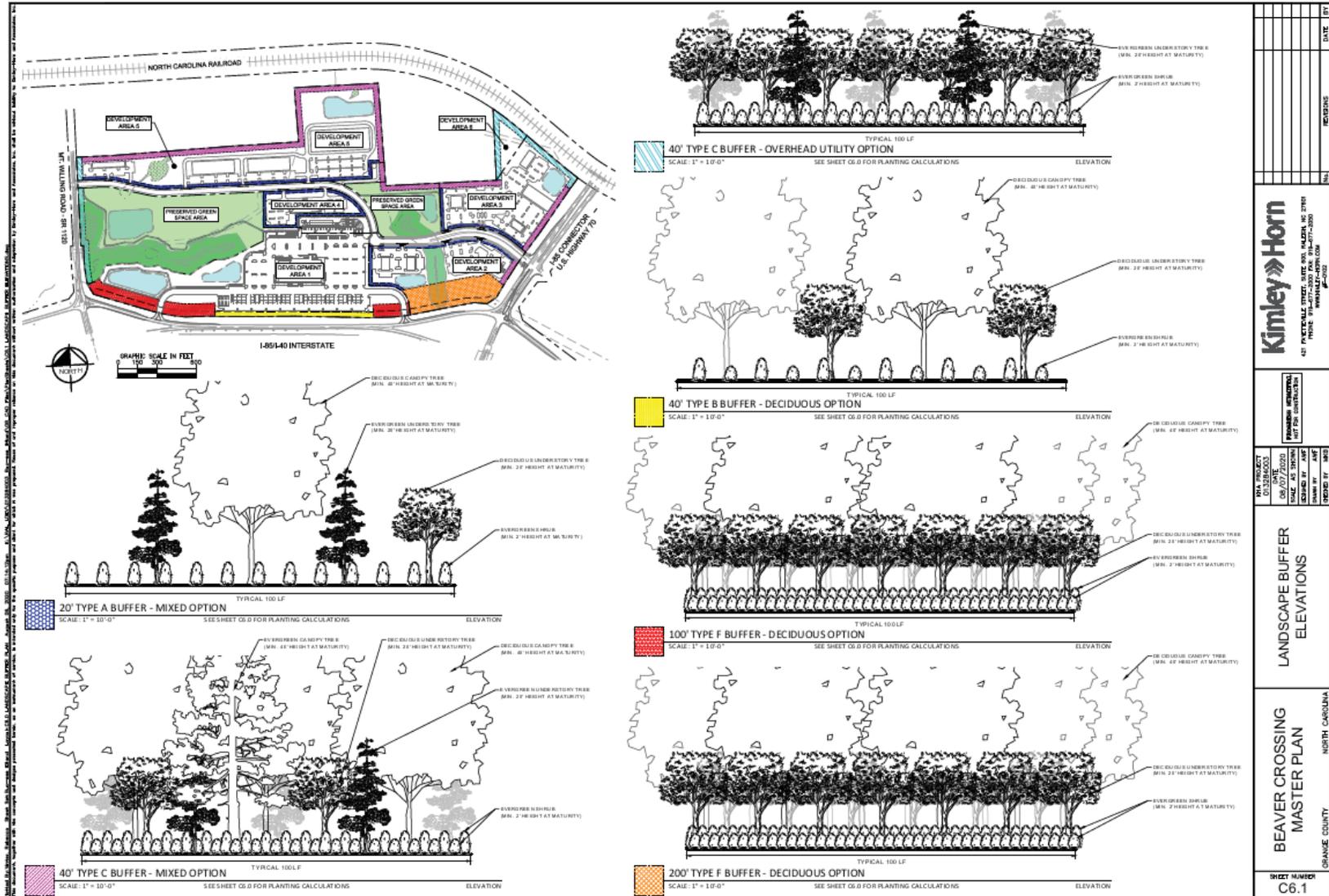
BEAVER CROSSING MASTER PLAN

NORTH CAROLINA
 ORANGE COUNTY

PROJECT NO. 18-00000
 DATE: 09/27/2020
 DRAWN BY: JMT
 CHECKED BY: JMT
 REVISIONS

SHEET NUMBER
C6.0

Landscape Buffers and Open Space



NO. PROJECT	03-28-0003	DATE	06/07/2020	SCALE AS SHOWN	DATE	06/07/2020	DESIGNED BY	AMF	DATE	06/07/2020	PROJECT	LANDSCAPE BUFFER ELEVATIONS	
NO. SHEET	06.1	NO. SHEETS	10	SCALE	AS SHOWN	DATE	06/07/2020	DESIGNED BY	AMF	DATE	06/07/2020	PROJECT	LANDSCAPE BUFFER ELEVATIONS
<p>Kimley Horn</p> <p>451 PATELLE STREET, SUITE 400, PALMER, NC 27655 PHONE: 704.833.4400 WWW.KIMLEY-HORN.COM</p>													
<p>BEAVER CROSSING MASTER PLAN</p> <p>ORANGE COUNTY NORTH CAROLINA</p> <p>SHEET NUMBER C6.1</p>													

Economic Development Benefits

- Quality Jobs
 - Buc-ee's pays a living wage plus benefits
 - Low barrier to entry
 - Office, medical, manufacturing, hospitality jobs also available
- Ad valorem and Sales Taxes
 - Phase I - in excess of \$1,000,000
 - At full build out, in excess of \$2,000,000



A yellow recruitment poster for Buc-ee's. At the top, the Buc-ee's logo (a beaver in a red hat) is shown on both sides of the text "BUC-EE'S". Below this, the text "APPLY NOW!" is written in large, bold, blue letters. Underneath that is the website "www.buc-ees.com". A list of benefits follows: "• START: \$14-\$17/hr.", "• 40 hr. Work Weeks", "• 3 Weeks Vacation", "• Healthcare", and "• 401K". A small Buc-ee's logo is in the bottom right corner of the poster.

Thank you. Any questions?

Beth Trahos

beth.trahos@nelsonmullins.com

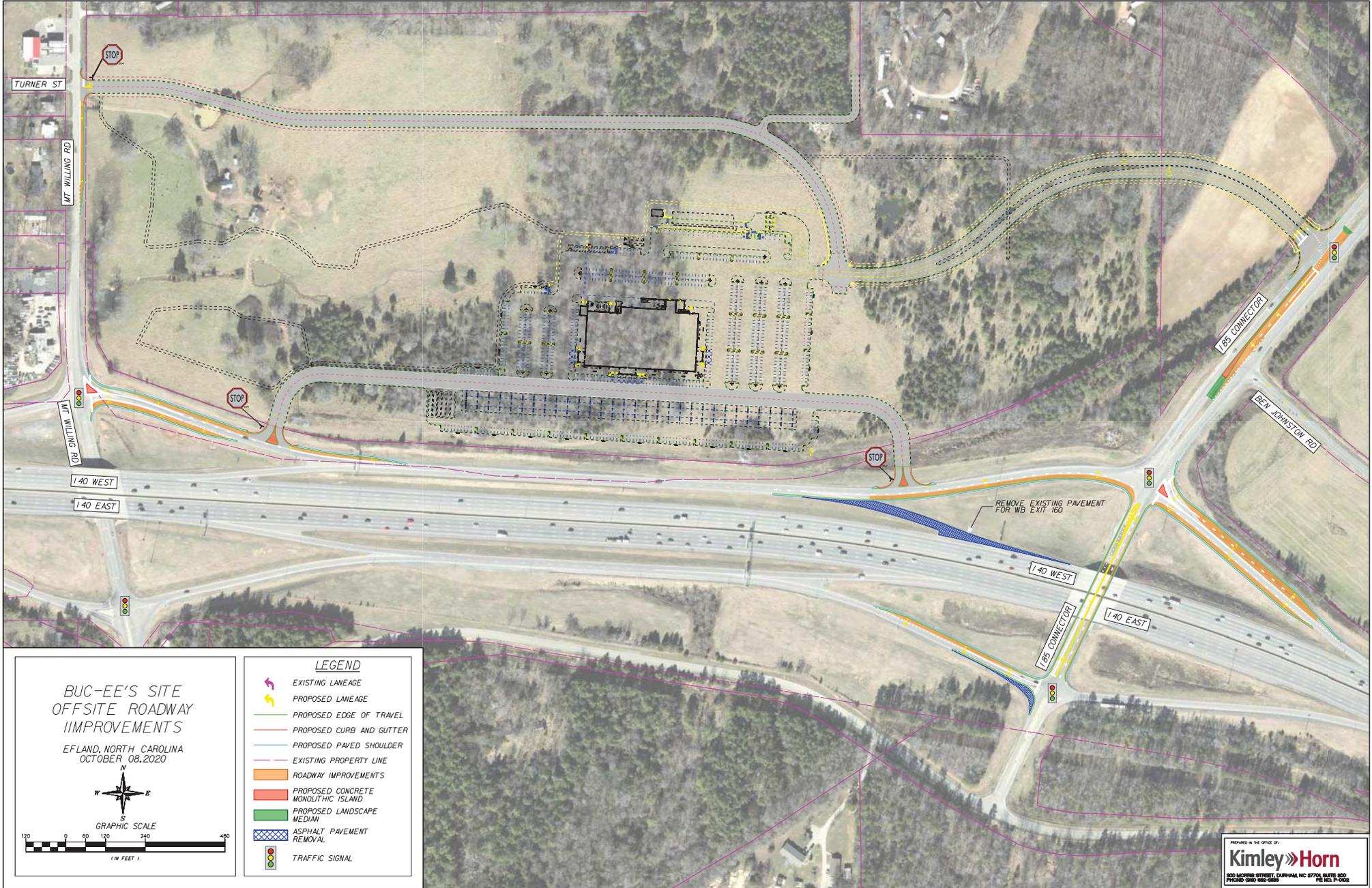
GLENLAKE ONE | SUITE 200

4140 PARKLAKE AVENUE | RALEIGH, NC 27612

T 919.329.3884 F 919.329.3799

EXHIBIT B

Roadway Improvements Map



**BUC-EE'S SITE
OFFSITE ROADWAY
IMPROVEMENTS**

EFLAND, NORTH CAROLINA
OCTOBER, 08, 2020



GRAPHIC SCALE



LEGEND

- EXISTING LANEAGE
- PROPOSED LANEAGE
- PROPOSED EDGE OF TRAVEL
- PROPOSED CURB AND GUTTER
- PROPOSED PAVED SHOULDER
- EXISTING PROPERTY LINE
- ROADWAY IMPROVEMENTS
- PROPOSED CONCRETE MONOLITHIC ISLAND
- PROPOSED LANDSCAPE MEDIAN
- ASPHALT PAVEMENT REMOVAL
- TRAFFIC SIGNAL

DRAFT

MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
NOVEMBER 4, 2020
REGULAR MEETING

(Due to current public health concerns, this meeting was held virtually.
Members of the Planning Board, staff and public participated remotely)

MEMBERS PRESENT: David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Hunter Spitzer, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative; Gio Mollinedo, At-Large Representative;

MEMBERS ABSENT: Vacant, At-Large Representative; Vacant, At-Large Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Michael Harvey, Current Planning Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Brian Carson, GIS Tech III, Christopher Sandt, Staff Engineer; Molly Boyle, Planner; Tina Love, Administrative Support; Steve Brantley, Economic Development Director, Amanda Garner, Assistant Economic Development Director;

APPLICANT AND ASSOCIATES PRESENT: Stan Beard, Buc-ee's Ltd., Director of Real Estate; Beth Trahos, Nelson Mullins, Partner; Earl Lewellyn, Kimley-Horn, Engineer; Kelsey Westwood, Kimley-Horn, Engineer;

PROPERTY OWNER/PROPERTY OWNER REPRESENTATIVES: Ben Lloyd, Robbin Taylor-Hall

OTHERS PRESENT: John Bannon, Jeff Bruett, Erica Cartmill, Matt Cartmill, Jared Cates, Evelyn Cecil, Cathy Chapman, Jane Cheshire-Allen, Bobby Cobb, Mary Cooter, Valerie Curry, Will Drummond, Laura Easterling, Rosemary Edwards, Donald Efland, Knox Efland, Donald Efland, Marsha Efland, Paul Efland, Carroll Enterkin, Sherry Eshelman, Kathy Evans, Alexandra Farrell, Caroline Foster, Jacob Foster, Chrisean Fuller, Matt Gandy, Sam Gharbo, Robert Golan, Alexandra Griffin, Brian Harry, Jimmy Holcomb, Joseph Howard, Julie Laws, Jamie Lawson, Chad Lloyd, Jon Lorusso, Kristen Marbais, Catherine Matthews, Diana Montgomery, Patricia O'Connor, Helen Pak-Harvey, Larmar Proctor, Steve Ramarge, Noah Ranells, Michelle Rash, Linda Richardson, Andrea Riley, Loren Roberts, Eric Russell, Anne Shortlife, Chris Smith, Heather Smith, Shontea Smith, Tim Spruill, Jeanne Tate, Aimee Tattersall, Del Ward, Richard Ward, Frances Wheeler, Rex Williams, Laurie Wolfe, Elaine Wright, Janine Zanin; Kaye Brown

Perdita Holtz reviewed the technical processes and rules for the virtual meeting

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Chair David Blankfard called the meeting to order.

AGENDA ITEM 2: INFORMATION ITEMS

- a. Planning Calendar for November and December

AGENDA ITEM 3: APPROVAL OF MINUTES

October 7, 2020

Adam Beeman: I have a correction on line 115, it should say that aren't.

MOTION by Adam Beeman to approved the October 7, 2020 Planning Board Meeting Minutes with correction. Seconded by Carrie Fletcher.

ROLLCALL VOTE:

- Susan Hunter: Yes
- Adam Beeman: Yes
- Patricia Roberts: Yes
- Melissa Poole: Yes

DRAFT

57 Alexandra Allman Yes
 58 Carrie Fletcher Yes
 59 Kim Piracci: Yes
 60 Gio Mollinedo Yes
 61 David Blankfard: Yes

62 MOTION PASSED UNANIMOUSLY

63

64 AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA.

65

66 AGENDA ITEM 5: PUBLIC CHARGE

67

68 INTRODUCTION TO THE PUBLIC CHARGE

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

76

77

77 PUBLIC CHARGE

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

84

85 *Randy Marshall Arrived*

86

87 AGENDA ITEM 6: CHAIR COMMENTS

88

89 David Blankfard: There are 18 speakers with 3 minutes each to speak so what does the Board think about how late to run
 90 this meeting?

91

92 *Planning Board Member consensus was to try to end the meeting by 10:00 p.m. and possibly reconvene at a later date.*

93

94 AGENDA ITEM 7: ZONING ATLAS AMENDMENT (MASTER PLAN DEVELOPMENT APPLICATION – EFLAND STATION) – To review
 95 and make a recommendation to the BOCC on a developer-initiated application for and MPD-CZ (Master
 96 Plan Development Conditional Zoning). The proposed project encompasses approximately 104 acres
 97 located north of Interstate 85/40, west of Mt. Willing Road, within Cheeks Township. The two parcels
 98 comprising the proposed project are currently zoned Office/Research and Manufacturing (O/RM) with
 99 three different overlay districts (overlay districts are to remain unchanged). This item is scheduled for
 100 BOCC public hearing on December 15, 2020.

101

101 **Presenter:** Michael Harvey, Current Planning Supervisor

102

103 *Michael Harvey presented a PowerPoint Presentation*

104 *The Applicant's Representatives Stan Beard and Beth Trahos Presented a Project PowerPoint Presentation*

105

106 Gio Mollinedo left the meeting at approximately 7:45 p.m.

107

108 *The Applicant's Representatives Earl Lewellyn Presented a PowerPoint Transportation Presentation for the Project.*

109

110 David Blankfard: I had a question for Earl, you said you based the traffic impact on a 10% increase from actual data from
 111 Buc-ee's, if you took the actual data from Buc-ee's would that change your recommendations for the exit 160 for removing
 112 it?

DRAFT

113

114 Earl Lewellyn: If we dropped back the traffic generation intensity by that 10% would we still be recommending removal of
115 160, yes we would indeed. It was an issue brought up even before we instituted that addition.

116

117 David Blankfard: Would that exit have to be removed on day one?

118

119 Earl Lewellyn: My personal recommendation is yes, you would absolutely want to have it operational at day one and I
120 believe that is the opinion of NCDOT too.

121

122 Melissa Poole: There is a hotel in phase 2 do you already have that or it's just a proposal and you don't know what it will
123 be?

124

125 Beth Trahos: There is not a specific hotel user today.

126

127 Stan Beard: If I can address some of the phase 2 questions, we only call it phase 2 because it will be subsequent to Buc-
128 ee's operating and breaking in as we get the kinks out of our operating, traffic. We watch that very intently for the first half a
129 year and then once we get comfortable with where we are and everyone else around us, we will start fielding inquiries from
130 other users, hotels, retail shops, sit-down restaurants who like think we are a good fit for them. A hotel, and please keep in
131 mind that we will continue to own this entire development for the foreseeable future. We're going to be very stringent who
132 the hotel is, it's going to be in the higher up major chain type of offerings. The same thing with sit down restaurants.

133

134 Melissa Poole: My question is around a lot of public comments that I've seen have been around potential crime and I know
135 that is a concern. It always is any time you've got any industrialized space, particularly when you are going to have a hotel.
136 So, can you commit to an internal entry to rooms hotel versus an external.

137

138 Stan Beard: This will be a hallway hotel, there will not be a motel situation at all.

139

140 Melissa Poole: On pages 114-115 from the memo from Department of Environment, Ag and Parks and Rec (DEAPR)
141 regarding the Seven Mile Creek watershed, and it references; the staff recognizes the site plan submitted shows the
142 developers effort to preserve the watershed (I'm summarizing that) as the easement grantee, the County would be
143 responsible for monitoring the site. It looks like a recommendation, I'm just curious as to with this recommendation, what's
144 going on with that?

145

146 Michael Harvey: You're talking about Christian Hirni's memo (shared screen). Obviously, as Ms. Trahos has indicated,
147 there are several open spaces areas (Mr. Harvey identified the areas on the map denoting open space) and the darker
148 areas are stream buffers around identified wetland areas and streams. In discussions with DEAPR staff there was a
149 question on whether or not there would have to be conservation easements put around these areas to preserve and protect
150 the water features. The applicant has already indicated that they are going to comply with Section 6-13, the stream buffer
151 standards, of the Unified Development Ordinance (UDO). As a result, the natural area in and around these streams would
152 have to be protected with either a 65 or 85 foot buffer. In certain instances, there will actually be more land are preserved,
153 though designed open space, in a natural state increasing established County buffers. I believe what Mr. Hirni was
154 referring to is that we (the County) would have to monitor development activities to ensure that the buffer is protected
155 consistent with existing land use regulations. One of the concerns Mr. Hirni has also talked about is the potential for
156 environmental degradation of the Seven Mile Creek preserve which is the area south of the Project (shown on GIS). This is
157 the area (Mr. Harvey identified an area of property at the southeastern portion of the project) that does flow, at least is
158 anticipated to flow, across the interstate approximately 1,000 feet south to property owned by Orange County and others
159 within the Seven Mile Creek Preserve area. What the County is also obligated to do is hold this applicant to existing
160 stormwater control measures as detailed within the UDO, including nutrient (nitrogen and prosperous) removal as part of
161 our stormwater rules. When you look at the totality of the development and you look at DEAPR's memo and staff
162 conditions, we believe that we have addressed DEAPR's concern and that a conservation easement is not going to be
163 necessarily warranted due to existing compliance with County regulatory standards. There are going to be multiple moving
164 parts to that issue but it needs to be remembered what regulations we have in place and how they will be enforced on this
165 project if approved.

166

167 Craig Benedict: To restate the summary, if approved, the master plan development rezoning is a document that gets
168 recorded and stays with the land. These uses and various regulations they have to adhere to are ongoing commitments by

DRAFT

169 the property owner and monitored by the County because it is a rezoning and we have to ensure that what was in that
170 master plan document continues in the future.

171
172 Adam Beeman: The traffic analysis, has that taken into account all the residents that get off that exit every day to go home.
173 I'm one of those residents and I'm not feeling the shutdown of exit 160. You offer me no alternatives to get home other
174 than running through traffic lights that I don't have to do now. Why can't those driveways come out to the intersection
175 where you want to put lights? If you were to put a light at the intersection, why can't your driveways come out there and not
176 be on that ramp? I understand NCDOT's long-term plan but there's no way to address any of the residents that live north of
177 Hwy. 70, I'm of those thousands of residents that get off that exit every day and I know you've estimated 185 seconds but I
178 don't believe that, if I get caught at that light, I'm going to go up and over and get caught at another light so that adding at
179 least 3 or 4 minutes to my commute just to get off the ramp. I don't know why we have to have the right in/right out and lose
180 the 160 exit. Right now, a lot of us depend on getting off that exit and getting home, it's the only way for us to get home.

181
182 Earl Lewellyn: The first and biggest concern is that with the additional increase in traffic, whether it from this project or
183 another, that the weaving area between the ramps combined with the speed of exiting traffic onto the service road whether
184 there's another ramp there or not, is in fact a problem from a capacity standpoint and a safety standpoint. It may not be
185 dramatic today but with increases in traffic, whether the accesses occur onto the service road or not, that traffic if it is going
186 westbound still has to use that facility to get east and west. That is the biggest criteria. We have struggled with trying to
187 find options as well that would satisfy DOT's criteria, maintaining access for the public through the existing path. The
188 reason we did the comparison is because we always hear people say they had to wait at a traffic signal. In these
189 operations, traffic signals probably along Mt. Willing Road, cycle lengths are going to be somewhere in the nature of 60 to
190 70 seconds. Cycle lengths along the US 70 connector and the interchange ramps along the US 70 connector are probably
191 going to be in the order of 90 seconds just given the volumes and the number of phases that have to be there. That is what
192 is driving the travel time that we mentioned. It's basically the delay at the signals and it depends on when you hit the signal
193 and that's why there is variation in those times from the simulations and simply just traveling along the street. We feel that
194 is very accurate and calibrated with current conditions.

195
196 Adam Beeman: You are inserting two light into the equation that right now we don't have to contend with at all the biggest
197 contention is coming off the ramp and hitting the stop sign on Mt. Willing and hanging a right and going out into the country.
198 We will have to come off 161, hit a light, come back up over that ramp, hit another light and then continue on our route. If
199 there was the 70/85 connector that didn't force us into Hillsborough and you could make a left onto 70 then I would say
200 have at it and do what you have to do but that interjection of those two lights is going to make a huge difference on a lot of
201 people's lives in northern Orange County. There is no other way for us to get there. If we take the 85 connector it forces us
202 down 70 and you have to ride up 86 or you have to come back up. There is no good way. I think a lot of people aren't
203 going to be happy. I don't know the answer to it but I'm not happy about the lights. I understand the timing and the queues
204 and add Buc-ee's traffic now the commuters have to contend with all the traffic in and out of your store. It's going to be a
205 real turn off for the residents north of the County. I, for one, I want the development but I'm not a fan of how you are going
206 to get this traffic flow. It is going to have a huge impact on a lot of people out in Northern Orange County. A lot of people
207 come from Virginia down Efland-Cedar Grove. I don't know why there are so many driveways. If you could stay away from
208 Mt. Willing at all costs, then it might negate some of the impact but there are a lot of people who travel out to the country to
209 go home and come to the highway to go to work every day.

210
211 Earl Lewellyn: I respect what you are saying. I actually live not too far away and travel through this area myself. Most
212 often on the weekends, occasionally during the week. I certainly don't want this to be a problem area either. That is why we
213 did the comparison to quantify how much additional time will be spent just traveling whether it's that signal or traveling
214 through there. The other thing to keep in mind is these right in and out assess points, traffic on the service road will
215 continue moving through and there will be two lanes all the way through so we have to keep that in mind. The real reason
216 we're doing this is primarily safety and capacity that is related to the existing exit 160 configuration.

217
218 Stan Beard: There is no getting around the aggravation that all the Efland folks feel about this situation. If I were part of
219 that, I would have that same aggravation. What we have strived to do all along, from the first day we met with the local DOT
220 engineer and moving through the various planning stages with those guys to figure out a way to make this work for
221 everybody. They were adamant that our development or any development at this tract, this 100 acres on 40/85, if any
222 development came along, it would trigger some fairly massive traffic changes. As we all know, no one likes to say it and no
223 one wants to hear it, with growth comes some shifts in traffic patterns and habits. Where we are here is that most
224 intersections east of here and plenty of intersections west of here are all lit. When you get down to the bottom of the ramp,

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225 you are looking at a signal. What you guys have managed to do is to stay out of that issue for a while and what we are
226 seeing now is what we believe to be a great site for Buc-ee's. We really like being here; this is a cool site for us. Given the
227 fact that we are who we are, we have the ability to work with the County and work with you guys figuring out all sorts of
228 ways to as least impactful as we can. The traffic issues are unavoidable if we or anyone else is to go there, NCDOT is
229 going to stick to their guns and say we don't like the braided ramp, never have, we're getting rid of them and whoever
230 comes in is going to get rid of them. What we've done is our traffic studies are based on our traffic. The last thing, the very
231 last thing that Buc-ee's needs is a traffic problem and that means the traffic problem throughout that whole intersection.
232 What we hope we have done and we have experience in doing this and we have feedback from NCDOT and our engineers
233 all along the way, that we are creating a more efficient, safe intersection. It's going to cost you a couple of minutes or more
234 and I apologize for that being a guy who has great respect for my own exit ramp when I come home. We are hoping you
235 guys in Efland, that this can become a real development for Efland that isn't 2 million square feet of distribution center.
236 That is only 1/2 million square feet of cool stuff. Buc-ee's and a nice hotel, nice sit down restaurants where it becomes part
237 of Efland and part of your commute. We have looked at every other way. To get DOT's permission to construct a project on
238 that 100 acres is going to take answering their concerns and their big concern is that eventually that is a failing system and
239 it will fail and they'll have accidents and they'll have to spend 12 million to fix it where we're here and we will spend the
240 dollars to make this work for us and for the neighborhood.

241
242 Michael Harvey: I want to remind the Board in order for any reconfiguration of these exits to occur, there has to be NCDOT
243 and Federal Highway Administration action through various processes independent of this Zoning Atlas Amendment. If
244 elimination of (westbound) Exit 160 is approved, the project moves forward consistent with this master plan. If it's not
245 approved, then the applicant will have to work with NCDOT and the County Planning staff to develop and incorporate
246 another solution. Keep in mind there is an external process that will have to occur in order for this to become reality. Staff
247 has made recommendations on conditions associated with traffic management and impacts.

248
249 Carrie Fletcher: For Mr. Beard, first of all why do you think having a giant travel oriented business right there in Efland, we
250 have several large refueling stations, not in the very far distance from where you want to build, an exit or two over. Do we
251 really have a need for such a large refueling station? What justifies the use of this land for such a large project? Two, how
252 do we keep Orange County's vision of a rural community and I bought into Orange County ten years ago because it was a
253 rural community. Many people still have that vision. I understand the need for development, I understand the zoning, I
254 understand the whole reason behind why we are reaching out for people to come and do projects like this but what will
255 keep people thinking Orange County is a rural community. Have we changes our mind on how we want to envision
256 ourselves. The third is the property you're going to build this on, who owns this right and how do you get access to it? I'm
257 unclear on that. Maybe I am blurry on that but I would like clarification on that.

258
259 Stan Beard: The first answer is our business is to be the best pit stop off of any road trip you've been on. The clean
260 restroom and plentiful foods available all of that, the friendly atmosphere is a Buc-ee's experience. We've been doing this a
261 long time, we have a bunch of stores in Texas and we are in Alabama and about to open in Georgia. Building in Florida
262 and South Carolina so what we want to do and the reason we are here at this site is that we want to be in the middle of
263 somebody's trip road trip either going East, West, North, South that needs to stop for a clean restroom, reasonable gas and
264 cool stuff to buy. That brings us to a freeway system that has two merged interstates for a stretch that carries a 125,000
265 cars per day on that stretch. It travels East/West through Orange County and it is in the middle of a well-traveled length of
266 folks going from Virginia all the way over towards this way. Where we are now, is it's on a 100 acre tract next to the
267 freeway bounded by the railway and the 70/85 connector and so I respect the fact that Orange County is a rural place and I
268 agree I think it is and I think the Efland area in particular is beautiful and very rural feeling. I do not think that this tract is a
269 rural tract. I think it is an undeveloped 100 acres that could very easily be a truck stop which we are not. We are would
270 rather not be compared to the truck stops. We have the ability here to fit into a spot where a distribution center might go or
271 a warehousing farm. We're in a position where we can give back a lot of good things, benefits, less intensive development,
272 more green space. You've heard it all but it's true, we are not covering up 2 million square feet of this 100 acres with
273 buildings. We are one quarter of that. That is why we are there, we are there because it is a good opportunity for us and it
274 fits within our strategy of reaching a wide range of folks. There are going to be local folks who shop there but 70% of them
275 are traveling from all over the place and they are going to get to stop in Efland, Orange County for 45 minutes and you
276 never know they might stay. I hope I answered the rural part. I will say that we, I don't get too detailed, but I'm fairly certain
277 that we follow along with all of the comprehensive use plans, the nodes.

278

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279 Beth Trahos: I was going to add briefly that is another attractive element of this site. It is one of your Commercial Industrial
280 Activity nodes so this is among the uses that are recommended by your Future Land Use map for this property. I think that
281 is another reason that it's attractive for this use.

282
283 Stan Beard: As to who owns it, some of the Efland family owns it and then the smaller parcel is owned by Ben Lloyd. Local
284 folks who have been around awhile and I think you will hear from Ben later that he wasn't even going to talk to us until he
285 came and saw it. He saw an operating Buc-ee's and it changed his mind. I hope I answered your questions.

286
287 Carrie Fletcher: I think you did a fine job and I appreciate the time to do all that. Those are my main concerns. I think the
288 project actually looks quite well thought out. I always have concerns about major building in Orange County because I
289 enjoy the rural life style and I'm sure a lot of people that are going to have comments tonight are also going to be
290 concerned about that aspect of your building. We protect our Orange County quite adamantly and vigorously it's very
291 personal for many of us so I hope you appreciate my questions and thank you for your time.

292
293 Stan Beard: We think our positioning in that area is very appropriate for what we are and we do think that if you go to
294 Highway 70 just a mile north and drive that whole stretch, you would never know we were there.

295
296 Carrie Fletcher: I'm not sure about that giant sign though.

297
298 Adam Beeman: I know you can't tell us about current tenants for the Efland Station but maybe you could fill us in on the
299 type of tenants you have at other ones as far as major restaurants. What type of restaurants or brands tend to follow Buc-
300 ee's.

301
302 Stan Beard: Again, we are very particular about who our neighbors are and so who we allow to be our neighbors and who
303 usually want to be our neighbors are fairly well established regional or national sit down type restaurants, Chili's, Olive
304 Garden, Lone Star Steakhouse, it will not be fast food or drive thru. We restrict drive thru. We have pick up windows like
305 Panera or a Qdoba or those types that are in smaller shopping center regional, neighborhood type stuff, you'll see in our
306 other developments. We are extremely protective of our brand and our operating. We are all about creating the safest
307 place on the freeway for you, your family, your wife, your daughters to stop in the middle of the night, alone and go to the
308 restroom and hear a cheery voice and get a nice sandwich.

309
310 Chair Blankford asked if Planning Board members had additional questions at this time. Hearing none, he suggested
311 opening up the meeting to public comments. Members of the public were required to sign up with staff in advance and
312 were called upon in the order they contacted staff. Perdita Holtz and Brian Carson facilitated the technical aspects of the
313 public comment time.

314
315 Kaye Brown: I'm Kaye Brown and just 49 days ago I heard the Buc-ee's Travel Center was coming to the site 4,000 feet
316 from a small horse farm I've owned since 1988 and less than one week ago today, I learned that Buc-ee's plans for the
317 efficient grab and go needs of the tens of thousands of daily customers will mean that I can no longer travel Ben Johnson
318 Road to either the interstates or US 70 and I have for three decades just to get to my farm. Why this rush to push this
319 negative project through in 49 days? A time when we've had COVID panic and election panic and now we have a Buc-ee's
320 in Efland panic. Why hasn't a project of this size and impact been through the typical developer/community dialogues with
321 advisory panels and focus groups? Well as a licensed general contractor, with a degree in real estate design and
322 development, I think I know why. Efland Station doesn't need focus groups because it doesn't have anything at all to do
323 with Efland. Efland is merely being asked to house the Buc-ee's. How do I know this? Because you just heard Stan Beard
324 speaking for Buc-ee's and he has been asked numerous time why did you choose Efland for this project and he
325 consistently replies, 125,000 cars pass this site every day that's why, this site was made for Buc-ee's. Well, I frankly
326 applaud his straight up honest answer. The company's business model, quite simply to the largest number of these
327 travelers to the stores quickly and efficiently for a pleasant but brief visit. So why are Buc-ee's so big? Well their founder
328 Beaver Aplin said in the Texas monthly interview last year, we like to be spacious, we like to give everybody their own
329 space, their own shopping experience. It's one of the reasons it gets so big because if you try to enhance the place
330 everywhere it grows and grows and the next thing you know, well it might all seem a touch overkill, he said. Yes, it does,
331 overkill, here we are one week after the final road plans were posted in a week filled with many panics and I ask has
332 anybody has time to look at these plans, much less collect their thoughts in time to express them to you. Buc-ee's has built
333 this exact rural prototype elsewhere which is very lucky because it give you a chance to learn from the experiences of many
334 others. It's quite easy to compare the pre-imposed occupancy, travel estimates for a project of this size. Planning

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335 departments have these projects on file. DOTs know current traffic counts, do the two match? Or, are we, in Orange
336 County going to be like Robertsdale, Alabama or Benton or Madisonville, Texas all places that suffered hugely from the
337 costly underestimates of Buc-ee's traffic and as everybody admits Buc-ee's is a heavy traffic generator. They choose their
338 own estimates so I ask you, please get those numbers so you can make the right choice.

339
340 Matt Cartmill: This is a big proposal and will have a big impact on Orange County. (*bad connection – audio garbled*) we
341 have no say in how this property gets developed. New zoning will give Buc-ee's and the Planning Department mutually
342 agreeable negotiating conditions which neither you nor the community will ever get to review again. Otherwise, Mr. Beard
343 the director of real estate said in a meeting on Thursday, quote: zoning gives the community a say in future development
344 that isn't true as Mr. Beard ought to know. He said, this rezoning is more restrictive than what's there at the moment. But
345 MPD-CZ zoning is carte blanc zoning. Promises about future development which would (*bad connection – audio garbled*)
346 Whatever Buc-ee's thinks is good for its bottom-line when the time comes. Mr. Beard admitted on Thursday that it was at
347 least 6 to 8 years and whatever then if anything will have to serve Buc-ee's needs. Local needs aren't their concern.
348 They're focused on the thousands of cars moving through their huge parking lot. The surrounding community is a nuisance
349 that Buc-ee's has to barricade the site with a fence on the north boundary. Their proposed roadway change isn't designed
350 for (*bad connection – audio garbled*) traffic in and out of their acres of grab and go merchandising with little real concern for
351 their effect on Mr. Beeman and other local folks. Buc-ee's spokesman tell all their plans have local needs in mind and that
352 Buc-ee's will anchor wonderful future development, hotels and elegant shops, restaurants that will somehow want to come
353 and locate next to a gas station. This is imaginary (*bad connection – audio garbled*) a real trap. Tell us that zoning places
354 severe restriction on future development. It' won't. They asked their 120 nozzles each with it's own pump somehow add
355 up to only 60 pumps. They hope that all this misdirect will pay off for them in the short run and they hope to keep that as
356 short as possible by pushing this proposal through on the fastest track they can. Efland and Orange County don't need the
357 world's largest gas station. We need sensible development on a local scale meets local needs and what we need first off is
358 more time for deliberation. I ask to table this proposal. Give more time that way all the results for good and for ill Buc-ee's
359 would bring this town and this county.

360
361 Tim Spruill: My wife and I moved from Chapel Hill 21 years ago to Efland in order to get away from an urban environment.
362 Exit 160 was then and is now the perfect place of Efland. A small peaceful rural town that still has trees, cows and nature.
363 This was exactly what we wanted until now not much has changed. Buc-ee's will change all of that. Most of the current
364 land that Buc-ee's will be located on will be covered in concrete and buildings, about approximately 60 acres. The entire
365 pasture and old field eco system will be destroyed and with it all of the animals and plants that make Efland rural and
366 pleasant and a draw for probably most of the people who live there. The remaining opposed 40 acres of open space will be
367 a lawn, a monoculture with minimal eco system function, very unlike the native soil and trees and vegetation that currently
368 limit carbon releases to the atmosphere at a time when global warming is a primary concern for humanity decreasing
369 carbon sync is not in line with sustainability principles. Buc-ee's will be providing what is already available, lots of gas
370 stations to fuel more carbon emissions and lots of concrete. In addition, it will draw thousands of cars and the associated
371 pollution and present potential contamination of soil, air and water. I strongly oppose this proposed development as it is not
372 in line with the existing zoning designation which should not be changed and in addition it is hardly consistent with
373 maintaining the existing rural character of Efland. The County needs to be serious about supporting sustainable
374 community, maintaining the existing O/RM designation will be the evidence of that.

375
376 Jared Cates: Hello, I live 1000 feet from the proposed site and I am not anti-development but I feel that Buc-ee's will
377 negatively impact our community's quality of life and has the potential to stifle future economic growth in the area due to
378 overwhelming traffic. When we moved to Efland, we researched the development plans for the area and heard rumors of a
379 Target being developed in a portion of this same proposed site. We knew that development was coming and still made a
380 decision to purchase our home because of existing area plans and the O/RM zoning of the nearby site was seemingly
381 designated with significant community input. Also, I can buy more things at a Target than Chinese-made beaver trinkets.
382 However, we would not have moved to Efland had we known that one of the largest gas stations in the country, a 24/7
383 monstrosity that provides no goods or services that our community actually needs, will be moving in within 1000 feet of our
384 home. What is the point of community planning if residents cannot actually plan their lives and investments appropriately
385 around what the community has planned for? Orange County has proven it can be innovative with economic development
386 and land use planning at critical urban/rural nodes and that it listens to its citizens when making long-term plans, however,
387 this proposal is the opposite of innovative. It does not fit with what this area has planned for in short- and long-term growth
388 particularly when it comes to traffic impacts on surrounding roads. Buc-ee's claims that one of the largest gas stations in
389 the world makes sense to be situated in Efland, a critical transportation node for western and northern Orange County.
390 Even with the proposed road infrastructure improvements that node cannot handle a 25,000 plus daily trips this

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391 development would bring to the immediate area. The at grade rail crossing at Mt. Willing Road is already a debacle for
392 future growth in the area and is quite concerning as not included in the developer's TIA or road improvement plans. It's also
393 quite concerning to me that NCDOT has seemingly changed their stance on exit 160 after telling me in September that they
394 were not concerned that background traffic growth trends or quote/unquote any development would necessitate the closure
395 of Exit 160 Westbound, quite interesting. We already have several locally owned gas stations in Efland, we do not need
396 more. While Buc-ee's may help Orange County's coffers in the short term, it would create long-term infrastructure
397 challenges that will not be paid for by Buc-ee's. The developers have stated that phase 2 may not even be considered for
398 development for 6 to 8 years. The travel center anchor would not serve Efland or Orange County residents or even
399 guarantee infrastructure for the establishment of needed services with its concept plan. We've been told that either Buc-
400 ee's or something similar to RTLP which honestly just feels like a threat. I think it's a threat I'm willing to gamble with. I
401 believe a warehouse would create less issues for the surrounding community and commuters related to traffic congestion,
402 light and noise pollution and criminal activity than the largest 24/7 gas station in the country has the potential to create.
403 Please read the much more detailed concerns and information that our group of western Orange neighbors have pulled
404 together and our website voices4efland.com and please read the reasons that 975 voices for Efland and Orange petition
405 signers share our same concerns on change.org. I ask you to please vote against this rezoning petition that is not aligned
406 with the years of work done by this county to prepare this site for development with our community's input.
407

408 Jeff Bruett: I have a lot of concerns here, I've just recently found out about this project in early October and I've been doing
409 a little bit of reading and listening to the plans. There is nothing that has to be done to exit 160. Buc-ee's does not have to
410 attach to that road at all. That's not necessary, Buc-ee's can connect to Mt. Willing Road and the 85/70 connector. You're
411 going to start Phase 1 and Phase 1 involves deleting exit 160 completely. Nobody is going to be able to get off at exit 160
412 and get home, thousands of people go up through this way and it connects all the way up to Highway 86 up in Northern
413 Orange County and you are going to completely cut everybody off from that. There is no reason Buc-ee's has to be
414 connected to this road and because it's being connected, now it's being altered and now it has to meet all the latest
415 NCDOT plans when in actuality, south of the interstate you've got the same exact traffic plan as you've got on the north
416 side of the interstate. All Buc-ee's has to do is connect to Mt. Willing Road and the 85/70 connector and then the roads
417 need to be modified on Highway 70 because you cannot go west when you come off 161 onto Highway 70. This whole
418 thing does not take into consideration any accidents that happen on the interstate which happen very often. Now people
419 have no way of getting off of the interstate and getting onto 70. And I don't know how long this thing is going to take to
420 build but this exit is going to be closed the whole entire time. These things need to be done, the interstate/ Highway 70
421 needs to be redesigned so people can go west on it and people that are driving east on Highway 70 to avoid Buc-ee's that
422 want to go to work and get on the interstate on exit 161, they need a way to turn south off of 70 onto the connector road.
423 That would be a simple solution to make this problem so people that live in this community and don't need to go to Buc-ee's
424 don't have to drive by Buc-ee's every time we have to go home. You're channeling us all through Buc-ee's and we don't
425 like it, we don't care for it and rezoning this place and then snub our noses in all this has got the whole community upset
426 and we're not happy about it and it needs to be reconsidered.
427

428 Heather Smith: During college, I was forced to move from campus housing because the school decided to bulldoze it for a
429 parking lot, after college my husband and I moved into a Hillsborough rental for \$600 a month, an investor flipped it and
430 listed it as a rental for \$1900 a month this year. We moved to another rental in 2013 until the landlord gave up 30 days to
431 move out so he could sell it for \$375,000 which was above what we could afford as young first time home buyers but we
432 decided it was time to find a home. We were outbid on properties in Orange County until we eventually found our home in
433 Efland. One of the few affordable places remaining in the County. We felt satisfaction and relief knowing we had
434 ownership. For the past 5 years we have diligently tended our acre, planted fruit trees, pollinator plants and bees that
435 forage in nearby fields. I have driven daily down that braided ramp dreading the day that heritage trees and golden rod
436 would be replaced by development. However, I would have never imagined that this would be the development slated for
437 this space or that once again I would feel so utterly powerless against development after having invested in ownership.
438 You see that's the peril of private land. What happens on the land around me and impacts my quality of life that's why we
439 have regulations and government to protect air, water, light, noise, property values and a community that residents have
440 invested in over many years. From negative impacts and predatory developments that are a peril to us all. Preferably, the
441 threats of you could get a warehouse instead, a warehouse that could be built on the current O/RM zoning would not have
442 impacts as lasting or severe as those from a corporation built on the pillars of rampant consumption and fossil fuels. A
443 model that requires drawing people who visit so they can marvel at the sheer spectacle of it. There's a dangling carrot of
444 Phase 2 that would bring additional businesses like banks and dining establishments that people in our community might
445 use but let's not forget that Phase 2 is not promised or that the developer stated it would be at least 6 to 8 years before they
446 consider adding those pieces to the puzzle. There are many unknown, uncalculated costs that we're not considering as the

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447 conversation is centered on logistics. We could easily take Durham as a cautionary tale. More than half the land in
448 Durham is owned by people who do not live there. In fact, they do not even live in the state. That means residents do not
449 have ownership of their community and corporations with no connection other than deep pockets dictate the community's
450 future. I have weighed the potential for tax revenue and jobs, I have pondered alternative developments, based on other
451 Buc-ee's, I continue to conclude that this development will bring a cascade of impacts that will alter my life as a homeowner
452 in Efland for the next 40 years. If my neighborhood even remains residential for that long. Since there is no gas station of
453 this size in North Carolina, we unfortunately don't have a way to place a dollar sign on the negatives but once we degrade
454 the environment, we don't get it back. There is no way to know if my property value will be hurt by the diminished night sky,
455 noise and traffic or if this change will create a wave of land grabs that will gentrify the area causing our property taxes to go
456 up, not down, as some residents seem to think this would do. Both of those outcomes make me feel like my investment in
457 Orange County is being sacrificed. One thing I do know for certain is I did not sign up for this when I bought my home here
458 and I'm opposed to zoning for Efland Station.

459
460 Chris Smith: Hi folks, I am among the residents of Efland who received a letter informing me of the proposal to build Efland
461 Station since I live within 1000 feet of the parcels, it was required. The list of mixed uses sounded attractive though but
462 never having heard of a Buc-ee's, I started my research and it didn't take very long to get past their marketing language
463 and photos to begin reading assessments of their business and to realize the impact they will have on the Efland
464 community. I read how Denton, Texas eagerly accepted their Buc-ee's with incentives and open arms. Denton was locked
465 up in a legal battle over a tax valuation that Buc-ee's declared too high even after they promised many millions and more
466 before construction. I read about the town of Corinth where the local officials challenged Buc-ee's traffic assessments and
467 discovered that the totals to be greatly under-counted. Corinth's mayor wrote that a mixed-use development of similar size
468 made more tax revenue than a single Buc-ee's location. The promises Buc-ee's offered did not hold to scrutiny for the
469 Town of Corinth and they rejected the development. Buc-ee's promises quality jobs and touts their hourly wages and
470 benefits for entry-level workers and it is typical to argue with quarantine for more an hour. Again, it didn't take long to find
471 hundreds of job reviews across multiple platforms detailing why \$14 an hour from Buc-ee's isn't worth it. I wondered what
472 the environmental impacts are living close to a gas station built for the informal Texas credo of bigger is better, I read peer
473 review research about the many trade-offs associated with our carbon bound habits. Gasoline and cancer causing
474 benzene in the air and ground water escaping through methods by which corporate environmental engineers are unaware
475 or overlooked. What does Efland get for playing host to 25,000 daily vehicle movements? All of the so called
476 improvements make the travel center work but don't solve any problems or concerns for Efland. We get to endure a host of
477 traffic headaches created so that all roads will lead to Buc-ee's. We'll be the ones looking up every night at a cartoon
478 beaver that's at least 20 feet taller than regulations because it's good for business. Me in my home and on my own
479 property will breathe the stale air of hot gas pumps and car fumes in the summer and listen to the constant drone of
480 engines through their fence called a wall at the last meeting and 30 feet short of regulation buffer in the winter. For these
481 reasons and more detailed at Voices4Efland.com I oppose the request for the Master Plan Conditional Zoning and the
482 effective removal of the Efland community from a decade's long planning process. Development begets development until
483 Efland residents new and old will find themselves run out or bought out. Buc-ee's promises to make good money, traveler's
484 stopping by are sure to marvel at the stuffed beaver toys and clean bathrooms but if they less than a thousand away from
485 the oasis of consumption and disregard for the future they'll find me living less well than I did before Buc-ee's came to
486 Efland, assuming that the future of economic development around me won't impact my ability to live here.

487
488 Patricia O'Connor: Hi, I live in Mebane off West Ten Road approximately 3 miles from the proposed Buc-ee's development.
489 First, I will offer that I am not opposed to development. It's necessary for a community to survive and thrive and I'm not
490 naïve enough to think that things will stay the same because I want them to but development should be thoughtful.
491 Something that will enhance and add real value to the lives of the citizens in the community where it resides. Point one,
492 while Buc-ee's could provide about 175 jobs, I believe the overall impact of the project would be negative. From that 175
493 subtract the number of people in the community who might lose their jobs and livelihoods because they can't compete with
494 the giant. The small businesses who could be put out of business. It's hard to predict right now who those will be but there
495 are sure to be casualties. Number 2, the environmental impact will be enormous, you can't add that much impervious
496 surface to an area that borders a watershed without creating conditions for potential contamination. A single gallon of
497 gasoline could contaminate 750 thousand gallons of water. The dribs and drabs dropping onto the concrete surface from
498 refueling or spillage during filling the underground tanks is enough. Never mind the catastrophic breach of one of those
499 tanks. How much would it cost to provide another water source for Hillsborough if the water was contaminated and who
500 would foot the bill. You can bet it won't be Buc-ee's. Other than the 10 EV charging stations mandated by current MPD-CZ
501 standards, there is nothing green about the project. No mention of green building materials or use of solar panels. Does
502 Buc-ee's have a written working environmental policy in place? Does the policy strive to make important improvements in

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503 manufacturing, reducing and reusing first and then recycling? Do they comply with the industry's voluntary testing or is
504 there environmental concern combined to the petroleum storage and possible leakage? Point 4, the 24-hour noise and
505 light pollution would impact the nearby neighbors in a negative way. It's a known fact that constant and incessant noise can
506 lead to increased stress and anxiety which of you would want to live next to Buc-ee's? Are you really ok with telling the
507 concerns homeowners to just suck it up? Additionally, light pollution can wreak havoc across a broad range of animal
508 species often affecting hormone levels, breeding cycles, activity paths and vulnerability to predators. The human need to
509 have beef jerky or a Barbeque sandwich at 2 a.m. shouldn't be more important than caring for our environment. Point 5,
510 the amount of traffic that Buc-ee's hopes to draw will be disruptive to Efland, Hillsborough and perhaps even Mebane.
511 Maintenance of the surrounding roads will be left to our state and offset some of the tax revenue generated. Number 6, the
512 feel of the rural community will be forever lost. Buc-ee's is already insisting on heightened signs and reduced buffers as if
513 their sheer size isn't enough to let everybody know where they are. They are already dictating how business is to be done
514 in our neighborhood which doesn't sound like the cooperative business partner interested in enhancing the community it
515 want so inhabit. I oppose Buc-ee's for all these reasons.

516
517 Aimee Tattersall: Buc-ee's plans for Efland Station include 60 pumps stations and 120 nozzles for pumping gasoline. I
518 come before you today to make the case that like it or not, gasoline will start being phased out over the next two decades in
519 favor of electricity which can be produced by several renewable resources such as solar, wind and biomass. If approved, it
520 will be two years into this decade before Buc-ee's is opens, at least. On October 23, 2020, the BBC aired this interview
521 entitled, Why BP is Betting Against Oil. BP's chief economist, Spencer Dale, warns that fossil fuel industry against
522 complacency about the speed of the coming transition to renewable energy. I implore you to listen to this 17 minute
523 interview before making any decisions about the wisdom of approving 120 gasoline nozzles in Efland. The link is in my
524 written report. The CEO of BP, Bernard Looney, said in the introduction of the interview that BP's goal is to become net
525 zero by 2050 or sooner and to help the world get to net zero. The carbon budget is finite and time is running out. Quoting
526 from the interview, the fossil fuel industry being too complacent about the speed of which renewable energy will disrupt their
527 business in next three decades, that's the contention of Spence Dale chief economist for BP and the extended interview
528 with BBC, Spencer Dale explains the thinking behind his company's plan to cut its own oil and gas production by 40%
529 before the end of this decade and it's not just about heading off the threat of catastrophic climate change, even in their
530 business as usual scenario, they expect to unprecedentedly fast shift towards solar, wind and biomass energy. Renewable
531 energy will penetrate the energy system more quickly than any fuel ever seen in history. 120 gasoline nozzles have a short
532 future in Efland but have the potential of long-term damage. Thank you listening.

533
534 Andrea Riley: I currently live on Brookhollow Road in Efland and I am definitely opposed to this change of the zoning. I
535 cannot imagine a worse proposal for the Efland area. The first point I want to make is that under the MPD-CZ the site plan
536 is conceptual only for Buc-ee's. They have not committed to the second phase, it is all conceptual and at this point, there
537 will be no more consultation on future development with the Efland community or with elected officials if this is passed.
538 This will only allow for the change of the zoning and the zoning is conceptual only. There is no consequential proposal to
539 build anything except the 120 pump gas station so if you go ahead and ok this rezoning, you will not have any more input.
540 We will not have any more input and even the County Commissioners will not have any more input into what happens if
541 there is a Phase 2. It's very obvious that the sales people from Buc-ee's, Mr. Beard and the lawyer, Ms. Trahos, are
542 interested in promoting the interest of Buc-ee's. They are here to sell us a bill of goods basically. Do we trust this company
543 to give us straight information. This company has been involved in tax evaluation battles in Texas, their home state.
544 They've been involved in potentially illegal price fixing business practices with Alabama and this increase traffic
545 infrastructure cost due to the unforeseen traffic congestion has affected various communities. Please listen to the people
546 who came before me, do your research, go online, look at Voice4Efland and see all of the this information that is there for
547 you to read. They are not telling the truth about the impact that this development will have on this community. I am glad to
548 see I'm upsetting Mr. Beard because you're upsetting me. I don't want this proposal to go through and I hope that you
549 people vote against it. If it does go forward, there will be a lot of people going to the Orange County Commissioners trying
550 to stop this because this is not something this community wants or needs. One of the most important aspects of this is the
551 discharge that unqualified the underlying aquafer is going to be affected because of the extent of impervious surfaces. This
552 is all going to affect the underground water. It's going to affect the Seven Mile Creek and the Eno and the water that goes
553 to Hillsborough if there is any contamination that occurs, cleanup of the aquifer would be practically impossible and this is in
554 a region that has been required by the state to emulate critically unhealthy air quality resulting mainly from vehicle
555 emissions. We do not need gas stations.

556
557 Erica Cartmill: Hi everyone, when I was a child, I was completely obsessed with horses, animals and nature. In our home
558 in suburban Durham, I read books like Misty of Chincoteague and All Creature Great and Small about the deep relationship

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559 between man and nature. I dreamed of exploring the woods and finding animal friends of my own. When I was very
560 young, my dream was to be grown up, in my mind that meant 8 and live on a farm. When I reached 8 and there was no
561 farm in sight, my dream changed to being 12 with a farm. By the time I was 12, I was actually living that dream. My
562 parents had bought a small parcel of land off Ben Johnson Road right down the road from the planned development, and
563 set about building a farm. I remember visiting that land for the first time driving down the rugged dirt road to reach a wild
564 meadow of grasses and brambles at age 9. I couldn't quite visualize my mother's description of horse pastures and
565 building placement but I knew it was already a magical place. As the farm took shape, so did my childhood. I spent
566 countless hours climbing trees, catching lizards, building forts and pretending to live off the land. I got to know our
567 neighbors and learned to collect eggs, grow tomatoes and stand my ground when geese charged during my frequent visits
568 to their farm. I learned to drive on our ride on mower. I learned how to make a fishhook, spot poison ivy and get red clay
569 out of jeans. It was a beautiful childhood, one full of nature, neighbors and adventure. As an adult, I've been fortunate to
570 pursue my love of animals professionally. I study animal behavior as a professor at UCLA. I love getting the spark of
571 enthusiasm about animals in my students, many of whom grew up in Los Angeles and have never been for a simple walk in
572 the woods. However, I desperately miss the friendly small energy and the magical wilderness of my childhood. Much of
573 Los Angeles resembles a Buc-ee's station, cars crawl the concrete world and busy people wait at stop lights with eyes
574 glued to their phones on their way to shop for quote unquote cool stuff. Few people make eye contact, no one says good
575 morning. The city is always crowded and yet it is always with people passing by, hurrying somewhere else. It's hard to
576 make a real home for yourself, it's hard to belong when so many are just passing through. I come back to visit our farm in
577 North Carolina several times each year. Every year I record the spring peepers croaking in a puddle right where Ben
578 Johnson Road meets 70. I carry those recordings with me every day in L.A. and listen when I want to be carried back
579 home. If this development goes through those frogs will be silenced forever. My hope is to move back to North Carolina
580 one day so that my children can have a childhood where they know their neighbors and where the dirt on their clothes is
581 red clay and not soot from smog. I'm not opposed to development or progress, I know that small towns can't stay small
582 forever and that people need economic development to thrive but a project like Buc-ee's does not have the best interest of
583 our community at heart. It's shortsighted at a time when transportation practices are changing rapidly. It will bring tens of
584 thousands of cars into the small community each day. None of these cars will bring friendly faces of new neighbors just like
585 Los Angeles the cars will be filled with busy people passing through on their way to somewhere else. Buc-ee's isn't
586 investing in this community, it's draining it. Development will pollute the water and air, increase traffic congestion to such a
587 degree that sustainable development projects will be deterred from investing in the area and will fundamentally change the
588 character of a beautiful corner of North Carolina.

589
590 Bobby Cobb: Good Evening, I'm a property owner and business owner in Efland. I'm happy to have land development
591 conversations transpire regarding Efland. We all knew it was coming. Northern Orange is the last growth frontier for this
592 county. Chapel Hill is going straight up, Hillsborough proper has limited room to grow but Efland and Cheeks is truly the
593 promised land. I do mean the word land literally. Efland is the final frontier in our county for land development growth. I
594 support the Efland Crossing/ Efland Station project. However, what concerns me is what the landscape will look like for
595 Phase 2. What type of retailer will come to Efland? What type of dining facilities will come to Efland? What types of
596 businesses will come to Efland? We need a bank in Efland. We need a natural foods grocery store in Efland. I believe
597 that in fact, Phase 2 will be what will sustain Efland over the long haul, not a 60 station 120 handle convenience center. In
598 50 years will we still even have cars that run off gasoline? That's why I challenge the Planning Board to think responsibly
599 and mindfully about the Buc-ee's business model that would initiated for Phase 2. Middle class housing is a huge need in
600 Efland, low-income housing is a huge need in Efland. We will always need good food resources to survive. We will always
601 need good doctor choices and resources. We will always want a nice sit down restaurant to take our families out to eat. I
602 simply challenge the Planning Board to be mindful about what you recommend to the County Commissioners. Think about
603 what Efland will look like 20, 30, 50 years from now and think about what you're kids and grandkids would be proud of.
604 Let's make Efland a good choice and your suggestions and recommendations should really be thought out.

605
606 Del Ward: I have lived on Ben Johnson Road for most of my life. One of my favorite things about where I live is that there
607 is nature nearly everywhere I turn. Though I may hear the sound of semi-trucks blasting down the highway. I do have the
608 Eno River passing by me where I see many fish and turtles, coyotes and other wildlife live happily. On the other side of the
609 road from me is the beautiful Duke Forest with a rich and fruitful ecosystem. Another thing I quite like about where I live is
610 that there isn't an eyesore of a Texas owned gas station that has 120 gas handles built on a protected watershed. Efland
611 has absolutely no need for a development like this. As of 2018, Efland had a population of roughly 810 people so Stan tell
612 me why we need 120 gas handles. As of today, between exits 150 and 165 there are 20 separate gas stations with over
613 200 gas handles. There are also 104 diesel gas handles so why would we need to add 120 more to that equation in a town
614 that has only a little over 800 people living in it? Besides that, the fact that there is an abundance of gas stations in the

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615 area, I've seen absolutely no evidence of any environmental research done. You're talking about building a 24-hour
616 convenience center on a protected watershed for the Eno River. A river which spans over 40 miles through two separate
617 counties. If there is water pollution which there most certainly will be, it will not only affect the local ecosystem but will have
618 long lasting and damaging effects on the ecosystems in and around the Eno River. I have seen no evidence of research on
619 how light pollution will affect the bird population here or any other local species for that matter. The only research that has
620 been provided is traffic research done by the developers themselves which states that 32 new trips will be added to the
621 traffic pattern per minute. We do not have the infrastructure for this. I have a neighbor on Ben Johnson Road that in the
622 past 15 years has had 10 cars fly off the road into his front yard. Building Buc-ee's will only make my road a more
623 dangerous road than it already is. Now Beth Trahos says that Efland is quote barely rural, I don't need a lawyer from
624 Raleigh to tell me about the area I live in. We most certainly do live in a rural area. She also says that in Phase 1 there will
625 be 175 quote good jobs. Well Beth if you look online you can see that the average Buc-ee's employee rating is lower than
626 Walmart, Amazon, and all the managerial positions will be outside hires. Efland and Hillsborough are gorgeous, fairly
627 untouched gems in this region and they should stay that way. Stan considers his project to be growth, I agree with him it is
628 a growth just like cancer is. My hometown isn't a pit stop Stan Beard. It's where I and tons of other good hard working
629 folks live. People's first impression of Efland or Hillsborough should not be a Texas owned gas station built on protected
630 land with a dumbass beaver for a mascot.

631
632 Jacob Foster: I grew up in the Shenandoah Valley in a rural community like Efland near a small town like Hillsborough.
633 Over the years, I watched as the character of my hometown from fields and forest to friendly neighbors was disfigured and
634 destroyed by ill-considered development. I have seen giant gas stations like this one carelessly planted in a formerly quiet
635 spot which quickly grows into a noisy ruin. I came to North Carolina to attend Duke University where I met my future wife.
636 For the past 20 years, I have been visiting her family farm in Efland. We shared one of our first kisses on a lonely stretch of
637 country road less than a mile from the proposed Buc-ee's site. That farm and this area have taken me back to the
638 landscape of my childhood we have built many wonderful memories there wandering the fields with our human, canine and
639 equine family. Our careers have taken us far away from North Carolina to the concrete desert of Los Angeles yet our
640 families remain and our regular visits to Efland have been a balm to the city sick soul. We have always cherished the hope
641 of settling in Orange County and giving our children the same experience we had growing up of nature, the quiet
642 countryside and small town living where you can spend summer days wandering with friends over fields and down gravel
643 roads. Buc-ee's threatens that future. It threatens your community. Peace, quiet and a clean environment are your most
644 precious assets whether from the perspective of lifelong residents or of those seeking a better life away from urban sprawl
645 like Carrie Fletcher and like me. Those assets will be destroyed. Planning and mitigation cannot restore peace when
646 thousands of cars and strangers pass through your community every day. They cannot block the diesel, the fumes, the
647 light pollution and the noise that Buc-ee's will bring to your quiet home. As an independent environmental assessment
648 would no doubt reveal, they cannot stop runoff and leakage from contaminating the local water, harming wildlife from the
649 humble spring peepers to the endangered residents of the Eno River. I am not an opponent of progress, change happens,
650 it must, but where is the Orange County renowned for its sensible progressive approach to local development? Where is
651 the spirit of care for the environment, the concern for sustainability? Look into your hearts my friends, what is most
652 precious about your community? What is your greatest asset? What will make Orange County a place that you and your
653 children and my future children are proud to call home? Is it the world's largest gas station? Or is it taking a stand for the
654 environment, the planet and for rural America. If you allow this plan to move forward, remember, sooner or later, the day
655 comes when you can't hide from the things that you've done anymore. I fear that when your car is parked amid a hundred
656 others at Buc-ee's, you'll look back on this day and wish you had chosen to a stand for your community. I hope you will
657 take that stand today.

658
659 Caroline Foster: I am a current resident of nearby Durham. My ties to the Efland area are familial. I have spent time with
660 relatives on their farmland and have taken various trips with community friends as well to explore the wildlife in the area and
661 it is substantially meaningful to me and also to my children. One of the things that we love most about the region that we
662 live currently, is that we are not far off from places like Efland and where you can just explore nature. You can come and
663 take a walk, just view wildlife, and you're not constantly bombarded by massive developments such as what is being
664 proposed with this Buc-ee's development. It's been extremely critical to me as a parent to raise my children in an area
665 where they have some access to wild land where they have access to experience nature and respect it and have the
666 opportunity to live in communities that not only recognize and respect the undeveloped land that they have amongst them
667 but actually think about how to, if that land needs to be developed as others have mentioned here before me, I am also not
668 an opponent to progress. However, I think that progress should, if developments need to be built, that the considerations of
669 what the individuals living nearby actually need are taken into account and that we are also looking on down the road and
670 thinking about what our children need and what our needs in the moment are as well. What is being proposed here is not

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671 something that anybody in Efland needs. It's far more massive and far beyond the scope of what any resident of Efland
672 could use and it's clearly a development that is designed to bring in an enormous amount of traffic that will be extremely
673 detrimental both in terms of the environmental impacts as well as the impacted traffic. Back to the idea of really thinking
674 sustainably about what is a development that has the community's best interest at heart on down the road. I don't think a
675 massive fossil fuel structure is in line with that and furthermore, where it's being built, we are going to put a whole bunch of
676 petroleum tanks into the ground on a protected aquifer just doesn't make any sense.

677
678 Ben Lloyd: In the spring of 2019, I was contacted and visited by a representative of an organization called Buc-ee's high-
679 end convenience mart and gasoline station. He told me that he was in negotiation with the Efland family on the property
680 that is being considered and known as the Sim Efland property. He proposed and continued to tell me that what they would
681 put here would create 200 jobs and put 2 million dollars a year into the County tax bucket. My concerns were that number
682 one, I own a farm that has been in operation for 98 years. There has never been acre sold as of today. I have lived here
683 myself for 90 of those 98 years. Soon after his visit, I began thinking about what should happen to Efland and what we
684 needed. After the 98 years, there has never been a sale as thus said and I wrote the County Manager a letter telling her
685 that I'd had numerous opportunities to sell property but had always refused to do so. I told her that I would make a
686 commitment that until something came along that was worthwhile and to the benefit of Orange County, I never had any
687 intention of selling any. Then I started thinking with what had been explained to me about Buc-ee's would this be the
688 development that we would need. In relation to that and my concerns, I flew to Houston, Texas to visit a Buc-ee's. The
689 owner and several of his staff met me and gave me a complete tour of the Buc-ee's organization there and I was amazed
690 how immaculate of a facility that I was visiting. I was so impressed that when I returned home, I called this Buc-ee's
691 representative and told him that I would make my property available which was to be utilized as the westbound entrance for
692 the Buc-ee's organization. I have sit here tonight and listened, we have people talking doom and gloom and I question the
693 validity of their opinion on that. As a matter of fact, several of the people that I have listened to tonight, don't live here.
694 Some as far away as California. I spent three years in California in the military. I am highly concerned about the objections
695 that people have. I think Buc-ee's work with DOT and continue everything that will be to the benefit to Orange County. The
696 property will be, in my opinion, it will be a tremendous asset to Orange County. I support them being here.

697
698 Jimmy Holcomb: It's heartbreaking to come after Mr. Lloyd. I know how emotionally difficult this decision probably was for
699 him and his family to sell land that he has cherished and also for the Efland family. About 20 years ago, my husband and I
700 bought a 60 acre heritage farm about 9 minutes from the proposed Buc-ee's, northwest of the center of Efland. We came
701 here because of the natural environment, the rural environment, the dark night sky, all the reasons that one would move to
702 the country. The bright stars and the quiet. Some level of commercial development is to be expected everywhere, of
703 course, and we've been interested and sort of fascinated that Efland has grown so slowly compared to other places which
704 for us has been a good thing. We don't disagree with development on principle, we understand that it happens. We
705 expected it to happen in Efland much sooner that it has happened. We understand the revenue pressures in the County to
706 some extent but this project does seem to push the limits of common sense and attention to long-term community interests.
707 Without getting into those details, the project just appears to hitch our progressive modern county to a dinosaur technology
708 while the world is scrambling for Teslas and plug in super chargers. Today, on the Tesla website, I can reserve an all-
709 electric semi-tractor trailer truck, if I could afford it. Gasoline and oil cannot possibly be what Orange County wants to be
710 known for. My husband and I view this super-scaled gas station as sad and empty and soulless but we do know that these
711 are subjective and emotional responses that County officials can't really put into a spreadsheet. If the County decides to
712 approve this kind of showcase to dead-end fossil fuels, we only urge you, the advisory commission and the full board to
713 give maximum attention to our soil, water and quality of lives. Very important to me and my husband are those dark night
714 skies and the stars so I'm just going to concentrate on that one aspect. For years our place has been known as the place
715 to put down a blanket and watch the meteor showers. Over the last 10 years, we've watched the stars in the southwest sky
716 disappear in the growing glow of Mebane as it rakes in tax revenue. Please make this project model not of enormous
717 leaking underground gas tanks but of sustainable development. I urge you to look up the international dark sky association
718 which has extremely complete data on light pollution and is willing to send consultants.

719
720 Catherine Matthew: I'm an Efland resident and I speak on behalf of the non-human residents in the proposed development
721 area of exit 160. I speak specifically tonight for reptiles and amphibians many species of which live on the 104 acres which
722 are currently destined to be destroyed if the land is rezoned and sold to Buc-ee's, a Texas travel center. I am an Eastern
723 Box Turtle, your state reptile; my back wound is modified before my shell on which I will stay forever as long as I am alive.
724 My life span is long, as long as 100 years, longer than most of you will live. I am slow to mature and don't usually lay eggs
725 until I am 20 years old. You've probably seen me or my relatives crossing roads in Orange County. That is one of the most
726 dangerous things a box turtle can do but it is sometime necessary to do so to find food or look for a mate. Many box turtles

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727 are killed by automobiles and crossing an interstate is nearly impossible without some help from humans. Wildlife
728 underpasses work but there are none in Orange County. You may think that box turtles in Orange County are doing fine
729 but we are not. While there are adult turtles around and it is possible to see us crossing county roads, many of us have
730 been killed and our population is in decline. Where will I go if you pave over my home. I am a North Carolina species of
731 concern. I am a Marble Salamander, North Carolina's state salamander one of two state amphibians. I am a member of
732 the Mole Salamander family and our family is called mole because all of the mole salamanders spend most of our lives
733 underground. As fall begins and I move towards what will become a body of water when the fall rains fall, I find a mate and
734 then I lay as many as 100 eggs that are about the size of BBs. I wrap my body and my tail around the eggs as we lay
735 quietly under a log or rock and I stay with my eggs until the rains arrive. I do not live as long as the box turtle but then
736 neither do you. Unless you drive country road carefully and fall rains at night then you may never have seen me but I am
737 there. I am there and other mole salamanders like the spotted salamanders are there too. The spotted salamanders are
738 spring breeders and they spend one month above ground in temporary bodies of water, shallow pools without fish. In just
739 the last few months, scientist realized that we glow in the dark. My brilliant black and silver colors change to orange and
740 green with a blue light and a yellow filter you can see the miracle too. There are so many more things that humans don't
741 know yet about us and may not have a chance to uncover. Where will you go if you pave over our landscape. I speak for
742 the reptiles and amphibians.

743
744 David Blankfard: Does the applicant want to add any response to what the citizens have said?
745

746 Stan Beard: We appreciate the passion and we respect everyone's stance. We get it. I want to make some things clear. I
747 will say that we've never been compared to BP nor the City of Los Angeles so those are a couple of first for us. I want to
748 reiterate what we are and what we are not. Folks saying they are not opposed to responsible growth. We offer to this 100-
749 acre tract that is alongside Interstate 40/85 an opportunity for the area to experience the Phase 2 which I need to clarify that
750 my answer the other night was that the completion of Phase 2 would take 5 to 8 years. We absolutely will have the uses,
751 the hotels, the sit down restaurants, the banks, the neighborhood retail that we have said we would bring. You can look at
752 other areas where we have developed and you will see those same people. We have done this before. I would implore the
753 folks to actually read the articles that are referred to on the Voices of Efland website. I would argue that that every single
754 one of those articles is actually a pretty good representation of who we are. There is some very misguided ideas out there.
755 I would also implore you to read the planning documents. There is a traffic study, there is a traffic letter from NCDOT,
756 Chuck Edwards, the man that Mr. Cates spoke to. He wrote the letter, please read that. The environmental report is in
757 there. We are not in a protected watershed we have absolutely every reason in the world to protect everything around us.
758 We do not want to be BP in that arena so we understand the community and we want to be part of it. We have a history of
759 being part of communities and so I just want to thank everybody for showing up.

760
761 David Blankfard: Does anybody have anything to add? I have one in that I would like to add that the hotel would have
762 interior hallways and that the guest rooms don't open to the outside.

763
764 Stan Beard: Agreed.
765

766 Kim Piracci: Have you thought about putting solar panels on the top of your building?
767

768 David Blankfard: It's in the write-up.
769

770 Beth Trahos: We are allowed to do that as a part of our document, also, water reuse is mentioned in the document as well.
771

772 Stan Beard: Actually, Buc-ee's is going to be building its first rainwater reclamation system for our aeration system here.
773 We encourage solar panels, we run into on our buildings because they are pretty highly structurally odd and we don't want
774 to put an extra burden on top of them but we encourage solar panel and solar arrays throughout the rest of the
775 development.

776
777 David Blankfard: Have you looked into whether the building is LEED or well certified?
778

779 Stan Beard: It is in our best interest to have the most efficient building possible. LEED really doesn't work for us in a sense,
780 we incorporate many LEED certified systems within our buildings but we will not be a LEED certified building.
781

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782 Michael Harvey: I want to remind the Board, one of the conditions the applicant has asked for on page 188 is that
783 consideration of LEED certified practices for components of the project where feasible will be incorporated. We've also got
784 standards governing placement of solar, encouraging the placement of solar.

785

786 Adam Beeman: Typically, when big projects like this come in they tend to hire contractors from outside the state. Is there
787 any way we can get a commitment from you guys to hire local contractors?

788

789 Stan Beard: Typically, we have 2 or 3 fairly major general contractors who build our buildings. They've built them for years
790 and they know how to do them. But what they do is they come to every single locale and figure out who their local subs are
791 going to be. I've given data before, I just don't have it at my fingertips, local construction dollars are a big part of our project.
792 A lot of local sizable subcontractor will have opportunity to be part of this project.

793

794 Michael Harvey: I have some additional review of conditions and discussion on stormwater, signage, and traffic
795 management issues.

796

797 *Michael Reviewed the Draft Conditions Contained in Attachment 9 from Pg. 166 to Pg. 188 including potential stormwater*
798 *conditions to address concerns over impacts to the Seven Mile Creek Preserve area south of the Interstate, signage height,*
799 *and access management for the project. Michael also read into the minutes an email from Steve Ramarge on the closure of*
800 *westbound Exit 160 and possible modifications to the proposed traffic access management plan for the Project that could*
801 *preserve the exit as currently configured.*

802

803 David Blankfard: Can I get a motion to add the requirement discussed that the hotel have interior hallways.

804

805 **MOTION** by Melissa Poole to adopt the condition that any hotel is interior accessed. Seconded by Randy Marshall.

806

ROLLCALL VOTE:

807 Randy Marshall: Yes

808 Kim Piracci: Yes

809 Adam Beeman: Yes

810 Susan Hunter: Yes

811 Patricia Roberts: Yes

812 Alexandra Allman: Yes

813 Melissa Poole: Yes

814 David Blankfard: Yes

815 Carrie Fletcher: Yes

816 **MOTION PASSED UNANIMOUSLY**

817

818
819 Adam Beeman: I would like the applicant to commit to a minimum of 30 spaces for a commuter park and ride so people
820 can park their cars there and hitch a ride with someone else to work and there is no worry about being stuck in a lot getting
821 towed away.

822

823 Beth Trahos: There is an area identified on the master plan to be utilized by the County in some in form or fashion to
824 support transit. If that was the route the County chose to take it could certainly be accommodated given the designation
825 and commitments made as a part of the master plan.

826

827 Adam Beeman: I don't know if their future plan is the bus stop or it's a train station. I know a lot of people travel through
828 there and it would be nice for people to drop their car and catch a ride. It would be nice to have that designation.

829

830 Stan Beard: We have reserved development area 6 for a public transit facility to be determined by all of us. When we hear
831 park and ride we get a little jumpy and so we would definitely work with you on what that looks like as far as security,
832 lighting and rules, etc. In some conversations park and rides weren't that great but that maybe an actual bus stop/drop off
833 would be more in line with what Orange County wanted. If you guys want to figure out a way to manage that development
834 area 6 we're all for it. We would be respectfully careful about what that was but yes we will work with you.

835 Michael Harvey: Would it be sufficient if the Planning Board took the position in its recommendation that the County
836 Commissioners consider as part of development area 6, a park and ride amenity as part of the regional transportation
837 efforts would that address your concern?

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838

839 Adam Beeman: That's fine as long as there is somewhere we have the potential spot.

840

841 Craig Benedict: We are presently working on the Orange County Transportation Plan due to the change of not having light
842 rail so we are looking for other places to augment our bus system and we'll keep this in mind that we now have some
843 property where it could be considered.

844

845 Carrie Fletcher: I'd like to agree with that too. I'd like to have that option.

846

847 David Blankfard: Do we need to add anything to this proposal for that?

848

849 Craig Benedict: I think it's covered by having area 6 be designated, as suggested already, within the document.

850

851 **MOTION** by Randy Marshall to move the Statement of Consistency of a proposed Unified Development Ordinance Map
852 Amendment with the adopted Orange County 2030 Comprehensive Plan. The Planning Board finds the requirements of
853 Section 2.8 of the UDO have been deemed complete and Pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section
854 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that
855 the amendment is consistent with the adopted 2030 Comprehensive Plan. The amendment is reasonable and in the public
856 interest because it expands economic development prospects within the County, while continuing to provide adjacent and
857 nearby land uses, consistent with the Comprehensive Plan as well as adopted Small Area Plans for the area. Seconded by
858 Melissa Poole.

859

860 **ROLLCALL VOTE:**

861 Randy Marshall: Yes

862 Kim Piracci: Yes

863 Adam Beeman: Yes

864 Susan Hunter: Yes

865 Patricia Roberts: Yes

866 Alexandra Allman: Yes

867 Melissa Poole: Yes

868 Carrie Fletcher: Yes

869 David Blankfard: Yes

870 **MOTION PASSED UNANIMOUSLY**

871

872 **MOTION** by Randy Marshall to move the adoption of an ordinance amending the Orange County Zoning Atlas shown in
873 Attachment 9 on page 166 and the conditions what the Planning Board has reviewed and agreed upon previously.

874 Seconded by Adam Beeman.

875

876 **ROLLCALL VOTE:**

877 Randy Marshall: Yes

878 Kim Piracci: Yes

879 Adam Beeman: Yes

880 Susan Hunter: Yes

881 Patricia Roberts: Yes

882 Alexandra Allman: Yes

883 Melissa Poole: Yes

884 Carrie Fletcher: Yes

885 David Blankfard: Yes

886 **MOTION PASSED UNANIMOUSLY**

887

888 **AGENDA ITEM 8: ADJOURNMENT**

889 Meeting was adjourned by consensus 10:20 p.m.

890

891

892

**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE MAP AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

An applicant initiated amendment to the Zoning Atlas to rezone 2 parcels as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
9854-16-1576	Cheeks	SL Efland Heirs LLC	Office Research Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Efland Station; Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District.
9854-36-3711	Cheeks	Chad Lloyd Land Investment Company LLC	Office Research Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Efland Station; Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District.

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:
 - 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.

The County and City of Mebane have engaged in numerous studies/joint planning efforts over the last several identifying

areas viable for the extension of utilities (i.e. sewer) in support of high intensity residential and non-residential land uses.

The requested rezoning will allow development consistent with the overall spirit and intent of the adopted Comprehensive Plan as well as applicable joint planning efforts completed by the County and the City with respect to providing utility (i.e. sewer) services.

This area was part of a small area plan, specifically the Efland-Mebane Small Area Plan (hereafter 'the Plan'), adopted by the County in 2006. The purpose and intent of the Plan was to identify areas for urban style development focusing on viable locations for housing, community services, open space areas, and non-residential development.

Upon adoption, the UDO was amended creating various overlay districts designed to implement the goals/policies of the adopted Plan.

One of these districts was the *Efland Interstate Overlay District*.

Per Section 4.4 of the UDO the intent of the overlay district is to: '*... provide for a more urban style of development in an area of the county served, or intended to be served, by public water and sewer systems*'.

The properties subject to this rezoning request have been pre-determined to be suitable for urban style development and higher intensities consistent with the Plan.

- Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

The atlas amendment is consistent with this goal and objective with the approval of a rezoning of property creating a district allowing for the development of high density non-residential land uses in an area of the County designated for the location of adequate supporting infrastructure (i.e. water and sewer).

The rezoning is also consistent with the goals/policies of the Efland-Mebane Small Area Plan, which identified the area in question as being suitable for higher intensity, urban scale, development due to the proximity to the Interstate and availability of utility services (i.e. water/sewer).

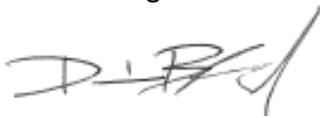
- c. The amendment is reasonable and in the public interest because it:
1. Expands economic development prospects within the County, while continuing to protect adjacent and nearby land uses, consistent with the Comprehensive Plan as well as adopted Small Area Plans for the area.

The atlas amendment involves the approval of a master plan establishing a detailed list of allowable non-residential land uses to aid in the marketing on an area designated within the Comprehensive Plan as being suitable for high intensity non-residential development.

The expansion is consistent with County and City of Mebane plans outlining those parcels suitable for service by sewer that are prime for high intensity non-residential development.

Further, the approved master plan establishes mandatory land use buffers and setbacks for development within the project to ensure off-site impacts are mitigated.

The Planning Board hereby adopts this Statement of Consistency and findings expressed herein and recommends the Board of County Commissioners consider adoption of the proposed Zoning Atlas Amendment(s).



David Blankfard, Chair

11.19.2020

Date

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
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 www.orangecountync.gov



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 Suite 201
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 Hillsborough, NC 27278



CERTIFICATION OF
PUBLIC HEARING NOTIFICATION

**MASTER PLAN DEVELOPMENT CONDITIONAL ZONING (MPD-CZ) DISTRICT –
 EFLAND STATION (FORMERLY BEAVER CROSSING)**

I, Michael D. Harvey, Planner with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section 2.8 of the Orange County Unified Development Ordinance (UDO), I have or caused notice of a PUBLIC HEARING for the project referenced herein as follows:

1. MAILED NOTICES: Notices giving specifics on the zoning atlas amendment request, contact information, the dates/times/location of the BOCC public hearing including instructions on how to access the virtual public hearing and be able to offer comment(s) on the proposal were mailed:
 - a. First class mail to all property owners within 1,000 ft. (as identified by Orange County Tax records) of the subject properties; and
 - b. Certified mail to the owners of the 2 parcels.

on **November 25, 2020, 19 days before the meeting.**

2. SIGNS: Staff posted the subject parcels with signs indicating the date/time of the public hearing on **December 4, 2020, 11 days before the meeting;**

Further, Planning Department staff caused a legal ad advertising the date, time, location, and purpose of the BOCC public hearing to run in the News of Orange and the Herald Sun on December 2 and 9, 2020.

WITNESS my hand, this 4th day of December, 2020.

Michael Harvey
 Current Planning Supervisor

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Current Planning
(919) 245-2575
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131 W. Margaret Lane
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November 25, 2020

Notice of
Board of County Commissioners (BOCC)
Public Hearing
Review of Zoning Atlas Amendment for
Master Plan Development Conditional Zoning District (MPD-CZ)
Known as Efland Station (formerly Beaver Crossing)

To Whom It May Concern:

The purpose of this letter is to notify you of an upcoming Board of County Commissioner (BOCC) public hearing pertaining to proposed amendments to the Orange County Zoning Atlas, specifically the processing of a Master Plan Development Conditional Zoning (MPD-CZ) District application.

The review/process of this application, as well as this notification, is occurring in accordance with the provisions of Section(s) 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* and 2.9.2 *Conditional Zoning District* of the Orange County Unified Development Ordinance (UDO).

BACKGROUND:

On or about August 7, 2020 the Orange County Planning Department received a Conditional Zoning Atlas Amendment application to rezone 2 parcels located north of Interstate 85/40, east of Mt. Willing Road, within the Cheeks Township.

Application materials are available on the County website, specifically under the Current Interest Projects of the Planning Department webpage access utilizing the following link: <https://www.orangecountync.gov/1722/Current-Interest-Projects>.

Specifically, staff received an application to rezone an approximately 104 acres of property, further identified utilizing Orange County Parcel Identification Numbers (PIN) 9854-16-1576 and 9854-36-3711 (hereafter 'the Property'):

FROM: Office/Research and Manufacturing (O/RM) ; Upper Eno Protected Watershed Protection Overlay District ; Major Transportation Corridor (MTC) Overlay District ; Efland Interstate Overlay District.

- o 12,000 sq.ft. of casual restaurant; and
- o 20,000 SF of high-turnover sit-down restaurant space.

As part of this submittal, the applicant is proposing the imposition of development and design standards (i.e. architectural, signage, setbacks, height limitations, landscape/buffer standards, outdoor lighting, parking, etc.).

If the proposal is approved by the County, development of the Property will be consistent with the master plan and any/all conditions imposed by the County as part of its action on the zoning atlas amendment.

WHY YOU ARE RECEIVING THIS LETTER:

As previously indicated, you are receiving this letter as your property is located within 1,000 ft. of the 2 parcels subject to a rezoning petition.

Per Section 2.8.7 of the UDO, staff is required to send written notice, via first class mail, to property owners within 1,000 ft. informing them of the date/time of the Planning Board meeting where the application is to be reviewed. This notice is required to be mailed 15 days before the date of this meeting.

The BOCC will hold a public hearing on this Zoning Atlas Amendment on:

Tuesday December 15, 2020 at 7:00 p.m.

for the purpose of giving all interested parties an opportunity to speak on the proposal. **Consistent with COVID-19 protocols, and to ensure the health and safety of all participants, the meeting will be virtual and pre-registration is required if you wish to speak at the hearing.**

The meeting will be live streamed at the following web address for those who wish to only view the meeting: www.orangecountync.gov/967/Meeting-Videos.

To register to speak at the public hearing, please send an email to ocpubliccomment@orangecountync.gov on or after December 11 but no later than 3:00 PM on the day of the hearing (i.e. December 15, 2020) and indicate you wish to speak during the hearing. The agenda will be posted on December 11 at <http://orangecountync.gov/1707/BOCC-Agendas>.

When submitting the request to speak, include the following:

- The date of the meeting
- The number and title of the agenda item (from the agenda posting which occurs on December 11) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone

After registering to speak, an email that contains instructions and a link to sign up to access the hearing will be sent to the email address used to register.

If you do not have access to an internet-enabled computer and would like to phone in to access the hearing, please call the office of the Clerk to the Board **after December 11, 2020** at 919-245-2130 and a staff member will provide you with the call-in number.

Written comments to the Board of County Commissioners can be sent via e-mail to ocbocc@orangecountync.gov.

Written comments can also be dropped off at the Planning Department offices at 131 W. Margaret Lane, 2nd floor, Hillsborough, NC during normal office hours or mailed to the Planning Department at P.O. Box 8181, Hillsborough, NC 27278.

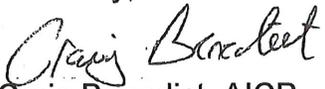
The full text of the public hearing items may be obtained no later than December 11, 2020 on the County's website at:

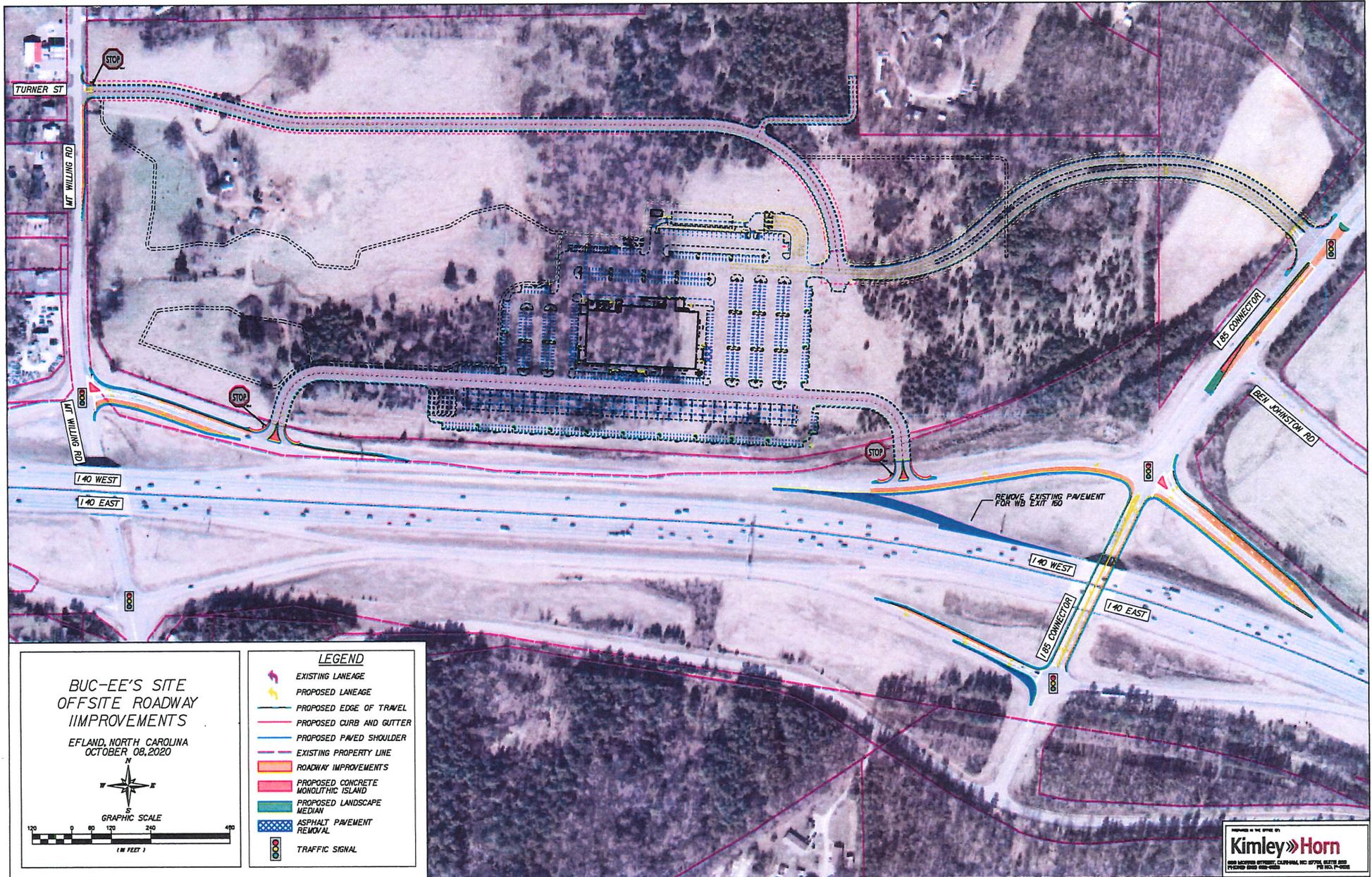
<https://www.orangecountync.gov/1707/BOCC-Agendas>.

Questions regarding the proposals may be directed to the Orange County Planning Department via phone at (919) 245-2575 during normal office hours (8:00 a.m. to 5:00 p.m., Monday through Friday). You may also e-mail questions to planningdept@orangecountync.gov.

All of these link(s) will be posted to the County website at: <https://www.orangecountync.gov/1722/Current-Interest-Projects>.

Sincerely,


Craig Benedict, AICP (MDH)
Planning Director
Orange County





ORANGE COUNTY PLANNING AND INSPECTIONS

CONDITIONAL ZONING DISTRICTS FACT SHEET

This fact sheet explains the submittal and review process for a rezoning to a Conditional Zoning District. It also covers how a decision on a request is made and how you can participate.

1. ***What is a Conditional Zoning District?***

A Conditional Zoning District (CZD) is a tool to address impacts from certain land uses. These land uses have particular impacts on the immediate area or community which cannot be predetermined by general use district standards.

The property owner proposes development standards to address these impacts. These standards could be things like minimum lot size, setbacks, parking, landscaping, open space management, allowable building area, preservation of natural areas, or similar matters. If approved, the use of the property would be subject to conditions created during the process.

2. ***What are the benefits of the CZD process?***

Conditional Zoning allows for more flexibility than other zoning tools. Rules in a General Zoning district would be applicable to all uses without any special considerations. Rules for a Special Use Permit require all the individualized considerations to be written in the ordinances beforehand. By allowing for special considerations to be determined at the time of application, Conditional Zoning is thought to be a more prudent use of time, money, effort, and other resources.

3. ***Is a CZD the same as a Special Use Permit (SUP)?***

No. With a SUP the County has determined potential development impacts of a given land use require special consideration of site-specific conditions against a set of established standards. An SUP is said to be a 'quasi-judicial' decision because how facts are applied to these established standards. A CZD is said to be a 'legislative' decision because the standards are both established and applied at the time of the decision.

4. ***Are CZDs and SUPs reviewed in a similar manner?***

No. CZDs are reviewed through the 'legislative' review process while an SUP is reviewed under the 'quasi-judicial' review process, further broken down as follows:

- **LEGISLATIVE:** Decisions are made based on multiple factors including the proposal's consistency with the adopted Comprehensive Plan, recommendations made by the Planning Board and staff, comments received from the public (both for and against a project), as well as the elected officials' experiences,

opinions and judgment.

This is the most common review process employed by the County and is used to review multiple development proposals (i.e. zoning atlas amendments, amendments to the UDO, review/action on subdivision proposals, etc.).

- **QUASI-JUDICIAL:** Typically used to review land use development applications, commonly called a Special Use.

In this process, the board responsible for rendering a decision acts much like a panel of judges, hearing factual evidence and sworn testimony.

Decisions on whether a permit request must be issued or not are based on the competent, substantial, and material evidence presented by all sworn parties with standing.

5. ***How are CZD applications reviewed?***

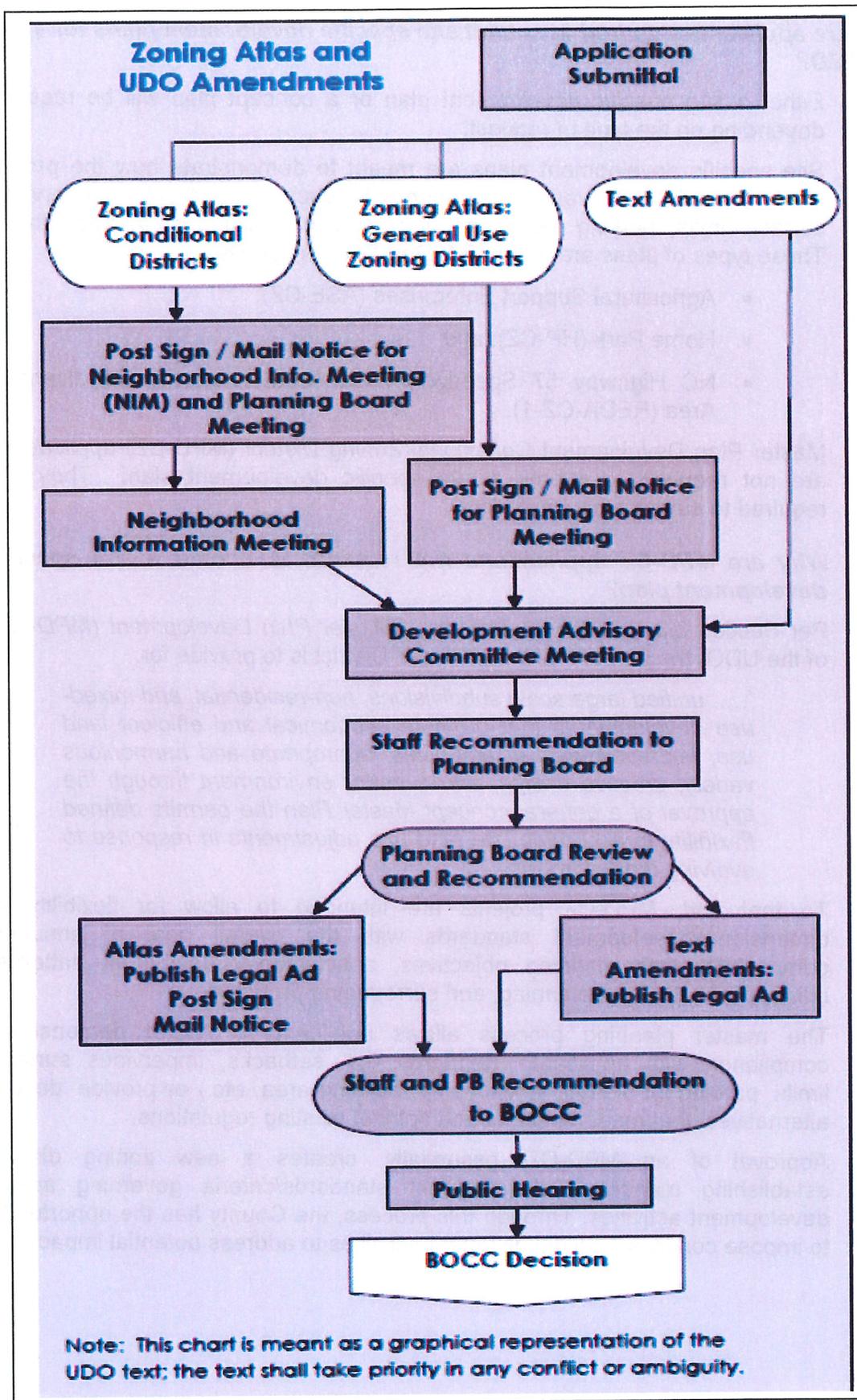
Review of a CZD application occurs in multiple steps as outlined in the UDO summarized as follows:

- An application for a zoning atlas amendment is submitted;
- The proposal is reviewed by the County's Development Advisory Committee (DAC), which is essentially a staff review across multiple Departments (i.e. Building Inspections, Environmental Health, Emergency Services, Erosion Control/Stormwater, Solid Waste, etc.) and includes many technical advisors from external agencies such as the NC Department of Transportation;
- The next step is the scheduling and holding of a Neighborhood Information Meeting (NIM), which is an opportunity for the developer to discuss their proposal with the local community and for County staff to review/discuss the review process;
- The proposal is then reviewed by the Planning Board, which is an advisory group of County residents.

The Board reviews the proposal, hears comments from the staff/applicant/general public, and makes a recommendation to the Board of County Commissioners (BOCC) for or against any proposal.

- The final step is with a public hearing before the BOCC. The public hearing allows the public to voice their opinions to the Commissioners. After the public hearing is closed, the BOCC then makes their decision.

This flow chart from the UDO helps illustrate:



6. Are applicants required to submit site specific development plans for a CZD?

Either a site specific development plan or a concept plan will be required depending on the type of request.

Site specific development plans are meant to demonstrate how the project would comply with various requirements such as setbacks, impervious surface limits, parking lot design, landscaping, building area, and others. These types of plans are required for the following CZDs:

- Agricultural Support Enterprises (ASE-CZ);
- Home Park (HP-CZ); and
- NC Highway 57 Speedway Area Rural Economic Development Area (REDA-CZ-1).

Master Plan Development Conditional Zoning District (MPD-CZ) applications are not required to submit a site specific development plan. They are required to submit a concept plan.

7. Why are MPD-CZ applications not required to submit a site specific development plan?

Per Section 3.8 *Conditional Districts – Master Plan Development (MPD-CZ)* of the UDO, the purpose of the MPD-CZ District is to provide for:

‘..... unified large scale subdivisions, non-residential, and mixed-use developments that promote economical and efficient land use, improved level of amenities, appropriate and harmonious variety, creative design, and a better environment through the approval of a general concept Master Plan the permits defined flexibility to accommodate land use adjustments in response to evolving market trends.

To that end, MPD-CZ projects are intended to allow for flexibility in dimensional/development standards with the overall goal of ensuring compatibility with planning objectives, anticipated development patterns, existing infrastructure planning, and surrounding properties.

The master planning process allows applicants to either demonstrate compliance with applicable standards (i.e. setbacks, impervious surface limits, parking lot design, landscaping, building area, etc.) or provide ‘design alternatives’ that meet the intent and spirit of existing regulations.

Approval of an MPD-CZ, essentially, creates a new zoning district establishing mandatory development standards/criteria governing actual development activities. Through this process, the County has the opportunity to impose conditions on development activities to address potential impacts.

8. ***What else is required to be submitted as part of a CZD application?***

CZD requests are required to submit the following information:

- a. Completed application;
- b. A detailed description of the proposed use of property;
- c. A detailed traffic survey;
- d. Environmental Document(s);
- e. Landscape plan;
- f. A summary of utility services, including processing of wastewater;
- g. A schedule of construction of all elements of the proposal;
- h. Other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with applicable regulations.

9. ***Can the County impose conditions on a CZD?***

Yes. The County has the ability to impose conditions, however, these conditions must be mutually agreed upon by the County and applicant.

Further, conditions are limited to those addressing conformance of the development to applicable regulations and/or the adopted Comprehensive Plan/other relevant plans addressing:

- a. The compatibility of the proposed development with surrounding property;
- b. Proposed support facilities (i.e. roadways and access points, parking, pedestrian and vehicular circulation systems, screening and buffer areas, etc.); and/or
- c. Other matters the County may find appropriate or the petitioner may propose, but limited to items within the County's regulatory authority.

10. ***How is development within an MPD-CZ district acted upon?***

Development within an MPD-CZ is permitted only through the review and approval of site plan application(s) in accordance within Section 2.5 of the UDO. This is so staff can verify all imposed conditions are adhered to.

11. ***Will this site plan be reviewed/commented on by the Planning Board or elected officials?***

No. The site plan shall be reviewed and acted upon by staff administratively consistent with the provisions of the UDO.

12. ***What are the benefits of the MPD-CZ process?***

The chief, primary, benefit is staff are able to review/process development of a parcel and/or multiple parcels under a uniform set of development criteria where there are shared opportunities for infrastructure development (i.e. parking areas, preservation of existing landscaping, outdoor lighting, signage, access management, stormwater management, etc.).

Under general zoning standards, parcels are typically developed independently with little to no opportunity for the County to compel coordination of development activities. Each parcel would have to have its own parking area, stormwater feature, landscape buffers, allowable building area (i.e. floor area ratio), individual outdoor lighting fixtures, etc. From staff's standpoint this translates to more development activity, more impervious surface area, and increased opportunities for internal/external impacts.

13. ***Who may speak or offer comment during the review of a CZD?***

Everyone.

Applicants and those individuals supporting, or opposed to, the application are encouraged to attend meetings where a CZD is discussed and offer comment(s).

The best time to speak directly to the applicant is at the NIM. The NIM is also a good opportunity to ask questions of staff related to the process for the review of the application.

The Planning Board is a good opportunity to learn more about the comments and recommendations from the advisory board and staff.

The public can offer their opinions and comments in written form to the BOCC at any time, but the public hearing is the best time to speak publicly in person.

14. ***When would I learn about an application being submitted?***

There are various notification requirements associated with the review of a CZD application at various points along the process.

There is a listing of current projects at the Planning page of the County website. The complete application package is made available to the public on the County website once it has been formally accepted for review by staff.

Before the NIM, there will be notice posted at the site and mailed to those within 1,000 ft. of the property advertising the meeting. This is the same for the Planning Board and BOCC meetings where the application will be reviewed. BOCC meetings are also advertised in local newspapers.

Planning Board and BOCC meeting agendas are posted on-line so the general public can review materials associated with the review of a CZD. You can be put on a list to receive notices about all BOCC meetings through a request to the BOCC Clerk's office.

Planning Board and BOCC are public meetings, which are open to public attendance. Only the BOCC public hearing includes a right to participate and that is limited (such as with the 3 minute time limit).

15. ***What is the most effective way of engaging with the process?***

(Planning staff are available to answer questions on a development proposal and/or to explain process requirements.

Attend the NIM to learn about the applicant's proposal and have an opportunity to ask questions and offer comments.

Attend the Planning Board meeting to learn about staff and Board recommendation(s).

Write to the BOCC or speak at the public hearing. At the public hearing you will be limited to 3 minutes, but there is no limit to emailed comments. If you share the opinion of others, try to join together and co-sign a single message. Try to be specific with particular proposals, recommendations or conditions.

16. ***Who do I contact with questions?***

- Questions about the application, procedural questions, or Planning Board meeting(s) should be directed to the Planning Department – **(919) 245-2575**;
- To receive email notices of BOCC agendas/meetings, go to the following webpage:

<http://www.orangecountync.gov/1561/Electronic-Newsletters>

And select the link following "*Board of County Commissioners (Sunshine)*". Type in your email address and select **Sign In**. Next, click on the envelope icon in front of Board of County Commissioners (Sunshine) to receive email notifications.

- Questions on Planning Board agendas can also be addressed by the staff of the Planning Department. Planning Board agenda packets, as well as meeting minutes, are posted on the County website and can be accessed here:

<https://www.orangecountync.gov/1194/Orange-County-Planning-Board-PB>

17. ***What are the roles of staff, the Planning Board, and the elected officials in the review of a CZD?***

- STAFF:
 - Determine if the application is complete with applicable submittal requirements (Section(s) 2.8 and 2.9.2 of the UDO);

- Determine consistency with the adopted Comprehensive Plan;
 - Review and make a determination if the proposal is consistent with applicable development standards or if proposed 'design alternatives' are consistent with the spirit/intent of the UDO;
 - Recommend imposition of conditions to address potential impacts;
 - Recommend approval/denial of the project based on the provisions of the UDO and the project's compliance with the Comprehensive Plan.
- PLANNING BOARD:
 - Review the development proposal and ask questions of the applicant and staff;
 - Review/discuss staff's analysis;
 - Although not required, the PB often will Receive public comment on the proposal;
 - Make a recommendation on the approval or denial of the request to the BOCC.
 - BOCC:
 - Schedule and hold a public hearing to receive the application;
 - Hear from the applicant and staff;
 - Receive public comment on the proposal;
 - Review/discuss the staff and Planning Board's analysis and recommendation(s);
 - Discuss imposition of conditions;
 - Approve or deny the request.

18. ***How are decisions to approve or deny a CZD made?***

The BOCC approves or denies a CZD request based on:

- a. The proposals consistency with the adopted Comprehensive Plan;
- b. Consistency/compliance with other applicable plans (i.e. small areas plans, water/sewer infrastructure plans, transportation improvement plans, etc.);
- c. Suitability of proposed development with surrounding properties as well as the recognized/anticipated development patterns in the area where the project is located;
- d. Compliance with applicable development standards as embodied within the UDO and/or the appropriateness of proposed 'design alternatives';
- e. Public comments; and

f. Staff and Planning Board recommendation(s).

19. ***Can I discuss the project with staff, members of the Planning Board, and the BOCC?***

Yes, you can have discussions with various parties outside of scheduled meetings/hearings concerning a CZD application. This would not be the case with an SUP or other quasi-judicial hearings, where the board members are precluded from deliberations outside the hearing.

20. ***Is there a record of the proceedings?***

Yes. Minutes from Planning Board and BOCC meetings where a CZD application is reviewed/discussed/acted upon are maintained by the County. The Planning Department maintains the application components and become a part of the file on that case.

21. ***What is the effect of a CZD approval?***

Per Section 2.9.2 (G) of the UDO, approval of a CZD is binding on the property. Development and use of the subject parcel(s) is governed by the submitted/revised application package, the actual ordinance adopted by the BOCC approving the rezoning request, all conditions imposed as part of the CZD review process, and the applicable provisions of the UDO.

22. ***Are decisions on CZD applications subject to further review?***

Yes. Decisions are subject to review by the Superior Court. Per Section 2.26.5 of the UDO, an appeal to Superior Court must be filled within **60 days** from the date of adoption of the ordinance approving the zoning atlas amendment.

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NOTICE OF PUBLIC HEARING ORANGE COUNTY BOARD OF COMMISSIONERS

The Orange County Board of Commissioners will hold a public hearing on Tuesday, December 15, 2020 at 7:00 PM for the purpose of giving all interested residents an opportunity to speak for or against the items below. Due to current public health concerns, the hearing will be held on-line and pre-registration is required.

The meeting will be live streamed at the following web address for those who wish to only view the meeting: www.orangecountync.gov/967/Meeting-Videos

To register to speak at the public hearing, please send an email to ocpubliccomment@orangecountync.gov no later than 3:00 PM on the day of the hearing and indicate you wish to speak during the hearing.

When submitting the request to speak, include the following:

- The date of the meeting
- The number and title of the agenda item (from the list below) you wish to speak on
- Your name, address, email and phone number
- The phone number must be the number you plan to call in from if participating by phone

After registering to speak, an email that contains instructions and a link to sign up to access the hearing will be sent to the email address used to register.

If you do not have access to an internet-enabled computer and would like to phone in to access the hearing, please call the office of the Clerk to the Board after December 11, 2020 at 919-245-2130 and a staff member will provide you with the call-in number.

Public Hearing Items:

1. **Zoning Atlas Amendment (Master Plan Development Application – Efland Station):** In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, an applicant has applied to rezone 2 parcels, totaling approximately 104 acres, in Cheeks Township:

FROM: Office/Research and Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District; Major Transportation Corridor (MTC) Overlay District; and Efland Interstate Overlay District.

TO: Master Planned Development – Conditional Zoning (MPD-CZ) for Efland Station; Upper Eno Protected Watershed Protection Overlay District; Major Transportation Corridor (MTC) Overlay District; and Efland Interstate Overlay District.

The parcels are further identified utilizing Orange County Parcel Identification Numbers (PIN) 9854-16-1576 (approximately 92 acres) and 9854-36-3711 (approximately 12 acres) and are located north of Interstate 85/40, east of Mt. Willing Road, and west of the Interstate 85/US Highway 70 Connector.

The Orange County Planning Board reviewed the application at its November 4, 2020 regular meeting and voted unanimously to recommend approval of the application. Agenda materials for this meeting can be viewed at: <http://orangecountync.gov/AgendaCenter/Planning-Board-26>

Information on the project is also available at: <https://www.orangecountync.gov/1722/Current-Interest-Projects>

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. In accordance with Session Law 2020-3 (Senate Bill 704), Section 4.31(a), which pertains to remote meetings during declared emergencies, written comments on items heard at a public hearing are accepted for 24 hours after the public hearing is closed and the Board of County Commissioners may not make a decision on public hearing items until after the 24-hour period for written comments has concluded.

The full text of the public hearing items may be obtained no later than December 11, 2020 on the County's website: <https://www.orangecountync.gov/1707/BOCC-Agendas> Information will also be available from the Orange County Planning Department (contact information below) no later than December 4, 2020.

Questions regarding the proposals may be directed to the Orange County Planning Department via phone at (919) 245-2575 during normal office hours (8:00 a.m. to 5:00 p.m., Monday through Friday). You may also e-mail questions to planningdept@orangecountync.gov. Written comments to the Board of County Commissioners can be sent via e-mail to ocbocc@orangecountync.gov. Written comments can also be dropped off at the Planning Department offices at 131 W. Margaret Lane, 2nd floor, Hillsborough, NC during normal office hours or mailed to the Planning Department at P.O. Box 8181, Hillsborough, NC 27278.

PUBLISH:	<u>The Herald Sun</u>	<u>News of Orange</u>
	December 2, 2020	December 2, 2020
	December 9, 2020	December 9, 2020

**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE MAP AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

An applicant initiated amendment to the Zoning Atlas to rezone 2 parcels as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
9854-16-1576	Cheeks	SL Efland Heirs LLC	Office Research Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Efland Station; Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District.
9854-36-3711	Cheeks	Chad Lloyd Land Investment Company LLC	Office Research Manufacturing (O/RM); Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Efland Station; Upper Eno Protected Watershed Protection Overlay District ; Efland Interstate Overlay District; and Major Transportation Corridor (MTC) Overlay District.

The Board of County Commissioners finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:
 - 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.

The County and City of Mebane have engaged in numerous studies/joint planning efforts over the last several identifying

areas viable for the extension of utilities (i.e. sewer) in support of high intensity residential and non-residential land uses.

The requested rezoning will allow development consistent with the overall spirit and intent of the adopted Comprehensive Plan as well as applicable joint planning efforts completed by the County and the City with respect to providing utility (i.e. sewer) services.

This area was part of a small area plan, specifically the Efland-Mebane Small Area Plan (hereafter 'the Plan'), adopted by the County in 2006. The purpose and intent of the Plan was to identify areas for urban style development focusing on viable locations for housing, community services, open space areas, and non-residential development.

Upon adoption, the UDO was amended creating various overlay districts designed to implement the goals/policies of the adopted Plan.

One of these districts was the *Efland Interstate Overlay District*.

Per Section 4.4 of the UDO the intent of the overlay district is to: '*... provide for a more urban style of development in an area of the county served, or intended to be served, by public water and sewer systems*'.

The properties subject to this rezoning request have been pre-determined to be suitable for urban style development and higher intensities consistent with the Plan.

- Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

The atlas amendment is consistent with this goal and objective with the approval of a rezoning of property creating a district allowing for the development of high density non-residential land uses in an area of the County designated for the location of adequate supporting infrastructure (i.e. water and sewer).

The rezoning is also consistent with the goals/policies of the Efland-Mebane Small Area Plan, which identified the area in question as being suitable for higher intensity, urban scale, development due to the proximity to the Interstate and availability of utility services (i.e. water/sewer).

- c. The amendment is reasonable and in the public interest because it:
1. Expands economic development prospects within the County, while continuing to protect adjacent and nearby land uses, consistent with the Comprehensive Plan as well as adopted Small Area Plans for the area.

The atlas amendment involves the approval of a master plan establishing a detailed list of allowable non-residential land uses to aid in the marketing on an area designated within the Comprehensive Plan as being suitable for high intensity non-residential development.

The expansion is consistent with County and City of Mebane plans outlining those parcels suitable for service by sewer that are prime for high intensity non-residential development.

Further, the approved master plan establishes mandatory land use buffers and setbacks for development within the project to ensure off-site impacts are mitigated.

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

Rene Price, Chair

Date

Attachment 9

**AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has received and processed a petition submitted by Buc-ee's Limited (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 2 parcels totaling approximately 104 acres of property to Master Plan Development Conditional Zoning District (MPD-CZD) for the purpose of developing the Efland Station development (hereafter 'the Project'); and

WHEREAS, The properties subject to this rezoning are identified, utilizing Orange County Parcel Identification Numbers (PIN), as:

- i. A 92 acre tract of land PIN 9854-16-1576, and
- ii. A 12 acre parcel of land PIN 9854-36-3711

hereafter 'the Property'; 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, This petition has been submitted in concert with a formal master plan in accordance with the provisions of Section 2.9.2 (C) of the UDO; and

WHEREAS, the requirements of Section 2.8 and 2.9.2 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.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone aforementioned 2 parcels of property to Master Plan Development Conditional Zoning (MPD-CZ) and allow development of the Project as detailed within the submitted application.

BE IT FURTHER ORDAINED THAT The terms and conditions contained herein shall encumber the Property and bind the owners and lessees thereof, their successors in title and interest. The development of the Project as well as all necessary site improvements, both internal and external to the Project, shall be reviewed, approved, and developed in accordance with:

- a. The applicable provisions of the Orange County Unified Development Ordinance (UDO),
- b. Any and all applicable Federal, State, and local regulations, and
- c. The application package, including traffic impact analyses, as submitted by the Applicant and as approved by the Orange County Board of Commissioners on _____.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.2 (F) of the UDO the approval of this Conditional Zoning application is subject to the following mutually agreed to conditions:

I. GENERAL:

- a. Approval of the Project does not constitute an explicit guarantee for utility services (i.e. water and sewer) by either the City of Mebane or Orange-Alamance Water System (OAWS). Provision of services shall be consistent with applicable utility connection policies and/or any existing utility agreements between the City of Mebane, OAWS, and Orange County;

- b. Approval of the Project does not constitute an explicit guarantee for roadway closures/development as denoted on the Master Concept Plan.

Closure of the existing Exit 160, and development of right-in/right-out driveways on the existing Interstate on/off ramp, shall require additional review/hearings as part of NC DOT and Federal Highway Administration (FHWA) processes taking action on the request independent on this approval.

If roadway realignment is approved, the Project will move forward consistent with the approved plan. If denied, the applicant will have to address necessary modification(s) at a future date.

- c. The Project shall be composed of 2 individual properties totaling approximately 104 acres of land area further defined as follows:

- i. **PIN 9854-16-1576:** An approximately 92 acre parcel currently zoned:

1. Office/Research and Manufacturing (O/RM);
2. Upper Eno Protected Watershed Protection Overlay District;
3. Efland Interstate Overlay District; and
4. Major Transportation Corridor (MTC) Overlay District.

- ii. **PIN 9854-36-3711:** An approximately 12 acre parcel currently zoned:

1. Office/Research and Manufacturing (O/RM);
2. Upper Eno Protected Watershed Protection Overlay District;

3. Efland Interstate Overlay District; and
4. Major Transportation Corridor (MTC) Overlay District.

NOTE: Overlay District boundaries/designations are not impacted by this proposal.

- d. The Zoning Atlas for Orange County shall be designated MPD-CZ. Development shall be in accordance with the approved application packet, master concept plan, and the conditions detailed herein.

II. SITE PLAN:

- a. All site plans proposing development within the Project shall be reviewed by City of Mebane and OAWS staff as part of existing courtesy review agreements;
- b. All site plans shall provide detail denoting the anticipated daily water and sewer needs for proposed land use(s). Further, all submitted site plans shall track cumulative water/sewer allocation for each proposed land use as part of submittal(s).

A lack of water and/or sewer capacity shall result in the denial of the site plan;

- c. Consistent with existing inter-local utility agreements between Orange County and the City of Mebane, and the approved Application, the Project will have a daily sewer utility allotment of approximately 77,000 gallons a day of sewer service.

Site plans proposing development/land uses exceeding cumulative daily sewer allotments shall be required to provide documentation from the City of Mebane indicating there is sewer capacity to serve the proposed development;

- d. Prior to the approval of a site plan allowing development within the Project, the County will need documentation from OAWS indicating there is sufficient water capacity to serve the Project. A lack of water capacity for a proposed use shall result in the denial of the site plan;
- e. The Orange County Staff Engineer, OAWS staff, and the City of Mebane Utility Director shall review and approve location(s) of proposed water and sewer lines prior to site plan approval and the initiation of land disturbing activity;
- f. The Orange County and City of Fire Marshal(s) shall review and offer comment on:
 - i. Road layout and construction methodology,
 - ii. Location of fire lanes,
 - iii. Location of fire hydrants, and
 - iv. Location of the proposed stand-pipe(s).

as part of all site plan review.

- g. Each site plan shall be required to demonstrate compliance with Section 6.16 *Environmental Assessment* of the UDO. In those cases where development exceeds established thresholds, a formal Environmental Impact Statement (EIS) may be required allowing for site plan approval;
- h. In addition to the standards detailed in Section 2.5 of the UDO, all landscaping plans shall include information denoting the proposed method of care (i.e. underground sprinklers, maintenance personnel, etc.) for the development.
- i. Identified conflicts associated with landscaping shall be resolved prior to the approval of the site plan for a given project;
- j. For all site plans submitted for the Project the Efland Volunteer Fire Department shall be considered a member of the County Development Advisory Committee (DAC) as outlined in Section 1.9 of the UDO to review a projects compliance with applicable development standards including, but not necessarily limited to: land use regulations, conditions of MPD-CZ approval, applicable State fire/building codes.
- k. Site plans shall contain documentation outlining proposed and/or existing cumulative impervious surface area as well as building/open space ratios within the Project.

III. DIMENSIONAL STANDARDS:

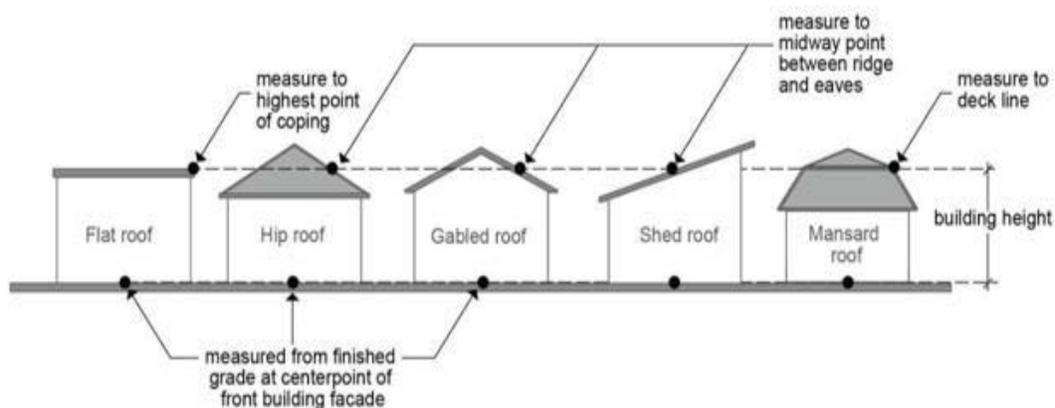
- a. The Project shall observe a building square footage limit of 500,000 sq.ft. consistent with the submitted and approved Traffic Impact Analysis (TIA) approved as part of this master concept plan.

Additional floor area may be developed with the submittal of a revised, updated, TIA processed and reviewed in accordance with the provisions of the UDO.

- b. Height – Principal Structures: Consistent with the definition of *building height* in Article 10 *Definitions* and Section(s) 6.2.2 and 6.5 3 of the UDO, the following height limitations shall be observed within the Project:
 - i. Development Area(s) 1 and 5: 40 ft.
 - ii. Development Area(s) 2 and 3: No structure shall exceed 5 stories or 60 ft. in height;
 - iii. Development Area 4: No structure shall exceed 6 stories or 72 ft. in height. This shall be limited to the proposed Short-Term Rental Non-host occupied land use.
 - iv. Development Area 6: 40 ft.

There shall be an allowance of an additional 10 ft. of building height to accommodate telecommunication equipment, utility infrastructure including elevator housing, and alternative energy devices.

Measurement shall be taken from finished grade at the center point of the front building façade.



NOTE: drawing for illustrative purposes only. Determination of height shall be consistent with applicable County land use regulations, the various conditions herein, and shall be determined prior to site plan approval.

- c. Height – Water Tower Accessory Structure: Shall not exceed 110 ft. in height including any/all antenna apparatus erected on same.¹
- d. Setbacks: The Project shall observe the following setbacks:

Property Line:	Freestanding Building/Structures:	Vehicular Use Areas:	Signage:
Interstate 85/40 right-of-way	100 ft. including any gas station canopy or fuel pump.	40 ft. consistent with the proposed MTC buffer break denoted on the approved Master Concept Plan ²	10 ft. ³
US Highway 70/Interstate Connector Road right-of-way	40 ft. ⁴	40 ft. ³	10 ft. ⁵

¹ The applicant is requesting language be modified to indicate water tower height shall be based on utility service needs rather than an arbitrary height limit.

² Staff is comfortable with the proposed vehicular use area setback as the condition is written. The applicant is proposing a managed break in the MTC buffer, consistent with existing allowances. They are, however, proposing to have landscaping in this area where none would normally be required. Staff is comfortable with the provision.

³ Staff will be recommending a minimum 25 ft. setback for signage erected adjacent to an Interstate right-of-way.

⁴ Staff is recommending 50 ft.

⁵ Staff is recommending a minimum 20 ft. setback for signage erected adjacent to the road right-of-way.

Mt. Road Willing right-of-way	40 ft. ⁶	40 ft. ⁵	10 ft. 100 ft. from residential land uses. ⁷
External Property Lines	40 ft. ⁸	40 ft. ⁹	
Development Area 1 - Internal setbacks	10 ft. ¹⁰	10 ft. ¹¹	5 ft. from private right-of-way 10 ft. from public right-of-way ¹²
Other Development Areas - Internal setbacks	20 ft.	20 ft.	5 ft. from private right-of-way ¹³

- e. Open Space: 40 acres (38%) of land within the Project shall be preserved as open space area. No building and/or parking areas shall be permitted. Walking trails, picnic tables, and/or other recreation amenities may be permitted consistent with the standards contained herein and in accordance with the provisions of the UDO;
- f. Cumulative impervious surface area for the Project shall not exceed 62%.

IV. ACCESS AND TRANSPORTATION: In addition to the requirements of Section 6.10 *Roadway Improvements and Multi-modal Transportation* of the UDO the following standards shall apply:¹⁴

- a. Internal streets shall be privately maintained;

⁶ Staff is recommending 50 ft.

⁷ Staff is seeking confirmation from the applicant this includes 100 ft. from residentially zoned property west of Mt. Willing Road.

⁸ Staff is recommending the following: 100 ft. from external property lines abutting a residential land use/zoned parcel of property and 50 ft. adjacent to a non-residential land use/zoned parcel of property.

⁹ Staff is recommending 50 ft.

¹⁰ Staff is recommending 20 ft. The Master Concept Plan denotes a variable 15 to 20 ft. landscape buffer separating vehicular use/building area from internal rights-of-way. Staff's proposed setback preserves this landscape area as shown.

¹¹ IBID.

¹² As all roadways are to be constructed to public right-of-way standards, and site visibility will be a concern, staff recommends a 10 ft. setback for signage from internal roadways.

¹³ Staff is recommending a 10 ft. setback.

¹⁴ As detailed in the December 15, 2020 staff abstract, staff has recommendation(s) on the imposition of additional conditions for access drives off of the Interstate on/off ramp as well as westbound Exit 160.

- b. External roadway construction/improvements shall be completed or appropriately bonded prior to the issuance of a Certificate of Compliance (C of C) allowing the occupancy of a structure triggering completion of same;
- c. External roadway improvements shall be constructed in accordance with NC Department of Transportation requirements and guidelines, approved Traffic Impact Analysis (TIA), and the standards outlined herein;
- d. Final roadway layout, including pavement widths and driveways, shall be approved by the Orange County Fire Marshal's office and NC DOT as part of the final site plan review process required under Section 2.5 of the UDO and as detailed herein;
- e. Phase 1 shall involve development of a gravel access road off of Mt. Willing Road for emergency vehicle access. When the final driveway access allowing access to the Project from Mt. Willing Road is constructed, this gravel roadway can be eliminated;¹⁵
- f. Site plan submittals shall be required to demonstrate internal/external traffic improvements necessary to address development impacts consistent with the submitted Transportation Impact Analysis (TIA);
- g. Any and all internal streets, sidewalks, bicycle lanes, etc. shall be designated for public access/use for employees/customers/visitors to the site;
- h. Driveway permits, when required, shall be applied for and issued by the North Carolina Department of Transportation;
- i. Orange County and North Carolina Department of Transportation shall approve the location of all proposed external utility poles housing street signals prior to installation;
- j. Segregated entrances and exits for pedestrian, construction vehicle, and non-construction vehicular traffic shall be developed to avoid conflict during construction activities for internal roadways;
- k. Any required or requested bus pullouts and/or transit shelters shall be constructed to serve the Project consistent with transit plans adopted by Orange County and shall be developed in accordance with the following:
 - i. Outside of Development Area 6, there shall be a maximum of 2 bus stops serving the Project. Location of these stops shall be determined with each site plan submittal;
 - ii. Each transit stop shall be a covered and enclosed on 3 sides to shield users from the elements,

¹⁵ The applicant is proposing a gravel roadway for emergency vehicle access (i.e. fire, EMS, Sheriff, etc.) to the Project. This has been approved by the County Fire Marshal. Staff would prefer the proposed driveway access from Mt. Willing Road be constructed in Phase 1 making it easier for Efland residents to access the Project.

- iii. Kiosks shall be developed to provide transit information, including schedule and route information, and shall be illuminated to five (5) average maintained foot-candles.
 - I. Traffic directional signage shall be required for all internal and external roadway as directed by Orange County and the North Carolina Department of Transportation including but not limited to:
 - i. Stop signs,
 - ii. Yield signs,
 - iii. Bus parking and unloading informational signs
 - iv. Lane ends,
 - v. Merge signs,
 - vi. Caution Pedestrian Traffic – Yield Signs,
 - vii. Traffic safety signs designed to direct construction traffic throughout the site,
 - viii. Traffic warning signs indicating the location of private driveways and forbidding public access to the various properties, and
 - ix. Through traffic signs.
 - m. Applicant shall be responsible for designating a speed limit for the Project, posting signage denoting same;
 - n. Development of Area 6 shall be coordinated with the applicant, NC DOT, and Orange County Transportation Services consistent with the standards detailed herein and within the UDO. The applicant bears no responsibility for the development of Area 6.
- V. PERFORMANCE STANDARDS:
- a. The Project shall comply with Section(s) 6.4.2 through 6.4.7 of the UDO inclusive;
 - b. **Solid Waste Management:** The following specific standards shall apply:
 - i. Development within the Project shall contract for the private collection and disposal of solid wastes and for the collection and marketing of mixed recyclables (including corrugated cardboard), and food waste;
 - ii. All site plans shall designate external space for the proper storage and collection of solid waste, recyclable materials (including corrugated cardboard) and food waste;
 - iii. Storage/collection areas shall be located in such a manner as to provide convenient access for users of the facility and for safe and efficient access by collection vehicles. Their location shall be reviewed and approved as part of the site plan submittal/review process.

External space for collection of solid waste and recyclable materials. Materials collected shall be consistent with the County's Solid Waste Management ordinance. Waste collection areas shall be located in such a manner as to provide convenient access for users of the facility and safe passage for service vehicles.

- iv. In those cases where storage/collection areas are located across property or district lines for shared areas, developer shall prepare and record a joint access agreement, including a shared storage/collection facility agreement, establishing the sharing of the proposed storage/collection facility and that they can be serviced across property lines or district lines.

This agreement shall be reviewed and approved by Orange County Solid Waste and representatives of the County Attorney's office;

- v. For food service and lodging operations, space shall be reserved for the storage/collection of food waste collection;
- vi. The layout and design of waste/storage facilities for solid wastes, recyclable materials (including corrugated cardboard), and food wastes shall comply with the standards and guidelines of Orange County Solid Waste Management (OCSW) and the Orange County Environmental Health Food & Lodging Division.

Further, such waste/storage facilities shall be designed and situated so not to negatively affect adjacent properties; and shall be located so not to impact internal traffic flow or located in loading zones.

- vii. The following standards notes shall be placed on all site plan(s) addressing compliance with the County's Regulated Recyclable Materials Ordinance (RRMO):
 1. Clean wood waste, scrap metal, and corrugated cardboard present in construction and demolition waste shall be recycled;
 2. All haulers of construction and demolition waste shall be licensed with OCSW;
 3. Prior to the issuance of a permit to demolish any structure five hundred (500) square feet or greater in size, the permittee or owner shall have requested and received a deconstruction assessment by OCSW Enforcement staff in accordance with the RRMO.
- viii. The following additional notes shall be provided on any submitted site plan:
 1. Gate design will include gate retainers.

2. Orange County will not be responsible for any pavement damage that may result from service vehicles.
 3. The developer shall reserve space within all solid waste collection areas for segregated grease rendering/recycling collection facilities and shall provide space for segregated food waste collection near the delivery entrance for any building that houses, proposes to include, or may at some future date incorporate a restaurant, cafeteria, bar, or other food service facility at any time.
 4. All solid waste containers, dumpsters, recycling bins, etc. shall be located within an enclosure, buffered in accordance with the standards contained herein, and meeting the following criteria:
 - a. Loading areas shall be designed and situated not to negatively affect adjacent properties.
 - b. Solid waste enclosures shall be so located as to not impact internal traffic flow,
 - c. Loading zones shall not be located within areas designated as housing for solid waste facilities.
- c. **Architectural Design:** In addition to the standards detailed in Section 6.5 of the UDO, the following specific standards shall apply to the Project:
- i. **Development Area 1:**
 1. Development shall abide by the information detailed in Exhibit 1 of the approved Application package.
 - ii. **Development Area(s) 2 through 5:**
 1. Permitted exterior finishes and/or siding materials shall be limited to:
 - a. Cement/concrete siding, such as Hardi-plank,
 - b. Brick and/or stucco,
 - c. Concrete in pre-cast or cast-in-place (CIP) applications.
 - i. Where utilized, large expanses shall be broken-up and modulated with architectural variations like scoring, reveals, ornamental embellishments, etc.
 - d. Concrete masonry units (CMU's) limited to:
 - i. Standard block, painted for service areas out of public view, rears of parapets, etc. OR
 - ii. Split-face and/or ground face CMU's

- e. Dry-stack and/or ashlar stone shall be permitted only when utilized as an identifying characteristic for a structure.
- f. All storefronts and glass walls shall utilize glazing. Reflective and/or mirrored glass is prohibited.

2. Roofs shall abide by the following standards:

- a. Roof design that serve to enhance the capture of natural light shall be encouraged;
- b. All rooftop HVAC equipment, elevator overrides, and other similar devises shall be screened utilizing 1 of the following methods:
 - i. Clad in exterior materials that are non-reflective or illuminated, OR
 - ii. Designed as an architectural feature of the proposed structure, OR
 - iii. Screened through some vegetative buffer or fencing.
- c. Solar panels shall be allowed to be installed along roof tops, including raised panels to allow for tracking of the sun's rays, in accordance with the following:
 - i. The panels shall oriented or designed to prevent glare, and
 - ii. Roof mounted panels shall be screened from view at through an architectural feature.
 - iii. Metal roofs shall be non-reflective and designed to blend in with the architecture of the building.
- d. Ground mounted solar shall be screened from view by fencing or vegetative buffer.
- e. Sloped standing seam metal roofs shall be permitted as long as they are designed to blend in with the architecture of the building and the district,
- f. Flat roofs comprised of TCP, EPDM, rubber single-ply membrane and other similar products shall be permitted as long as the applicant demonstrates that the roof shall be hidden or shielded from the public's street view through the use of parapets, railings, or balusters.

3. Service Areas & Mechanical Equipment shall be screened from the adjoining Public Roads with walls designed to complement the building architecture of the adjacent buildings and/or landscaping. Architectural features such as, but not limited to, banding, medallions, changes in color or design features or materials will be provided to avoid a sterile, unarticulated blank treatment of such walls;
 4. Screening of Structures. Meter banks, transformers and similar utility structures will be screened where visible from public view at grade level;
 5. Backflow Preventers. Above ground back flow preventers and transformers will not be located within the Open Space Areas or within the required Urban Open Space unless they are required to serve the Open Space Areas in which they are located. Above ground back flow preventers and transformers that are located within the Open Space Areas as allowed by this Section will be screened;
 6. Mechanical Equipment Screening. Roof top HVAC and related mechanical equipment will be screened from public view at grade level at the right-of-way location;
 7. Dumpster Screening. Dumpster areas and recycling areas will be enclosed by a solid wall or fence with one side being a decorative gate. The wall or fence used to enclose the dumpster will be architecturally compatible with the building materials and colors used on the principal building;
 8. Accessory Buildings. Any and all accessory buildings and enclosures whether attached to or detached from the main building, including automatic teller machines, shall be designed to complement the site architecture and shall be integrated with the same scale, texture, color and detailing of adjacent architectural design;
 9. The applicable components of the Project will comply with applicable provisions of the ADA;
 - 10 Any required deviation to address NCDOT drive slope requirements shall be limited to occur along access drives and/or between individual districts to avoid internal tract slope conflict creating accessibility issues.
- iv. Development Area 6: Development within this area shall be consistent with County architectural guidelines.
- d. **Landscaping/Buffering:** In addition to the standards contained in Section 6.8 of the UDO, the following specific standards shall apply to the Project:

- i. All required landscaping shall be installed and maintained by the developer or their successor in perpetuity;
- ii. Existing vegetation shall be preserved, where possible, in identified buffer areas as indicated on the approved Master Concept Plan. If existing vegetation is utilized, a minimum of fifty percent (50%) of the critical root zone of the existing tree must be within the buffer and must remain undisturbed in order to apply towards land use buffer standards;
- iii. If a portion of any land use buffer must be disturbed to facilitate development, the disturbed portion shall be re-planted consistent with the approved Landscape Buffer Plan (Sheet C-6.0) of the Master Plan;
- iv. Landscaping shall comply with the following:

Buffer Type (denoted on Master Concept Plat)	Planting(s) – per 100 linear ft.	
10' or 20' Type A Mixed Option	<ul style="list-style-type: none"> • 1 Deciduous Canopy Tree • Deciduous Understory Tree • 2 Evergreen Understory Trees • 13 Shrubs 	
40' Type C Overhead Utility Option	<ul style="list-style-type: none"> • 7 Deciduous Understory Trees • 5 Evergreen Understory Trees • 30 Shrubs 	
40' Type C Mixed Option	<ul style="list-style-type: none"> • 3 Deciduous Canopy Trees • 1 Evergreen Canopy Tree • 2 Deciduous Understory Trees • 5 Evergreen Understory Trees • 40 Shrubs 	
40' Type B Deciduous Option	<ul style="list-style-type: none"> • 2 Deciduous Canopy Trees • 2 Deciduous Understory Trees • 12 Shrubs 	
Enhanced 40' Type D Mixed Option	<ul style="list-style-type: none"> • 6 Deciduous Canopy Trees • 1 Evergreen Canopy Tree • 4 Deciduous Understory Trees • 9 Evergreen Understory Trees • 70 Shrubs • 6 ft. tall fence erected at the 	

	edge of landscaping	
100' Type F Deciduous Option	10 Deciduous Canopy Trees 13 Deciduous Understory Trees 80 Shrubs	
200' Type F Deciduous Option	10 Deciduous Canopy Trees 13 Deciduous Understory Trees 80 Shrubs	

- v. **Planting Requirements – Street Trees.** All required street trees will be installed along existing and proposed public streets, not including alleys, when above and below ground utilities and stormwater infrastructure allow as shown on the Landscape Buffer Plan (Sheet C6.0) included in the Rezoning Plan. Street trees shall be at least 1½ inches in caliper at time of planting. Canopy trees required as part of land use buffers may also be applied towards the Street Tree requirement.
- vi. **Planting Requirements – Between Lot Plantings:** Between lot plantings will not be required on any Development Area except as shown as shown on the Landscape Buffer Plan (Sheet C6.0) included in the Rezoning Plan.
- vii. **Planting Requirements – Foundation Plantings:** The required foundation plantings shall be in accordance with the following:
1. **Development Area 1:** Plantings will be provided within proximity to all buildings using the following standards:
 - a. Landscape islands will be directly adjacent to the primary sidewalks to each building. Total square footage provided for all landscape islands will be equivalent to 5 feet times the total length of the three primary sides (excluding the rear) of all buildings. Landscaping will not be placed in direct proximity to the building foundation due to safety and foundation infiltration concerns.
 2. **Development Areas 2 – 6:** Landscape area at least five feet (5') wide for a minimum of fifty percent (50%) of the primary frontage side of the building.
- viii. **Interior landscaping shall be consistent with the following:**
1. **In-general:**
 - a. Unless otherwise modified herein, parking lot landscaping shall be provide consistent with Section 6.8.7 (d) (2) of the UDO;

- b. Shade trees shall be provided at a ratio of one (1), one and one half-inch (1.5") minimum caliper tree for every ten (10) car parking spaces; Caliper size is measured at the time of planting;
- c. No more than ten parking spaces shall be permitted in any single continuous row without being interrupted by a terminal landscape island except when directly adjacent to a building.

No terminal landscape islands will be required for the first row of parking spaces when directly adjacent to any side of any building;
- d. When required, terminal landscape islands will be a minimum of 200 square feet and may include pavers and / or decorative stone within the required 200 square feet of the landscape island;
- e. Each terminal landscape island will be planted with a minimum of one canopy tree, as well as shrubs and / or ground cover.

2. Development Area 1:

- a. No landscape area shall be provided between the vehicular use areas and the right of way or adjacent property line except as shown on the Landscape Buffer Plan (Sheet C6.0) included in the Rezoning Plan. Plantings required as part of the Land Use Buffers may be used to satisfy this requirement;¹⁶

3. Development Areas 2 through 6:

- a. A landscape area at least five feet in width (which may include drainage and/or utility easements) shall be installed within parking areas. Plantings required as part of the Land Use Buffers may be used to satisfy this requirement.¹⁷
- ix. Rainwater harvesting shall be encouraged to serve as irrigation for landscaping including the use of all regional stormwater ponds developed within the Project.

¹⁶ Staff recommends a 10 ft. vegetated buffer shall be provided between vehicular use areas, including parking stalls, and internal access roads. These areas should exclude drainage/utility easements. Also this language contradicts applicant's recommended condition(s) on encouraging/promoting internal landscaping.

¹⁷ IBID.

- x. The Project shall comply with the provisions of Section 6.6.4 of the UDO related to preservation of required buffers within the Major Transportation Corridor (MTC) overlay district. This includes the ability to create visual breaks in the buffer in accordance with Section 6.6.4 (A) (5).
- g. **Parking:** In addition to the standards contained in Section 6.9 of the UDO, the following specific standards shall apply to the Project:
 - i. Space(s) shall be required based on the following standard(s):
 1. Retail: 1 space for every 300 sq.ft. of gross floor area;
 2. Bank/Financial Institution: 1 space for every 200 sq.ft. of gross floor area. 5 stacking spaces shall be provided per individual drive-in window;
 3. Office: 1 space for every 300 sq.ft. of gross floor area;
 4. Eating and Drinking Establishment: 1 space for every 40 seats or 1 space for every 50 sq.ft. of floor area for public use whichever is greater;
 5. Short-Term Rental Non Host Occupied: 1 space per room plus 1 space per shift employee;
 6. Manufacturing: 1 space per 1,000 sq.ft. of floor area.
 - ii. Car wash: there will be stacking/storage space provided to accommodate a minimum of 10 vehicles waiting for access to the proposed car wash facility.
- h. **Signage:** In addition to the standards contained in Section 6.12 of the UDO, the following specific standards shall apply to the Project:
 - a. In general:
 - i. Signs or marketing of any kind are prohibited within the common areas/open space of the Project;
 - ii. In addition to the requirement of Section 6.12.7 of the UDO, sign submittals shall include a photo of the actual building exterior and a rendering with the proposed sign superimposed same;
 - iii. All signs shall be internally illuminated;
 - iv. Window signs or graphics of shall be limited to 25% of the window surface as defined from floor to ceiling.
 - b. Specific sign limits:
 - i. Development Area 1:
 1. Freestanding Sign:
 - a. Maximum Number: 1

- b. Maximum Height: 80 ft. from natural grade;¹⁸
- c. Maximum Width: 22 ft.;
- d. Maximum Size of Sign: 470 sq.ft. further broken down as follows:
 - i. Logo: 380 sq.ft.
 - ii. Cabinet: 90 sq.ft.

2. Monument Sign:

- a. Maximum Number: 1
- b. Maximum Height: 8 ft. from natural grade;
- c. Maximum Width: 13 ft.;
- d. Maximum Size of Sign: 65 sq.ft.

3. Wall Sign – Retail Center:

- a. Maximum Number: 3
- b. Maximum Height: N/A;
- c. Maximum Width:
 - i. Logo: 9 ft;
 - ii. Sign Cabinet: 7 ft.
- d. Maximum Size of Sign:
 - i. Logo 64 sq.ft.
 - ii. Cabinet: 206.5 sq.ft.

4. Wall Sign – Car wash:

- a. Maximum Number: 4
- b. Maximum Height: N/A;
- c. Maximum Width:
 - i. Logo: 5 ft;
 - ii. Sign Cabinet: 20 ft.
- d. Maximum Size of Sign:
 - i. Logo 25 sq.ft.
 - ii. Cabinet: 52 sq.ft. per sign.

ii. Development Areas 2 through 6:

1. Monument Sign:

¹⁸ Staff has heard concerns from BOCC members the sign height is too high. Staff is asking for direction on appropriate height and size for the Project.

- a. Maximum Number:
 - i. 2 signs in Development Area(s) 2 and 3;
 - ii. 1 sign in Development Area 4;
 - iii. 3 signs in Development Area 5
 - b. Maximum Height: 20 ft. from natural grade;
 - c. Maximum Width: 16 ft.;
 - d. Maximum Size of Sign Panel Area: 240 sq.ft.;
2. Wall Sign:
- a. Multi-tenant Building:
 - i. Maximum horizontal length or span of sign shall not exceed 80% of the width of the usable, one surface storefront of a particular Tenant's space;
 - ii. Sign shall not exceed 64 square feet in area;
 - iii. If the width of the storefront contains more than one building/facade material, the Tenant shall use only one building/facade material width to determine 80%;
 - iv. No sign may cover two different façade surfaces.
 - b. Single-tenant Building:
 - i. One wall sign per building façade;
 - ii. Allowable sign area shall not exceed 1 square foot of sign area per 1 foot of building length of each façade up to a maximum size limit of 64 square feet;
 - iii. No sign may cover two different façade surfaces.
3. Directional Sign:
- a. Limited to necessary information for patrons (e.g. entrance/exit, directional, one-way)
 - b. May not exceed 4 square feet in sign area
 - c. May not exceed 4 feet in height
 - d. Maximum of four (4) per building within any particular Development Area

4. Temporary Real Estate, Construction, and Financing Signs:
 - a. No sign shall exceed 24 square feet in area
 - b. No more than two (2) signs per building site
 - c. Construction and Financing Signs must be removed within 10 days of receipt of certificate of occupancy for any one building site.
- i. **Lighting:** In addition to the standards contained in Section 6.9 of the UDO, the following specific standards shall apply to the Project:
 - i. All lighting shall be full-cut off fixtures;
 - ii. Lighting in parking areas shall observe a height limit of 36 ft.;
 - iii. All lighting shall comply with maximum foot-candle limits at property lines as noted in Section 6.11.6.A of the UDO. There shall be no net increase in existing lighting levels along the Interstate 85/40 on/off ramp beyond existing lighting installed and maintained by NC DOT;
 - iv. Lighting within the Project shall abide by the standards detailed in Section 6.11.8 of the UDO.
- i. **Stream Buffers:** The Project shall comply with the provisions of Section 6.13 of the UDO.
- j. **Stormwater regulations:** The Project shall comply with the provisions of Section 6.14 of the UDO.¹⁹

A Master Stormwater Management Plan (SMP) shall be developed to address stormwater runoff for the entire development even though individual parcels may be responsible for installing stormwater control measures (SCMs). Stormwater facilities will be designed to meet current Ordinances with the development of each individual Development Area within the Project.

Nitrogen and Phosphorus load contributions leaving the site must be held to 2.20 lbs per acre per year and 0.33 lbs per acre per year respectively. These standards shall be met via offset payments (nutrient buy-down payments) and/or on-site SCMs consistent with State law and the UDO.
- k. **Erosion Control regulations.** The Project shall comply with the provisions of Section 6.15 of the UDO.
- l. **Flood regulations:** The Project shall comply with the provisions of Section 6.21 of the UDO.²⁰

¹⁹ As detailed in the December 15, 2020 staff abstract, staff has recommendation(s) on the imposition of additional conditions associated with stormwater management.

²⁰ At this time there are no identified floodplains on the Property.

VI. PERMITTED AND PROHIBITED LAND USES:

- a. Permitted Uses: Shall be limited to those identified uses consistent with existing definitions contained within the UDO.
 - i. Development Area 1: Approximately 26.59± acres in area developed within Phase I of the Project. Permitted uses shall be limited to:
 1. Motor Vehicle Service Station limited to no more than 60 gas dispensers with a maximum of 120 fueling stations.^{21, 22}
 2. Retail and Eating and Drinking Establishment uses subject to the following conditions:
 - a. Located within a single structure no more than 70,100 sq.ft. in area;
 - b. Accessory use shall be limited to a car wash.
 - ii. Development Area 2: Approximately 17.07 ± acres in area developed within Phase 2 of the Project. Permitted uses shall be limited to:
 1. Eating and Drinking Establishments limited to 32,000 sq.ft. of building area;
 2. Retail uses limited to 30,000 sq.ft. of building area; and
 3. Office and Financial Services uses limited to 4,000 sq.ft. of building area.
 - iii. Development Area 3: Approximately 3.88 ± acres in area developed within Phase 2 of the Project. Permitted uses shall be limited to:
 1. Eating and Drinking Establishments limited to 8,000 sq.ft. of building area; and
 2. Retail Uses limited to 16,000 sq.ft. of building area
 - iv. Development Area 4: Approximately 3.84 ± acres in area developed within Phase 2 of the Project. Permitted uses shall be limited to:
 1. Short-Term Rental- Non-Host Occupied.

²¹ The applicant has indicated the need for the proposed individual fuel pumps is that motorists will stop to fuel their cars then go into the retail center for a prolonged period of time thereby limiting access to the fuel pump. Staff has heard numerous concerns from adjacent property owners related to the number of proposed pumps as well as the storage tanks necessary to support same.

²² The applicant will be providing a schematic for inclusion within the conditions detailing what a fueling station will look like.

v. Development Area 5: Approximately 21.05 ± acres in area developed within Phase 2 of the Project. Permitted uses shall be limited to:

1. Medical Uses;
2. Office and Financial Service;
3. Manufacturing, Assembly, Processing and Distribution Uses-Food Uses;
4. Manufacturing, Assembly, Processing and Distribution Uses-Other Uses limited specifically to Research Facility with Manufacturing,

totaling no more than 150,000 square feet in approximately four (4) buildings.

vi. Development Area 6: Approximately 1.62± acres directly adjacent to the railroad tracks. This area will be reserved for development by others to support area transit. No buildings or parking are planned for this site as a part of the Project. Bus/Rail Passenger Shelters are permitted.

b. With the exception of Development Area 1 (Travel Center), Area 4 (Short-term Rental Non-Host Occupied), and Area 6 land uses/building square footage allotments can be transferred between development areas 2, 3, and 5.

c. Prohibited Uses:

- i. No Eating and Drinking establishment with a drive-thru facility shall be permitted to be developed on the Property except as follows:
 1. A take-out window shall be permitted for picking up pre-ordered food.
- ii. Except for Development Area 1, no Motor Vehicle Service Station, including but not limited to gas station, convenience store/gasoline sales uses, shall be allowed on the Property. For the purposes of this provision, the term “gasoline sales” shall include petroleum, ethanol, diesel or other motor vehicle fuels;²³
- iii. The following Manufacturing, Assembly, Processing and Distribution Uses – Food land uses are expressly prohibited:
 1. Animal Feed Preparation, Manufacturing, Packaging, and Distribution;
 2. Animal Slaughtering and Processing, Packaging and Distribution;

²³ This condition means the only Motor Vehicle Service land use (i.e. gas station) developed within the Project shall be in Development Area 1.

3. Seafood Preparation, Packaging and Distribution;
 4. Starch, Vegetable Fats and Oils Manufacturing;
 5. Tobacco Processing, Preparation, Packaging and Distribution.
- iv. All Manufacturing, Assembly, Processing and Distribution Uses – Other land uses are expressly prohibited except for Research Facility with Manufacturing land uses.
 - v. The following Medical Uses are expressly prohibited:
 1. Hospital; and
 2. Veterinary Hospital.
 - vi. The following Office and Financial Services Uses are expressly prohibited:
 1. Building/Trade contractor offices with external equipment storage; and
 2. Pawnshop/ payday loan services.
 - vii. All Automotive/Transportation Uses are prohibited with the exception of:
 1. Motor Vehicle Service limited to development within Development Area 1; and
 2. Bus/Rail Passenger Shelters.
 - viii. All Service Uses are prohibited with the exception of:
 1. Eating and Drinking Establishments;
 2. Car Wash as a customary accessory use to a Motor Vehicle Service land use limited to Development Area 1; and
 3. Short-Term Rental- Non-Host Occupied limited to development within Development Area 4.

VII. UTILITIES:

- a. Development within the Project shall be served by utility systems provided and maintained by:
 - i. Public water - Orange Alamance Water System (OAWS)
 - ii. Sewer services – City of Mebane

Additional and/or alternative water and/or wastewater systems shall not be permitted.

- b. A written, signed agreement between a developer, Orange County, and the aforementioned utility providers shall be executed describing the timing, phasing, design, and financing of public water distribution and public sanitary sewer collection mains;

- c. Water systems and water pressure shall comply with all applicable OAWS utility standards, building, and fire codes based on the proposed land use;
- d. Sizing/looping of utility lines shall be based on the proposed development, including water flow test data and shall be reviewed and approved by County staff and appropriate utility entity;
- e. Fire-flow test(s) of all installed hydrants shall be conducted, in coordination with OAWS and Orange County Emergency Services, to ensure compliance with applicable State Fire Code standards.

VIII OTHER:

- a. Structures erected within the Project shall be designed to allow for incorporation of solar infrastructure installation on rooftops or in adjacent areas.
- b. Electric Vehicle Charging Stations:
 - i. A paved EV charging station area serving no less than ten (10) vehicles including the required electrical conduit system will be constructed within Development Area 1, (completion of the charging station installation would occur at Applicant's sole discretion)
 - ii. EV charging stations will be encouraged within other Development Areas provided that such facilities shall be ancillary to a principal land use and as a service to patrons or employees
- c. Consideration of L.E.E.D certified practices for components of the Project where feasible

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 _____, 2021.

I, Greg Wilder, Interim 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 _____, 2021 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 _____, 2021.

SEAL

Clerk to the Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No. 8-b**

SUBJECT: Second Reading: Emergency Services Franchise by Ordinance Priority Care Ambulance

DEPARTMENT: Emergency Services

ATTACHMENT(S):

Priority Care Franchise Agreement
Franchise Certificate

INFORMATION CONTACT:

Dinah Jeffries, Emergency Services
Director (919) 245-6123
Kim Woodward, Emergency
Medical Services EMS Operations
Manager (919) 245-6133

PURPOSE: In follow up to First Reading Approval at the December 7, 2020 Business meeting, to approve on Second Reading the granting of a Franchise by Ordinance to Priority Care Ambulance Inc. (Priority Care) and the Franchise Agreement under which they will operate. Approval on "Second Reading" is based on State law requirements that a franchise by ordinance pass two readings in order to be granted by the Board of Commissioners.

BACKGROUND: On February 2, 2010 the Board held a Public Hearing to determine the need for supplemental ambulance services in accordance with North Carolina General Statute § 153A-250(a). At that time, the Board made the determination that franchise ambulance services were necessary to assure the provision of adequate and continuing ambulance service. State law requires that the Board of County Commissioners grant franchise agreements through County ordinance. The ordinance is required to pass two readings in order to be granted.

Orange County has historically granted franchise agreements for convalescent transport and emergency ambulance services and for rescue service. The convalescent transport ambulance services franchises are only used to provide non-emergency convalescent transport to medical facilities typically for the care and treatment of a resident's long term health needs. Franchisees may also provide surge capacity in a basic life support (BLS) capacity during a widespread emergency that stresses the capacity of Orange County Emergency Medical Services. Orange County Emergency Services provides all other emergency response services for basic and advanced life support (ALS) needs in the County.

Emergency Services has reviewed the overall Emergency Services System in the County to confirm that franchise services continue to be necessary to assure the provision of adequate and continuing ambulance services and to preserve, protect, and promote the public health, safety and welfare. As a result, the Department is recommending four franchises for ambulance service and one for rescue service.

The Department has identified the following services as necessary to supplement and enhance the ambulance services within the Emergency Services System and to the residents of the Orange County. The services are:

Convalescent Transport Services

- ALS Transport
- BLS Transport

Emergency Services

- BLS Transport
- Medical Responder Non-transport
- EMT Non-transport

Rescue Services

- Confined Space
- Extrication
- Heavy Rescue
- High/Low Angle
- Swift Water
- Trench Collapse
- Underwater
- Wilderness Search & Rescue

Priority Care has applied for Orange County Franchise under the 2010 Franchise Ordinance. The application indicates Priority Care is applying to provide the following services:

- Convalescent Transport Services, BLS Transport
- Emergency Services, BLS Transport

Priority Care is headquartered in Raleigh, North Carolina, has been in service for five years. They currently service the Wake County area and are looking for expansion in Orange County. Priority Care provides approximately 1400 scheduled Basic Life Support (BLS) transports annually in Wake County. Priority Care employs 17 EMS providers and operate a fleet of 6 ambulances. Priority Care has a professional management team and provides exceptional customer service. There have been no reported issues with their level of service in Wake County.

Priority Care has been contacted by UNC Hospitals, and a few Orange County Assisted Living Centers to provide scheduled ambulance transportation for patient discharges, doctor's appointments and medical procedures.

Emergency Services has reviewed the application, in conjunction with NC State Office of Emergency Medical Services, submitted by Priority Care and inspected the premises, vehicles, equipment, and personnel of the company to assure compliance with the ordinance. The North Carolina General Statutes provides also that the Board prior to granting a franchise must "find that the franchise applicant is in compliance with Chapter 131E, Article 7."¹ Emergency Services has concluded that the company is in compliance with Chapter 131E, Article 7 that regulates emergency services permits to operate ambulances, standards for equipment, inspection of equipment and credentialed personnel.

Staff is recommending that Priority Care be granted a Franchise to operate within the confines of the attached Franchise Ordinance. The terms of this Franchise Ordinance provides for a five year franchise for the following:

Convalescent Transport Services

- Basic Life Support Transport Services

¹ N.C. Gen. Stat. 153A-250(a).

Emergency Services

- BLS Transport Services

The terms outlined in the Franchise Agreement have been negotiated and are consistent with the terms of An Ordinance Regulating Emergency Medical, First Responder and Rescue Service and Granting of Franchise and Contracts to the Operators In the County of Orange and its' amendments.

FINANCIAL IMPACT: Priority Care is a private provider of ambulance services and maintains an independent budget. There is no financial impact to the County.

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:

1. On Second reading grant a franchise for a five year term to Priority Care Ambulance, Inc. for Basic Life Support Convalescent Transport Services and Emergency Services as provided below:
 - a. Convalescent Transport Services
 - Basic Life Support Transport Services
 - b. Emergency Services
 - Basic Life Support Transport Services
2. Approve the Franchise Agreement under which Priority Care Ambulance, Inc. will operate during the five year period of franchise. As a condition of granting the Franchise within the 90 days of the granting of the Franchise, Priority Care will enter into an Operations Agreement with Orange County that provides for the daily operational functions within the Orange County Emergency Services System.
3. Authorize the Chair to sign the Franchise Agreement after review by the County Attorney Office.

Priority Care Ambulance, Inc. Franchise Ordinance

An Ordinance granting a non-exclusive Franchise (“hereafter Franchise”) to Priority Care Ambulance, Inc., (“the Grantee”) to operate Convalescent Basic Life Support Transportation Services in Orange County, North Carolina.

WHEREAS, Orange County (“the Grantor”), desires to assure the availability of Convalescent Basic Life Support Transportation Services within the County;

WHEREAS, the Grantor has, following reasonable notice, and after consideration, analysis and deliberation conducted public proceedings, during which proceedings the technical ability, financial condition, legal qualifications and general character of the Grantee were determined to be acceptable to receive a Franchise to conduct its Convalescent Basic Life Support Transportation Services;

WHEREAS, the Grantor has determined that Grantee is entitled to have a non-exclusive Franchise granted, that a need exists for the Convalescent Basic Life Support Transportation Services contemplated herein to improve the level of services available to residents of Orange County, helping to assure the provisions of adequate and continuing services which preserves, protects, and promotes the public health safety and welfare, and that granting a Franchise to the Grantee is a cost effective and reasonable manner of meeting the need;

WHEREAS, the Grantee desires to operate Convalescent Basic Life Support Transportation Services within the Grantor’s jurisdiction;

WHEREAS, the proposed Convalescent Basic Life Support Transportation Services will fit within the existing services provided by the Orange County Emergency Services System so as not to adversely affect the level of services or operations of other Franchisees to render service; and

WHEREAS, the procedures of N.C. Gen. Stat. §153A-250, §153A-45, and §153A-46 have been complied with.

NOW THEREFORE, the parties agree as follows:

Section 1. Nature and Term of Grant

- a. The Grantor hereby grants the Grantee a non-exclusive Franchise to operate and maintain Convalescent Basic Life Support Transportation Services (be an EMS Services provider) in the Franchise District upon the terms and conditions set forth herein.
- b. The Franchise granted herein is for a term of five (5) years from the effective date of the Franchise, which shall begin on the first day following the date of

acceptance by the Grantee of the Franchise terms and conditions set forth herein.

Section 2. Definitions

The following words, terms and phrases, when used in this Franchise, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a. **Ambulance.** The term “ambulance” means any privately or publicly owned motor vehicle, aircraft, or vessel that is specifically designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways, or airways of this State of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.
- b. **Ambulance Provider.** The term “ambulance provider” means an individual, firm, corporation, or association who engages or professes to engage in the business or services of transporting patients in an ambulance.
- c. **Approved.** The term “approved” shall mean approved by the North Carolina Medical Care Commission pursuant to the latter’s rules and regulations promulgated under N. C. Gen. Stat. §143B-165.
- d. **Advisory Committee or Committee.** The term “Advisory Committee” or “Committee” shall mean the Orange County Emergency Medical Services Committee which is the technical advisory committee designated by the Board of County Commissioners with respect to emergency medical services in Orange County.
- e. **Contract.** The term “contract” shall mean the instrument by which both parties agree to the terms of operation of the service to be provided.
- f. **Convalescent Transportation Services.** The term “convalescent transportation service” shall mean the operation of an ambulance for any purpose other than transporting emergency or emergent patients.
- g. **County.** The term “County” shall mean Orange County and its Board of Commissioners or their designated representative(s).
- h. **Emergency.** The term “emergency” or “emergency transportation services” shall mean the use of a service, its equipment and personnel to provide medical care, rescue, and/or transportation of a patient who is in need of immediate rescue or medical treatment in order to prevent loss of

life or further aggravation of physiological or psychological illness or injury.

- i. Emergency Services System or ESS. Emergency Services System or “ESS” shall mean a coordinated arrangement of local resources under the authority of the Emergency Services Director (including all agencies, personnel, equipment, and facilities) organized to respond to medical emergencies and integrated with other health care providers and networks including public health, community health monitoring activities, and special needs populations.
- j. Emergency Medical Dispatcher or Telecommunicator. The term “emergency medical dispatcher” or “telecommunicator” shall mean an emergency telecommunicator who has completed educational requirements and been credentialed by the Department of Health and Human Services as an emergency medical dispatcher and who is available to receive requests for emergency services, to dispatch emergency services, and to advise local law enforcement agencies, fire departments, rescue squads, first or medical responder units and emergency medical services and facilities of any existing or threatened emergency.
- k. Emergency Medical Services. “Emergency Medical Services” or “EMS” means services rendered by emergency medical services personnel in responding to improve the health and wellness of the community and to address the individual’s need for emergency medical care within the scope of practice as defined by the North Carolina Medical Board, in accordance with G.S. 143-514, and the Orange County Medical Director in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.
- l. Emergency Medical Services Instructor. “Emergency Medical Services Instructor” means an individual who has completed educational requirements approved by the Department of Health and Human Services and has been credentialed by that Department as an emergency medical services instructor.
- m. Emergency Medical Services Peer Review Committee. Emergency Medical Service Peer Review Committee means a panel composed of EMS program representatives responsible for analyzing patient care data and outcome measures to evaluate the ongoing quality of patient care, system performance, and medical direction within the EMS system. The committee may include physicians, nurses, EMS personnel, medical facility personnel and county government staff as determined by the Emergency Services Director in consultation with the County Medical Director.

- n. Emergency Medical Technician (EMT). The term “emergency medical technician” means an individual who has completed a training program in emergency medical care that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the Medical Care Commission, has been certified as an EMT by the State of North Carolina Office of Emergency Medical Services, and approved by the County Medical Director to perform services as an EMT in the Orange County EMS system.
- o. Emergency Medical Technician – Intermediate (EMT-I). The term “emergency medical technician - intermediate” means an individual who has completed a training program in emergency medical care at the intermediate level that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the Medical Care Commission, has been certified as an EMT - Intermediate by the State of North Carolina Office of Emergency Medical Services, and approved by the County Medical Director to perform services at the EMT-Intermediate level in the Orange County EMS system.
- p. Emergency Medical Technician – Paramedic (EMT-P). The term “emergency medical technician - paramedic” means an individual who has completed a training program in emergency medical care at the paramedic level that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the Medical Care Commission, has been certified as an EMT-Paramedic by the State of North Carolina Office of Emergency Medical Services, and approved by the County Medical Director to perform services as an EMT-Paramedic in the Orange County EMS system.
- q. Emergency Services Director. The term shall mean the person designated by the Orange County Board of Commissioners to manage the overall Emergency Services System in Orange County.
- r. First Responder. The term “first responder” shall mean an organization with personnel trained in emergency medical care that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.
- s. Franchise. The term “franchise” shall mean a permit issued by the County to a person for the operation of an ambulance service, rescue squad or first responder unit.

- t. Franchisee. The term “franchisee” shall mean any person having been issued a franchise by the County for the operation of an ambulance service, rescue squad or first responder unit.
- u. Inspection. Inspection shall mean the physical review of buildings and facilities, vehicles, equipment, supplies, storage, repair and maintenance areas, records and any related materials.
- v. License. The term “license” shall mean any driver’s license or permit to operate a motor vehicle issued under or granted by the laws of the State of North Carolina.
- w. Medical Responder. “Medical Responder” shall mean an individual who has completed an educational program in emergency medical care and first aid approved and credentialed by the Department of Health and Human Services as a medical responder and the Orange County Medical Director to operate in Orange County EMS.
- x. Medical Director. “Medical Director” shall mean the physician appointed, either directly or by written delegation, by the County and have the responsibilities as provide by 10A NCAC 13P .0403 and 10A NCAC 13P .0404. The County may, in addition, appoint an assistant medical director. The medical director and the assistant medical director shall meet the criteria defined in the “North Carolina College of Emergency Physicians: Standards of Medical Oversight and Data Collection,” which is incorporated by reference in accordance with N.C. Gen. Stat. §150B-21.6, including subsequent amendments and editions.
- y. Non-Emergency Transportation Services. The term “non-emergency transportation service” shall mean the operation of an ambulance for any purpose other than transporting emergency or emergent patients.
- z. Operation Protocols. “Operation Protocols” shall mean the administrative policies and procedures of EMS that provides guidance for the day-to-day operations of the system.
- aa. Operator. The term “operator” shall mean a person in actual physical control of an ambulance or rescue service vehicle which is in motion or which has the engine running.
- bb. Owner. The term “owner” shall man any person or entity who owns an ambulance or provides a service covered by this Ordinance.
- cc. Patient. The term “patient” shall mean an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for

some medical assistance might be anticipated while being transported to or from a medical facility.

- dd. Person. The term “person” shall mean any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.
- ee. Practical Examination. “Practical Examination means a test where an applicant for credentialing as an emergency medical technician, or medical responder, emergency medical technician – intermediate, or emergency medical technician – paramedic demonstrates the ability to perform specified emergency medical care skills.
- ff. Rescue. The term “rescue” shall mean the removal of individuals facing external, non-medical, and non-patient related peril to areas of relative safety.
- gg. Rescue Squad or Rescue Unit. The term “rescue squad” or “rescue unit” shall mean a group of individuals who are not necessarily trained in emergency medical services, fire fighting, or law enforcement, but who expose themselves to an external, non-medical, and non-patient related peril to effect the removal of individuals facing the same type of peril to areas of relative safety.
- hh. Secondary Ambulance Provider. The term “secondary ambulance provider” shall mean the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.
- ii. Service. The term “service” shall mean the same as owner.
- jj. Treatment Protocols. “Treatment Protocols” shall mean a document approved by the medical director and the Office of Emergency Medical Service specifying the diagnostic procedures, treatment procedures, medication administration, and patient-care-related policies that shall be completed by emergency service personnel based upon the assessment of the patient.
- kk. Victim. The term “victim” shall mean any patient or potential patient that is entrapped, entangled pinned, fallen, suspended, or otherwise in need of rescue services.

Section 4. General Responsibilities

- a. Grantee is authorized under this Franchise to operate the following types of service(s), the combination of which shall constitute Grantee's "EMS Services for the purposes of this Franchise, and subcategories under which they can operate shall be identified in the "Operation Agreement" to be entered into by the Franchisee and the County within 90 days after acceptance of the Franchise permit.
 - i. Convalescent Basic Life Support Transport Services - Primary
 - ii. Emergency Services Basic Life Support Transport Services – Surge Coverage Only

- c. Grantee shall comply at all times with the requirements of "An Ordinance Regulating Ambulance, Emergency Medical, First Responder And Rescue Service And Granting Of Franchise And Contracts To The Operator In The County Of Orange ("EMS Franchise Ordinance"), this Franchise Agreements, the Operations Agreement, and all applicable laws relating to health, sanitation, safety, equipment, ambulance design or other EMS Services vehicle design and all legal requirements related to a Model EMS System and all other laws and ordinance;
 - a. Grantee shall maintain in good standing its state and local Drivers and Privilege license (s) to operate its ambulance or other EMS Services as provided for by Law.
 - b. Establish and maintain appropriate and effective professional working relationships with all public health, public safety, and emergency services organization and personnel.
 - c. Professional working relationships shall be cooperative and collaborative in nature.
 - d. Maintain neat, clean, and professional appearance of personnel, equipment and facilities.

Section 5. Scope of Service and Service Area

- a. Grantee shall operate its EMS Services, 24 hours per each and every day of the calendar year, within the Franchise District specified in Exhibit A, except when a different or additional service area is provided for herein.
- b. Grantor may from time to time alter, and at its sole discretion, amend Exhibit A and the service area of the County that constitute (s) the Franchise District.

- c. Grantor shall at all times during the terms of the Franchise provide the highest level of care to all residents within the service area of the Franchise District.

Section 6. The Orange County Emergency Services System (“ESS”) Plan

- a. Grantee shall comply with the Grantor’s official written ESS System Plan for the management and deployment of EMS Services Vehicles within the Franchise District and, additionally, within other service areas pursuant to the EMS System Mutual Aid Plan and any cooperative agreement to continue services in service areas where Franchisees’ EMS System franchises has been suspended.
- b. Grantee shall keep at its place a business at all times the most current copy of the ESS System Plan.

Section 7. Staffing and Performance Requirements

- a. Grantee shall comply with the scope of practice rules promulgated by the North Carolina Medical Board pursuant to law regarding the medical skills and medication that may be used by credentialed emergency medical services personnel at each level of patient care.
- b. Grantee shall comply with standard for drivers and attendants developed by the North Carolina Medical Care Commission as requirements for certification of emergency medical technicians pursuant to law, rules and regulations promulgated by the Board of Medical Examiners for advanced life support technicians, which is incorporated in this subsection by reference.
- c. No staff of Grantee shall drive an ambulance vehicle, attend a patient, or permit an ambulance to be operated when transporting a patient within the County unless the driver holds a currently valid North Carolina Drivers license and currently valid credentials as an EMT, EMT-I or EMT-P issued by the North Carolina Department of Health and Human Services, Office of Emergency Medical Services. Notwithstanding the foregoing, in an exceptional circumstance when an EMT, EMT-I, or EMT-P is not available, for the purpose of driving only or when providing Non-Transport Service an approved firefighter, First or Medical Responder, Rescue Services Provider or law enforcement officer with a currently valid North Carolina drivers license may drive an ambulance, provided such driver does not attend a patient or victim or does not otherwise provide medical services to a patient or victim.
- d. Grantee shall comply with the Grantor’s official written EMS System Plan for the use of credentialed EMS personnel for all of the authorized

Practice Settings. Any agreement between Grantee and a third party to provide special events coverage is subject to pre-approval in writing by the Grantor, which approval shall not be reasonable withheld.

- e. Grantee's staff that operate EMS Service Vehicles shall actively participate in any emergency vehicle operations training provided by the Grantor as directed by the Emergency Services Director.
- f. Grantee's staff shall comply with Grantor's official written EMS System continuing education plan for EMS personnel under the direction of the Orange County Continuing Education Coordinator.
- g. Grantee staff shall also participate in all clinical and field internship educational components of Grantor's continuing education plan.
- h. Grantee shall comply with all education program requirements for qualified credentialed EMS personnel as provided by law.
- i. Grantee shall assign credentialed staff to assist, upon request, with any orientation provided by Grantor to local area hospitals that routinely receive patients from Grantee.

Section 8. Vehicle and Equipment Requirements

- a. Grantee shall comply with all vehicle and equipment standards as developed by the North Carolina Medical Care Commission pursuant to law, including without limitation, those applicable to the EMS Services.
- b. Grantee shall maintain for each ambulance and other EMS Services Vehicle a permit as provided for by law.
- c. Grantee shall comply with the state EMS Non-Transporting Vehicle Permit requirements.
- d. Grantee shall have available the following minimum number of ambulances and other EMS Services Vehicles in excellent working order to provide coverage to the service area of the Franchise District 24 hours per day.

One (1) Type 1 Ambulance, One (1) In Service Rescue Vehicles and other EMS Services Vehicles and equipment as necessary to provide the high quality of services provided for in this Franchise.

- e. Grantee shall comply with the Grantor's operational protocols for the management of equipment, supplies and medications to assure that each ambulance and other EMS Services Vehicle contains the required

equipment and supplies on each response; for cleaning and maintaining the equipment and vehicles; and to assure that supplies and medications are not used beyond the expiration date and stored in a temperature controlled atmosphere according to manufacturer's specifications.

- f. Grantee shall comply with the Orange County's written infection control policy including the cleansing and disinfecting of ambulances and other EMS Services Vehicles and equipment that are used to treat or transport patients.
- g. Grantor may, upon reasonable notice, inspect all equipment, ambulances and other EMS Service Vehicles used by Grantee.

Section 9. Communications Requirement

- a. Grantee shall equip each ambulance and other EMS Services Vehicle with the following:
 - i. An operational two-way radio capable of establishing good quality voice communications from within the geographical confines of Orange County to each hospital emergency department in the County in which the service is based;
 - ii. Two-way radio communication capabilities for communication with all hospital emergency departments to which transportation of patients is made on a regular or routine basis anywhere within the State of North Carolina; and
 - iii. An operational two-way radio capable of establishing communications from within the geographic confines of Orange County to the Orange County Emergency Communications Center, which is the dispatching agency within the County.
- b. This subsection shall not apply to privately owned vehicles of Grantee's staff.
- c. Grantee shall maintain current authorization or Federal Communication Commission licenses for all frequencies and radio transmitters operated by Grantee. Grantee shall display at Grantee's headquarters and make available for inspection per Federal Communication Commission's rules and regulations copies of all authorization and licenses.
- d. Grantee's base of operations shall have at least one open telephone 24 hours per each and every day of the calendar year. Grantee's telephone numbers shall be registered with Orange County Emergency Communication Center, and changes to Grantee's telephone numbers shall

be transmitted to the Emergency Communication Center within 24 hours of such change.

- e. Grantee's EMS Services shall be dispatched from the Orange County Emergency Communications Center.

Section 10. Data Collection and Performance Report

- a. Grantee shall maintain the following records:
 - i. Records of dispatch which shall show time call was received, time dispatched, time arrived on scene, time arrived at destination, time in service, and time returned to base.
 - ii. Trip Records stating all information required in subsection (i) of this Section in addition to information on a form approved by the County. The trip record shall be so designed as to provide the patient with a copy containing all required information.
 - iii. Personnel Checklist and Inspection Report listing contents and description for each vehicle, signed by the individual verifying vehicle operations and equipment.
 - iv. A detailed record of complaints received from the public, other enforcing agencies and services regarding Franchise infractions.
 - v. Any other records required by state law, rules or regulations or deemed by the Department of Emergency Service as relevant to the effective and efficient operations of the Emergency Management System as provided in the "Operations Agreement" and necessary for a fair determination of the capability of the Grantee to continue to provide Emergency Medical Services and Rescue Services in Orange County in accordance with the requirement of law and the provision of this Franchise.
- b. All of the records identified in subsection (a) above shall be maintained for a minimum three (3) year period unless a longer retention period is otherwise required by law or other retention periods.
- c. Grantee shall establish and maintain a system to record data that used the Model Data set and data dictionary as specified in "North Carolina College of Emergency Physicians: Standards for Medical Oversight and Data Collection."
- d. Grantees shall maintain confidentiality of patient records as provided by the Health Insurance Portability and Accountability Act of 1996 (HIPAA),

Public Law 104-191, N.C. Gen. Stat. 143-518 and all other state and federal law.

- e. Grantee shall submit a written monthly report to the Emergency Services Director, or their designee, providing the number of calls and runs during the month. The report shall contain the number of emergency calls, the number of convalescent calls, the total number of calls and the total number of patients transported.
- f. Grantee may inspect Grantee's records at any time in order to ensure compliance with the EMS Franchise Ordinance and this Franchise Agreement; however, Grantor's shall inspect the Grantee's records at least once a year to ensure compliance with the EMS Franchise Ordinance and this Franchise Agreement.

Section 11. Medical Oversight

- a. Grantee shall designate a representative of Grantee to attend and participate in regular meetings of the Orange County EMS Peer Review Committee.
- b. Grantee shall monitor and comply with any online medical direction for operating within EMT-P systems.
- c. Grantee shall comply with the Grantor's plan for Medical Oversight and Written Treatment Protocols.
- d. Grantee shall comply with the Grantor's written plan to address the management of the EMS System including:
 - i. the triage of patients to appropriate facilities;
 - ii. transport of patients to facilities outside of the system;
 - iii. Arrangement for transporting patients to appropriate facilities when diversion or bypass plans are activated;
 - iv. A mechanism for reporting, monitoring and establishing standards for system response times;
 - v. A special events staffing plan;
 - vi. A disaster plan; and
 - vii. Mass gathering plan.

- e. Grantee shall comply with the Medical Director's written guidance regarding decision about the equipment, medical supplies, and medications that will be carried on any ambulance or other EMS Services Vehicle.
- f. The Medical Director may suspend temporarily, pending due process review by the EMS Peer Review Committee, any of Grantee's EMS personnel from further participation in the EMS system when the Medical Director determines that the activities or medical care rendered by such personnel may be detrimental to the care of the patient, constitute unprofessional behavior or results in non-compliance with credentialing requirements.

Section 12. Rates and Adjustments

- a. Grantee shall submit a schedule of rates to the Grantor for approval and shall not charge more or less than the rates authorized by Orange County without specific authorization from the Grantor.
- b. Grantee shall not attempt to collect rates on emergency call until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the service; but Grantee may attempt to collect rates with family or guardian of the patient once the patient is in the process of receiving medical attention.
- c. On Special Event coverage and convalescent calls, Grantee may attempt to collect payment before the ambulance or other EMS Services Vehicle begins its trip.

Section 13. Insurance

- a. Within thirty (30) calendar days after the effective date of issuance of the Franchise, the Grantee shall provide proof of the required insurance. Grantee shall at all times during the Franchise term maintain in force and effect insurance coverage, issued by an insurance company licensed to do business in North Carolina, covering the following:
 - i. Every ambulance or other EMS Services Vehicle owned and/or operated by or for the Grantee proving for the following payment of injury and damages:
 - (a) In the minimum sum of \$1,000,000 for injury to or death of individuals in accidents resulting from any cause for which the owner of the vehicle would be liable on account of

liability imposed on him by law, regardless of whether the vehicle was being driven by the owner of his agent; and

- (b) In the minimum sum of \$1,000,000 for the loss of or damage to the property of another, including personal property, or under like circumstances in sums as may be required by the State of North Carolina or as authorized by the Grantor.
 - (c) The insurance coverage minimum limits required in subsection (a) and (b) above shall be evaluated annually by the Orange County Department of Emergency Services in consultation with the Orange County Risk Manager and the County Attorney's Office and may be revised by the Grantor as Grantor deems appropriate, and at Grantor's sole discretion. In directing a change in insurance coverage, the Department of Emergency Services shall consider the risk needs protected by this insurance coverage and the availability in the marketplace of the coverage amounts to be required.
- ii. Grantee shall at all times during the Franchise term maintain in force and effect insurance coverage, issued by an insurance company licensed to do business in North Carolina for Worker's Compensation coverage for all employees with statutory limits in compliance with applicable law.
- b. Insurance coverage necessary to comply with this Section shall be approved by the Grantor, and copies of such insurance policies (or certificates of insurance) shall be provided to the Grantor.
 - c. The Grantor shall be named as an additional insured as its interests may appear.

Section 14. Transfer of Ownership or Control and Changes in Level of Services

- a. Prior approval of the Grantor shall be required where ownership or control of more than ten percent of the right or control of the Grantee is acquired by a person or group of persons acting in concert, not of whom own or control ten percent or more of such rights of control, singularly or collectively, at the date of the grant of the Franchise. By its acceptance of the Franchise, the Grantee specifically agrees that any such acquisition occurring without prior approval of the Grantor shall constitute a violation of the Franchise by the grantee and shall be cause for termination at the option of the Grantor.

- b. Any change in ownership of Grantee without the approval of the Grantor shall terminate the Franchise and shall require a new application and a new Franchise in conformance with all the requirements of the EMS Franchise Ordinance, as amended and in effect at the time of franchising.
- c. Any change in the level of services offered by a Grantee's EMS Services unit without the approval of the Grantor shall terminate the Franchise and shall require a new application and a new franchise in conformance with all the requirements of the EMS Franchise Ordinance, as amended and in effect at the time of franchising.
- d. Grantee may not sell, assign, mortgage or otherwise the transfer the Franchise without the approval of the Grantor; if the Grantor sells, assigns, mortgages or otherwise transfer the Franchise without Grantor's approval this shall terminate the Franchise and require a new application and a new Franchise in conformance with all the requirements of the EMS Franchise Ordinance, as amended and in effect at the time of franchising.

Section 15. Miscellaneous Provisions

- a. Grantor may, upon reasonable notice, inspect the premises, vehicles, equipment and personnel of Grantee to ensure compliance with this Franchise and perform any other inspections that may be required.
- b. Grantee shall make available for inspection by the State of North Carolina, the Grantor, or their designated representatives, Grantee's EMS Services, its equipment and the premises designated in the application and all records relating to its maintenance and operations as such.
- c. Grantee shall cooperate with the Grantor to educate the public concerning injury prevention and community health.
- d. Grantee's staff shall not wear or carry aboard any ambulance of other EMS Services Vehicles firearms or weapons as defined by law, which does not include tools that aid in providing services. The foregoing restriction shall not be construed to apply to equipment used by Grantee to provide EMS Services.
- e. Grantee shall post its Franchise Certificate, issued to it by the Grantor, in a readily visible location at the Grantee's base of operations for the EMS Service.
- f. Grantee shall not allow its Franchise Certificate to be defaced, removed, or obliterated.

- g. Grantee shall comply with all applicable law and Grantor's policies and procedures related to confidentiality of medical information, including without limitation the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Section 16. Termination Provisions

- a. Grantee may terminate this Franchise with 60 days written notice to Grantor and the Grantor may revoke the Franchise in the event of noncompliance with the provisions of the EMS Ordinance or this Franchise Agreement. After a notice of services termination is given, the Grantee may reapply for a franchise if a continued service is desired.
- b. Upon suspension, revocation, termination or a stay by the Emergency Services Director of this Franchise, Grantee shall immediately cease all operations authorized by this Franchise.
- c. Upon suspension, revocation, termination of a driver's license such person shall cease to drive an ambulance or other EMS Service Vehicle. Upon suspension, revocation or termination of an attendant's certificate (i.e., Medical Responder, EMT, EMT-I or EMT-P) by the Office of Emergency Medical Services or by the Medical Director, such person shall cease to attend patients or otherwise provide medical care. Grantee shall not permit the foregoing person to drive an ambulance or their EMS Service Vehicle or provide medical care in conjunction with EMS Services, if Grantee is found to have notice of or should have had notice of such suspension, revocation or termination at the sole discretion of the Grantor this shall terminate the Franchise and shall require a new application and a new Franchise in conformance with all the requirements of the EMS Franchise Ordinance, as amended and in effect at the time of franchising.
- d. In the event that Grantee shall at any time during the Franchise desire to sell any of the real or personal property identified in Exhibit B (hereinafter "Asset" or "Assets"), which is hereby incorporated by reference, pursuant to a bona fide offer to a bona fide offer which it shall have received, it shall offer to sell any such Asset or Assets (hereafter "Asset or Assets for Sale) to Grantor at the same process as that contained in such bona fide offer. The offer to Grantor to sell an Asset shall be in writing and shall include a copy of the bona fide offer. The offer to Grantor to sell an Asset shall be in writing and shall include a copy of the bona fide offer for the Asset received by the Grantee. Grantor shall have 60 days from and after receipt thereof to decide whether or not to purchase the Asset or Assets for Sale at such price. If Grantor shall give notice of intent not to purchase or shall give no notice within the time herein limited, Grantee may accept such offer and proceed with the sale thereunder. If Grantor notifies Grantee that it elects to purchase the Asset or Assets for Sale at such

prove, the parties shall enter into a contract of purchase and sale forthwith. Such contract shall provide, among other things, for the conveyance of good and marketable title b warranty deed. Upon dissolution of the Grantee pursuant to N.C. Gen. Stat. § 55A-14-1, et seq., the Assets shall be either: (a) distributed to one or more appropriately receiving successor Franchisee (s) that will carry on, In Orange County, the functions of ambulance, first or medical responder, rescue or other related emergency services meeting one or more exempt purposes within the meaning of 501(c)(3) of the Internal Revenue code (or the corresponding section of any future federal tax code) or (b) distributed to the grantor for the foregoing public purposes. This subsection 16(d) of this EMS Service Franchise survives the termination of the Franchise.

Section 17. Forum for Litigation

Any litigation between the Grantor and Grantee arising under or regarding the Franchise shall occur, if in the North Carolina courts, in Orange County Superior Court or District Court having jurisdiction thereof, or if in the federal courts, in the United States District Court for the Middle District of North Carolina.

Section 18. Notice

Any notice provided for under the Franchise shall be sufficient if in writing and delivered personally to the following address or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving party hereafter shall specify in writing:

If to the Grantor:

Orange County Emergency Services
Post Office Box 8181
Hillsborough, North Carolina 27278
Attn: Emergency Services Director
(919) 245-6100

If to the Grantee:

Priority Care Ambulance, Inc.
1340 SE Maynard Road, Suite 203
Cary, North Carolina 27522
Attn: William Masone
(919) 627-5562

Section 19. Severability

If any section, subsection, sentence, clause, phrase, or other portion of this Franchise is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 20. Reservation of Rights

Notwithstanding any other provision of the Franchise, Grantor and Grantee reserve all rights that they may possess under the law unless expressly waived herein. Nothing herein shall constitute a waiver of rights of either party, provided, however, that both parties warrant and represent that, as of the effective date of the Franchise, they are not aware of any provision in the Franchise that is contrary to applicable law.

Section 21. Penalties and Remedies

- a. A violation of any provision of this Franchise Ordinance or other failure of the Grantee to abide by the provisions of this Franchise shall subject the Grantee to a civil penalty of five hundred (\$500) dollars. If Grantee fails to pay this penalty within ten (10) days after being cited for a violation, the Grantor may seek to recover the penalty by filing a civil action in the nature of a debt.
- b. A violation of any provision of this Franchise Ordinance by the Grantee shall constitute a misdemeanor, punishable as provided in N.C. Gen. Stat. § 14-4.
- c. The Grantor may seek to enforce this Franchise Ordinance through any appropriate equitable action.
- d. Each day that a violation continues of this Franchise Ordinance after the Grantee has been notified of the violation shall constitute a separate offense.
- e. The Grantor may seek to enforce this Franchise Ordinance by using any one or any combination of the foregoing remedies.

Section 22. Non-discrimination

The Grantee shall not discriminate in any manner on the basis or factors prohibited by law.

Section 23. Acceptance by Grantee

My Commission Expires: _____

IN WITNESS WHEREOF, this _____ Franchise Ordinance passed on First Reading on the ____ day of _____, 20____ and was passed and adopted on Second Reading this the ____ day of _____, 20____.

, Chair
Orange County Board of Commissioners

ATTEST: _____
, Clerk/Deputy Clerk to the
Orange County Board of Commissioners

APPROVED AS TO FORM:

Annette M. Moore, Staff Attorney
Orange County Attorney's Office

**EXHIBIT A TO EMS SERVICES FRANCHISE
FOR PRIORITY CARE AMBULANCE, INC.
FRANCHISE DISTRICT**

Geographic Location: All of the County of Orange

EXHIBIT B TO EMS SERVICES FRANCHISE FOR 2020

ASSETS

1. Real Estate and Improvements

<u>Address</u>	<u>Estimated Property Value</u>
5116 Bur Oak Circle Raleigh, NC 27612	\$240,000

Property is owned by DurMas Holdings,LLC
which is also owned by William Masone.

2. Personal Property

<u>Type</u>	<u>*Estimated Replacement Value (as of January 1, 2020)</u>
Ambulances	\$180,000
Medical Devices/Supples	\$50,000
Radios	\$14,000
Office (Desks, chairs, etc.)	\$20,000

Orange County

Board of County
Commissioners



Department of
Emergency Services

*Having met the requirements of the Orange County's Franchise Ordinance Regulating Ambulance,
Emergency Medical, First Responder and Rescue Services*

Priority Care Ambulance Transport

Is hereby issued an

Orange County, N.C. Franchise

This Franchise begins on the first day of January, 2021 and expires on the last day of December, 2026

Chair, Orange County Board of Commissioners



Director, Orange County Emergency Services

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No. 8-c**

SUBJECT: Second Reading: Emergency Services Franchise by Ordinance UNC Campus EMS

DEPARTMENT: Emergency Services

ATTACHMENT(S):

UNC Campus EMS Franchise Agreement
Franchise Certificate

INFORMATION CONTACT:

Dinah Jeffries, Emergency Services
Director (919) 245-6123
Kim Woodward, Emergency
Medical Services EMS Operations
Manager (919) 245-6133

PURPOSE: In follow up to First Reading Approval at the December 7, 2020 Business meeting, to approve on Second Reading the granting of a Franchise by Ordinance to UNC Campus EMS and the Franchise Agreement under which they will operate. Approval on “Second Reading” is based on State law requirements that a franchise by ordinance pass two readings in order to be granted by the Board of Commissioners.

BACKGROUND: On February 2, 2010, the Board held a Public Hearing to determine the need for supplemental ambulance services in accordance with NC Gen. Stat. § 153A-250(a). At that time the Board made the determination that franchise ambulance services were necessary to assure the provision of adequate and continuing ambulance service. State law requires that the Board of County Commissioners grant franchise agreements through County ordinance. This ordinance is required to pass two readings in order to be granted.

Orange County has historically granted franchise agreements for convalescent transport and emergency ambulance services and for rescue service. The convalescent transport ambulance services franchises are only used to provide non-emergency convalescent transport to medical facilities typically for the care and treatment of a resident’s long term health needs. Franchisees may also provide surge capacity in a basic life support capacity during a widespread emergency that stresses the capacity of Orange County Emergency Medical Services. For the first time in Orange County history, this agency is applying for EMT Non-transport services that will provide first response service to UNC Campus for all EMS requests for service. This response will augment Chapel Hill Fire who currently answers high acuity responses and Orange County EMS who responds to all requests for EMS Service.

Emergency Services has reviewed the overall Emergency Services System in the County to confirm that franchise services continue to be necessary to assure the provision of adequate and continuing ambulance services and to preserve, protect, and promote the public health,

safety and welfare. As a result, the Department is recommending this franchise for EMT Non-transport service.

The Department has identified the following services as necessary to supplement and enhance the ambulance services within the Emergency Services System and to the residents of the Orange County. The services are:

Convalescent Transport Services

- ALS Transport
- BLS Transport

Emergency Services

- BLS Transport
- Medical Responder Non-transport
- EMT Non-transport

Rescue Services

- Confined Space
- Extrication
- Heavy Rescue
- High/Low Angle
- Swift Water
- Trench Collapse
- Underwater
- Wilderness Search & Rescue

UNC Campus EMS has applied for an initial Franchise Agreement. The application indicates UNC Campus EMS is applying to provide the following services:

Emergency Services

- EMT Non-Transport Services

From the National Collegiate Emergency Medical Services Foundation, “There are over 250 colleges and universities across the Nation providing campus based emergency medical services. These, often student-run organizations, are comprised of highly trained students ready to respond in any medical emergency. Student volunteers respond within minutes and provide emergency care tailored specifically to their campus community. In addition to providing for the acquisition of medical knowledge, campus based EMS allows student participants to develop certain life skills including leadership, communication, and decision-making.”

UNC Campus EMS is headquartered on UNC Campus in Chapel Hill, North Carolina. UNC Campus EMS is planning to initiate services in January of 2021. This group will service the UNC Campus property. Orange County EMS responded to approximately 394 number of requests for service on UNC Campus in 19/20. UNC Campus EMS will provide first response EMT Level non-transport services on campus on a 24-hour basis. UNC Campus EMS currently has seven (7) volunteer EMS providers and are actively recruiting more. In a typical year there are three (3) EMT initial certification courses held on campus which leads to nearly 100 EMTs receiving credentials annually. Once recruited and trained by UNC Campus EMS, these EMTs will utilize a specially outfitted golf cart provided by UNC Campus Health to navigate to EMS response on campus.

Emergency Services has reviewed the application, in conjunction with NC State Office of Emergency Medical Services, submitted by UNC Campus EMS and inspected the premises, equipment, and personnel of the agency to assure compliance with the ordinance. The North Carolina General Statutes provides also that the Board prior to granting a franchise must “find that the franchise applicant is in compliance with Chapter 131E, Article 7.”¹ Emergency

¹ N.C. Gen. Stat. 153A-250(a).

Services has concluded that UNC EMS is in compliance with Chapter 131E, Article 7 that regulates emergency services standards for equipment, inspection of equipment and credentialed personnel.

Staff is recommending that UNC Campus EMS be granted a Franchise to operate within the confines of the attached Franchise Ordinance. The terms of this Franchise Ordinance provides for a five year franchise for the following:

Emergency Services

- EMT Non-Transport Services

The terms outlined in the Franchise Agreement have been negotiated and are consistent with the terms of An Ordinance Regulating Emergency Medical, First Responder and Rescue Service and Granting of Franchise and Contracts to the Operators In the County of Orange and its' amendments.

FINANCIAL IMPACT: UNC Campus EMS falls within the UNC Campus Health Department and maintains an independent budget. There is no financial impact to the County.

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:

1. On Second reading grant a franchise for a five year term to UNC , Inc. for Basic Life Support Convalescent Transport Services and Emergency Services as provided below:
 - a. Emergency Services
 - EMT Non-transport Services
2. Approve the Franchise Agreement under which UNC Campus EMS will operate during the five year period of franchise. As a condition of granting the Franchise within the 90 days of the granting of the Franchise, UNC Campus EMS will enter into an Operations Agreement with Orange County that provides for the daily operational functions within the Orange County Emergency Services System.
3. Authorize the Chair to sign the Franchise Agreement after review by the County Attorney Office.

University of North Carolina at Chapel Hill Franchise Ordinance

An Ordinance granting a non-exclusive Franchise (“hereafter Franchise”) to University of North Carolina at Chapel Hill, (“the Grantee”) to operate Emergency Medical Basic Life Support Non Transportation Services in Orange County, North Carolina.

WHEREAS, Orange County (“the Grantor”), desires to assure the availability of Emergency Medical Basic Life Support Non Transportation Services within the County;

WHEREAS, the Grantor has, following reasonable notice, and after consideration, analysis and deliberation conducted public proceedings, during which proceedings the technical ability, financial condition, legal qualifications and general character of the Grantee were determined to be acceptable to receive a Franchise to conduct its Emergency Medical Basic Life Support Non Transportation Services;

WHEREAS, the Grantor has determined that Grantee is entitled to have a non-exclusive Franchise granted, that a need exists for the Emergency Medical Basic Life Support Non Transportation Services contemplated herein to improve the level of services available to residents of Orange County, helping to assure the provisions of adequate and continuing services which preserves, protects, and promotes the public health safety and welfare, and that granting a Franchise to the Grantee is a cost effective and reasonable manner of meeting the need;

WHEREAS, the Grantee desires to operate Emergency Medical Basic Life Support Non Transportation Services within the Grantor’s jurisdiction;

WHEREAS, the proposed Emergency Medical Basic Life Support Non Transportation Services will fit within the existing services provided by the Orange County Emergency Services System so as not to adversely affect the level of services or operations of other Franchisees to render service; and

WHEREAS, the procedures of N.C. Gen. Stat. §153A-250, §153A-45, and §153A-46 have been complied with.

NOW THEREFORE, the parties agree as follows:

Section 1. Nature and Term of Grant

- a. The Grantor hereby grants the Grantee a non-exclusive Franchise to operate and maintain Emergency Medical Basic Life Support Non Transportation Services in the Franchise District upon the terms and conditions set forth herein.
- b. The Franchise granted herein is for a term of five (5) years from the effective date of the Franchise, which shall begin on the first day following the date of

acceptance by the Grantee of the Franchise terms and conditions set forth herein.

Section 2. Definitions

The following words, terms and phrases, when used in this Franchise, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- a. **Ambulance.** The term “ambulance” means any privately or publicly owned motor vehicle, aircraft, or vessel that is specifically designed, constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways, or airways of this State of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.
- b. **Ambulance Provider.** The term “ambulance provider” means an individual, firm, corporation, or association who engages or professes to engage in the business or services of transporting patients in an ambulance.
- c. **Approved.** The term “approved” shall mean approved by the North Carolina Medical Care Commission pursuant to the latter’s rules and regulations promulgated under N. C. Gen. Stat. §143B-165.
- d. **Advisory Committee or Committee.** The term “Advisory Committee” or “Committee” shall mean the Orange County Emergency Medical Services Committee which is the technical advisory committee designated by the Board of County Commissioners with respect to emergency medical services in Orange County.
- e. **Contract.** The term “contract” shall mean the instrument by which both parties agree to the terms of operation of the service to be provided.
- f. **Convalescent Transportation Services.** The term “convalescent transportation service” shall mean the operation of an ambulance for any purpose other than transporting emergency or emergent patients.
- g. **County.** The term “County” shall mean Orange County and its Board of Commissioners or their designated representative(s).
- h. **Emergency.** The term “emergency” or “emergency transportation services” shall mean the use of a service, its equipment and personnel to provide medical care, rescue, and/or transportation of a patient who is in need of immediate rescue or medical treatment in order to prevent loss of

life or further aggravation of physiological or psychological illness or injury.

- i. Emergency Services System or ESS. Emergency Services System or “ESS” shall mean a coordinated arrangement of local resources under the authority of the Emergency Services Director (including all agencies, personnel, equipment, and facilities) organized to respond to medical emergencies and integrated with other health care providers and networks including public health, community health monitoring activities, and special needs populations.
- j. Emergency Medical Dispatcher or Telecommunicator. The term “emergency medical dispatcher” or “telecommunicator” shall mean an emergency telecommunicator who has completed educational requirements and been credentialed by the Department of Health and Human Services as an emergency medical dispatcher and who is available to receive requests for emergency services, to dispatch emergency services, and to advise local law enforcement agencies, fire departments, rescue squads, first or medical responder units and emergency medical services and facilities of any existing or threatened emergency.
- k. Emergency Medical Services. “Emergency Medical Services” or “EMS” means services rendered by emergency medical services personnel in responding to improve the health and wellness of the community and to address the individual’s need for emergency medical care within the scope of practice as defined by the North Carolina Medical Board, in accordance with G.S. 143-514, and the Orange County Medical Director in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.
- l. Emergency Medical Services Instructor. “Emergency Medical Services Instructor” means an individual who has completed educational requirements approved by the Department of Health and Human Services and has been credentialed by that Department as an emergency medical services instructor.
- m. Emergency Medical Services Peer Review Committee. Emergency Medical Service Peer Review Committee means a panel composed of EMS program representatives responsible for analyzing patient care data and outcome measures to evaluate the ongoing quality of patient care, system performance, and medical direction within the EMS system. The committee may include physicians, nurses, EMS personnel, medical facility personnel and county government staff as determined by the Emergency Services Director in consultation with the County Medical Director.

- n. Emergency Medical Technician (EMT). The term “emergency medical technician” means an individual who has completed a training program in emergency medical care that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the Medical Care Commission, has been certified as an EMT by the State of North Carolina Office of Emergency Medical Services, and approved by the County Medical Director to perform services as an EMT in the Orange County EMS system.
- o. Emergency Medical Technician – Intermediate (EMT-I). The term “emergency medical technician - intermediate” means an individual who has completed a training program in emergency medical care at the intermediate level that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the Medical Care Commission, has been certified as an EMT - Intermediate by the State of North Carolina Office of Emergency Medical Services, and approved by the County Medical Director to perform services at the EMT-Intermediate level in the Orange County EMS system.
- p. Emergency Medical Technician – Paramedic (EMT-P). The term “emergency medical technician - paramedic” means an individual who has completed a training program in emergency medical care at the paramedic level that has been approved for legal recognition by the North Carolina Department of Health and Human Services, in accordance with rules promulgated by the Medical Care Commission, has been certified as an EMT-Paramedic by the State of North Carolina Office of Emergency Medical Services, and approved by the County Medical Director to perform services as an EMT-Paramedic in the Orange County EMS system.
- q. Emergency Services Director. The term shall mean the person designated by the Orange County Board of Commissioners to manage the overall Emergency Services System in Orange County.
- r. First Responder. The term “first responder” shall mean an organization with personnel trained in emergency medical care that is dispatched to the scene of a medical emergency for the primary purpose of providing emergency medical assistance to a patient until the ambulance and additional medical aid arrives.

- s. Franchise. The term “franchise” shall mean a permit issued by the County to a person for the operation of an ambulance service, rescue squad or first responder unit.
- t. Franchisee. The term “franchisee” shall mean any person having been issued a franchise by the County for the operation of an ambulance service, rescue squad or first responder unit.
- u. Inspection. Inspection shall mean the physical review of buildings and facilities, vehicles, equipment, supplies, storage, repair and maintenance areas, records and any related materials.
- v. License. The term “license” shall mean any driver’s license or permit to operate a motor vehicle issued under or granted by the laws of the State of North Carolina.
- w. Medical Responder. “Medical Responder” shall mean an individual who has completed an educational program in emergency medical care and first aid approved and credentialed by the Department of Health and Human Services as a medical responder and the Orange County Medical Director to operate in Orange County EMS.
- x. Medical Director. “Medical Director” shall mean the physician appointed, either directly or by written delegation, by the County and have the responsibilities as provide by 10A NCAC 13P .0403 and 10A NCAC 13P .0404. The County may, in addition, appoint an assistant medical director. The medical director and the assistant medical director shall meet the criteria defined in the “North Carolina College of Emergency Physicians: Standards of Medical Oversight and Data Collection,” which is incorporated by reference in accordance with N.C. Gen. Stat. §150B-21.6, including subsequent amendments and editions.
- y. Non-Emergency Transportation Services. The term “non-emergency transportation service” shall mean the operation of an ambulance for any purpose other than transporting emergency or emergent patients.
- z. Operation Protocols. “Operation Protocols” shall mean the administrative policies and procedures of EMS that provides guidance for the day-to-day operations of the system.
- aa. Operator. The term “operator” shall mean a person in actual physical control of an ambulance or rescue service vehicle which is in motion or which has the engine running.

- bb. Owner. The term “owner” shall mean any person or entity who owns an ambulance or provides a service covered by this Ordinance.
- cc. Patient. The term “patient” shall mean an individual who is sick, injured, wounded, or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.
- dd. Person. The term “person” shall mean any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.
- ee. Practical Examination. “Practical Examination means a test where an applicant for credentialing as an emergency medical technician, or medical responder, emergency medical technician – intermediate, or emergency medical technician – paramedic demonstrates the ability to perform specified emergency medical care skills.
- ff. Rescue. The term “rescue” shall mean the removal of individuals facing external, non-medical, and non-patient related peril to areas of relative safety.
- gg. Rescue Squad or Rescue Unit. The term “rescue squad” or “rescue unit” shall mean a group of individuals who are not necessarily trained in emergency medical services, fire fighting, or law enforcement, but who expose themselves to an external, non-medical, and non-patient related peril to effect the removal of individuals facing the same type of peril to areas of relative safety.
- hh. Secondary Ambulance Provider. The term “secondary ambulance provider” shall mean the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.
- ii. Service. The term “service” shall mean the same as owner.
- jj. Treatment Protocols. “Treatment Protocols” shall mean a document approved by the medical director and the Office of Emergency Medical Service specifying the diagnostic procedures, treatment procedures, medication administration, and patient-care-related policies that shall be completed by emergency service personnel based upon the assessment of the patient.

- kk. Victim. The term “victim” shall mean any patient or potential patient that is entrapped, entangled pinned, fallen, suspended, or otherwise in need of rescue services.

Section 4. General Responsibilities

- a. Grantee is authorized under this Franchise to operate the following types of service(s), the combination of which shall constitute Grantee’s “EMS Services for the purposes of this Franchise, and subcategories under which they can operate shall be identified in the “Operation Agreement” to be entered into by the Franchisee and the County within 90 days after acceptance of the Franchise permit.
- i. Emergency Services Basic Life Support Non Transport Services
- c. Grantee shall comply at all times with the requirements of “An Ordinance Regulating Ambulance, Emergency Medical, First Responder And Rescue Service And Granting Of Franchise And Contracts To The Operator In The County Of Orange (“EMS Franchise Ordinance”), this Franchise Agreements, the Operations Agreement, and all applicable laws relating to health, sanitation, safety, equipment, ambulance design or other EMS Services vehicle design and all legal requirements related to a Model EMS System and all other laws and ordinance;
- a. Grantee shall maintain in good standing its state and local Drivers and Privilege license (s) to operate its ambulance or other EMS Services as provided for by Law.
- b. Establish and maintain appropriate and effective professional working relationships with all public health, public safety, and emergency services organization and personnel.
- c. Professional working relationships shall be cooperative and collaborative in nature.
- d. Maintain neat, clean, and professional appearance of personnel, equipment and facilities.

Section 5. Scope of Service and Service Area

- a. Grantee shall operate its EMS Services, 24 hours per each and every day of the calendar year, within the Franchise District specified in Exhibit A, except when a different or additional service area is provided for herein.

- b. Grantor may from time to time alter, and at its sole discretion, amend Exhibit A and the service area of the County that constitute (s) the Franchise District.
- c. Grantor shall at all times during the terms of the Franchise provide the highest level of care to all residents within the service area of the Franchise District.

Section 6. The Orange County Emergency Services System (“ESS”) Plan

- a. Grantee shall comply with the Grantor’s official written ESS System Plan for the management and deployment of EMS Services Vehicles within the Franchise District and, additionally, within other service areas pursuant to the EMS System Mutual Aid Plan and any cooperative agreement to continue services in service areas where Franchisees’ EMS System franchises has been suspended.
- b. Grantee shall keep at its place a business at all times the most current copy of the ESS System Plan.

Section 7. Staffing and Performance Requirements

- a. Grantee shall comply with the scope of practice rules promulgated by the North Carolina Medical Board pursuant to law regarding the medical skills and medication that may be used by credentialed emergency medical services personnel at each level of patient care.
- b. Grantee shall comply with standard for drivers and attendants developed by the North Carolina Medical Care Commission as requirements for certification of emergency medical technicians pursuant to law, rules and regulations promulgated by the Board of Medical Examiners for advanced life support technicians, which is incorporated in this subsection by reference.
- c. No staff of Grantee shall drive an ambulance vehicle, attend a patient, or permit an ambulance to be operated when transporting a patient within the County unless the driver holds a currently valid North Carolina Drivers license and currently valid credentials as an EMT, EMT-I or EMT-P issued by the North Carolina Department of Health and Human Services, Office of Emergency Medical Services. Notwithstanding the foregoing, in an exceptional circumstance when an EMT, EMT-I, or EMT-P is not available, for the purpose of driving only or when providing Non-Transport Service an approved firefighter, First or Medical Responder, Rescue Services Provider or law enforcement officer with a currently valid North Carolina drivers license may drive an ambulance, provided such

driver does not attend a patient or victim or does not otherwise provide medical services to a patient or victim.

- d. Grantee shall comply with the Grantor's official written EMS System Plan for the use of credentialed EMS personnel for all of the authorized Practice Settings. Any agreement between Grantee and a third party to provide special events coverage is subject to pre-approval in writing by the Grantor, which approval shall not be reasonable withheld.
- e. Grantee's staff that operate EMS Service Vehicles shall actively participate in any emergency vehicle operations training provided by the Grantor as directed by the Emergency Services Director.
- f. Grantee's staff shall comply with Grantor's official written EMS System continuing education plan for EMS personnel under the direction of the Orange County Continuing Education Coordinator.
- g. Grantee staff shall also participate in all clinical and field internship educational components of Grantor's continuing education plan.
- h. Grantee shall comply with all education program requirements for qualified credentialed EMS personnel as provided by law.
- i. Grantee shall assign credentialed staff to assist, upon request, with any orientation provided by Grantor to local area hospitals that routinely receive patients from Grantee.

Section 8. Equipment Requirements

- a. Grantee shall comply with the Grantor's operational protocols for the management of equipment, supplies and medications to assure the required equipment and supplies are on each response; for cleaning and maintaining the equipment and vehicles; and to assure that supplies and medications are not used beyond the expiration date and stored in a temperature controlled atmosphere according to manufacturer's specifications.
- b. Grantee shall comply with the Orange County's written infection control policy including the cleansing and disinfecting of equipment.
- c. Grantor may, upon reasonable notice, inspect all equipment used by Grantee.

Section 9. Communications Requirement

- a. Grantee shall equip the following:
 - i. An operational two-way radio capable of establishing good quality voice communications from within the geographical confines of Orange County;
 - ii. An operational two-way radio capable of establishing communications from within the geographic confines of Orange County to the Orange County Emergency Communications Center, which is the dispatching agency within the County.
- b. This subsection shall not apply to privately owned vehicles of Grantee's staff.
- c. Grantee shall maintain current authorization or Federal Communication Commission licenses for all frequencies and radio transmitters operated by Grantee. Grantee shall display at Grantee's headquarters and make available for inspection per Federal Communication Commission's rules and regulations copies of all authorization and licenses.
- d. Grantee's base of operations shall have at least one open telephone 24 hours per each and every day of the calendar year. Grantee's telephone numbers shall be registered with Orange County Emergency Communication Center, and changes to Grantee's telephone numbers shall be transmitted to the Emergency Communication Center within 24 hours of such change.
- e. Grantee's EMS Services shall be dispatched from the UNC Public Safety Communications Center.

Section 10. Data Collection and Performance Report

- a. Grantee shall maintain the following records:
 - i. Records of dispatch which shall show time call was received, time dispatched, time arrived on scene, time arrived at destination, time in service, and time returned to base.
 - ii. Trip Records stating all information required in subsection (i) of this Section in addition to information on a form approved by the County. The trip record shall be so designed as to provide the patient with a copy containing all required information.
 - iii. Personnel Checklist and Inspection Report listing contents and description, signed by the individual verifying equipment.

- iv. A detailed record of complaints received from the public, other enforcing agencies and services regarding Franchise infractions.
 - v. Any other records required by state law, rules or regulations or deemed by the Department of Emergency Service as relevant to the effective and efficient operations of the Emergency Management System as provided in the “Operations Agreement” and necessary for a fair determination of the capability of the Grantee to continue to provide Emergency Medical Services and Rescue Services in Orange County in accordance with the requirement of law and the provision of this Franchise.
- b. All of the records identified in subsection (a) above shall be maintained for a minimum five (5) year period unless a longer retention period is otherwise required by law or other retention periods.
 - c. Grantee shall establish and maintain a system to record data that used the Model Data set and data dictionary as specified in “North Carolina College of Emergency Physicians: Standards for Medical Oversight and Data Collection.”
 - d. Grantees shall maintain confidentiality of patient records as provided by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191, N.C. Gen. Stat. 143-518 and all other state and federal law.
 - e. Grantee shall submit a written monthly report to the Emergency Services Director, or their designee, providing the number of calls and runs during the month. The report shall contain the number of emergency calls.
 - f. Grantee may inspect Grantee’s records at any time in order to ensure compliance with the EMS Franchise Ordinance and this Franchise Agreement; however, Grantor’s shall inspect the Grantee’s records at least once a year to ensure compliance with the EMS Franchise Ordinance and this Franchise Agreement.

Section 11. Medical Oversight

- a. Grantee shall designate a representative of Grantee to attend and participate in regular meetings of the Orange County EMS Peer Review Committee.
- b. Grantee shall monitor and comply with any online medical direction for operating within EMT-P systems.

- c. Grantee shall comply with the Grantor's plan for Medical Oversight and Written Treatment Protocols.
- d. Grantee shall comply with the Grantor's written plan to address the management of the EMS System including:
 - i. the triage of patients;
 - ii. A mechanism for reporting, monitoring and establishing standards for system response times;
 - iii. A special events staffing plan;
 - iv. A disaster plan; and
 - v. Mass gathering plan.
- e. Grantee shall comply with the Medical Director's written guidance regarding decision about the equipment, medical supplies, and medications that will be carried.
- f. The Medical Director may suspend temporarily, pending due process review by the EMS Peer Review Committee, any of Grantee's EMS personnel from further participation in the EMS system when the Medical Director determines that the activities or medical care rendered by such personnel may be detrimental to the care of the patient, constitute unprofessional behavior or results in non-compliance with credentialing requirements.

Section 12. Rates and Adjustments

- a. Grantee has indicated they will not charge any rates to the public but if Grantee does charge a rate, they shall submit a schedule of rates to the Grantor for approval and shall not charge more or less than the rates authorized by Orange County without specific authorization from the Grantor.
- b. On Special Event coverage, Grantee may negotiate payment in advance of the special event.

Section 13. Insurance

- a. Within thirty (30) calendar days after the effective date of issuance of the Franchise, the Grantee shall provide proof of the required insurance.

Grantee shall at all times during the Franchise term maintain in force and effect insurance coverage, issued by an insurance company licensed to do business in North Carolina, covering the following:

- b. Worker's Compensation. Grantee shall at all times during the Franchise term maintain in force and effect insurance coverage, issued by an insurance company licensed to do business in North Carolina for Worker's Compensation coverage for all employees with statutory limits in compliance with applicable law.
- c. Insurance coverage necessary to comply with this Section shall be approved by the Grantor, and copies of such insurance policies (or certificates of insurance) shall be provided to the Grantor.
- d. The Grantor shall be named as an additional insured as its interests may appear.

Section 14. Transfer of Ownership or Control and Changes in Level of Services

- a. Prior approval of the Grantor shall be required where ownership or control of more than ten percent of the right or control of the Grantee is acquired by a person or group of persons acting in concert, not of whom own or control ten percent or more of such rights of control, singularly or collectively, at the date of the grant of the Franchise. By its acceptance of the Franchise, the Grantee specifically agrees that any such acquisition occurring without prior approval of the Grantor shall constitute a violation of the Franchise by the grantee and shall be cause for termination at the option of the Grantor.
- b. Any change in ownership of Grantee without the approval of the Grantor shall terminate the Franchise and shall require a new application and a new Franchise in conformance with all the requirements of the EMS Franchise Ordinance, as amended and in effect at the time of franchising.
- c. Any change in the level of services offered by a Grantee's EMS Services unit without the approval of the Grantor shall terminate the Franchise and shall require a new application and a new franchise in conformance with all the requirements of the EMS Franchise Ordinance, as amended and in effect at the time of franchising.
- d. Grantee may not sell, assign, mortgage or otherwise the transfer the Franchise without the approval of the Grantor; if the Grantor sells, assigns, mortgages or otherwise transfer the Franchise without Grantor's approval this shall terminate the Franchise and require a new application and a new

Franchise in conformance with all the requirements of the EMS Franchise Ordinance, as amended and in effect at the time of franchising.

Section 15. Miscellaneous Provisions

- a. Grantor may, upon reasonable notice, inspect the premises, vehicles, equipment and personnel of Grantee to ensure compliance with this Franchise and perform any other inspections that may be required.
- b. Grantee shall make available for inspection by the State of North Carolina, the Grantor, or their designated representatives, Grantee's EMS Services, its equipment and the premises designated in the application and all records relating to its maintenance and operations as such.
- c. Grantee shall cooperate with the Grantor to educate the public concerning injury prevention and community health.
- d. Grantee's staff shall not wear or carry any firearms or weapons as defined by law, which does not include tools that aid in providing services. The foregoing restriction shall not be construed to apply to equipment used by Grantee to provide EMS Services.
- e. Grantee shall post its Franchise Certificate, issued to it by the Grantor, in a readily visible location at the Grantee's base of operations for the EMS Service.
- f. Grantee shall not allow its Franchise Certificate to be defaced, removed, or obliterated.
- g. Grantee shall comply with all applicable law and Grantor's policies and procedures related to confidentiality of medical information, including without limitation the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Section 16. Termination Provisions

- a. Grantee may terminate this Franchise with 60 days written notice to Grantor and the Grantor may revoke the Franchise in the event of noncompliance with the provisions of the EMS Ordinance or this Franchise Agreement. After a notice of services termination is given, the Grantee may reapply for a franchise if a continued service is desired.
- b. Upon suspension, revocation, termination or a stay by the Emergency Services Director of this Franchise, Grantee shall immediately cease all operations authorized by this Franchise.

- c. Upon suspension, revocation, termination of a driver's license such person shall cease to operate a EMS Service Vehicle. Upon suspension, revocation or termination of an attendant's certificate (i.e., Medical Responder, EMT, EMT-I or EMT-P) by the Office of Emergency Medical Services or by the Medical Director, such person shall cease to attend patients or otherwise provide medical care. Grantee shall not permit the foregoing person to drive their EMS Service Vehicle or provide medical care in conjunction with EMS Services, if Grantee is found to have notice of or should have had notice of such suspension, revocation or termination at the sole discretion of the Grantor this shall terminate the Franchise and shall require a new application and a new Franchise in conformance with all the requirements of the EMS Franchise Ordinance, as amended and in effect at the time of franchising.
- d. In the event that Grantee shall at any time during the Franchise desire to sell any of the real or personal property identified in Exhibit B (hereinafter "Asset" or "Assets"), which is hereby incorporated by reference, pursuant to a bona fide offer to a bona fide offer which it shall have received, it shall offer to sell any such Asset or Assets (hereafter "Asset or Assets for Sale) to Grantor at the same process as that contained in such bona fide offer. The offer to Grantor to sell an Asset shall be in writing and shall include a copy of the bona fide offer. The offer to Grantor to sell an Asset shall be in writing and shall include a copy of the bona fide offer for the Asset received by the Grantee. Grantor shall have 60 days from and after receipt thereof to decide whether or not to purchase the Asset or Assets for Sale at such price. If Grantor shall give notice of intent not to purchase or shall give no notice within the time herein limited, Grantee may accept such offer and proceed with the sale thereunder. If Grantor notifies Grantee that it elects to purchase the Asset or Assets for Sale at such price, the parties shall enter into a contract of purchase and sale forthwith. Such contract shall provide, among other things, for the conveyance of good and marketable title by warranty deed. Upon dissolution of the Grantee pursuant to N.C. Gen. Stat. § 55A-14-1, et seq., the Assets shall be either: (a) distributed to one or more appropriately receiving successor Franchisee (s) that will carry on, In Orange County, the functions of ambulance, first or medical responder, rescue or other related emergency services meeting one or more exempt purposes within the meaning of 501(c)(3) of the Internal Revenue code (or the corresponding section of any future federal tax code) or (b) distributed to the grantor for the foregoing public purposes. This subsection 16(d) of this EMS Service Franchise survives the termination of the Franchise.

Section 17. Forum for Litigation

Any litigation between the Grantor and Grantee arising under or regarding the Franchise shall occur, if in the North Carolina courts, in Orange County Superior Court or District Court having jurisdiction thereof, or if in the federal courts, in the United States District Court for the Middle District of North Carolina.

Section 18. Notice

Any notice provided for under the Franchise shall be sufficient if in writing and delivered personally to the following address or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving party hereafter shall specify in writing:

If to the Grantor:

Orange County Emergency Services
Post Office Box 8181
Hillsborough, North Carolina 27278
Attn: Emergency Services Director
(919) 245-6100

If to the Grantee:

Section 19. Severability

If any section, subsection, sentence, clause, phrase, or other portion of this Franchise is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 20. Reservation of Rights

Notwithstanding any other provision of the Franchise, Grantor and Grantee reserve all rights that they may possess under the law unless expressly waived herein. Nothing herein shall constitute a waiver of rights of either party, provided, however, that both parties warrant and represent that, as of the effective date of the Franchise, they are not aware of any provision in the Franchise that is contrary to applicable law.

Section 21. Penalties and Remedies

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EMS Franchise Agreement
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- a. A violation of any provision of this Franchise Ordinance or other failure of the Grantee to abide by the provisions of this Franchise shall subject the Grantee to a civil penalty of five hundred (\$500) dollars. If Grantee fails to pay this penalty within ten (10) days after being cited for a violation, the Grantor may seek to recover the penalty by filing a civil action in the nature of a debt.
- b. A violation of any provision of this Franchise Ordinance by the Grantee shall constitute a misdemeanor, punishable as provided in N.C. Gen. Stat. § 14-4.
- c. The Grantor may seek to enforce this Franchise Ordinance through any appropriate equitable action.
- d. Each day that a violation continues of this Franchise Ordinance after the Grantee has been notified of the violation shall constitute a separate offense.
- e. The Grantor may seek to enforce this Franchise Ordinance by using any one or any combination of the foregoing remedies.

Section 22. Non-discrimination

The Grantee shall not discriminate in any manner on the basis or factors prohibited by law.

Section 23. Acceptance by Grantee

This Franchise and all of its terms and provisions shall be accepted by Grantee in writing in the form hereinafter set forth within thirty (30) days of the grant of this Franchise by the Grantor and when accepted shall be filed with Grantor's Clerk who shall record the same in the Book of Ordinances.

Such written acceptance may be upon or at the end of a copy of this Franchise Ordinance and it shall state and express the acceptance of said Franchise and its terms, conditions and provisions; and Grantee shall agree in said written acceptance to abide by, to observe and to perform the same according to all of its terms and provisions, subject to applicable state and federal law and shall declare that statements and recitals contained on said Franchise are correct and that it has made and does make the agreements and statements set forth in this Franchise. Acceptance herein referred to shall be in the following form:

The undersigned, _____, in his/her capacity as _____ of the _____ and on behalf of that agency, does hereby accept and approve the foregoing and attached Franchise and all of its terms and conditions; and in consideration of the benefits and privileges granted to it

University of North Carolina at Chapel Hill

Campus EMS

EMS Franchise Agreement

Page 17 of 22

**EXHIBIT A TO EMS SERVICES FRANCHISE FOR University of North
Carolina at Chapel Hill
FRANCHISE DISTRICT**

Geographic Location: UNC Campus

EXHIBIT B TO EMS SERVICES FRANCHISE FOR 2020ASSETS

1. Real Estate and Improvements

<u>Address</u>	<u>Estimated Property Value</u>
(UNC Campus EMS will be staffed from UNC Campus Health, they will not own UNC Campus Health)	

2. Personal Property

<u>Type</u>	<u>*Estimated Replacement Value</u> <u>(as of January 1, 2019)</u>
Safety Equipment	\$1,572.30
EMS Supplies	\$19,400.49
Golf Cart	\$1,215.00

Orange County

Board of County
Commissioners



Department of
Emergency Services

Having met the requirements of the Orange County's Franchise Ordinance Regulating Ambulance, Emergency Medical, First Responder and Rescue Services

UNC Campus EMS

Is hereby issued an

Orange County, N.C. Franchise

This Franchise begins on the first day of January, 2021 and expires on the last day of December, 2026

Chair, Orange County Board of Commissioners



Director, Orange County Emergency Services

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No.** 8-d

SUBJECT: Acceptance of N.C. Land and Water Fund Grant – Draper Savage Foundation

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

ATTACHMENT(S):

1. Location Map
2. Site Map
3. NCLWF Grant Contract

INFORMATION CONTACT:

David Stancil, 245-2510
Christian Hirni, 245-2514

PURPOSE: To accept a grant from the North Carolina Land and Water Fund toward the acquisition of a conservation easement on lands owned by the Draper Savage Memorial Foundation (Moorefields).

BACKGROUND: The Draper Savage Memorial Foundation owns multiple tracts that comprise 61 acres south of Interstate 40/85 in Cheeks Township. The Moorefields Foundation contacted staff in January 2019 about selling a working lands conservation easement on 61 acres of the historic Moorefields property. The 72-acre farm is maintained and operated by the Moorefields Foundation on behalf of the Draper-Savage Memorial Foundation. Because of the presence of Natural Heritage sites, the historic Moorefields property and other areas of high cultural/archaeological significance, and the presence of segments of Rocky Run Creek (Upper Eno watershed) and its adjacency to the County-owned Seven Mile Creek Natural Area, conservation of this tract is a high priority for the Lands Legacy Program. Please see attached maps.

In February 2019, the Board authorized staff to conduct an appraisal, identify funding sources, and to develop a potential conservation project for future consideration. After the first appraisal and initial application review process, the Clean Water Management Trust Fund (now the Land and Water Fund) approved a grant in October 2020.

The N.C. Land and Water Fund grant is for up to \$119,660 in matching funds for purchasing the easement. Staff and partners at the Eno River Association are still applying for accompanying grants to further offset the easement costs.

Moorefields was placed on the National Register of Historic Places in 1972 by the late Edward Draper-Savage, an artist and UNC French professor. Owned by the Draper-Savage

Foundation, the property is administered by the non-profit Friends of Moorefields and is open for scheduled use by groups and individuals.

FINANCIAL IMPACT: The estimated cost of the easement purchase is \$360,000; however negotiations have not been completed. Accounting for the Land and Water Grant of up to \$119,660, the County's current share of the easement purchase could be approximately \$240,340 (\$278,790 including transaction costs). Other grant funds are being pursued. County funds would come from existing Lands Legacy conservation easement project. Acceptance of the grant and authorizing the Manager's signature does not commit the County to the acquisition.

SOCIAL JUSTICE IMPACT: There is no identified Social Justice Impact goal associated with this item.

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

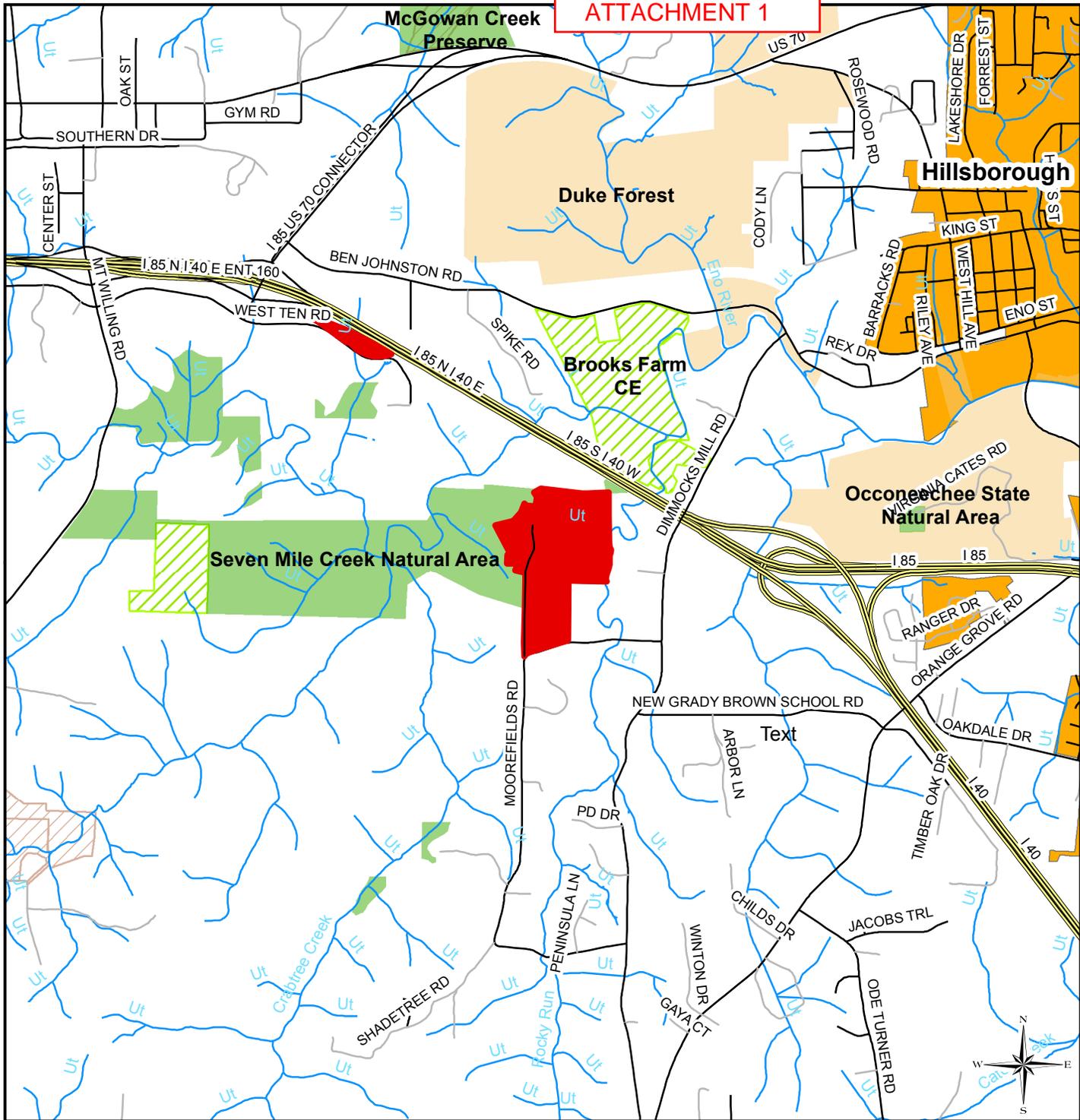
RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY (Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.)

The easement will provide a permanent protected natural and agricultural buffer along a busy highway and developed land to the south.

RECOMMENDATION: The Manager recommends that the Board authorize the signature of the Land and Water Fund grant contract (by the County Manager), and authorize staff to proceed with pursuing funding options and easement negotiations for a conservation easement agreement for Board consideration in 2021. (Note: Acceptance of the grant and authorizing the Manager to sign does not commit the County to the easement acquisition.)

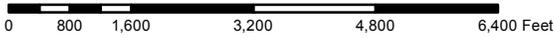
2020 Moorefields Estate Conservation Easements₃

ATTACHMENT 1



Tract Information

Landowner: Moorefields
Lat: 36° 03.58"
Long: 79° 08.55"
Date: 1/24/2020
Image: 2017 Aerial Photo
Created By: Christian Hirni
Acres: 61



ORANGE COUNTY

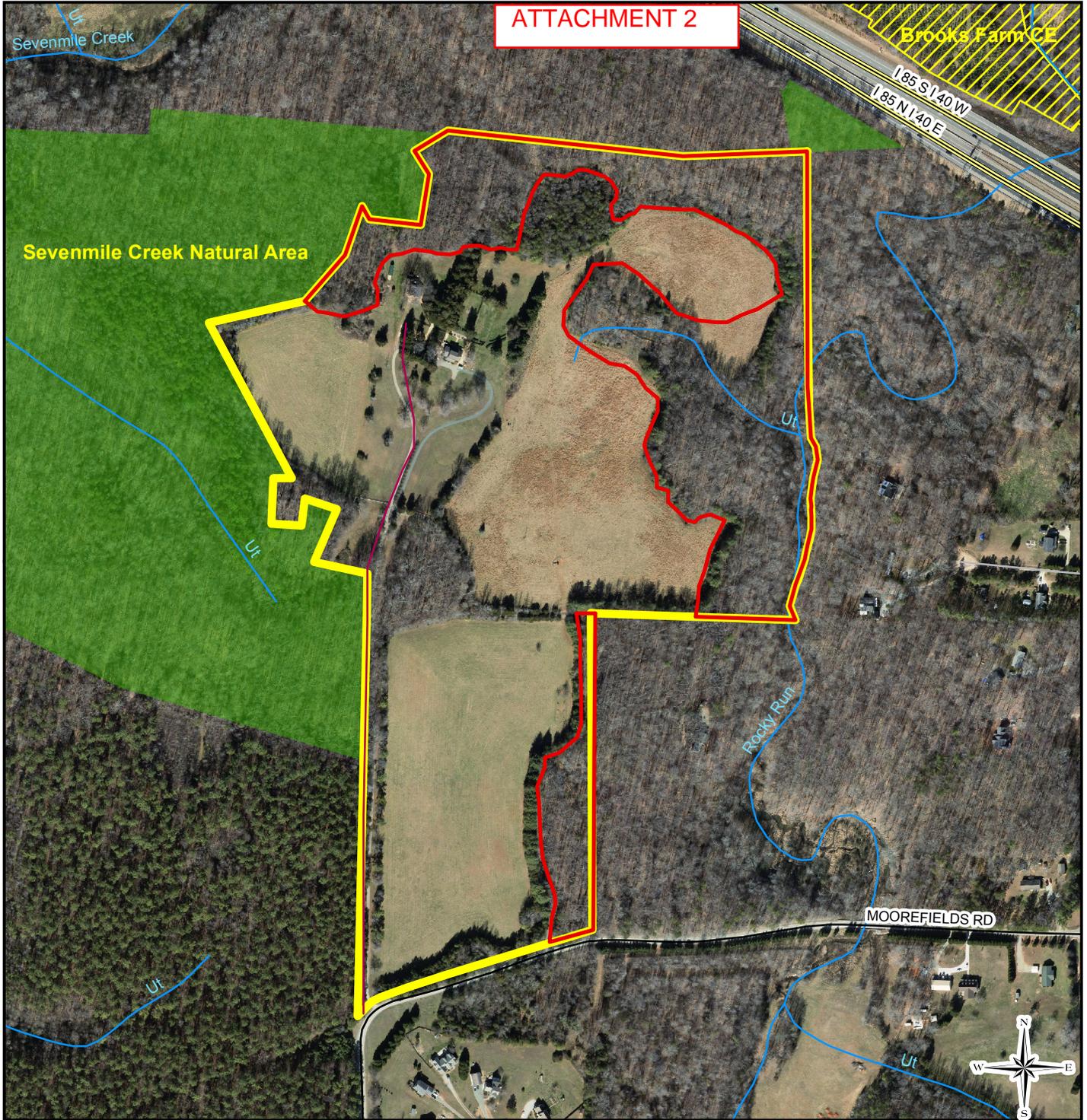
Department of Environment,
Agriculture, Parks & Recreation

Legend

	Project Location
	Streams
	Roads
	County Owned Land
	County Easements
	Non-County Parks
	Other Easements

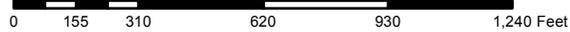
2020 Moorefields Estate Conservation Easement

ATTACHMENT 2



Tract Information

Landowner: Moorefields
Lat: 36° 03.58"
Long: 79° 08.55"
Date: 6/09/2020
Image: 2017 Aerial Photo
Created By: Christian Hirni
Acres: 72 (CWMTF-24 acres)



ORANGE COUNTY



Department of Environment,
Agriculture, Parks & Recreation

Legend

-  Roads
-  Tract Boundary
-  Planned CWMTF Easement
-  Streams
-  County Owned Land
-  County Easements

STATE OF NORTH CAROLINA
DEPARTMENT OF NATURAL AND CULTURAL RESOURCES
NORTH CAROLINA LAND AND WATER FUND
A/K/A CLEAN WATER MANAGEMENT TRUST FUND A/K/A LAND AND WATER FUND
GRANT CONTRACT
(FEE OR EASEMENT ACQUISITION – Local Government)

NCLWF PROJECT NUMBER: 2020-048

GRANTOR: NC Land and Water Fund a/k/a NC Clean Water Management Trust Fund (“Fund” or “NCLWF”), a division of the Department of Natural and Cultural Resources, acting through its Board of Trustees solely in its official capacity pursuant to Part 41, Article 2, Chapter 143B of the North Carolina General Statutes (“N.C.G.S.”)

CONTRACT ADMINISTRATOR: **Marie Taylor Meckman**
 NC Land and Water Fund
 1651 Mail Service Center
 Raleigh, NC 27699-1651

 Phone: 917-707-8649
 Email: marie.meckman@ncdcr.gov

GRANT RECIPIENT: Orange County, a North Carolina Local Government Unit (“Grant Recipient” or “County”).

CONTRACT ADMINISTRATOR: **Christian Hirni**
 Orange County
 PO Box 8181
 Hillsborough, NC 27278

 Phone: 919-245-2514
 Email: chirni@orangecountync.gov

CONTRACT EFFECTIVE DATE: _____ (the “Effective Date”)

CONTRACT EXPIRATION DATE: July 31, 2023 (the “Expiration Date”)

DEADLINE FOR RECEIPT BY NCLWF OF REIMBURSEMENT/PAYMENT REQUESTS:
August 15, 2023 (the “Reimbursement Date”)

GRANT AMOUNT: up to \$119,660 (the “Grant”)

AWARD DATE: September 16, 2020 (the “Award Date”)

THIS GRANT CONTRACT (the “Grant Contract” or “Contract”) is made and entered into as of the Effective Date by and between the Fund and the Grant Recipient. The Fund and the Grant Recipient may hereinafter be referred to individually as a “Party” or collectively as the “Parties.”

WITNESSETH:

WHEREAS, Grant Recipient has submitted to the Fund an application requesting a grant of funds (hereinafter the “Grant Application”) to purchase some or all of that certain real property more particularly described on the attached Exhibit “A” (the “Property”) and/or to establish a conservation agreement(s) thereon (“Conservation Agreement”), as specified in Exhibit A.

WHEREAS, the Fund is authorized by N.C.G.S. Chapter 143B, Article 2, Part 41 to acquire land for riparian buffers for the purposes of providing environmental protection for surface waters and urban drinking water supplies and establishing a network of riparian greenways for environmental, educational, and recreational uses; to acquire conservation easements or other interests in real property for the purpose of protecting and conserving surface waters and drinking water supplies; to coordinate with other public programs involved with lands adjoining water bodies to gain the most public benefit while protecting and improving water quality; to restore previously degraded lands to reestablish their ability to protect water quality; to facilitate planning that targets reductions in surface water pollution; to finance innovative efforts, including pilot projects, to improve stormwater management, to reduce pollutants to improve water quality, and to research alternative solutions to the State’s water quality problems; to provide buffers around military bases or for State matching funds for the Readiness and Environmental Protection Initiative; to acquire land that represents the ecological diversity of NC; and to acquire land that contributes to the development of a balanced State program of historic properties.

WHEREAS, the Grant Recipient is a qualified applicant as defined in N.C.G.S. §143B-135.238(a).

WHEREAS, the acquisition of the Property in fee simple and/or the acquisition of the Conservation Agreement(s) (the “Acquisition” or the “Project”) shall be for the purposes and according to the schedule set out in said Exhibit A, the specific details of the Project being set forth thereon. The Project shall be implemented pursuant to the budget set forth on the attached Exhibit “B.”

WHEREAS, the Fund approved the Grant Recipient’s application at its meeting on the Award date and is willing to make the Grant to the Grant Recipient pursuant to the terms and conditions set forth in this Grant Contract.

WHEREAS, the Parties desire to enter into this Grant Contract and intend to be bound by its terms.

NOW, THEREFORE, for and in consideration of the Grant, the mutual promises each to the other made, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties mutually agree as follows:

1. Grant Contract Documents. The Grant Contract consists of, and only of, the documents described below, which are hereinafter collectively referred to as the Grant Contract. In the case of conflict, specific and special terms, conditions and requirements shall control over general terms, conditions and requirements. Upon execution and delivery of the Grant Contract, including the execution of all the Exhibits that require execution, the Grant Contract shall constitute a valid and binding contract between the Parties, enforceable in accordance with the terms thereof. This Grant Contract constitutes the entire contract between the Parties, superseding all prior oral and written statements or contracts. Only changes deemed non-material

in type by the Fund's Executive Director may be made to the Grant Contract without the consent of the Fund's Board of Trustees.

The Grant Contract Documents consist of:

- a. The main body of the Grant Contract
- b. Exhibit A – Project Summary
- c. Exhibit B – Project Budget
- d. Exhibit C – Pre-Funding Checklist
 - a. Exhibit C.1 – Assurances for Non-Federally Funded Contracts
- e. Exhibit D – Pre-Closing Checklist
- f. Exhibit E – Post-Closing Checklist
- g. Exhibit F – Payment Checklist
- h. Exhibit G – Additional Definitions
- i. Exhibit H – General Terms and Conditions.

2. **Purpose.** The purpose of the Grant is for purpose(s) outlined in Exhibit A. Grant funds may not be used for the purchase of any improvements or removal of debris on the Property or for any other purpose not set forth herein.

3. **Fund's Duties.** Subject to the appropriation, allocation, and availability to NCLWF of Grant funds for the Project, NCLWF hereby agrees to pay the Grant funds to the Grant Recipient in accordance with the payment procedures set forth herein. Neither of the Parties is obligated to perform and the Grant Contract is not a binding agreement on all Parties until all Parties have executed the main body of the Grant Contract and all exhibits that require execution, the Department of Natural and Cultural Resources has notified the Fund that funds for the Grant contemplated hereunder have been encumbered, and the Grant Recipient has received its copy of the original Grant Contract, fully executed and with all dates inserted where indicated on the cover page to the Grant Contract.

4. **Grant Recipient's Duties.** The Grant Recipient shall carry out the Project in accordance with the terms of this Grant Contract.

5. **Contract Period.** The Fund's commitment to disburse Grant funds under this Grant Contract shall cease on the Reimbursement Date. It is the responsibility of the Grant Recipient to ensure that the Project is completed by the Expiration Date and that all costs to be reimbursed have been submitted to the Fund by the Reimbursement Date. After the Expiration Date, any Grant funds remaining under this Grant Contract will no longer be available to the Grant Recipient except to pay proper invoices for budgeted costs incurred by the Expiration Date and which are submitted to the Fund no later than the Reimbursement Date. **The burden is on the Grant Recipient to request an extension of the Grant Contract if the Grant Recipient anticipates that the Project will not be completed by the Expiration Date.** The request for an extension must give complete details of the reasons why an extension is needed, propose a new expiration date for the Grant Contract, and be submitted via the Funds online grants management system. This request must be submitted to and received by the Fund at least **60 days** prior to the Expiration Date. Approval of any requested extension is at the sole discretion of the Fund. The approval or denial of the requested extension will be based upon Project performance, among other factors. **The Fund is not obligated to send reminders or other notification of an approaching Expiration Date.**

6. **Pre-Funding Requirements.** Prior to the disbursement of **any** Grant funds under this Grant Contract, the Grant Recipient shall deliver to the Fund all of the documentation described on Exhibits C, C.1, and C.2.

7. **Payment of Grant Funds.**

- (a) Grant funds are awarded based on a commitment of matching funds to the project. NCLWF expects that its final portion of the total project cost will be no more than the percentage of funds originally committed to in the Grant Contract. As funds are requested from NCLWF, the Grant Recipient should be demonstrating expenditure of match.
- (b) The Acquisition and the recording of the General Warranty Deed, Conservation Agreement, and/or Assignment as may be applicable, shall be referred to herein as the “Closing.” Grant funds may be paid at Closing provided Grant Recipient has complied with the terms of Section 6 above and with all pre-Closing requirements as set forth in Exhibit D.
- (c) Grant Recipient may be reimbursed for itemized Project expenses (i.e. appraisal, survey, etc.) prior to or subsequent to Closing, at the Fund’s discretion, upon submittal of the following documentation via the Fund’s online grants management system and the appropriate forms contained thereon:
 - i. A copy of invoices or other documentation submitted to the Grant Recipient showing the itemized expenses. Grant Recipient shall identify any sales tax for which reimbursement has been or will be obtained from the State Department of Revenue, and such monies shall not be reimbursed;
 - ii. A written report containing a detailed narrative of the progress of the Project submitted within the three (3) months prior to the reimbursement request; and
 - iii. A completed request for reimbursement via the Fund’s online grants management system, stating that the Grant Recipient complied with all terms of this Grant Contract in incurring the expenses.
- (d) NCLWF may, upon request, disburse Grant funds prior to the closing of the Acquisition by the Grant Recipient, if costs are documented by unpaid third-party invoices. In order for NCLWF to pay Grant funds to the Grant Recipient based upon an unpaid third-party invoice, the Grant Recipient shall submit the following documentation via the Fund’s online grants management system and the appropriate forms contained thereon:
 - i. A copy of invoices or other documentation submitted to the Grant Recipient showing the itemized expenses. Grant Recipient shall identify any sales tax for which reimbursement has been or will be obtained from the State Department of Revenue, and such monies shall not be reimbursed;
 - ii. A written report containing a detailed narrative of the progress of the Project submitted within the three (3) months prior to the reimbursement request; and
 - iii. A completed request for reimbursement, stating that the Grant Recipient complied with all terms of this Grant Contract in incurring the expense, reviewed and has approved the unpaid third-party invoice, and certifies to the Fund that the unpaid third-party

invoice will be paid within three (3) working days of receipt of the disbursed Grant funds.

The Grant Recipient will confirm in writing to the Fund, via the appropriate form provided on the Fund's online grant management system, that the required payment has been made within thirty (30) days of payment.

- (e) The Fund agrees to pay or reimburse the Grant Recipient only for reasonable costs actually incurred by the Grant Recipient that do not exceed the Grant funds budgeted for the Project as shown in Exhibit B.
- (f) Grant funds will not be paid or reimbursed during the first week of January, the last three weeks of June, the first week of July, and the last two weeks of December. In addition, the State does not process payments on the last work day of the month.
- (g) The Grant Recipient may seek reimbursement for allowable Project costs incurred after the Award Date notwithstanding the fact that those costs may have been incurred prior to the Effective Date. Grant Recipient may not be reimbursed for Project costs incurred prior to the Award Date; however, Grant Recipient may use such costs toward match requirement if the costs were approved by the Fund's Board of Trustees at the time of the Award.
- (h) The Fund agrees to reimburse the Grant Recipient for Project administration costs consisting only of costs of labor for administrative work conducted exclusively on this Project. The Grant Recipient's requests for such reimbursement shall be made under the Project administration line item of Exhibit B and shall conform to the following:
 - i. Costs allowable under the Project administration line item include only costs of labor needed to comply with the general conditions of the Grant Contract (e.g., preparing progress reports, payment requests, the Project final report, negotiating the Grant Contract, and negotiating the Conservation Easement). Allowable Project administrative labor costs may include any of the following:
 - a. Compensation to the Grant Recipient's employees, plus the Grant Recipient's cost of paying benefits on such compensation (i.e., employees' pay times an audited or auditable benefits multiplier);
 - b. Compensation to Grant Recipient's independent contractors (e.g., temporary office support), payable at the Grant Recipient's actual cost, without application of a benefits multiplier; and/or
 - c. Cost of professional services contracted by the Grant Recipient (e.g., engineering firm or consultant), payable at the Grant Recipient's actual cost.
 - ii. (ii) Costs of any other work described in the Project's scope of work in Exhibit A are not allowable under the Project administration line item.

8. **Reversion of Unexpended Grant Funds.** Any unexpended Grant funds shall revert to the Fund upon termination of this Grant Contract.

9. **Reporting Requirements; Audit.** The Grant Recipient must submit to the Fund a progress report on the status of the Project on the first day of each calendar quarter (April 1, July 1, October 1, January 1) via the appropriate form provided on the Fund's online grant management system. In addition, the Grant Recipient must comply with all reporting requirements of N.C.G.S. Chapter §143C, Article 6, Part 3 and Title 09, Subchapter 3M of the North Carolina Administrative Code (N.C.A.C.), and any revisions thereof. Grant Recipient must also provide the required documentation as set forth on Exhibits C, C.1, and C.2. All such required reports shall be filed in accordance with the applicable statutes and rules on the forms required by the Office of State Budget and Management ("OSBM") and the Office of the State Auditor ("OSA") and submitted online via the Fund's online grants management system.

Grant Recipient agrees that the Fund and the OSA have the right to audit the books and records of the Grant Recipient pertaining to this Grant Contract both prior to Closing and for five (5) years after the completion or termination of this Grant Contract, or until all audit exceptions, if any, have been resolved, whichever is longer. The Grant Recipient shall retain complete accounting records, including original invoices, payrolls, Grant Contracts, working papers, or other documents clearly showing the nature of all costs incurred under this Grant contract, for that same period of time. All such records shall be accessible to the Fund, the Department of Natural and Cultural Resources, OSBM and OSA.

10. **Notice; Contract Administrators.** All notices, requests or other communications permitted or required to be made under this Grant Contract shall be given to the respective Contract Administrator. Notice shall be in writing, signed by the Party giving such notice. Notice shall be deemed given three (3) business days next following the date when deposited in the mail, postage prepaid, registered or certified mail, return receipt requested, unless another form is otherwise noted herein.

11. **Signature Warranty.** Each individual signing below warrants that he or she is duly authorized to sign this Grant Contract for the respective Party and to bind said Party to the terms and conditions of this Grant Contract.

IN WITNESS WHEREOF, Grant Recipient and the Fund have executed this Grant Contract in one (1) original as of the Effective Date. One original shall be retained by the Fund and a copy of the original will be sent to the Grant Recipient. If there is any controversy among the documents, the document on file in the Fund's office shall control.

GRANT RECIPIENT:

ORANGE COUNTY, a North Carolina local government unit

By:
Name: Bonnie Hammersley
Title: County Manager

FUND:

NORTH CAROLINA LAND AND WATER FUND

By:
Name: E. Greer Cawood
Title: Chairman, Board of Trustees

By:
Name: Walter Clark
Title: Executive Director

EXHIBIT A
PROJECT DESCRIPTION

Legal Description of Property:

That parcel of land situated north of Moorefields Road (State Road 1135) and west of Rocky Run Creek in Cheeks Township, Orange County, North Carolina, containing 19.25 acres, 37.38 acres, and 14 acres, more or less, owned now or formerly by Draper Savage Memorial Foundation, being that parcels of land identified in the Orange County tax records by the parcel identification numbers 9853797619, 9854716006, and 9854815060, respectively.

Project Summary:

Grant Recipient originally requested \$119,660 of a total cost of \$398,450 to purchase a Conservation Easement on the Property. At its meeting held via teleconference on September 16, 2020, the Fund's Board of Trustees awarded an amount of **UP TO ONE HUNDRED NINETEEN THOUSAND SIX HUNDRED SIXTY DOLLARS (UP TO \$119,660)** for the Acquisition of the Conservation Easement and qualifying transaction costs.

Purpose: The Grant was awarded to acquire land that represent the ecological diversity of North Carolina, including riverine systems and other natural areas to ensure their preservation and conservation for recreational, scientific, educational, cultural, and aesthetic purposes; and that contribute to the development of a balanced State program of historic properties; and for riparian buffers to provide environmental protection for surface waters and to establish a network of riparian greenways for environmental, educational, and recreational uses.

Scope of Work:

This project includes approximately 71 acres. It is the site of the historic Moorefields Estate and buffers Rocky Run and Seven Mile Creek natural area.

Notwithstanding any other provision of the Grant contract, before the expiration date of the Grant Contract, Grant Recipient will complete the following:

- 1) complete required due diligence
- 2) purchase a Conservation Easement to be held by the State on 23.5 acres of the Property, including the riparian buffers
- 3) purchase a Conservation Easement on 47.5 acres to be held jointly by Orange County and Eno River Association.

After closing, Eno River Association will enter into a separate contract with NCLWF to monitor and observe the Property and/or Easement Area.

NCLWF Grant funds payment:

All Property acquisition value claimed by Grant Recipient (whether purchased, realized from a bargain sale or donated) must be accounted for in the value approved by the NC State Property Office.

NCLWF Grant funds will be paid to Grant Recipient toward the value of the Conservation Easement interest in the Property (minus any match discounts accounted for in the budget such as from a bargain sale and/or donated acreage value of the Property) and other items as outlined in the budget and as agreed to in the terms of this Grant Contract as long as the Conservation Easement purchase occurred or occurs after the Award Date of the Grant.

Should the total property value as approved by the NC State Property Office be less than budgeted in Exhibit B, NCLWF will only reimburse in proportion to total matching funds as budgeted in Exhibit B.

Special Conditions (In the case of conflict between these Special Conditions and the General Terms and Conditions in Exhibit H or any other part of this Contract, these special conditions shall govern and control):

1. Agree to post signage at public access points, provided by NCLWF or created by Grant Recipient and approved by NCLWF, acknowledging NCLWF as a funder.
2. All Property must be restricted by a Conservation Easement or other conservation agreement.
3. All Conservation Easements and other conservation agreements must be approved by NCLWF before recordation.
4. Trails must be implemented according to NCLWF's trail policy.
5. Projects with more than one parcel must be recombined into one parcel at closing unless doing so is impracticable.
6. The landowner will accept the standard reserved rights in the NCLWF Conservation Easement template for the area encumbered by a Conservation Easement held by the State.
7. Historic structures and other buildings, agriculture, use of motor vehicles, maintenance of existing roads, public parking, and portable toilets may be allowed in the area encumbered by a Conservation Easement held jointly by Orange County and Eno River Association.

Schedule:

1. The Project must be completed by the **Expiration Date**. The Fund will not reimburse the Grant Recipient for costs incurred after the Expiration Date.
2. Submit all invoices and final reports by the **Reimbursement Date**. The Fund will not accept or process invoices received after the Reimbursement Date.

**EXHIBIT B
PROJECT BUDGET**

Item	NCLWF Grant Amount	Matching Funds¹	Total Project Cost
Property/Conservation Easement/Agreement Acquisition	\$111,042	\$248,958	\$360,000
Transactional Costs ²	\$0	\$24,700	\$24,700
Stewardship Endowment ³	\$8,618	\$5,132	\$13,750
Project Administration ⁴	\$0	\$0	\$0
Totals	\$119,660	\$278,790	\$398,450
Funding Percentages	30%	70%	100%

Budget Notes:

¹ Source and dollar amounts of matching funds: local government (\$276,290); private organization (\$2,500).

² Transactional costs include: surveys and legal descriptions; appraisals; Phase I Environmental Site Assessment; legal fees and closing costs; title insurance; recording fees; ad valorem taxes (Grant Recipient's portion); and baseline documentation report.

If you request reimbursement for your own organization's work on the baseline documentation report, you must submit documentation of staff hours and hourly compensation rates (salary and fringe benefits) for time spent on the report plus actual mileage.

³ Payment for stewardship will be in accordance with Stewardship Contract as referenced in Exhibit H: General Terms and Conditions.

⁴ If you are requesting Project Administration reimbursement or demonstrating Project Administration match, you must submit itemized documentation of staff hours and hourly compensation rates (salary and fringe benefits) for time spent on Project Administration. Only staff time is reimbursable under this line item.

THE UNDERSIGNED HAS REVIEWED AND APPROVED THE BUDGET.

SIGNATURE:

DATE:

NAME: Bonnie Hammersley

TITLE: County Manager

EXHIBIT C
PRE-FUNDING CHECKLIST FOR LOCAL GOVERNMENTS

EXHIBIT C.1
ASSURANCES FOR NON-FEDERALLY FUNDED CONTRACTS

The Grant Recipient acknowledges and certifies the following:

1. **DEBARMENT AND SUSPENSION** - To the best of its knowledge and belief, that the Grant Recipient and its principals:
 - (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal, State, or local government agency;
 - (b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. **LOBBYING** - To the best of the Grant Recipient's knowledge and belief, that:
 - (a) No Federal, State or local government appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal, State or local government agency; a member of Congress, North Carolina's General Assembly or local government body; an officer or employee of Congress, North Carolina's General Assembly or local government body; or an employee of a member of Congress, North Carolina's General Assembly or local government body in connection with the awarding of any Federal, State or local government contract, the making of any Federal, State or local government grant, the making of any Federal, State or local government loan, the entering into of any Federal, State or local government cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal, State or local government contract, grant, loan, or cooperative agreement.
 - (b) If any funds other than Federal, State or local government appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal, State or local government agency; a member of Congress, North Carolina's General Assembly or local government body; an officer or employee of Congress, North Carolina's General Assembly or local government body; or an employee of a member of Congress, North Carolina's General Assembly or local government body in connection with the Federal, State or local government contract, grant, loan, or

cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

3. **DRUG-FREE WORK PLACE REQUIREMENTS** – The Grant Recipient will comply by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grant Recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing a drug-free awareness program to inform employees about -
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Grant Recipient's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a) above;
 - (d) Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the grant, the employee will -
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
 - (e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2), above, from an employee or otherwise receiving actual notice of such conviction;
 - (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), above with respect to any employee who is so convicted -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f), above.
4. **EQUAL EMPLOYMENT** – The Grant Recipient will comply with the provisions of the Equal Employment Practices Act set out in N.C.G.S. Chapter 143, Article 49A.
5. **LABOR STANDARDS** – The Grant Recipient will comply, as applicable, with the provisions of the Wage and Hour Act, Occupational Safety and Health Act of North Carolina, Controlled

Substance Examination Regulation, Retaliatory Employment Discrimination, Safety and Health Programs and Committees, Workplace Violence Prevention, and other applicable provisions of N.C.G.S. Chapter 95 regarding labor standards.

6. **COMPLIANCE WITH APPLICABLE LAW** – The Grant Recipient will comply with all applicable requirements of all other federal, state and local government laws, executive orders, regulations and policies governing this program.

As the duly authorized representative of the Grant Recipient, I hereby certify that the Grant Recipient will comply with the above certifications (Items 1 through 6):

1. Grant Recipient Name & Address: Orange County
PO Box 8181
Hillsborough, NC 27278
2. Typed Name and Title of Authorized Representative: Bonnie Hammersley, County Manager
3. Signature of Authorized Representative:
4. Date:

EXHIBIT D
PRE-CLOSING CHECKLIST
ACQUISITION OF
FEE SIMPLE AND CONSERVATION EASEMENT

The following documents must be submitted for approval and in compliance with Acquisition Guidelines available on the website. Grant Recipient takes responsibility for this compliance by approving all documents provided by vendors prior to submission.

- Funds for acquisition of the Property or Conservation Easement will not be released until Pre-Closing documents have been reviewed and Grant Recipient has received authorization to Close in writing; and
- A final Closing date should not be set until Grant Recipient has received authorization to Close.

1. **Appraisal.** Two (2) appraisals are required if the fee simple value or the easement value of the Property is greater than \$500,000. If the value of the Property exceeds \$500,000, contact the State Property Office (“SPO”) regarding instructions on ordering the second appraisal.

Appraisals must meet the following criteria:

- Appraisals must be performed by a North Carolina general certified appraiser and all appraisals must be summary appraisals in narrative form in accordance with Uniform Standards of Professional Appraisal Practice.
- The appraisal should reflect the market value of the Property or the Conservation Easement at the time of purchase by the Grant Recipient.
- Appraisals of the conservation easement should reflect the “before and after” approach, indicating the value before and after the easement was recorded on the Property.

2. **Conservation Easement(s) or Declaration of Restrictive Covenants.** The State-owned Conservation Easement through NCLWF and the match Conservation Easement or Declaration of Restrictive Covenants, where applicable, shall convey such rights and establish such restrictions on the use of the Property as may be deemed suitable by NCLWF to accomplish purposes set out in Exhibit A. **Any changes to the standard template for the State-owned Conservation Easement or Declaration of Restrictive Covenants should be highlighted for review.**

3. **Assignment of Conservation Easement.** The Assignment of Conservation Easement executed by the Grant Recipient to the State as assignee shall be in the form satisfactory to the NCLWF. The Grant Recipient shall retain the non-exclusive rights to monitor, observe, and access the Property and the Conservation Easement area.

4. **General Warranty Deed to Grant Recipient (Fee Simple Acquisitions).** The description of the General Warranty Deed to the Grant Recipient must either be metes and bounds or refer to a recorded map or plat. The General Warranty Deed must indicate that the Grant Recipient will own and possess fee simple title to the Property, free and clear of any liens, charges, or encumbrances that would materially affect the use of the Property as set forth in the Grant Contract and the Conservation Easement. Submit PDFs of the instruments conveying title to the current owners of the subject tracts(s).

5. **Title Insurance.**

(a) For Fee Acquisition: The Title Policy must consist of a standard commitment on the form required by the American Land Title Association to issue a title insurance policy and show that title to the Property is vested in fee in the owner of the Property and insure the Conservation Easement interest in the State. Neither the Title Commitment nor the Title Policy shall contain an exception as to matters of survey. They shall provide for the following:

- Afford coverage to the State for the portion of the Grant used to purchase the Property; and
- Provide affirmative coverage for access over, upon, and across the Property to and from the Conservation Easement area, and from the Property to a publicly maintained road; and
- Provide that a Closing Protection Letter will be issued to the NCLWF pursuant to NCGS Chapter 58, Article 26; and
- Indicate whether the Property is subject to any liens and defects.
- Instruments referred to in the title commitment must be submitted.

(b) For Conservation Easement Acquisitions: A Title Commitment must be followed after closing by a Title Policy showing that title to the Property is vested in the owner of the Property and insure the Conservation Easement interest. The Title Policy must be issued without exception as to matters of survey, and shall provide for the following:

- Afford coverage to the State for the portion of the Grant used to purchase the Conservation Easement; and
- Provide affirmative coverage for access over, upon and across the Property, to and from the Conservation Easement area, and from the Property to a publicly maintained road; and
- Provide that a Closing Protection Letter will be issued to the NCLWF pursuant to N.C.G.S. Chapter 58, Article 26; and
- Indicate whether the Property is subject to any liens and defects.
- Instruments referred to in the title commitment must be submitted.

6. **Survey.** Any survey of the Property and/or the Conservation Easement obtained must meet the following criteria:

- The plat must be in accordance with the latest version of N.C.A.C. Title 21, Chapter 56, Section.1600 – Standards of Practice for Land Surveying in North Carolina; in particular 21 N.C.A.C. 56.1602(g).
- The plat must be in recordable form, depict a metes and bounds description, and tie the beginning point of the Conservation Easement to a point on a property boundary line.
- The survey and plat must comply with other requirements found in survey guidelines available on the NCLWF website.
- One full-sized plat must be submitted in hard copy to the address requested by grant administrator prior to recordation.

7. **Phase I Environmental Site Assessment (Optional).** The Phase I Environmental Site Assessment (“ESA”) shall conform to the requirements of the latest version of American Society for Testing and Materials (“ASTM”) Standard E-1527. NCLWF reserves the right to require the Grant Recipient to

remedy any concerns prior to or subsequent to Closing. NCLWF must be included as an authorized user of the ESA. Provide one (1) copy of the report.

8. **Baseline Documentation Report (if necessary for future monitoring)**. Whether a Baseline Documentation Report is required will be the sole decision of NCLWF and based on an evaluation of the Project's management and monitoring requirements. The Baseline Documentation Report should be in the format set forth in NCLWF Stewardship Guidelines, available on the NCLWF website.

9. **Settlement Statement**. Acquisition contract sales price must align with SPO appraised value(s). Settlement costs must be substantiated with invoices.

10. **Agreements With Other Government Funders**. Grant Recipient shall provide NCLWF with a copy of all agreements with other government funders who are providing assistance for the Project so that NCLWF is able to ensure that the transaction complies with any requirements imposed by virtue of the government funders involvement.

EXHIBIT E
POST-CLOSING CHECKLIST

Within forty-five (45) business days of Closing, the following documents must be submitted to NCLWF according to instructions provided on NCLWF website.

1. Title Policy
2. Recorded Survey
3. Easement Boundaries of NCLWF Conservation Easement area - ArcGIS shapefile and .dwg format
4. All recorded conservation easements and other conservations agreements and notices
5. General Warranty Deed
6. Signed Final Baseline Documentation Report (if required)
7. Fully executed settlement statement
8. Final Project Report, via the appropriate form provided on NCLWF website.

EXHIBIT F
PAYMENT CHECKLIST

For further information on Payment of Grant Funds, see Section 7 of this Grant Contract. The following must be complete prior to requesting funds from NCLWF:

1. Contract must be signed by both parties
2. All reporting requirements must be current and documents must be on file with NCLWF. These include:
 - a. Pre-funding documents listed on Exhibit C
 - b. NCLWF quarterly progress reports
 - c. Audits as required by the Uniform Administration of State Grants
3. Invoices for both NCLWF funds AND all matching funds expenditures must be uploaded via the Fund's online grants management system when requesting funds. All invoices and supporting documentation to substantiate costs must meet the following conditions:
 - a. be FROM vendors/contractors TO the Grant Recipient
 - b. be dated after the NCLWF Award Approval Date for reimbursement or, if dated prior to the NCLWF Award Approval Date, be requested as match if approved as match at the time of grant award
 - c. Statement of Staff Time on NCLWF form
4. If Closing costs are requested, all Pre-Closing documents must be submitted and approved by The Fund prior to release of funds for acquisition of property or conservation easements.

EXHIBIT G
ADDITIONAL DEFINITIONS

The definitions set forth in N.C.G.S. Chapter 143C shall apply to this Grant Contract except as otherwise provided herein below. The definitions provided by 09 N.C.A.C. 03M shall apply to this Grant Contract to the extent they are not in conflict with N.C.G.S. Chapter 143C or this Grant Contract. In the event of conflict between or among definitions, N.C.G.S. Chapter 143C shall control over 09 N.C.A.C. 03M, and this Grant Contract shall control over N.C.G.S. Chapter 143C.

- (1) For purposes of this Grant Contract, a "Grantee," as defined in N.C.G.S. §143C-6-23, and "Recipient," as defined in 09 NCAC 03M .0102 and applicable to 09 N.C.A.C. 03M, shall be referred to as the "Grant Recipient." and the term "Grantee" shall mean and refer to an entity that is the recipient of an interest in real property.
- (2) For purposes of this Grant Contract, a "Subgrantee," as defined in N.C.G.S. §143C-6-23, and "Subrecipient," as defined in 09 NCAC 03M .0102 and applicable to 09 N.C.A.C. 03M, shall be referred to as a "Sub-grant Recipient."

EXHIBIT H
GENERAL TERMS AND CONDITIONS

(These General Terms and Conditions may be modified by Special Conditions in Exhibit A, and it should be reviewed for possible modifications to these General Terms and Conditions.)

A. Affirmative Covenants

1. Title. If the property right to be acquired is fee title, Grant Recipient shall acquire good and marketable title to the Property free and clear of any liens, other charges or encumbrances that would materially affect the use of the Property as intended under this Grant Contract. The General Warranty Deed shall convey such rights and establish such restrictions on use as may be deemed by the Fund suitable to accomplish the purposes set out in Exhibit A. Outstanding mineral rights are not an acceptable exception to title unless specifically approved by the Fund's Board of Trustees.

2. Conservation Easement. If the property right to be acquired is a conservation easement, Grant Recipient shall obtain a valid and enforceable Conservation Easement, and assure that the Seller has possession and ownership, free and clear of any liens, other charges or encumbrances that would materially affect the use of the Property as intended under the Conservation Easement. The Grant Recipient will be the holder of the Conservation Easement and will then immediately assign the Conservation Easement to the State by and through the Fund or continue to hold the Conservation Easement, based on NCLWF's evaluation of the Project's management or monitoring requirements. Whether the Grant Recipient will immediately assign or hold the Conservation Easement will be the sole decision of NCLWF. The Conservation Easement shall convey such rights and establish such restrictions on use as may be deemed by the Fund or the State suitable to accomplish the purposes set out in Exhibit A and indemnifications satisfactory to the Fund. Grant Recipient covenants that it will monitor the Property for compliance with the restrictions on use contained in the Conservation Easement and will report any observed or suspected violations to the Fund.

3. No Mitigation. Grant Recipient shall not use the Property or any portion thereof to satisfy compensatory mitigation requirements under 33 USC § 1344 or N.C.G.S. §143-214.11.

4. Right of Entry and Inspections. The Grant Recipient shall permit NCLWF's representatives to enter the Property for inspection of the Property and to enter any other premises of the Grant Recipient associated with the activities of the Grant Recipient pursuant to the Grant, including to review books and records in any way related to the Grant or the Property.

5. Retention, Operation, Maintenance and Use. Grant Recipient agrees to carry out the Acquisition as approved by the Fund. The Grant Documents and accompanying or related plans, specifications, estimates, procedures and maps submitted to the Fund by the Grant Recipient are the foundation of this Grant Contract. Only changes deemed non-material in type by the Executive Director of the Fund may be made without the consent of the Fund's Board of Trustees. Furthermore, Property interests acquired with Grant assistance from the Fund shall be used for the purposes identified in the Grant Contract, and Grant Recipient hereby agrees to file or record such restrictions as may be required to assure such continued use and the continued validity of any Conservation Easement, if applicable.

6. Signage. If NCLWF's approval of this Project allows public access to and/or public education activities at the Project site, the Grant Recipient shall post signs provided by NCLWF at the public areas such as, but not limited to, trail heads, parking areas, kiosks, and boat ramps. The signs shall be posted in number, location, and manner satisfactory to NCLWF. Grant Recipient may provide the signs, and the signs must acknowledge NCLWF as a funding partner, conform to NCLWF's sign policies

posted on its website, and be approved by NCLWF. NCLWF reserves the right to provide signs to Grant Recipient to post at the Project site.

7. Publicity. To the extent possible, the Grant Recipient will use its best efforts to appropriately publicize the Project's benefits to the general public, local government and state representatives, including the role of the Fund in the funding and development of the project.

8. Conflicts of Interest. Grant Recipient shall at all times comply with Grant Recipient's conflict of interest policy.

9. Compliance with Reporting Requirements. Grant Recipient shall comply with the reporting requirements contained in Section 9 of the Grant Contract, and in N.C.G.S. Chapter 143C, Article 6, Part 3, and 09 N.C.A.C. Subchapter 03M-Uniform Administration of State Grants, including audit oversight by the Office of the State Auditor, the provision of access to the accounting records by both the funding entity and the Office of the State Auditor in accordance with N.C.G.S. §147-64.7, and availability of audit work papers in the possession of any auditor of any recipient of State funding. If a Grant Recipient has not met these reporting requirements and fails to submit revised reports in accordance with a grantor agency determination letter, the grantor agency shall suspend further payments to the Grant Recipient and report the Grant Recipient to the Office of the State Auditor and the Office of the State Controller.

10. Books and Records. Grant Recipient agrees to maintain and make available for inspection by the Fund, at all reasonable times, all documents, books, and records of all expenditures for costs applicable to this Grant Contract, and to submit properly certified billings for such costs on forms prescribed by the Fund and supported by detailed data sheets which will facilitate the audit of the Grant Recipient's records. Further, Grant Recipient shall maintain all Grant records for a period of five (5) years or until all audit exceptions have been resolved, whichever is longer.

11. Additional Requirements. Grant Recipient shall comply with all legal requirements applicable to the use of the Grant funds.

12. Permits and Approvals. All required regulatory approvals to use the Property and the Conservation Easement area in accordance with Exhibit A have or will be obtained.

13. Stewardship. If the Project includes the recordation of a Conservation Easement, Grant Recipient acknowledges and agrees to the following terms and conditions regarding stewardship of the Conservation Easement:

- a) Regardless of whether the State is the Grantee of the Conservation Easement, the Grant Recipient shall monitor and observe the Property and the Easement Area at least annually in perpetuity unless otherwise set forth on Exhibit B of this Grant Contract; and
- b) The purpose of such stewardship shall be to assure compliance with the purposes and provisions of the Grant Contract, as set forth in Exhibit A, and the Conservation Easement; and
- c) Unless otherwise set forth on Exhibit B of this Grant Contract, Grant Recipient will report on the condition of the Easement Area or provide for such reporting to the Fund no less frequently than once a year; and further will report immediately to the Fund any observed and/or known violations of the Conservation Easement or the Grant Contract; and
- d) Any associated stewardship monies awarded under the Grant Contract will be administered pursuant to N.C.G.S. § 143B-135.236, N.C.G.S. § 147-69.2, and N.C.G.S. § 147-69.; and
- e) The Parties shall enter into a separate written Stewardship Contract setting forth the terms and conditions of the stewardship obligation including invoicing and payment. Such separate

Stewardship Contract may be assignable by either Party with the prior written consent of both Parties, but only to an entity that is qualified to receive a grant from the Fund, is a qualified holder of conservation easements under the Uniform North Carolina Conservation and Historic Preservation Agreements Act, (N.C.G.S. Chapter 121, Article 4), or any successor statute, and is a qualified organization as that term is defined in 26 U.S.C. § 170(h)(3) of the Internal Revenue Code (the “Code”), as amended, or any successor section, and the regulations promulgated there under the Code, which is organized or operated primarily for one of the conservation purposes specified in 26 U.S.C. § 170(h)(4)(A) of the Code.

Stewardship funds in this Grant Contract will not be paid out under this Grant Contract but will be transferred to the Office of the State Treasurer for investment in the NCLWF’s N.C. Conservation Easement Endowment Fund at the closing of this Grant Contract.

B. Representations and Warranties

In order to induce the Fund to enter into this Grant Contract and to make the Grant as herein provided, the Grant Recipient, after reasonable inquiry, makes the following representations, warranties and covenants, which shall remain in effect after the execution and delivery of this Grant Contract and the other Grant Documents, any inspection or examinations at any time made by or on behalf of the Fund, and the Acquisition by the Grant Recipient:

1. No Actions. There are no actions, suits, or proceedings pending, or to the knowledge of the Grant Recipient threatened against or affecting the Grant Recipient before any court, arbitrator, or governmental or administrative body or agency which might affect the Grant Recipient’s ability to observe and perform its obligations under this Grant Contract.
2. No Untrue Statements. Neither this Grant Contract nor any information, certificate, statement, or other document furnished by Grant Recipient in connection with the Grant, contains any untrue statement of a material fact or omits disclosure of a material fact which affects the Property, any subsequent Conservation Easement on the Property or the ability of the Grant Recipient to perform under this Grant Contract.
3. Zoning. The present and proposed use of the Property, including, without limitation, the purpose of the Conservation Easement, is in compliance with all zoning ordinances, and all municipal and other governmental and regulatory approvals have been or will be obtained for the use and for operation of the Property according to this Grant Contract.
4. Environmental Condition of Property. The Parties acknowledge that, as of the Effective Date of this Contract, the Grant Recipient may not yet have received the ESA. Accordingly, the Grant Recipient warrants, represents and covenants to the Fund that to the best of its knowledge as of the Effective Date: (a) the Property is and at all times hereafter will continue to be in full compliance with all federal, state and local environmental laws and regulations; (b) there are no hazardous materials, substances, wastes or other environmentally regulated substances (including, without limitation, any materials containing asbestos) located on, in or under the Property or used in connection therewith; (c) there is no environmental condition existing on the Property that may prohibit or impede use of the Property for the purposes set forth in this Grant Contract; and (d) the Grant Recipient will not allow such uses or conditions.

5. Access. There is, or shall be by the date of Closing, legal access to the Property from a public roadway, and access over, upon and across the Property to and from the easement area. If the Property is surrounded by water, there is access to the Property from the waters of the State.

6. Tax Exempt Status. As applicable, the Grant Recipient shall maintain tax-exempt status under Section 501(c) (3) of the Internal Revenue Code of 1986, as amended (or any successor section) and the regulations promulgated there under (the "Code") and shall notify the Fund within thirty (30) days upon any change in its status under the Code.

C. Termination; Events of Default

1. Termination by Mutual Consent. The Parties may terminate this Grant Contract by mutual written consent with sixty (60) days prior notice, or as otherwise provided by law.

2. Termination for Cause. The happening of any of the following, after the expiration of any applicable cure period without the cure thereof, shall constitute an event of default ("Event(s) of Default") by the Grant Recipient of its obligations to the Fund, and shall entitle the Fund to exercise all rights and remedies under this Grant Contract and as otherwise available at law or equity:

- (a) Property Unsuitable. A determination by the Fund, prior to the date of Closing that the Property is unsuitable for the purpose for which this Grant contract is made.
- (b) Unsuitable Use. The Property is used in a manner materially inconsistent with the purposes of this Grant Contract or the Conservation Easement that Grant Recipient agrees to obtain in accordance with this Grant Contract.
- (c) Default in Performance. The default by the Grant Recipient in the observance or performance of any of the terms, conditions or covenants of the Grant Contract, including, without limitation, a failure to satisfy any condition precedent to disbursement or reimbursement set forth in conditions 5 and 6 thereof; provided, however, that no such default shall occur until the Grant Recipient has been given written notice of the default and thirty (30) days from the date of receipt of written notice in which to cure said default.
- (d) Misrepresentation. If any representation or warranty made by the Grant Recipient in connection with the Grant or any information, certificate, statement or report heretofore or hereafter made shall be untrue or misleading in any material respect at the time made.
- (e) Eligibility of Grant Recipient. If Grant Recipient ceases to be qualified to receive Grant funds, is dissolved, or otherwise ceases to exist.
- (f) Failure to Monitor Conservation Easement. If the Grant Recipient fails to notify the Fund of any potential violation of the Conservation Easement within a reasonable period of time so as to avert or cure any potential violation.

D. The Fund's Rights and Remedies

If an Event of Default shall occur, the Trust Fund shall have the following rights and remedies, all of which are exercisable at the Trust Fund's sole discretion, and are cumulative, concurrent and independent rights:

1. Default Prior to Closing. If an Event of Default occurs prior to the date of Closing, the Fund may, at its discretion, suspend and/or terminate all obligations of the Fund hereunder and Grant Recipient shall immediately refund all money previously paid to the Grant Recipient under this Grant Contract. If in the judgment of the Fund, such failure was due to no fault of the Grant Recipient, amounts required to resolve, at minimum costs, any irrevocable obligations properly incurred by Grant Recipient shall, in the discretion of the Fund, be eligible for reimbursement under this Grant Contract.

2. Default Subsequent to Closing.

(a) If an Event of Default occurs subsequent to Closing of a Conservation Easement assigned to the State, the Fund or State shall be entitled to maintain and enforce its rights under the Conservation Easement, in which case the Fund shall have no right to receive any reimbursement, refund or repayment of any money paid Grant Recipient under this Grant Contract.

(b) If an Event of Default occurs subsequent to the Closing and Grant Recipient has received title to the Property, then the Grant Recipient shall convey and transfer to the State or designee all its underlying fee simple title to the Property, by general warranty deed, free and clear of any liens, charges or encumbrances that would materially affect the use of the Property as set forth in the Conservation Easement, in which case the Fund shall have no right to receive any reimbursement, refund, or repayment of any money paid to Grant Recipient under this Grant Contract.

(c) If an Event of Default occurs subsequent to the Closing and the Grant Recipient holds the Conservation Easement, the Fund and State may seek to obtain title to the Conservation Easement in order to preserve or protect its interest in the Property; or the Fund may suspend and/or terminate all obligations of the Fund hereunder, and the Grant Recipient shall immediately return to the Fund all money previously paid to the Grant Recipient under this Grant Contract.

(d) If an Event of Default occurs subsequent to Closing and a third party has received the Conservation Easement, the Fund and State may seek to obtain title to the Conservation Easement in order to preserve or protect its interest in the Property; or the Fund may suspend and/or terminate all obligations of the Fund hereunder, and the Grant Recipient shall immediately return to the Fund all money previously paid to the Grant Recipient under this Grant Contract.

3. Non-waiver. No delay, forbearance, waiver, or omission of the Fund to exercise any right, power or remedy accruing upon any Event of Default shall exhaust or impair any such right, power or remedy or shall be construed to waive any such Event of Default or to constitute acquiescence therein. Every right, power and remedy given to the Fund may be exercised from at any time and as often as may be deemed expedient by the Fund.

E. Miscellaneous

1. Modification. This Grant Contract may be rescinded, modified or amended only by written agreement executed by all Parties.

2. Benefit. This Grant Contract is made and entered into for the sole protection and benefit of the Fund, the State and the Grant Recipient, and their respective successors and assigns, subject always to the provisions of paragraph E.6 of this Exhibit H. Except for the State, there shall be no third-party beneficiaries to this Grant Contract.

3. Further Assurance. In connection with and after the payment of Grant funds under this Grant Contract, upon the reasonable request of the Fund, the Grant Recipient shall execute, acknowledge and deliver or cause to be delivered all such further documents and assurances, and comply with any other requests as may be reasonably required by the Fund or otherwise appropriate to carry out and effectuate the Grant as contemplated by this Grant Contract and the purposes of the Conservation Easement.

4. Compliance by Others. The Grant Recipient shall be responsible for compliance with the terms of this Grant Contract by any Sub-grant Recipient, including but not limited to, a political subdivision, public agency, or qualified non-profit organization to which funds or obligations are transferred, delegated or assigned pursuant to this Grant Contract. Delegation by the Grant Recipient to a Sub-grant Recipient of any duty or obligation hereunder does not relieve the Grant Recipient of any duty or obligation created hereunder. Failure by such Sub-grant Recipient to comply with the terms of this Grant Contract shall be deemed failure by the Grant Recipient to comply with the terms of this Grant Contract. Any such delegation of duties or obligations shall be in writing, signed by the Grant Recipient and Sub-grant Recipient, shall be in accordance with paragraph E.8 of this Exhibit H, and shall contain an affirmative covenant by the Sub-grant Recipient that it shall abide by the rules set forth in Title 09, Subchapter 03M of the North Carolina Administrative Code.

5. Independent Status of the Parties. The Parties are independent entities and this Grant Contract shall not create a partnership or joint venture between the Parties. Further, the Grant Contract shall not in any way be interpreted or construed as making the Grant Recipient, its agents or employees, to be agents or representatives of the Fund. The Grant Recipient is and shall be an independent contractor in the performance of this Grant Contract and as such shall be wholly responsible for the work to be performed and for the supervision of its agents and employees. In no event shall the Fund be liable for debts or claims accruing or arising against the Grant Recipient. The Grant Recipient represents that it has, or shall secure at its own expense, all personnel required in the performance of this Grant Contract. Such employees shall not be employees of, nor have any individual contractual relationship with, the Fund.

6. Indemnity. The Grant Recipient agrees, to the fullest extent permitted by law, to release, protect, indemnify and hold harmless the State, the Fund, its Trustees, employees, agents and assigns against any and all claims, losses, liabilities, damages, and costs, including reasonable attorney fees, which result from or arise out of: (a) damages or injuries to persons or property caused by the negligent acts or omissions of Grant Recipient, its employees, or agents in use or management of the Property; (b) use or presence of any hazardous substance, waste or other regulated material in, under or on the Property; or (c) the performance of the Grant Recipient's duties under this Grant Contract. The obligations under this Section are independent of all other rights or obligations set forth herein. This indemnity shall survive the disbursement of the Grant funds, as well as any termination of this Grant Contract.

7. No Discrimination. The Grant Recipient shall assure that no person will be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity covered by this Grant Contract solely on the grounds of race, color, age, religion, sex or national origin.

8. Binding Effect, Contract Assignable. The terms hereof shall be binding upon and inure to the benefit of the successors, assigns, and personal representatives of the Parties; provided, however, that the Grant Recipient may not assign this Grant Contract or any of its rights, interests, duties or obligations hereunder or

any Grant proceeds or other moneys to be advanced hereunder in whole or in part without the prior written consent of the Fund, which may be withheld for any reason and that any such assignment (whether voluntary or by operation of law) without said consent shall be void. In the event assignment is allowed, neither the Grant Recipient nor the Sub-grant Recipient shall be relieved of any of the duties and responsibilities of the Grant Contract. Further, the Sub-grant Recipient shall agree to abide by the all the requirements of this Grant Contract, and to provide all information needed in order for the Grant Recipient to comply with this Grant Contract.

9. Governing Law, Construction and Jurisdiction. This Grant Contract and all matters relating thereto shall be governed by and construed and interpreted in accordance with the laws of the State of North Carolina, notwithstanding the principles of conflicts of law. The headings and section numbers contained herein are for reference purposes only. The terms of this Grant Contract shall be construed according to their plain meaning, and not strictly construed for or against either party hereto. The Grant Recipient hereby submits to the jurisdiction of the state and Federal courts located in North Carolina and agree that the Fund may, at its option, enforce its rights under the Grant Contract in such courts.

10. Savings Clause. Invalidation of any one or more of the provisions of this Grant Contract, or portion thereof, shall in no way affect any of the other provisions hereof and portions thereof which shall remain in full force and effect.

11. Additional Remedies. Except as otherwise specifically set forth herein, the rights and remedies provided hereunder shall be in addition to, and not in lieu of, all other rights and remedies available in connection with this Grant Contract.

12. Survival. Where any representations, warranties, covenants, indemnities or other provisions contained in this Grant Contract and/or any of the Grant Documents, by its context or otherwise, evidences the intent of the Parties that such provisions should survive the Closing or termination of this Grant Contract, the provisions shall survive the Closing or any such termination.

13. Entire Grant Contract; Incorporation of Exhibits. This Grant Contract constitutes the entire Grant Contract between the Parties with respect to the subject matter hereof. All recitals, exhibits, schedules and other attachments hereto are incorporated herein by reference.

14. Headings. The headings of the various sections of this Grant Contract have been inserted for convenience only and shall not modify, define, limit or expand the express provisions of this Grant Contract.

15. Time of the Essence. Time is of the essence in the performance of this Grant Contract.

ORD-2020-031

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No. 8-e**

SUBJECT: Fiscal Year 2020-21 Budget Amendment #5

DEPARTMENT: Finance and Administrative Services

ATTACHMENT(S):

- Attachment 1. Budget As Amended Spreadsheet
- Attachment 2. Year-to-Date Budget Summary

INFORMATION CONTACT:

Paul Laughton, (919) 245-2152
Gary Donaldson, (919) 245-2453

PURPOSE: To approve budget, grant and capital project ordinance amendments for fiscal year 2020-21.

BACKGROUND:

Department on Aging

1. The Orange County Department on Aging has budgetary changes to the following programs:
 - **CARES Funds** – receipt of \$6,823 in additional CARES funds for the purpose of assisting Handy Helpers construct ramps within the community. The service period to spend these funds runs through September 30, 2021.
 - **Title III-D Funds** – receipt of \$1,769 in additional Title III-D funds from Triangle J Council of Governments (Triangle J COG) to assist in providing evidenced based classes in program.

This budget amendment provides for the receipt of these additional funds and provides for a fund balance appropriation of \$3,817 from the General Fund for the above mentioned purpose. *(See Attachment 1, column #1)*

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are 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.
- **GOAL: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Arts Commission

2. The Orange County Arts Commission has received \$166,511 in CARES funds from the state to provide COVID relief for the Arts community. This grant period runs through December 30, 2020. This budget amendment recognizes these funds outside of the General Fund in the Visitor's Bureau fund. (See Attachment 1, column #2)

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

Department of Social Services

3. The Orange County Social Services Department has budgetary changes to the following programs:
 - **Community Giving Funds** – receipt of \$3,164 in Community Giving donated funds for use in the annual toy chest drive. These funds shall be appropriated in the DSS Client Services Fund outside of the General Fund for that purpose.
 - **Home Community Care Block Grant Funds** – receipt of \$13,657 in additional Home Community Care Block Grant funds from Triangle J COG for COVID relief. These funds will be used to provide in-home aid services for adult/disabled clients in order to keep them living independently in their homes.
 - **Special Child Incentives** – receipt of \$4,642 in Special Child Incentives from the state to enhance agency adoption services. These funds shall be appropriated in the DSS Client Services Fund, outside of the General Fund, for that purpose.

This budget amendment provides for the receipt of these additional funds for the above stated purposes. (See Attachment 1, column #3)

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

Visitor's Bureau

4. The Orange County Visitors Bureau has received notification of a \$10,750 grant award from the Economic Development Partnership of North Carolina and the North Carolina Travel Industry Association. This grant period runs through December 30, 2020. These funds will be used to assist with the county's tourism recovery efforts. This budget amendment provides for the receipt of \$10,000 for the above stated purpose. (See *Attachment 1, column #4*)

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.

Animal Services

5. Orange County Animal Services has received \$26,000 in Community Giving fund donations to be used to continue in-house spay and neuter of shelter animals. Due to COVID, the department was not able to perform in-house spay and neuter services for months and had been using the state's spay and neuter assistance program for these services, but they are much more expensive than performing the services in-house. This budget amendment provides for the receipt of these Community Giving funds for the above stated purpose, to be paid out of the Community Giving Fund, outside of the General Fund. (See *Attachment 1, column #5*)

SOCIAL JUSTICE IMPACT: There are no Orange County Social Justice Goals associated with this item.

Emergency Services

6. The Orange County Emergency Services Department has received additional grant funds totaling \$35,000 from the N.C. Department of Crime Control and Public Safety related to the Emergency Management Performance Grant awards. The department plans to use these funds to assist in maintaining the comprehensive Emergency Management Program. This budget amendment provides for the receipt of these grant funds, and amends the following grant project ordinance: (See *Attachment 1, column #6*)

Emergency Management Performance Grant (\$35,000) - Project # 71049

Revenues for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
EM Performance Grant Funds	\$448,420	\$35,000	\$483,420
Total Project Funding	\$448,420	\$35,000	\$483,420

Appropriated for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
EM Performance Grant	\$393,914	\$54,506	\$448,420
Total Costs	\$393,914	\$54,506	\$448,420

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.

Orange County Transportation Services

7. Orange County Transportation Services has received notification of the following two (2) CARES grants:
 - **Burlington-Graham Metropolitan Planning Organization (BGMPO) 5307 CARES Act** – receipt of a federal pass-through multi-year grant award of \$502,594 from the North Carolina Department of Transportation. This grant is a 100% federally funded reimbursement grant for the service period of January 20, 2020 to June 30, 2022. These funds will go toward the state/federal share of the van/bus replacements as approved and budgeted in the Year 1 (FY 2021-22) Capital Investment Plan, so no additional budgetary action is required for the receipt and expensing of these funds.
 - **Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) 5307 CARES Act** – receipt of a federal pass-through multi-year grant award of \$448,396 from the North Carolina Department of Transportation. This grant is a 100% federally funded reimbursement grant for the service period of January 20, 2020 to June 30, 2022. Of these funds, \$278,000 will cover contract service cost to provide security cameras/modem replacements, as the current camera system is obsolete and not functional, and \$5,396 will be used for replacement IIT equipment, while \$165,000 will cover eligible salary reimbursement for existing budgeted personnel. This budget amendment provides for the receipt of the \$448,396, and increases budgeted expenditures by \$283,396 for contract services and IT equipment, and decreases the fund balance appropriation in the General Fund by \$165,000 for the reimbursement of personnel funds the department will realize.

This budget amendment provides for the receipt of these grant funds for the purposes mentioned above. (See *Attachment 1, column #7*)

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.

Housing and Community Development

8. As part of the Round 2 Coronavirus Relief Funding (CRF), the Town of Carrboro received \$288,161 as their per capita allocation. The Town has allocated \$214,405 of those funds back to the Orange County Housing and Community Development Department, with \$32,819 to be used toward the Rapid Rehousing program, and \$181,586 to be used toward the County's Housing Stabilization efforts. The Town of Hillsborough received \$86,449 as their per capita allocation. The Town has allocated \$10,310 of those funds back to the Orange County Housing and Community Development Department to be used toward the County's Housing Stabilization efforts. This budget amendment provides for the receipt of these funds from the Towns of Carrboro and Hillsborough for the above stated purposes in the Community Development Fund. (See *Attachment 1, column #8*)

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.

9. Orange County Housing and Community Development has received notification of additional CARES Act funds of \$1,856,482 through the North Carolina Department of Public Safety, Office of Recovery and Resiliency (NCORR). At its October 20, 2020 meeting, the Board of County Commissioners approved the receipt of \$937,803 in CARES Act funds from NCORR. With this additional amount, the total NCORR CARES Act funds is a not to exceed amount of \$2,794,285. These are federal reimbursement funds that include Treasury Coronavirus Relief Funds and Housing and Urban Development (HUD) Community Development Block Grant - Coronavirus funds. These funds will be used to prevent evictions and utility disconnections, and encourage housing stability in response to the COVID-19 crisis. The period for this award runs through February 28, 2021. This budget amendment provides for the receipt of these additional funds, on a reimbursement basis, up to \$1,856,482, for the above stated purposes. (See *Attachment 1, column #9*)

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are 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.

- **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.

10. Orange County Housing and Community Development requests the approval of creating a 1.0 FTE Time-limited Emergency Housing Administrator position through June 30, 2023 for administration of the Emergency Housing Assistance program. NOTE: there is no budgetary impact as existing and available CDBG-CV grant funds will be used for the position costs.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goals are 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.

- **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.

Health Department

11. The Orange County Health Department requests the approval of creating a 1.0 FTE Time-limited Family Success Alliance Navigator position through June 30, 2021, as part of the existing Kenan Charitable Trust Grant. This position will be used to help link families to resources as a result of the COVID-19 pandemic. This budget amendment provides for the creation of a 1.0 FTE Time-limited Family Success Alliance Navigator position through June 30, 2021. NOTE: there is no budgetary impact as existing and available grant funds will be used for the position costs.

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.

Asset Management Services – Capital Project Items

12. The Orange County Asset Management Services Department is continuing to administer the following construction projects: Whitted Office Emergency Renovations, 308 West Franklin (Visitors Bureau), and the Skills Development Center at the Europa Center. The following additional funds are needed for each of these projects.

- **Whitted Office Renovations** – This project involves the renovation and re-purposing of several spaces in the Whitted Human Services Center to create offices for the County Manager and the Board of County Commissioners Clerk’s staff. New accommodations are required for these departments due to environmental concerns associated with their previous offices in the Link Center.

The renovations are to occur in a portion of the Whitted Building that is close to 100 years old, and in the process of developing the plans for renovation, it was determined that the structural flooring in some of the areas slated for work were substandard, and would require additional shoring and support. The cost of this additional work was not anticipated in the original project budget.

Total projects costs, including a 10% contingency, is projected at \$324,649. Of this amount, available funds of \$116,141 will be used from the existing Link Center Renovation project, and the remaining amount needed of \$208,508 is recommended to be debt financed, and will be included as part of a planned Spring 2021 financing package.

The County intends to advance funds for initial Project costs, and then reimburse itself from financing proceeds. The expected type of financing for the Project (which is subject to change) is installment financing under Section 160A-20, including the possible use of limited obligation bonds. The County intends for the adoption of this resolution to be a declaration of its official intent to reimburse itself from financing proceeds for Project cost expenditures.

- **308 West Franklin Street (Visitors Bureau)** – The Orange County Visitor’s Bureau must relocate from 501 West Franklin Street, due to the re-purposing of that facility from an upcoming county economic development project. A former restaurant located at 308 West Franklin Street was selected as the new site for the Visitor’s Bureau.

The full scope and extent of the renovation was far more extensive than originally anticipated during the project budget development. The change in use from a restaurant to an office requires extensive demolition and reconstruction, particularly in the area of the former kitchen.

Total project costs, including a 10% contingency, is projected at \$352,187. Of this amount, available funds of \$186,520 will be used from existing budgeted funds within the Visitors Bureau Fund, as approved by the Board of County Commissioners at their January 21, 2020 meeting, and the remaining amount needed of \$165,667 is recommended to come from a transfer of existing Article 46 Sales Tax proceeds budgeted in the General Fund in FY 20-21 to the Visitors Bureau Fund.

- **Skills Development Center (Europa Center)** – This project involves renovating an office for use as the County’s Skills Development Center. The Center must relocate from 503 West Franklin Street, due to the re-purposing of that facility for an upcoming county economic development project.

Total project costs, including a 10% contingency, is projected at \$293,260. Of this amount, available funds of \$254,953 will be used from existing planned debt financing funds in the General Fund, as approved by the Board of County Commissioners at their January 21, 2020 meeting, and the remaining amount needed of \$38,307 is recommended to be debt financed, and will be included as part of a planned Spring 2021 financing package. The requested increase is required to cover Information Technology items and moving costs that were not included in the original project budget.

The County intends to advance funds for initial Project costs, and then reimburse itself from financing proceeds. The expected type of financing for the Project (which is subject to change) is installment financing under Section 160A-20, including the possible use of limited obligation bonds. The County intends for the adoption of this resolution to be a declaration of its official intent to reimburse itself from financing proceeds for Project cost expenditures.

This budget amendment provides for the re-purposing of the funds mentioned above, the use of existing Article 46 Sales Tax proceeds, additional debt financing, and amends

the following Capital Project Ordinances accordingly: *(See Attachment 1, column #10)*

Link Center Renovation Project (-\$116,141) - Project # 10069

Revenues for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Alternative Financing	\$1,026,000	(\$116,141)	\$909,859
Total Project Funding	\$1,026,000	(\$116,141)	\$909,859

Appropriated for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Link Center Renovations	\$1,026,000	(\$116,141)	\$909,859
Total Costs	\$1,026,000	(\$116,141)	\$909,859

Whitted Office Project (\$324,649) - Project # 10079 - New

Revenues for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Alternative Financing (from	\$0	\$116,141	\$116,141

existing Link Center Renovation Project)			
Alternative Financing - New	\$0	\$208,508	\$208,508
Total Project Funding	\$0	\$324,649	\$324,649

Appropriated for this project:

	Current FY 2020-21	FY 2020-21 Amendment	FY 2020-21 Revised
Whittted Office Renovations	\$0	\$324,649	\$324,649
Total Costs	\$0	\$324,649	\$324,649

SOCIAL JUSTICE IMPACT: There are no Orange County Social Justice Goals applicable to this item.

Coronavirus Relief Funding (CRF) – Round 2 Technical Amendment

13. Orange County Emergency Services Department has an immediate need for Lucas Devices, which are portable CPR devices that delivers automated chest compressions to victims in cardiac arrest. These devices are important in this COVID environment in that it allows for fewer providers around the patient. This budget amendment provides for the re-allocation of \$80,000 from Orange County Housing and Community Development Round 2 funding to the Emergency Services Department for the above stated purpose. With these funds, the department will be able to purchase five (5) of these devices.

This budget amendment provides for the budgetary changes related to the Round 2 Coronavirus Relief Funding (*See Attachment, column #11*)

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.

- **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 associated with these agenda items.

FINANCIAL IMPACT: Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2020-21 and increases the General Fund by \$589,619; increases the Visitors Bureau Fund by \$342,928; increases the DSS Client Services Fund by \$7,806; increases the Community Giving Fund by \$26,000; increases the Multi-year Grant Projects Fund by \$35,000; increases the Multi-year

Capital Projects Fund by \$208,508, and increases the Community Development Fund by \$2,001,197.

RECOMMENDATION(S): The Manager recommends the Board approve the budget, grant and capital project ordinance amendments for fiscal year 2020-21.

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #4	#1 Department on Aging - Receipt of additional CARES funds \$8,623 to assist Handy Helpers construct ramps within the community; receipt of additional \$1,769 in Title III-D fund from TJCOG to assist in providing evidenced based classes.	#2 Arts Commission - receipt of a NC CARES grant totaling \$166,511 to provide COVID relief for the Arts community	#3 Social Services - receipt of \$3,164 in donations from United Way for use in the annual toy chest drive, receipt of \$4,642 in Special Child Incentive funds from the State to enhance agency adoption services. Also, receipt of \$13,657 in additional HCCBG funds from TJCOG for COVID relief	#4 Visitors Bureau - receipt of a second Tourism Recovery Grant award totaling \$10,750 from the Economic Development Partnership of NC to assist with the County's tourism recover efforts	#5 Animal Services - receipt of \$26,000 in Community Giving Funds to be used to continue in-home spray and reuter of shelter animals	#6 Emergency Services - receipt of additional grant funds of \$35,000 from the NC Department of Crime Control and Public Safety related to the Emergency Management Performance Grant awards	#7 OC Transportation Services - receipt of two (2) CARES grant awards related to the BGMPO (\$502,594) for vehicle purchases and the DCHCIMO (\$448,398) for operational expenses.	#8 Coronavirus Relief Funding Technical Amendment - receipt of funds totaling \$214,405 from the Town of Carboro and \$10,310 from the Town of Hillsborough from a portion of their per capita allocation of Round 2 Coronavirus Relief Funds to be used toward EHA/Housing Helpline personnel expenses, and toward Housing Stabilization efforts	#9 Housing and Community Development - receipt of additional CARES Act funds of \$1,856,482 through NCCORR to prevent evictions and utility disconnections, and encourage housing stability in response to the COVID crisis	#10 AMS - Capital Projects - transfer of existing Article 46 Sales Tax proceeds from the General Fund to the Visitors Bureau related to the 308 West Franklin Street project, and an increase of debt financing proceeds related to the State Development Center project	#11 CRF Round 2 Technical Amendment - reallocation of \$80,000 from Housing and Community Development to Emergency Services to the purchase of five (5) Lucas CPR devices	Budget as Amended Through BOA #5		
General Fund Revenue																	
Property Taxes	\$ 167,694,880	\$ -	\$ 167,694,880	\$ 167,694,880	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 167,694,880
Sales Taxes	\$ 23,827,353	\$ -	\$ 23,827,353	\$ 23,827,353	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,827,353
License and Permits	\$ 274,550	\$ -	\$ 274,550	\$ 274,550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 274,550
Aging	\$ 714,177	\$ -	\$ 714,177	\$ 944,622	\$ 8,592	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 953,214
Transportation Services	\$ 1,191,810	\$ -	\$ 1,191,810	\$ 1,528,111	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 448,396	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,976,507
Social Services	\$ 10,028,947	\$ -	\$ 10,028,947	\$ 10,093,734	\$ -	\$ 13,657	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,107,391
Intergovernmental	\$ 17,710,005	\$ -	\$ 17,710,005	\$ 23,526,282	\$ 8,592	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 448,396	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,996,327
Charges for Service	\$ 12,645,090	\$ -	\$ 12,645,090	\$ 12,645,090	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,645,090
Investment Earnings	\$ 515,000	\$ -	\$ 515,000	\$ 515,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 515,000
Miscellaneous	\$ 2,624,009	\$ -	\$ 2,624,009	\$ 3,168,653	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,296,960
Transfers from Other Funds	\$ 5,486,817	\$ -	\$ 5,486,817	\$ 6,621,617	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 80,000	\$ 6,701,617
Fund Balance	\$ 8,268,603	\$ -	\$ 8,268,603	\$ 7,977,302	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (165,000)	\$ -	\$ -	\$ -	\$ -	\$ 165,667	\$ 7,977,969
Total General Fund Revenues	\$ 239,046,307	\$ -	\$ 239,046,307	\$ 246,250,927	\$ 8,592	\$ -	\$ 13,657	\$ -	\$ -	\$ -	\$ 283,396	\$ -	\$ -	\$ -	\$ 203,974	\$ 80,000	\$ 246,840,546
Expenditures																	
Asset Management Services	\$ 5,337,736	\$ -	\$ 5,337,736	\$ 5,808,846	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,847,153
Non-Departmental	\$ 687,264	\$ -	\$ 687,264	\$ 2,198,640	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (224,715)	\$ -	\$ -	\$ -	\$ -	\$ 1,973,925
Support Services	\$ 12,773,209	\$ -	\$ 12,773,209	\$ 15,339,177	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (224,715)	\$ -	\$ 38,307	\$ -	\$ -	\$ 15,152,769
General Government	\$ 25,639,107	\$ -	\$ 25,639,107	\$ 26,094,128	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 26,094,128
Transportation Services	\$ 3,257,048	\$ -	\$ 3,257,048	\$ 3,257,048	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 283,396	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,540,444
Community Services	\$ 14,322,250	\$ -	\$ 14,322,250	\$ 14,667,196	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 283,396	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14,950,592
Department of Social Services	\$ 21,351,429	\$ -	\$ 21,351,429	\$ 21,619,109	\$ -	\$ 13,657	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21,632,766
Department on Aging	\$ 2,192,238	\$ -	\$ 2,192,238	\$ 2,422,683	\$ 8,592	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,431,275
Human Services	\$ 41,614,328	\$ -	\$ 41,614,328	\$ 42,915,308	\$ 8,592	\$ -	\$ 13,657	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 42,937,557
Emergency Services	\$ 11,816,610	\$ -	\$ 11,816,610	\$ 11,916,110	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 80,000	\$ 11,996,110
Public Safety	\$ 27,994,203	\$ -	\$ 27,994,203	\$ 28,197,419	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 80,000	\$ 28,277,419
Education	\$ 111,737,971	\$ -	\$ 111,737,971	\$ 111,857,971	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 111,857,971
Transfers Out	\$ 4,965,239	\$ -	\$ 4,965,239	\$ 7,179,728	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 224,715	\$ -	\$ -	\$ -	\$ -	\$ 165,667	\$ 7,570,110
Total General Fund Appropriation	\$ 239,046,307	\$ -	\$ 239,046,307	\$ 246,250,927	\$ 8,592	\$ -	\$ 13,657	\$ -	\$ -	\$ -	\$ 283,396	\$ -	\$ -	\$ -	\$ 203,974	\$ 80,000	\$ 246,840,546
Visitors Bureau Fund Revenues																	
Occupancy Tax	\$ 1,243,068	\$ -	\$ 1,243,068	\$ 1,243,068	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,243,068
Sales and Fees	\$ 500	\$ -	\$ 500	\$ 500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500
Intergovernmental	\$ 366,963	\$ -	\$ 366,963	\$ 391,963	\$ 166,511	\$ -	\$ 10,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 569,224
Investment Earnings	\$ 4,000	\$ -	\$ 4,000	\$ 4,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,000
From General Fund	\$ -	\$ -	\$ -	\$ 65,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 65,000
Small Business Loan Funds	\$ -	\$ -	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Appropriated Fund Balance	\$ 6,486	\$ -	\$ 6,486	\$ 9,986	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,986
Total Revenues	\$ 1,621,017	\$ -	\$ 1,621,017	\$ 1,764,517	\$ -	\$ 166,511	\$ 10,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 165,667	\$ -	\$ 2,107,445
Expenditures																	
General Government	\$ 225,199	\$ -	\$ 225,199	\$ 240,199	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 240,199
Community Services	\$ 1,395,818	\$ -	\$ 1,395,818	\$ 1,524,318	\$ 166,511	\$ -	\$ 10,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 165,667	\$ 1,867,246
Total Housing Fund Revenues	\$ 1,621,017	\$ -	\$ 1,621,017	\$ 1,764,517	\$ -	\$ 166,511	\$ 10,750	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 165,667	\$ -	\$ 2,107,445
Community Development Fund (Housing Displacement Program) Revenues																	
Transfer from General Fund	\$ 75,000	\$ -	\$ 75,000	\$ 1,949,081	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 191,896	\$ -	\$ -	\$ -	\$ (80,000)	\$ 2,060,977
Intergovernmental	\$ -	\$ -	\$ -	\$ 1,747,803	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,856,482	\$ -	\$ -	\$ -	\$ 3,604,285
Total Revenues	\$ 75,000	\$ -	\$ 75,000	\$ 3,696,884	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 191,896	\$ 1,856,482	\$ -	\$ (80,000)	\$ -	\$ 5,665,262
Expenditures																	
Housing Displacement Program	\$ 75,000	\$ -	\$ 75,000	\$ 3,696,884	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 191,896	\$ 1,856,482	\$ -	\$ (80,000)	\$ -	\$ 5,665,262
Community Development Fund (Homelessness Partnership) Revenues																	
General Government Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Intergovernmental	\$ 271,716	\$ -	\$ 271,716	\$ 556,716	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 556,716
Appropriated Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Transfer from General Fund	\$ 91,603	\$ -	\$ 91,603	\$ 202,011	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,819	\$ -	\$ -	\$ -	\$ -	\$ 234,830
Total Revenues	\$ 363,319	\$ -	\$ 363,319	\$ 758,727	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,819	\$ -	\$ -	\$ -	\$ -	\$ 791,546
Expenditures																	
Homelessness Partnership Program	\$ 363,319	\$ -	\$ 363,319	\$ 758,727	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 32,819	\$ -	\$ -	\$ -	\$ -	\$ 791,546
Grant Project Fund Revenues																	
Intergovernmental	\$ 480,481	\$ -	\$ 480,481	\$ 630,588	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 665,588
Charges for Services	\$ 75,000	\$ -	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 75,000
Transfer from General Fund	\$ 103,420	\$ -	\$ 103,420	\$ 118,420	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 118,420
Miscellaneous	\$ -	\$ -	\$ -	\$ 252,411	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 252,411
Transfer from Other Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Appropriated Fund Balance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Revenues	\$ 658,901	\$ -	\$ 658,901	\$ 1,076,419	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,111,419
Expenditures																	
Support Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
General Government	\$ 72,629	\$ -	\$ 72,629	\$ 89,127	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 89,127
Community Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Human Services	\$ 401,272	\$ -	\$ 401,272	\$ 686,883	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 686,883
EM Performance Grant	\$ 35,000	\$ -	\$ 35,000	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,000
Public Safety	\$ 185,000	\$ -	\$ 185,000	\$ 300,499	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 335,409
Total Expenditures	\$ 658,901	\$ -	\$ 658,901	\$ 1,076,419	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,111,419
DSS Client Services Fund Revenues																	
Intergovernmental	\$ -	\$ -	\$ -	\$ 20,993	\$ -	\$ -	\$ 4,642	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,635
General Government	\$ -	\$ -	\$ -														

Original Budget	Encumbrance Carry Forwards	Budget as Amended	Budget as Amended Through BOA #4	#1 Department on Aging - Receipt of additional CARES funds of \$8,823 to assist Handy Helpers construct ramps within the community; receipt of additional \$1,769 in Title III-D fund from TJCOG to assist in providing evidenced based classes.	#2 Arts Commission - receipt of a NC CARES grant totaling \$166,511 to provide COVID relief for the Arts community	#3 Social Services - receipt of \$3,164 in donations from United Way for use in the annual toy chest drive, receipt of \$4,642 in Special Child Incentive funds from the State to enhance agency adoption services. Also, receipt of \$13,657 in additional HCCBG funds from TJCOG for COVID relief	#4 Visitors Bureau - receipt of a second Tourism Recovery Grant award totaling \$10,750 from the Economic Development Partnership of NC to assist with the County's tourism recover efforts	#5 Animal Services - receipt of \$36,000 in Community Giving Funds to be used to continue in-house spay and neuter of shelter animals	#6 Emergency Services - receipt of additional grant funds of \$36,000 from the NC Department of Crime Control and Public Safety related to the Emergency Management Performance Grant awards	#7 OC Transportation Services - receipt of two (2) CARES grant awards related to the BGMPD (\$502,594) for vehicle purchases and the DCHCMPO (\$448,398) for operational expenses.	#8 Coronavirus Relief Funding Technical Amendment - receipt of funds totaling \$214,405 from the Town of Carboro and \$10,310 from the Town of Hillsborough from a portion of their per capita allocation of Round 2 Coronavirus Relief Funds to be used toward EHA/Housing Helpline personnel expenses, and toward Housing Stabilization efforts	#9 Housing and Community Development - receipt of additional CARES Act funds of \$1,856,482 through NCORR to prevent evictions and utility disconnections, and encourage housing stability in response to the COVID crisis	#10 AMS - Capital Projects - transfer of existing Article 46 Sales Tax proceeds from the General Fund to the Visitors Bureau related to the 308 West Franklin Street project, and an increase of debt financing proceeds related to the Skills Development Center project	#11 CRF Round 2 Technical Amendment - reallocation of \$60,000 from Housing and Community Development to Emergency Services to the purchase of five (5) Lucas CPR devices	Budget as Amended Through BOA #5
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Community Giving Fund

Revenues																		
Donations	\$	-	\$	-	\$	16,470					\$	26,000				\$	42,470	
Total Revenues	\$	-	\$	-	\$	16,470	\$	-	\$	-	\$	26,000	\$	-	\$	-	\$	42,470

Expenditures																		
Community Giving Projects	\$	-	\$	-	\$	16,470					\$	26,000					\$	42,470

Year-To-Date Budget Summary

Fiscal Year 2020-21

General Fund Budget Summary

Original General Fund Budget	\$239,046,307
Additional Revenue Received Through Budget Amendment #5 (December 15, 2020)	
Grant Funds	\$1,749,164
Non Grant Funds	\$6,335,709
General Fund - Fund Balance for Anticipated Appropriations (i.e. Encumbrances)	\$0
General Fund - Fund Balance Appropriated to Cover Anticipated and Unanticipated Expenditures	(\$290,634)
Total Amended General Fund Budget	\$246,840,546
Dollar Change in 2020-21 Approved General Fund Budget	\$7,794,239
% Change in 2020-21 Approved General Fund Budget	3.26%

Paul:

includes 0.4 FTE time-limited increase of the current Emergency Preparedness Coordinator (BOA #2)

Paul:

includes 1.0 FTE Rapid Rehousing Case Manager; 2.0 FTE Peer Support Specialists; .375 FTE increase of Programs Coordinator; 3.0 FTEs time-limited Social Work positions; and 1.0 FTE time-limited Harm Reduction Clinical Coordinator (BOA #1); 1.0 FTE time-limited Emergency Housing Administrator (BOA #5); 1.0 FTE time-limited Family Success Navigator (BOA #5)

Authorized Full Time Equivalent Positions

Original Approved General Fund Full Time Equivalent Positions	940.480
Original Approved Other Funds Full Time Equivalent Positions	99.950
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2020-21	1,040.430

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No. 8-f**

SUBJECT: Approval of Financing Arrangement for Efland Volunteer Fire Company, Inc. To Purchase a Fire Engine Truck

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

- Attachment 1. November 18, 2020
Public Hearing Notice
- Attachment 2. Notes from November 18,
2020 Public Hearing
- Attachment 3. Fire Service Agreement
- Attachment 4. Certificate of Approval

INFORMATION CONTACT:

Gary Donaldson, (919) 245-2453
Paul Laughton, (919) 245-2152

PURPOSE: To approve Efland Volunteer Fire Company, Inc. entering into a financing arrangement to purchase a fire engine truck and authorize the Board of County Commissioners' Chair to sign the appropriate documents related to the financing arrangement.

BACKGROUND: The Efland Volunteer Fire Company, Inc. has indicated its intent to purchase a Pierce Enforcer Pumper fire engine truck at a purchase price of \$551,352. The Company went through a competitive bid process and awarded the bid to Pierce Manufacturing, Inc. in Appleton, Wisconsin. Projected delivery date is July 2021.

The purchase price of the fire engine truck is \$551,352. The Company's Board of Directors agreed to borrow \$351,352 from Freedom Financial and the underwriting bank is Community One Bank, and to pay the remaining \$200,000 with \$100,000 from the district's available fund balance (approved by the Board of County Commissioners at their November 17, 2020 meeting), as well as \$100,000 from the Company's capital reserves.

Section 147(f) of the Internal Revenue Code of 1986 outlines specific steps that must occur when a tax supported fire department enters into a financing agreement.

- **Conduct a public hearing** – On November 18, 2020, the company held a public hearing regarding the purchase. The Company advertised the hearing in the News of Orange (Attachment 1 of this abstract). Per the Attachment 2 of this abstract, no residents were present at the hearing and the Company did not receive any written comments from residents of the district.
- **Obtain approval of the “applicable representatives”** – In accordance with Section 147(f), the Board of County Commissioners must approve the District's plan to enter into the debt arrangement. This approval does not create liability on the part of Orange County

nor does it make the County responsible for the repayment of any debt assumed by the fire district. The approval provides a mechanism for the Commissioners to acknowledge that, through this financing arrangement, Efland Volunteer Fire Company, Inc. is pledging use of the district's tax dollars to repay the loan. In order to comply with this IRS requirement, the Chair of the Board of County Commissioners must sign the Fire Service Agreement (Attachment 3) and Certificate of Approval (Attachment 4).

FINANCIAL IMPACT: The total repayment, including principal and interest, equals \$383,018.75, with 5-year equal payment amounts of \$76,603.75.

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: No environmental impact associated with this abstract.

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

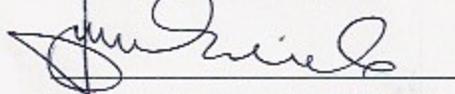
- Approve Efland Volunteer Fire Company, Inc.'s purchase of a fire engine truck, and
- Approve and authorize the Board of County Commissioners' Chair to sign the appropriate documents related to the financing arrangement.

NORTH CAROLINA
ORANGE COUNTY
AFFIDAVIT OF PUBLICATION

The Efland Volunteer Fire Company, Inc. gives notice to the community of its intent to lease-purchase a Pierce Enforcer Pumper in the aggregate principal not to exceed \$551,352. The public is invited to make comments relative to this action at a meeting held on November 18th at 1:00PM and is intended to comply with Internal Revenue Code 147(f). This meeting will be held at the Efland VFC station at 3900 US Hwy 70W, Efland, NC 27243.
November 11, 2020

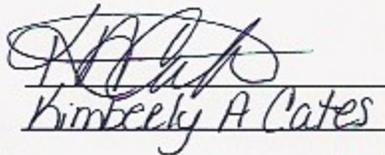
Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified, and authorized by law to administer oaths, personally appeared Dale Edwards who being first duly sworn, deposes and says: that she is an authorized employee of The News of Orange County, engaged in the publication of a newspaper known as The News of Orange County published, issued, and entered as second class mail in the City of Hillsborough, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in The News of Orange County on the following date(s): November 11, 2020, and that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 2nd day of December, 2020.



(Signature of person making affidavit)

Sworn to and subscribed before me, this 2nd day of December, 2020.


Kimberly A. Cates

Kimberly A Cates
Notary Public
Durham County, NC
My Commission Expires: 9/8/2024

SEAL

, Notary Public

My Commission Expires: 9/8/2024

EFLAND VOLUNTEER FIRE DEPARTMENT

3900 Highway 70 Efland North Carolina 27243

November 18, 2020

Public Hearing on new Pierce pumper,

A notice was public on hearing posted in the News Orange for 11/18/2020 at 1 pm.

Due to the Covid 19 crisis, face to interviews were not held my number was posted and asked if there were any questions to please call or text me with any questions on purchase of the new engine.

No one attended, called, or texted with any questions.

Kevin L. Brooks

Chief Efland Volunteer Fire Inc.

ATTACHMENT 3

Fire Service Agreement

This agreement, dated this ____ day of _____, 20____, by and between Efland Volunteer Fire Company, Inc., a body corporate organized under the Laws of the State of North Carolina, the ("Fire Department"), and Orange County, a body politic, the ("Political Subdivision").

WHEREAS, Fire Department is a not for profit organization duly authorized for the purpose of providing firefighting services in an area within the jurisdiction of the Political Subdivision; and,

WHEREAS, the parties wish to enter into an agreement setting forth the area and duties of the Fire Department.

NOW THEREFORE, the Fire Department and Political Subdivision do hereby agree as follow:

1. Political Subdivision recognizes that Fire Department provides firefighting services to the hereafter generally described area or areas:
2. The area in which Fire Department has primary firefighting responsibilities (area of responsibility) is Efland Fire District.
3. Political Subdivision shall not be liable or responsible for the conduct and activities of Fire Department.

IN WITNESS WHEREOF, the parties have had this agreement executed by duly authorized representatives thereof.

Efland Volunteer Fire Company, Inc.

By _____

Name _____

Title _____

Orange County

By _____

Name _____

Title _____



ORANGE COUNTY
NORTH CAROLINA
FINANCE AND ADMINISTRATIVE SERVICES

200 South Cameron Street
Post Office Box 8181
Hillsborough, North Carolina 27278

Phone (919) 245-2151
Fax (919) 644-3324

Certificate of Approval

Section 147(f) Approval and Written Agreement

The undersigned Official of Orange County, NC (hereinafter referred to as "County") pursuant to section 147(f) of the Internal Revenue Code of 1986, as amended (the "code"), hereby approves the entering into by Efland Volunteer Fire Company, Inc. of an Agreement in an aggregate principal amount not to exceed \$551,352.00 to finance equipment consisting of One (1) New Pierce Enforcer Pumper which will be located at the fire house of the Efland Volunteer Fire Company, Inc. **This approval does not in any way constitute any financial involvement or obligation of the County.**

Furthermore, this document acknowledges that for consideration, the receipt and sufficiency of which are hereby acknowledged, the Efland Volunteer Fire Company, Inc. has provided firefighting and other services for the County for many years and Efland Volunteer Fire Company, Inc. hereby agrees to meet the requirement to continue to provide firefighting and other services for the County.

Dated as of _____.

Efland Volunteer Fire Company, Inc.

Orange County, NC

Ronnie McAdams, President

Signature of authorized representative

Name and Title

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: December 15, 2020

**Action Agenda
Item No.** 8-g

SUBJECT: Schools Adequate Public Facilities Ordinance (SAPFO) – Approval of Membership and Capacity Numbers

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Orange County Schools and Chapel Hill-Carrboro City Schools: SAPFO Capacity Calculation and Change Request Form (Includes Student Membership) for Elementary, Middle, and High School Levels
2. Chart Depicting LOS, Capacity, Membership, and Membership Increases

INFORMATION CONTACT:

Craig Benedict, Director, 919-245-2575
Ashley Moncado, Planner II, 919-245-2589

PURPOSE: To consider approval of November 13, 2020 membership and capacity numbers for both school districts (Orange County and Chapel Hill-Carrboro City Schools) which will be used in developing 10-year student membership projections and the 2021 SAPFO Technical Advisory Committee (SAPFOTAC) Report.

BACKGROUND: In accordance with the SAPFO MOUs (Memorandum of Understanding), the Board of County Commissioners shall approve the school districts' November 15th membership and capacity numbers within 15 school days after receiving the numbers from the school districts. Since November 15th fell on a Sunday this year, membership and capacity forms were updated based on Friday, November 13th membership and capacity numbers. Both Orange County Schools and Chapel Hill-Carrboro City Schools submitted their membership and capacity numbers in accordance with the MOUs. As per the MOUs, this step of the SAPFO process entails only the approval of the student membership and capacity numbers.

The SAPFOTAC, comprised of representatives of both school systems and the Planning Directors of the County and Towns, is tasked to produce an annual report for the governing boards of each SAPFO partner. The full annual SAPFOTAC report, which will include 10-Year student membership projections, will be completed in early 2021. The CAPS (Certificate of Adequate Public Schools) system is updated with actual membership and capacity figures after the BOCC approves the information submitted by the school districts.

The chart in Attachment 2 shows the Capacity and Membership for each school level in both school districts and the increase (or decrease) over the November 15, 2019 membership. It also shows the Allowable Maximum Level of Service (LOS) as was agreed upon as part of the SAPFO MOU process and the Actual LOS based on November 13, 2020 membership numbers.

Pre-K Enrollment

In recent years, Pre-K enrollment has been a topic of discussion with both school districts. However, SAPFO has not been amended to include Pre-K in the membership and capacity numbers. Therefore, Pre-K children are not included in the membership numbers reported. Discussions regarding Pre-K students and impacts have been ongoing, however, COVID priorities have been the focus over the last several months. Pre-K membership numbers will be provided in the 2021 SAPFOTAC Report.

COVID Impacts

Both school districts have experienced significant decreases in membership due to children been withdrawn from CHCCS or OCS and enrolled in private schools with in-person learning or homeschooled. At this time, staff believes these are temporary impacts and a majority of these children will return once in-person learning commences again. However, these decreases may have long-term impacts to the SAPFO 10-year projections. As a result, Orange County staff will work with the SAPFOTAC to explore how to best incorporate the decreases into the 10-year student projections and annual report in order to create a useful report for future CIP planning. This will be further discussed at the January SAPFOTAC meeting.

FINANCIAL IMPACT: There is no financial impact in approving the membership and capacity forms. Precise financial impacts in membership and capacity changes cannot be determined at this time, but changes in projected growth in student membership for the next ten years is expected to result in changes in future operating and capital budget requests.

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

- There are no Environmental Responsibility Goals applicable to this item.

RECOMMENDATION(S): The Manager recommends the Board approve the November 13, 2020 Membership and Capacity numbers as submitted by each school district.

Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools

SAPFO CAPS Year: November 13, 2020 - November 14, 2021

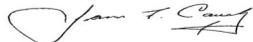
Capacity and Membership Submittal Date: November 13, 2020

Elementary School	Square Feet	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Carrboro	60,832	533	518	518	518	518	*	478	92.3%
Ephesus	66,952	448	436	436	436	436		342	78.4%
Estes Hills	56,299	527	516	516	516	516		380	73.6%
FP Graham	66,689	538	522	522	522	522		564	108.0%
Glenwood	50,764	423	412	412	412	412		433	105.1%
McDougle	98,000	564	548	548	548	548		488	89.1%
Morris Grove	90,221	585	568	568	568	568		492	86.6%
Northside	99,500	585	568	568	568	568		402	70.8%
Rashkis	95,729	585	568	568	568	568		437	76.9%
Scroggs	90,980	575	558	558	558	558		474	84.9%
Seawell	52,896	466	450	450	450	450		403	89.6%
Total	828,862	5,829	5,664	5,664	5,664	5,664		4,893	86.4%

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification: Waiting for the Schools Joint Action Committee reductions for class size changes.

Capacity and Membership Certification:



11/15/2020

Superintendent

Date

BOCC Chair

Date

Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools

SAPFO CAPS Year: November 13, 2020 - November 14, 2021

Capacity and Membership Submittal Date: November 13, 2020

Middle School	Square Feet	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Culbreth	122,467	774	774	774	774	774		737	95%
McDougle	136,221	732	732	732	732	732		751	103%
Phillips	109,498	706	706	706	706	706		694	98%
Smith	128,764	732	732	732	732	732		735	100%
Total	496,950	2,944	2,944	2,944	2,944	2,944		2,917	99.1%

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity and Membership Certification:



11/15/2020

Superintendent

Date

BOCC Chair

Date

Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form

School District: Chapel Hill-Carrboro City Schools
SAPFO CAPS Year: November 13, 2020 - November 14, 2021
Capacity and Membership Submittal Date: November 13, 2020

High School	Square Feet	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Carrboro	148,023	800	800	800	800	800		838	105%
Chapel Hill	278,508	1,520	1,520	1,520	1,520	1,620	*	1,529	94%
East Chapel Hill	259,869	1,515	1,515	1,515	1,515	1,515		1,516	100%
Phoenix Acad.	5,207	40	40	40	40	40		49	123%
Total	691,607	3,875	3,875	3,875	3,875	3,975		3,932	98.9%

Special Note(s): 1. For the November 15, 2002 base year the Board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification: 100 seats added to CHHS for the 2020-21 school year. Total square feet 278,508.

Capacity and Membership Certification:

 11/15/2020

 Superintendent Date

 BOCC Chair Date

Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form

School District: Orange County Schools
 SAPFO CAPS Year: November 13, 2020 - November 14, 2021
 Capacity and Membership Submittal Date: November 13, 2020

Elementary School	Square Feet	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Cameron Park	70,812	565	565	502	502	502		567	112.9%
Central	52,492	455	455	428	428	428		268	62.6%
Efland Cheeks	64,316	497	497	455	455	455		499	109.7%
Grady Brown	74,016	544	544	490	490	490		405	82.7%
Hillsborough	51,106	471	471	420	420	420		427	101.7%
New Hope	100,164	586	586	526	526	526		533	101.3%
Pathways	85,282	576	576	540	540	540		348	64.4%
Total	498,188	3,694	3,694	3,361	3,361	3,361		3,047	90.7%

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity and Membership Certification:

Maryellen Felde
 Superintendent Date 11/14/20

 BOCC Chair Date

Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form

School District: Orange County Schools

SAPFO CAPS Year: November 13, 2020 - November 14, 2021

Capacity and Membership Submittal Date: November 13, 2020

Middle School	Square Feet	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
A.L. Stanback	136,000	740	740	740	740	740		627	84.7%
C.W. Stanford	107,620	726	726	726	726	726		583	80.3%
Gravelly Hill	123,000	700	700	700	700	700		444	63.4%
Total	366,620	2,166	2,166	2,166	2,166	2,166		1,654	76.4%

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity and Membership Certification:


 Superintendent _____ Date 11/16/20

 BOCC Chair

 Date

Schools Adequate Public Facilities Ordinance (SAPFO) Capacity, Membership and Change Request Form

School District: Orange County Schools

SAPFO CAPS Year: November 13, 2020 - November 14, 2021

Capacity and Membership Submittal Date: November 13, 2020

High School	Square Feet	2016-2017 Requested Capacity	2017-2018 Requested Capacity	2018-2019 Requested Capacity	2019-2020 Requested Capacity	2020-2021 Requested Capacity	Justification Footnote #	Membership (referenced school year)	Percentage of Capacity/Level of Service
Cedar Ridge	206,900	1,000	1,000	1,000	1,000	1,000		1,035	103.5%
Orange	213,509	1,399	1,399	1,399	1,399	1,399		1,317	94.1%
Partnership	6,600	40	40	40	40	40		29	72.5%
Total	427,009	2,439	2,439	2,439	2,439	2,439		2,381	97.6%

Special Note(s): 1. For the November 15, 2002 base year the board accepted the superintendent-certified capacities as part of the School Facilities Task Force review and 2003 Planners and School Representative Technical Advisory Committee Report. These capacities will remain effective until changed by (1) the School CIP or (2) an amended version of this form that is certified by the BOCC.

Justification:

Capacity and Membership Certification:


 Superintendent Date

BOCC Chair

Date

Attachment 2

School LOS, Capacity, Membership, and Membership Increases

	<i>Chapel Hill/Carrboro School District</i>		<i>Orange County School District</i>	
	Allowable Maximum LOS (per MOU)	Actual 2020-21 LOS	Allowable Maximum LOS (per MOU)	Actual 2020-21 LOS
<i>Elementary</i>	105%	86.4%	105%	90.7%
<i>Middle</i>	107%	99.1%	107%	76.4%
<i>High</i>	110%	98.9%	110%	97.6%

	<i>Chapel Hill/Carrboro School District</i>					<i>Orange County School District</i>				
	Capacity At 100% LOS*	Capacity At MOU LOS Maximum*	Nov. 13 2020 Membership	Prior Year Membership	Change from Prior Year	Capacity At 100% LOS*	Capacity At MOU LOS Maximum*	Nov. 13 2020 Membership	Prior Year Membership	Change from Prior Year
<i>Elementary</i>	5,664	5,947	4,893	5,363	- 470	3,361	3,529	3,047	3,232	- 185
<i>Middle</i>	2,944	3,150	2,917	3,044	- 127	2,166	2,318	1,654	1,763	- 109
<i>High</i>	3,975	4,373	3,932	3,940	- 8	2,439	2,683	2,381	2,397	- 16

* Class size ratio is 1:19 in grades K-3.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No.** 8-h

SUBJECT: Construction Bid Award for Office Upfit – Whitted Building

DEPARTMENT: Asset Management Services
(AMS)

ATTACHMENT(S):

1. Certified Bid Tabulation
2. Designer's Bid Recommendation Letter

INFORMATION CONTACT:

Steven Arndt: 919-245-2658

PURPOSE: For the Board of Orange County Commissioners to:

1. Award a bid to C.T. Wilson Construction Company, Durham, North Carolina in the amount of \$283,590 for the renovation of spaces in the Whitted Human Services Center Complex to create several office suites; and
2. Authorize the County Manager to sign the construction agreement and execute any amendments for unforeseen requirements up to the approved budget amount on behalf of the board, contingent upon final review of the County Attorney.

BACKGROUND: On November 7, 2019 the Board approved Budget Amendment #2C totaling \$975,000 to fund the relocation of occupants from the Link Government Services Center due to serious remediation concerns. A portion of these funds were to be used to develop office spaces for the County Manager and Clerks Office within the Whitted Human Services Center Complex.

Competitive bids from four qualified general contractors were received and opened on November 5, 2020. A review of the bid documents was conducted by County staff and the project designer, HH Architecture, and it was determined that the lowest responsive bid for this project was C.T. Wilson Construction Company. A certified bid tabulation is provided in Attachment 1.

The proposed bid award contemplates awarding the base bid and alternates one, two, four and five. A designer's bid recommendation letter containing details regarding the alternates is provided in Attachment 2.

Should the board of County Commissioners award the bid, the projected construction period is four months. Depending upon the construction process, management of unforeseen conditions, and project close-out, the renovations should be finished by the end of April, 2021.

FINANCIAL IMPACT: The construction contract with C.T. Wilson Construction Company, with desired alternates, totals \$283,590. The total cost of the project, including professional services, construction, contingency allowances and miscellaneous costs totals \$450,257.

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

- **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.

This low bidder complied with the Historically Underutilized Business (HUB) bid requirements and will employ certified HUB contractors as a part of the performance of this work.

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.

The scope of work includes the replacement of old outdated light fixtures and replaces them with high efficiency LED light fixtures. In renovating an existing space rather than constructing a new facility, the project reduces resource consumption.

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

- 1) Award the bid to C.T. Wilson Construction Company of Durham, NC in the amount of \$283,590 for the Office Upfit – Whitted Building.
- 2) Authorize the County Manager to sign the construction agreement and execute any amendments for unforeseen requirements up to the approved budget amount on behalf of the board, contingent upon final review of the County Attorney.



For Bids Received: November 5, 2020 2:00 PM
 Job Title: **Orange County Emergency Office Upfit - Whitted Building**
 Owner: Orange County Government

BID TAB

HH # 19-099

General Contractors	Base Bid	Alternate 1	Alternate 2	Alternate 3	Alternate 4	Alternate 5	MBE	Addenda Received	Signed
CT Wilson Construction Co., Inc. License # 2443	\$241,651	\$13,597	\$5,837	-\$1,452	\$22,505	\$0	Yes	Yes	Yes
Incline Construction, Inc. License # 55896	\$252,778	\$15,062	\$5,920	-\$1,113	\$24,355	\$0	Yes	Yes	Yes
Muter Construction License # 73095	\$292,500	\$16,000	\$8,500	-\$835	\$27,000	\$0	Yes	Yes	Yes
Resolute Building Company License # 14397	\$258,300	\$14,850	\$6,528	-\$700	\$23,300	\$0	Yes	Yes	Yes

ATTACHMENT 1

- Alternate 1 - Renovate to convert toilet room to Coffee Room 213
- Alternate 2 - Demo doorway and replace carpet in Corridor 200H
- Alternate 3 - Provide frame Type I in lieu of scheduled frame type for Doors 211A, 211B
- Alternate 4 - Suite 250 Upfit
- Alternate 5 - Preferred brand alternate for Mohawk tile carpet

I certify that the above is a true and accurate tabulation of the bids received on November 5, 2020 at 2:00 pm.


 Nicholas C. Zastrow AIA
 Name

HH ARCHITECTURE

November 12, 2020

Steven Arndt, MBA, CFM, PEM
 Director of Asset Management Services
 Orange County Government
 300 W Tryon Street, Rm 240
 Hillsborough, NC 27278

Re: Orange County Emergency Office Upfit
 Whitted Building
 HH project number: 19-099

Dear Steven:

This letter is to recommend that the above referenced project be awarded to:

CT Wilson Construction Co, Inc.
 150 Golden Drive, Ste 200
 Durham, NC 27705
 License #: 2443

The basis of this award is the compilation of the base bid amount plus accepted alternates.

The base bid amount plus accepted alternates are as follows:

Base Bid	\$	241,651.00
Alternate #1	\$	13,597.00
Alternate #2	\$	5,837.00
Alternate #3	\$	(1,452.00)
Alternate #4	\$	22,505.00
Alternate #5	\$	0.00
Total	\$	283,590.00

This project is an office upfit of 2,795 SF within the Richard E. Whitted Human Services Building. The work consists of Level 2 Alterations for new partitions, doors, casework, misc. plumbing and electrical modifications, HVAC ductwork reconfiguration, structural reinforcing of select areas of the existing floor, and limited ceiling replacement. The building is an existing Type III-B construction and fully

sprinklered. The scope of work includes above ceiling work on the basement level to access the existing floor structure for structural reinforcing.

The project bid alternates include the following.

- Alternate No. 1: Renovate to convert toilet room to Coffee Room 213
- Alternate No. 2: Demo doorway and replace carpet in Corridor 200H
- Alternate No. 3: Provide frame Type I in lieu of scheduled frame type for Doors 211A, 211B (NOT ACCEPTED)
- Alternate No. 4: Suite 250 Upfit
- Alternate No. 5: Preferred brand alternate for Mohawk tile carpet

Single Prime bids were received on November 5, 2020 at 2:00 PM at Orange County Richard E. Whitted Human Services Building, Main Meeting Room 230, 300 W. Tryon Street, Hillsborough, NC 27278. 4 general contractors submitted bids. Bids were opened and reviewed in Room 230.

The bids were read aloud including name of bidder, license number, base bid and all alternates. It was announced that no decision on the low bidder would be given at that time.

Please see attached Certified Bid Tabulation for the results of the bid opening.

Sincerely,



Nicholas C. Zastrow, AIA
Architect

Attachments:

- Certified Bid Tabulations
- Form of Proposal from CT Wilson Construction Co, Inc.
- HUB Certified and Minority Business Participation forms and Affidavits from CT Wilson Construction Co, Inc.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No. 8-i**

SUBJECT: Construction Bid Award for the Orange County Visitors Bureau

DEPARTMENT: Asset Management Services
(AMS)

ATTACHMENT(S):

1. Certified Bid Tabulation
2. Designers Bid Recommendation/Value Engineering Worksheet

INFORMATION CONTACT:

Steven Arndt: 919-245-2658

PURPOSE: For the Board of Orange County Commissioners to:

1. Award a bid to Racanelli Construction South, Inc., Apex, North Carolina in the amount of \$268,370 for the renovation of a former restaurant at 308 West Franklin, Chapel Hill, NC to create offices, meeting rooms, and support spaces for the Orange County Visitors Bureau.
2. Authorize the County Manager to sign the construction agreement and execute any amendments for unforeseen requirements up to the approved budget amount on behalf of the board, contingent upon final review of the County Attorney.

BACKGROUND: On November 19, 2019, it was announced that Orange County would lease two of its facilities, 501 and 503 West Franklin Street, Chapel Hill, NC to Well Dot. Inc, a healthcare technology company, at terms to be determined at a later date. Well Dot. plans to renovate the facilities for the purpose of establishing a new operations and corporate center in Chapel Hill that will create about 400 high-paying jobs over five years.

As a result of this announcement, it became necessary to find new facilities for the County departments and County supported agencies housed at these facilities. One of those displaced agencies was the Orange County Visitors Bureau. On January 21, 2020 the Orange County Board of County Commissioners approved the lease 308 West Franklin Street, Chapel Hill, NC, a former restaurant, as the future home for the Orange County Visitors Bureau. Josh Gurlitz Architecture, Chapel Hill, NC was retained on March 1, 2020 to develop the plans and specifications necessary to renovate this facility.

Competitive bids from five qualified general contractors were received and opened on September 10, 2020. A review of the bid documents was conducted by County staff and the project designer, and it was determined that the lowest responsive bid for this project was Racanelli Construction

South, Inc., Apex, North Carolina at a cost of \$276,000. A certified bid tabulation is provided in Attachment 1.

After opening bids, the County engaged in a value engineering process necessary to reduce the cost of the project, which resulted in a revised cost of \$268,370. A designer's bid recommendation letter containing details regarding the value engineering is provided in Attachment 2.

Should the board of County Commissioners award the bid, the projected construction period is four months. Depending upon the construction process, management of unforeseen conditions, and project close-out, the renovations should be finished by the end of April, 2021.

FINANCIAL IMPACT: The construction contract with Racanelli Construction South, Inc., totals \$268,370. The total cost of the project, including professional services, construction, contingency allowances and miscellaneous costs totals \$408,083.

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

- **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.

This low bidder complied with the Historically Underutilized Business (HUB) bid requirements and will employ certified HUB contractors as a part of the performance of this work.

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.

The scope of work includes the replacement of old outdated light fixtures and replaces them with high efficiency LED light fixtures. In renovating an existing space rather than constructing a new facility, the project reduces resource consumption.

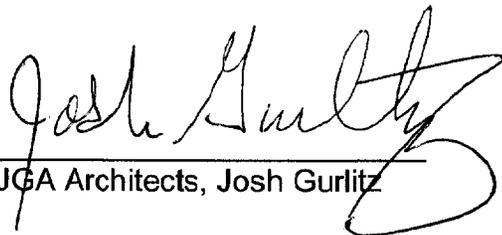
RECOMMENDATION(S): The Manager recommends that the Board:

- 1) Award the bid to Racanelli Construction South, Inc. of Apex NC in the amount of \$268,370 for the Orange County Visitors Bureau renovation.
- 2) Authorize the County Manager to sign the construction agreement and execute any amendments for unforeseen requirements up to the approved budget amount on behalf of the board, contingent upon final review of the County Attorney.

CHAPEL HILL ORANGE COUNTY
VISITORS BUREAU

BID TABULATION

BIDDER	SUB LIST	Addendum 1 Acknowledge	Addendum 2 Acknowledge	Low Volt Breakout	Alt 1 cost	Alt 1 Time	HUB List	HUB Affidavit	Bid Amount
C.T.Wilson Construction Co. Inc.	Yes	Yes	Yes	No	\$8,330.00	0 days	Yes	Yes	\$337,213.00
H.M.Kern Corporation	Yes	Yes	Yes	\$400.00	\$3,400.00	0 days	Yes	Yes	\$334,700.00
Racanelli Construction South, Inc.	Yes	Yes	Yes	\$200.00	\$9,435.00	0 days	Yes	Yes	\$276,000.00
Resolute Building Company	Yes	Yes	Yes	No	\$10,690.00	5 days	Yes	Yes	\$313,300.00
W.L.Bishop Construction	Yes	Yes	Yes	No	\$9,500.00	0 days	Yes	Yes	\$343,468.00



Josh Gurlitz

JGA Architects, Josh Gurlitz

OC VISITORS BUREAU Value Engineering

9/23/2020
REV. NOV. 30, 2020

By: Peter Muzzillo
Rev. by JGA

Description	Savings	Comment
Eliminate tile demo and major floor prep excludes tile demo at bar	\$ (4,200.00)	
Add carpet in lieu of LVT at 006 HOSPITALITY, 007 STORAGE, 010 WORK ROOM, 014 UTILITY, 015	\$ (630.00)	
Metal framing in lieu of wood framing	\$ (1,800.00)	limited to new wall construction
Delete floor boxes at 001 LOBBY	\$ (1,300.00)	JG
Keep existing water heater	\$ (1,000.00)	Assuming existng HWH is in good working
Economical Light Fixtures	\$ (500.00)	JG
	(7,630.00)	
Sub Total VE Savings	\$ (9,430.00)	JG
Contract Amount	\$ 276,000.00	
	268,370.00	
New contract amount	\$ 266,570.00	JG

VALUE ENGINEERING

NARRATIVE ON ACCEPTED VE ITEMS

ITEM #	NARRATIVE	AMOUNT
1	Eliminate tile demolition and major floor prep. excludes tile demo at bar. With this VE item the tile in the lobby will be demolished allowing the lobby to retain a consistent wood floor. At other locations, especially at the work room and hospitality areas the tile floor will be cleaned. For finish changes to these other areas see Item #2 below.	Deduct: (\$4,200)
2	Add carpet in lieu of LVT at 006 Hospitality; 007 Storage; 010 Work Room; 014 Utility; 015 Storage. With this VE item the tile will be cleaned and will remain in place (see Item 1 above). Plywood sub-floor will be attached over the tile and carpet installed in lieu of LVT. This change will be reflected on the Room Finish Schedule on sheet A-701.	Deduct: (\$630)
3	Metal framing in lieu of wood framing for walls. This change will eliminate wood framing at new walls. Engineered wood beams remain as does miscellaneous blocking and shimming.	Deduct: (\$1,800)
4	Deleted	
5	Keep existing water heater. The existing water heater located in the attic space has functional capacity to satisfy demand. The existing water heater will be tested to confirm output.	Deduct (\$1,000)
6	Deleted	

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

Action Agenda

Item No. 8-j

SUBJECT: Approval of a Resolution Authorizing a Revision in the Resolution Adopted June 18, 2019 Which Authorized the Orange County FY 2019-2020 HOME Program Design

DEPARTMENT: Housing and Community
Development

ATTACHMENT(S):

1. Resolution Authorizing a Revision in the Resolution Adopted June 18, 2019 Which Authorized the Orange County FY 2019-2020 HOME Program Design

INFORMATION CONTACT:

Emila Sutton, Director
Housing and Community Development
(919) 245-2490

PURPOSE: To request approval of a revision in the resolution adopted June 18, 2019 which authorized the Orange County FY 2019-2020 HOME Program Design.

BACKGROUND: The resolution to approve the project activities for the 2019-2020 HOME Program, adopted by the Board on June 18, 2019, included the approval of \$181,392 to Habitat for Humanity of Orange County (Habitat) to provide deferred payment, zero interest second mortgages for six (6) homes in the Fairview Community in Hillsborough and Northside Neighborhood in Chapel Hill. Habitat has determined that they will be able to assist more than six (6) homebuyers with their allotted funds, and as such, they have requested that the language be revised to read “*at least* six (6) homes.”

FINANCIAL IMPACT: There is no financial impact to the County.

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

The creation and preservation of affordable housing options helps to meet a basic need and advances economic self-sufficiency.

- **GOAL: CREATE A SAFE COMMUNITY**

The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Affordable housing options allow individuals to reduce risks associated with being un-housed.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goals applicable to this agenda item.

RECOMMENDATION(S): The Manager recommends that the Board approve this resolution authorizing a revision in the resolution adopted June 18, 2019 which authorized the Orange County FY 2019-2020 HOME Program Design.

RES-2020-081

**RESOLUTION AUTHORIZING A REVISION IN THE
ORANGE COUNTY FY 2019-2020 HOME PROGRAM DESIGN**

BE IT RESOLVED, by the Orange County Board of Commissioners as the lead entity of the Orange County HOME Consortium approves the revision in the Resolution adopted June 18, 2019 to allow for more than six (6) homes to be assisted through the Second Mortgage Assistance activity such that the FY 2019-2020 HOME Program Design reads as follows in its entirety:

Second Mortgage Assistance

Funds will be allocated to Orange County Habitat for Humanity to provide deferred payment, zero interest second mortgage for at least six (6) homes in the Fairview Community in Hillsborough and Northside Neighborhood in Chapel Hill. Homes will be sold to households earning between thirty percent (30%) and eighty percent (80%) of the area median income.

(Requested amount: \$240,000) \$181,392

Acquisition

Funds will be allocated to EmPOWERment, Inc., for the acquisition of two (2) units for affordable rental purposes in the Hillmont Apartment Complex in the Town of Carrboro. The units will be leased to households earning eighty percent (80%) or less of the area median income. EmPOWERment will also receive \$60,201 in FY18-19 CHDO Set-Aside funds and therefore will receive a total award of \$145,201.

(Requested amount: \$304,800) \$85,000

Countywide Tenant Based Rental Assistance

Funds will be allocated to the Orange County Housing and Community Development Department for assisting persons experiencing homelessness under the Rapid Re-Housing Program, as well as the provision of general rental assistance County-wide for other eligible low-income persons.

(Requested amount: \$141,004) \$141,004

Program Administration

TOTAL FY 2019-2020 HOME PROGRAM FUNDS **\$442,426**

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

This is the ___ day of _____, 2020

Chair
Orange County Board of Commissioners

SEAL

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No.** 8-k

SUBJECT: Change in BOCC Meeting Schedule for 2021

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

INFORMATION CONTACT:

Greg Wilder, Interim Clerk to the Board,
919-245-2130

PURPOSE: To consider changes to the Board of Commissioners' meeting calendar for 2021.

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

There are two proposed Meeting Calendar changes for 2021.

The first change relates to the Board of Commissioners' 2021 Retreat. The Retreat is currently scheduled for January 22, 2021 from 9:00 am until 4:00 pm. The Retreat Planning Committee has recommended that the Retreat be re-scheduled to occur over two days. As proposed, the Retreat would convene on Friday, January 22, 2021 starting at 2:00 pm and recess late that afternoon. The Retreat would then re-convene at 9:00 am on Saturday, January 23, 2021.

The second change relates to Board of Commissioners' meetings currently being scheduled to occur in-person in 2021. Due to current public health concerns, it is proposed that the Board of Commissioners conduct Virtual Board meetings during the months of January, February and March 2021.

Members of the Board of Commissioners would be participating in the meetings remotely. As in prior meetings, members of the public would be able to view and listen to the meeting via online streaming video or on Spectrum Cable TV. The meetings would be streamed in real-time on the County's website for public viewing/listening, real-time broadcast on Spectrum Cable, and video-recorded for future television broadcast and reference on the County's website.

January 2021 Virtual Meetings

January 19 BOCC Virtual Business Meeting – 7:00pm
 January 22 (continuing on 23rd) BOCC Virtual Retreat – 2:00pm
 January 26 Assembly of Governments Virtual Meeting – 7:00pm

February 2021 Virtual Meetings

February 2 BOCC Virtual Business Meeting – 7:00pm
 February 9 BOCC Joint Virtual Meeting with Fire Departments
 & Virtual Work Session – 7:00 pm
 February 16 BOCC Virtual Business Meeting – 7:00pm

March 2021 Virtual Meetings

March 2 BOCC Virtual Business Meeting – 7:00pm
 March 9 BOCC Virtual Work Session – 7:00pm
 March 16 BOCC Virtual Business Meeting – 7:00pm

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 amend its meeting calendar for 2021:

The Board of Commissioners' 2021 Retreat is currently scheduled for January 22, 2021 from 9:00 am until 4:00 pm. The Retreat Planning Committee has recommended that the Retreat be re-scheduled to occur over two days. As proposed, the Retreat would convene on Friday, January 22, 2021 starting at 2:00 pm and recess late that afternoon. The Retreat would then re-convene at 9:00 am on Saturday, January 23, 2021.

January 2021 Virtual Meetings

January 19 BOCC Virtual Business Meeting – 7:00pm
 January 22 (continuing on 23rd) BOCC Virtual Retreat – 2:00pm
 January 26 Assembly of Governments Virtual Meeting – 7:00pm

February 2021 Virtual Meetings

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 & Virtual Work Session – 7:00 pm
 February 16 BOCC Virtual Business Meeting – 7:00pm

March 2021 Virtual Meetings

March 2 BOCC Virtual Business Meeting – 7:00pm
 March 9 BOCC Virtual Work Session – 7:00pm
 March 16 BOCC Virtual Business Meeting – 7:00pm

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: December 15, 2020

**Action Agenda
Item No. 8-I**

SUBJECT: Appointment of the Clerk to the Board

DEPARTMENT: County Attorney

ATTACHMENT(S):

Employment Agreement

INFORMATION CONTACT:

John Roberts, County Attorney, 245-2318

PURPOSE: To approve an employment agreement and appoint Laura Jensen as Clerk to the Board of County Commissioners.

BACKGROUND: Over the course of several meetings the Board of Commissioners reviewed a number of applicants to fill the position of Clerk to the Board, a position reporting directly to the Board of Commissioners. Upon interviewing the final candidates for the position the Board of Commissioners selected Laura Jensen to fill the position and Ms. Jensen accepted the offer of employment. Ms. Jensen has thirteen years of progressively responsible local government experience. She has served as Interim Assistant County Manager in Person County and currently serves as the Assistant Finance Director and Budget Manager. Ms. Jensen has agreed to the terms of the attached employment agreement.

FINANCIAL IMPACT: The financial impact of this action consists of the amount of the initial employment salary, \$115,000, plus the cost of employment benefits typical of other Orange County employees.

ENVIRONMENTAL IMPACT: There is no environmental impact associated with this action.

SOCIAL JUSTICE IMPACT: There is no social justice impact associated with this action.

RECOMMENDATION(S): The Manager recommends the Board approve the attached agreement, authorize the Chair to sign the agreement, and appoint Laura Jensen to the position of Clerk to the Board effective January 4, 2021.

ORANGE COUNTY

EMPLOYMENT AGREEMENT

NORTH CAROLINA

THIS EMPLOYMENT AGREEMENT, made and entered into this the 15th day of December, 2020, by and between Orange County, a political subdivision of the State of North Carolina, hereinafter called "County", party of the first part, and Laura Jensen, hereinafter called "Employee", party of the second part:

WITNESSETH

WHEREAS, County desires to employ the services of the Employee as Clerk to the Board of Commissioners of Orange County as provided by NCGS 153A-111; and

WHEREAS, it is the desire of the Orange County Board of County Commissioners, hereinafter called the "Board", to provide certain benefits, to establish certain conditions of employment, and to set working conditions of said Employee; and

WHEREAS, the Employee desires to accept employment as Clerk to the Board of County Commissioners of Orange County,

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1: DUTIES

County hereby agrees to employ the Employee as Clerk to the Board of County Commissioners of Orange County to perform all legally permissible and proper duties and functions as the Board shall from time to time assign.

SECTION 2: TERM

Employee's first day of employment is January 4th, 2021. The salary and benefits set out herein shall commence on the first day of employment. The Employee's employment shall continue for an unspecified term of service subject to the provisions of Sections 4, 5 and 6 of this agreement or any amendment or mutual agreement approved both parties. Unless otherwise provided for herein, such amendment or mutual agreement must be in writing in the form of an Amendment to this Employment Agreement and signed by both parties.

Nothing in this Employment Agreement shall limit or otherwise interfere with the right of the Board to terminate the services of the Employee at any time with or without cause. However, any termination of the Employee by the Board without cause shall be subject to the terms and conditions of Section 4(B).

SECTION 3: SUSPENSION

County may suspend the Employee without pay and benefits at any time during the term of employment, but only if a majority of the Board votes to suspend Employee for cause, provided, however, that Employee shall have been given written notice setting forth any charges at least ten (10) days prior thereto by the Board members bringing such charges. The County may suspend the employee with pay without notice at any time.

For purposes of this Employment Agreement cause includes misconduct as defined in G.S. 96-14.6 whether such misconduct occurs on or off the job, any felonious act committed by Employee, any intentional violation of the Orange County Ethics and Conduct for Senior Staff Policy, or an act punishable under the "reasons of personal conduct" clause as defined by the Orange County Personnel Ordinance.

SECTION 4: TERMINATION/SEVERANCE

A. This Employment Agreement may be terminated for acts by Employee constituting cause as cause is defined in Section 3 and subject to the same process as set out in Section 3. In the event this Employment Agreement is terminated for cause the Employee shall not be entitled to, nor shall County have further obligation to pay, Employee's salary or benefits as described in Section 7 through Section 11, nor shall Employee be eligible for the severance benefit established herein.

B. Should the Board decide for any reason other than cause as described herein to end the employment of the Employee, the Employee shall be entitled to:

Four (4) months full salary plus health, dental, and life insurance coverage for the four (4) month period immediately following the date of separation, plus payment for any sick leave, at Employee's option, and annual leave the Employee earned and accumulated, but has not taken, within the period the Employee was an employee of Orange County. Employee is eligible for this severance benefit upon completing six months full time employment as the County's Clerk to the Board of County Commissioners.

SECTION 5: RESIGNATION

In the event Employee voluntarily resigns her position with the County the Employee shall give the County forty-five (45) days written notice in advance of such resignation. In the event of such resignation and the Employee having given at least forty-five (45) days written advance notice, the Employee shall be entitled to be paid for any accumulated sick leave or annual leave earned but not taken, but shall not be entitled to the severance benefit as set out in section 4B above. At its sole option, the County has the right to waive this forty-five (45) days written notice provision if it so chooses.

SECTION 6: DISABILITY OR DEATH

If Employee becomes permanently disabled because of sickness, accident, injury, mental incapacity, or another health related issue and is unable, after reasonable accommodation is made by the County, to continue to perform the essential duties of the position, the County shall then have the

option to terminate this Employment Agreement upon payment of the severance benefit as outlined in Section 4B above to Employee. Should Employee die during the term of employment the severance benefit outlined in 4B above shall be paid to Employee's estate.

SECTION 7: SALARY

Employee will be paid a base annualized salary of One Hundred Fifteen Thousand Dollars (\$115,000.00), payable on the same schedule as for other County employees. Changes to Employee's compensation shall be administered in a manner similar to other county employees subject to an evaluation process administered by the Board of County Commissioners.

A. If Employee is to receive a salary adjustment equal to adjustments received by all county employees such adjustment, in the form of an increase, may be granted without amendment to this Employment Agreement.

B. If Employee's salary adjustment is in the form of an increase greater than that of other county employees, such adjustment may be in the form of a decision of the Board of County Commissioners at a business meeting without an amendment to this Employment Agreement.

In either event such Board action, upon approval of the Board's minutes reflecting such action, shall be accepted by both parties as an amendment to the Employee's base annualized salary reflected in this Section 7.

SECTION 8: HOURS OF WORK

As Clerk to the Board of County Commissioners, the employee is expected to maintain regular office hours, Monday through Friday. Additionally, Employee shall attend all meetings of the Board, unless excused by the Board Chair. It is further agreed and understood that the position of Clerk to the Board is exempt from the overtime provisions of the Fair Labor Standards Act under the Executive Exemption. It is understood that the Employee will periodically adjust regular work hours to account for time beyond the normal work day spent at meetings occurring outside normal office hours as described above, however, such adjustment shall not interfere with the performance of Employee's duties.

SECTION 9: VACATION, HOLIDAYS, and SICK LEAVE

Employee shall have the same holiday schedule as other County employees. Employee shall accrue annual and sick leave at the same rate as any employee subject to the Personnel Ordinance who has the same or similar number of years of service to Orange County.

SECTION 10: OTHER BENEFITS

Employee shall have access to and enrollment in the dental, health, and life insurance provided to general full time employees of County.

If the Employee currently maintains a 401k or 457 supplemental retirement program with the State of North Carolina the County shall authorize and participate in that plan to the Employee's benefit at

the same rate and under the same conditions as the County currently or in the future may participate on behalf of other County employees.

During the Employee's employment as Clerk to the Board, the Employee shall continue to reside in and maintain residence within Orange County.

To encourage the Employee's continued professional awareness and education, the County agrees to authorize expenses annually within the county's approved budget toward the Employee's attendance at conferences, seminars and professional development courses including but not limited to the bi-annual meetings of the North Carolina Association of Municipal Clerks and other such state and local educational opportunities. For purposes of this section expenses shall include travel and subsistence expenses. Out of state travel and expenses shall be reimbursed only if written authorization by the Board Chair is secured prior to such out of state travel.

SECTION 11: RETIREMENT

Employee will participate in the North Carolina Local Governmental Employees Retirement System, with the County contributing the employer's share to that retirement program at a rate consistent with other County employees.

SECTION 12: INDEMNIFICATION

In addition to that required under state and local law, County shall defend, save harmless, and indemnify Employee against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as Clerk to the Board. The County reserves the right to, in its discretion, compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

This Section shall not apply to any intentional or willful omissions or acts of misconduct by the Employee or any grossly negligent act or omission.

SECTION 13: BONDING

County shall bear the full cost of any fidelity or other bonds required of the Employee as part of Employee's employment under any law or ordinance.

SECTION 14: OTHER TERMS AND CONDITIONS

The Board, in consultation with the Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Employment Agreement or any applicable law.

A County-owned laptop computer and a County-owned cellular telephone will be made available to Employee, at County expense, for Employee's use for County business. In the alternative to a County-

owned cellular telephone County shall, at Employee’s option, reimburse Employee Fifty Dollars (\$50.00) per month for Employee’s use of her personal cellular telephone for County business.

The employment provided for by this Employment Agreement shall be the Employee’s sole employment.

SECTION 15: GENERAL PROVISIONS

The text herein shall constitute the entire agreement between the parties.

This Employment Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

This Employment Agreement is effective the date first above recorded.

During the term of her appointment Employee shall serve at the pleasure of the County Board of Commissioners as the Clerk to the Board subject to the terms of this Employment Agreement.

If any provision, or any portion thereof, contained in this Employment Agreement is held unconstitutional, invalid, or unenforceable, the remainder of this Employment Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

This Employment Agreement may be amended from time to time by the Parties hereto and shall be effective when reduced to writing and signed by both Parties.

This Agreement together with any amendments or modifications may be executed electronically. All electronic signatures affixed hereto evidence the consent of the parties to utilize electronic signatures and the intent of the parties to comply with Article 11A and Article 40, as applicable, of North Carolina General Statute Chapter 66.

IN WITNESS WHEREOF, the County has caused this Employment Agreement to be signed and executed in its behalf by its Board Chair, and duly attested by its Interim Clerk and sealed with its official seal, and the Employee has signed and executed this Employment Agreement.

COUNTY

EMPLOYEE

BY: _____

Chair, Board of County Commissioners

Laura Jensen

ATTEST:

Interim Clerk: _____

[SEAL]

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 15, 2020

**Action Agenda
Item No.** 8-m

SUBJECT: Approval of Boards and Commissions Assignments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):

December 7, 2020 Boards and
Commissions Selections List

INFORMATION CONTACT:

Clerk's Office, 245-2130

PURPOSE: To approve the 2021 Boards and Commissions assignments for members of the Board of Commissioners based on selections made by Board members at the December 7, 2020 Business meeting.

BACKGROUND: BOCC members serve on various County and County-related boards and commissions. On an annual basis, BOCC members indicate their desire to continue serving on specific boards or commissions or their desire to make changes.

At the December 7, 2020 Business meeting, members of the Board utilized the Board policy and Selection Process Guide to choose Boards and Commissions assignments for 2021. The Board subsequently asked staff to compile the results and bring the information back to this December 15th meeting for final approval.

FINANCIAL IMPACT: There are no financial impacts associated with this item.

SOCIAL JUSTICE GOAL: There are no Orange County Social Justice Goals 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 2021 Boards and Commissions assignments for members of the Board of Commissioners based on selections made by Board members at the December 7, 2020 Business meeting and detailed in the attached list.

BOARD NAME	MEETING DATE	BOCC MEMBER	BOCC Member Serving 2020	BOCC Member Serving 2021
STATUTORY				
ABC Board	Monthly, Third Tues 8:30 AM-ABC offices in Hillsborough	Commissioner Not Required (non-voting member) Intra-county	Commissioner Dorosin (Potentially Serve Dec 2019 through Dec 2021)	Commissioner McKee (Potentially Serve Dec 2020 through Dec 2022)
Board of Health	Monthly, Typically Fourth Wed 7:00 PM-at Health Dept in Hillsborough	1 Commissioner Required Intra-county	Commissioner McKee (Two Year service ends Dec 2020)	Commissioner Hamilton (Potentially Serve Dec 2020 through Dec 2022)
Board of Social Services	Monthly, Third Monday- 4:00 PM at DSS offices in Hillsborough	2 appointees (one citizen) Commissioner not required but usually a Commissioner serves -Intra-county	Commissioner Bedford (Two Year service ends Dec 2020)	Commissioner McKee (Potentially Serve Dec 2020 through Dec 2022)
Cardinal Innovations County Commissioner Advisory Board	TBD	Regional	Commissioner Price (Potentially Serve Dec 2018 through Dec 2022)	Commissioner Price (Potentially Serve Dec 2018 through Dec 2022)

INTERGOVERNMENTAL and OTHER GROUPS WITH BOCC MEMBERS				
Burlington/Graham MPO Transportation Advisory Committee	6x/year-(or more as needed) Tuesdays at 5pm in Burlington	Requires 1 Commissioner member 1 Alternate Commissioner Regional	Commissioner Bedford – Member (Potentially Serve Dec 2018 through Dec 2022) Commissioner Marcoplos - Alternate (2020-2024)	Commissioner McKee -- Member (Potentially Serve Dec 2020 through Dec 2024) Commissioner Bedford – Alternate (Potentially Serve Dec 2018 through Dec 2022)
Cardinal Orange County Community Advisory Council	2 nd Mondays – 1:00 pm		Commissioner Bedford	Commissioner Bedford
Chatham Orange Joint Planning Task Force	3x/year-alternates between Orange County and Chatham County	2 Commissioners Regional	Commissioner Dorosin - Member (Potentially Serve Dec 2019 through Dec 2023) Commissioner McKee – Alternate (Potentially Serve Dec 2019 through Dec 2023)	Commissioner Dorosin - Member (Potentially Serve Dec 2019 through Dec 2023) Commissioner Hamilton – Alternate (Potentially Serve Dec 2020 through Dec 2024)
Chapel Hill/Carrboro Chamber of Commerce	Monthly Third Thursdays at 8:30am at Chamber	1 BOCC member Intra-county	Commissioner McKee (Two Year service ends Dec 2020)	Commissioner Hamilton (Potentially Serve Dec 2020 through Dec 2022)

Climate Committee	TBD	1 BOCC member Intra-county	Commissioner Marcoplos (2019-2021)	Commissioner Dorosin (Potentially Serve Dec 2020 through Dec 2022)
Community Home Trust BOD	Monthly-2 nd Thursdays at 6pm at CHT office	1 Commissioner Required Intra-county	Commissioner Greene (Potentially Serve Dec 2019 through Dec 2021)	Commissioner Dorosin (Potentially Serve Dec 2020 through Dec 2022)
Cooperative Extension Leadership Council	March 9, June 8, Sept 14, 2021 & December Retreat	1 Commissioner		Commissioner Bedford (Potentially Serve Dec 2020 through Dec 2022)
Durham- Chapel Hill – Carrboro Metropolitan Planning Organization (MPO)- Transportation Advisory Committee (DCHC-MPO)	Monthly- 2 nd Wednesday at 9am in Durham	1 Commissioner 1 Commissioner Alternate Regional	Commissioner Price – member (Potentially Serve Dec 2018 through Dec 2022) Chair Rich – Alternate (2019-2023)	Commissioner Bedford – member (Potentially Serve Dec 2020 through Dec 2024) Commissioner Greene – alternate (Potentially Serve Dec 2020 through Dec 2024)

Durham- Orange- Chapel Hill Work Group	Quarterly- at noon - rotates locations- Durham/ Chapel Hill/Orange County	2 BOCC Members Regional	Commissioner Greene (Potentially Serve Dec 2019 through Dec 2023) Commissioner Marcoplos (2019-2023)	Commissioner Fowler (Potentially Serve Dec 2020 through Dec 2024) Commissioner Bedford (Potentially Serve Dec 2020 through Dec 2024)
Durham Tech Board of Trustees	6x/per year- usually 4 th Tuesday of month at 4-6pm (locations move about) Plus there are committee meetings	2 Appointees– one Commissioner Regional One resident- already appointed	Commissioner Dorosin (Potentially Serve Dec 2019 through Dec 2023)	Commissioner Dorosin (Potentially Serve Dec 2019 through Dec 2023)
Family Success Alliance	Meets 6x per year- Mondays- 1-3pm Alternates – northern and southern Orange County	2 Commissioners Intra-county-	Commissioner Greene (Potentially Serve Dec 2019 through Dec 2021) Commissioner Bedford (Potentially Serve Dec 2019 through Dec 2021)	Commissioner Greene (Potentially Serve Dec 2019 through Dec 2021) Commissioner Bedford (Potentially Serve Dec 2019 through Dec 2021)
Fire Chief's Association of Orange County	Bi-monthly – first Weds.- 7pm	Commissioner not required as member – but can attend as guest(s) Intra-county	Chair Rich (2020-2022)	Commissioner McKee (Potentially Serve Dec 2020 through Dec 2022)

Food Council	Meets 1/x per Month (usually the 1 st Monday at 4:00) Alternates between Chapel Hill and Hillsborough	1 Commissioner Intra-county	Commissioner McKee (Potentially Serve Dec 2019 through Dec 2021)	Commissioner Greene (Potentially Serve Dec 2020 through Dec 2022)
Go Triangle Board of Trustees	Monthly 3 rd Wed-12pm in Durham	1 Commissioner Regional	Commissioner Marcoplos (2019-2023)	Commissioner Price (Potentially Serve Dec 2020 through Dec 2024)
Go Triangle Special Tax Board	Meets every January (more often if needed) in Durham at GoT office	2 Commissioners required Regional	Commissioner McKee (Potentially Serve Dec 2019 through Dec 2023) Commissioner Price (Potentially Serve Dec 2018 through Dec 2022)	Commissioner McKee (Potentially Serve Dec 2019 through Dec 2023) Commissioner Fowler (Potentially Serve Dec 2020 through Dec 2024)
Go Triangle Transit Advisory Committee-	6x per year (assuming they will meet at Go T offices)	1 Board of County Commissioners Liaison Regional	Commissioner Bedford (Potentially Serve Dec 2019 through Dec 2023)	Commissioner Bedford (Potentially Serve Dec 2019 through Dec 2023)
Healthy Carolinians	Meeting Schedule for 2021 being developed	Commissioner not required –often same BOCC Member as on the Board of Health Intra- county	Commissioner Price (Potentially Serve Dec 2019 through Dec 2021)	Commissioner Hamilton (Potentially Serve Dec 2020 through Dec 2022)

Orange County Local Government Affordable Housing Collaborative (the Collaborative)	Quarterly	1 Commissioner Required Intra-county	Commissioner Dorosin (Two Year service ends Dec 2020)	Commissioner Greene (Potentially Serve Dec 2020 through Dec 2022)
Intergovernmental Parks Work Group	Meets 2-3 times per year at 5:30pm-on Wed. at SHSC	1 Commissioner Member 1 Alternate Commissioner Intra-county	Commissioner McKee – member (Two Year service ends Dec 2020) Commissioner Dorosin – alternate (Potentially Serve Dec 2019 through Dec 2021)	Commissioner Hamilton – member (Potentially Serve Dec 2020 through Dec 2022) Commissioner Fowler – alternate (Potentially Serve Dec 2020 through Dec 2022)
Joint Public Safety Training Facility Work Group	Meets as needed at ES	2 Commissioners Intra-county	Commissioner Price (Two Year service ends Dec 2020) Commissioner Marcoplos (2020-2022)	Commissioner McKee (Potentially Serve Dec 2020 through Dec 2022) Commissioner Hamilton (Potentially Serve Dec 2020 through Dec 2022)
Jordan Lake One Water Association-Elected Officials	Meets the third Wednesday of every other month from 9:00 AM to 11:00 AM at TJCOG	1 Commissioner Regional	Commissioner Marcoplos (2019-2023)	Commissioner Dorosin (Potentially Serve Dec 2020 through Dec 2024)

Justice Advisory Council	Quarterly (Friday afternoons-3:30pm) in Hillsborough	2 Commissioners Intra-county	Commissioner Greene (Two Year service ends Dec 2020) Commissioner Price (Potentially Serve Dec 2019 through Dec 2021)	Commissioner Price (Potentially Serve Dec 2019 through Dec 2021) Commissioner Dorosin (Potentially Serve Dec 2020 through Dec 2022)
JCPC (Orange County Juvenile Crime Prevention Council)	Meets 6-7x per year (every other month) Fridays at noon	1 Commissioner Intra-county	Commissioner Bedford (Potentially Serve Dec 2019 through Dec 2021)	Commissioner Fowler (Potentially Serve Dec 2020 through Dec 2022)
LIWG (Legislative Issues Work Group)	Meets as needed	2 Commissioners Term - one year	Chair Rich (2020) Commissioner Dorosin (2020)	Commissioner Price (2021) Commissioner Fowler (2021)
NACo Voting Delegate		1 Commissioner Required	Chair Rich (2020)	Chair Price (2021)
NCACC Voting Delegate		1 Commissioner Required May have alternate	Commissioner Bedford (2020)	Commissioner Greene (2021)
N/S BRT (North/South Bus Rapid Transit) policy committee	As needed	1 Commissioner Intra-county	Commissioner Price (Potentially Serve Dec 2019 through Dec 2021)	Commissioner McKee (Potentially Serve Dec 2020 through Dec 2022)

Orange Co Behavioral Health Task Force	Every other month 3:30-5pm Hillsborough Hospital	1 Commissioner (IntraCounty)	Commissioner Bedford (Two Year service ends Dec 2020)	Commissioner Fowler (Potentially Serve Dec 2020 through Dec 2022)
Orange County Partnership for Young Children	Bi-monthly- Last Wednesday-at 8:30am- alternates – Chapel Hill/ Hillsborough	1 Commissioner Intra-county	Commissioner Bedford (Two Year service ends Dec 2020)	Commissioner Hamilton (Potentially Serve Dec 2020 through Dec 2022)
Partnership to End Homelessness	Monthly-3 rd Mondays	1 Commissioner	Commissioner Greene (Two Year service ends Dec 2020)	Commissioner Bedford (Potentially Serve Dec 2020 through Dec 2022)
Piedmont Food And Agricultural Processing (PFAP) Center	5-6 times per year	1 Commissioner Regional	Commissioner Marcoplos (2020-2024)	Commissioner Greene (Potentially Serve Dec 2020 through Dec 2024)
Small Business Loan Program	Meets as needed to vet applications received (7:30am on Fridays)	1 Commissioner Intra-county	Chair Rich (2020-2022)	Commissioner Fowler (Potentially Serve Dec 2020 through Dec 2022)

Solid Waste Advisory Group (SWAG)	Meets as needed	2 Commissioners Intra-county	Commissioner Marcoplos (2019-2021) Chair Rich (2019-2021)	Commissioner Bedford (Potentially Serve Dec 2020 through Dec 2022) Commissioner Hamilton (Potentially Serve Dec 2020 through Dec 2022)
Strategic Communications Work Group	Meets as needed	2 Commissioners Commissioners (internal)	Commissioner Dorosin (Potentially Serve Dec 2019 through Dec 2021) Chair Rich (2020-2022)	Commissioner Dorosin (Potentially Serve Dec 2019 through Dec 2021) Commissioner Price (Potentially Serve Dec 2020 through Dec 2022)
Transit Planning Committee	Meets as needed	2 Commissioners Intra-local	Commissioner Greene (Potentially Serve Dec 2019 through Dec 2023) Commissioner Marcoplos (2020-2024)	Commissioner Greene (Potentially Serve Dec 2019 through Dec 2023) Commissioner Dorosin (Potentially Serve Dec 2020 through Dec 2024)

Triangle Area Rural Planning Organization (TARPO) Transportation Advisory Committee	Bi-monthly-meetings at 12pm, alternates counties –Lee and Chatham	1 Commissioner Member 1 Alternate Commissioner Regional	Commissioner Greene (Potentially Serve Dec 2018 through Dec 2022) Commissioner Marcoplos (2019-2023)	Commissioner Fowler – member (Potentially Serve Dec 2020 through Dec 2024) Commissioner Price – alternate (Potentially Serve Dec 2020 through Dec 2024)
TJCOG	Meet 1x per month- Last Wednesday 6pm-	1 Commissioner 1 Alternate Regional	Commissioner Greene – member (Potentially Serve Dec 2018 through Dec 2022) Chair Rich – alternate (2019-2023)	Commissioner Greene – member (Potentially Serve Dec 2018 through Dec 2022) Chair Price – alternate (Potentially Serve Dec 2020 through Dec 2024)
Upper Neuse River Basin Association	Bi- monthly at 9:30am-12:00pm (meets in Butner)	One Director Position Two Alternate Positions Regional	Commissioner Greene – member (Potentially Serve Dec 2018 through Dec 2022) Commissioner Bedford – alternate (Potentially Serve Dec 2019 through Dec 2023)	Commissioner Bedford – member (Potentially Serve Dec 2019 through Dec 2023) Commissioner McKee – alternate (Potentially Serve Dec 2020 through Dec 2024)

Workforce Development Board – Regional Partnership	Meets monthly in various counties-	Does not require a Commissioner- usually has been 1 Non-Voting Liaison	Nancy Coston	Nancy Coston
Visitor's Bureau	8:00 am third Wed., monthly, no meeting in July/December	1 Commissioner Required Intra-county	Commissioner Bedford (Potentially Serve Dec 2019 through Dec 2021)	Commissioner Greene (Potentially Serve Dec 2020 through Dec 2022)

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
12/07/20	Review and consider request by Commissioner Price to schedule a joint meeting with the Mebane City Council as soon as possible in 2021.	01/2021	Chair/Vice Chair/Manager	To be reviewed and considered
12/07/20	Review and consider request by Commissioner Price to begin a review of County policies that may be contributing to the inequities among Orange County residents.	Ongoing	Chair/Vice Chair/Manager	To be reviewed and considered
12/07/20	Collaborate with staff from OWASA, the Towns, the County and UNC-Chapel Hill to explore alternative funding options to assist OWASA customers with past due bills and report findings to the BOCC. County staff should consider the Social Justice Fund as a funding option as the county share.	02/2021	Chair/Vice Chair/Manager	To be reviewed and considered
12/07/20	Draft a letter for the Chair to send to the Orange County Legislative Delegation to request changes to the State law that regulates and limits OWASA's ability to write-off past due. Also, request that the State consider providing funding to assist customers with past due bills because of the pandemic.	12/15/20	Chair/Vice Chair/Manager Interim Clerk	To be reviewed and considered



MEMORANDUM

TO: Board of County Commissioners
Bonnie Hammersley, Orange County Manager
Travis Myren, Orange County Deputy Manager

FROM: Craig N. Benedict, Planning Director
Tom Altieri, Comprehensive Planning Supervisor

DATE: November 23, 2020

SUBJECT: BOCC Information Item – Buckhorn Area Plan and Next Steps

ATTACHMENT(S): Buckhorn Area Plan Focus Area Map

BACKGROUND: The City of Mebane and Orange County have coordinated to provide utilities in the greater Buckhorn area (Efland and Westward to Mebane city limits) and have a Utility Service Agreement (2012 was the most recent update) that identifies a service area that, to a significant degree, coincides with the scope of the *Buckhorn Area Plan* which could also be considered a ‘growth strategy’. This Agreement is in need of an update due to new developments and growth pressures in and around the existing Mebane LDP, Efland Mebane Small Area Plan and City of Mebane/Orange County Utility Service Agreement. The *Buckhorn Area Plan* is intended to help inform future agreements or amendments. As such, both jurisdictions funded a planning study of future land use and potential utility service that would be mutually beneficial.

Orange County utilized monies available in the FY 2019-2020 budget to reimburse the City of Mebane for half of the consulting expenses of the *Buckhorn Area Plan*; the original goals have been to work together with a consultant to further analyze areas within Orange County—adjacent to and near Mebane—and to develop recommendations for a growth strategy. In January 2020, Piedmont Triad Regional Council (PTRC) was selected as the consultant, and beginning on February 6, 2020, Orange County, Mebane, and PTRC have met monthly to discuss the geographic area of the study, the parcel development suitability criteria and mechanisms for feedback on the analysis. While both local governments agreed to work together with the consultant to prepare the Plan, the implementation of the Plan would be accepted for consideration by both local governments independently depending on the possible recommendations.

The *Buckhorn Area Plan* is a technical study of future land use and potential utility services to identify properties that could be zoned for nonresidential purposes that best support economic development, all while balancing the cost, feasibility, and location of utility service extensions. This report uses GIS mapping to determine parcels most suitable for development within the study area. The process allows for a technical review of multiple development factors including: developable acres, preservation areas, mean slope, watershed, sewer infrastructure, water infrastructure, interstate access, interstate visibility, roadway access, and access to existing rail. In addition to

the parcel-level scoring based on objective suitability criteria, there are a few areas of clustered parcels that have been recommended for long-term growth based on a combination of final score and high economic development use potential.

The study area (see attached map) for this plan was defined after significant consideration of existing land uses, environmental impacts, and economic development potential. This did not mean that all areas in the study are proposed for potential change but just an area/base element of research. The City of Mebane and Orange County Planning, Administrative, Public Works, and Economic Development staffs worked with the Piedmont Triad Regional Council to ensure parcels with the highest potential were included in the analysis; it is worth noting, however that parcels with significant public utility (schools, churches, cemeteries) were marked as not available for development, regardless how well they scored on the parcel suitability criteria. The boundaries for this plan focus area are the rail line to the North; Ben Wilson and Mattress Factory Roads to the west, Mt. Willing Road and parcels along the I-85 connector to the East; Bushy Cook Road and Seven Mile Creek to the South.

During the course of the study, there have been developments in Orange County brought to Mebane with a focus to rezone and to annex into Mebane. Any development proposals that are in Orange County and that fall within the study area have been noted as such in Orange County Planning's feedback to Mebane during the courtesy review process. While Mebane has the ability to annex properties that are willing to be annexed pursuant to state law without county 'approval', Orange County Planning Staff's review of proposals has included language that recommends Mebane delay any further development of parcels that fall within the Buckhorn Area (but outside the existing utility service agreement) until the Plan is finalized and has been shared with the public and elected officials.

CITY OF MEBANE STEPS: A copy of the draft Study that was presented at the November 10, 2020 Virtual Open House, can be accessed via the following link <http://ptrc.org/Buckhorn>. The draft will be updated in response to comments received. The City of Mebane Planning Board met on November 9, 2020 and is recommending approval of the *Buckhorn Area Plan* to the Mebane City Council following its public hearing on December 7, 2020. The City Council deferred action on the plan pending review and feedback from the Board of County Commissioners.

NEXT ORANGE COUNTY STEPS:

County Planning staff intends to provide additional information to the Planning Board and BOCC in 2021, including an overview of the Study and possible recommendations for short and long-term next steps. The final study will be informed by the City of Mebane Council, Orange County Planning Board, Orange County BOCC and public. Following are some initial thoughts:

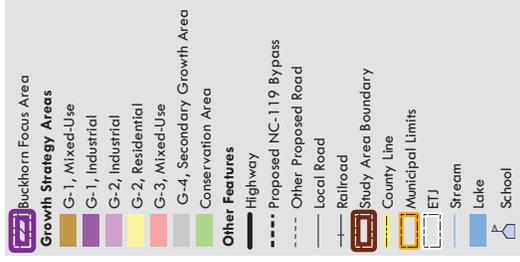
- Meeting with Mebane Planning staff on a more regular basis;
- Review and update of the Utility Service Agreement with Mebane whether by area change or protocol on how to address development inquiries in various locations with or without annexation;
- Continuation of courtesy review on any development applications the City of Mebane receives within Orange County's planning jurisdiction;

- Continued coordination between the Departments of Planning, Economic Development, Housing and DEAPR as necessary;
- Regarding identified growth potential areas; Identify of areas where Orange County Comprehensive Plan Future Land Use Map amendments could occur if the BOCC decide it prudent in advance of Mebane's annexation. This could also include amendments to other County plans/agreements;
- Gain additional support/consideration from the Economic Development Advisory Board and Planning Board on any plan and zoning regulatory changes (i.e. development standards); and
- Obtain BOCC approval before embarking on any plan amendment process;
- Continued conversations between Orange County management and Mebane management with regard to the possibility of siting future school facilities if some areas are not suitable for non-residential development. In this case medium- to high-density workforce housing maybe better suited. However, consideration of residential location and its possible incongruity with industrial commercial locational pursuits is permeant;
- Developing a plan for how to thoroughly assess residential development in areas of the *Buckhorn Area Study* where non-residential development is suboptimal but higher-density residential development is plausible.

CITY OF MEBANE

Comprehensive Land Development Plan

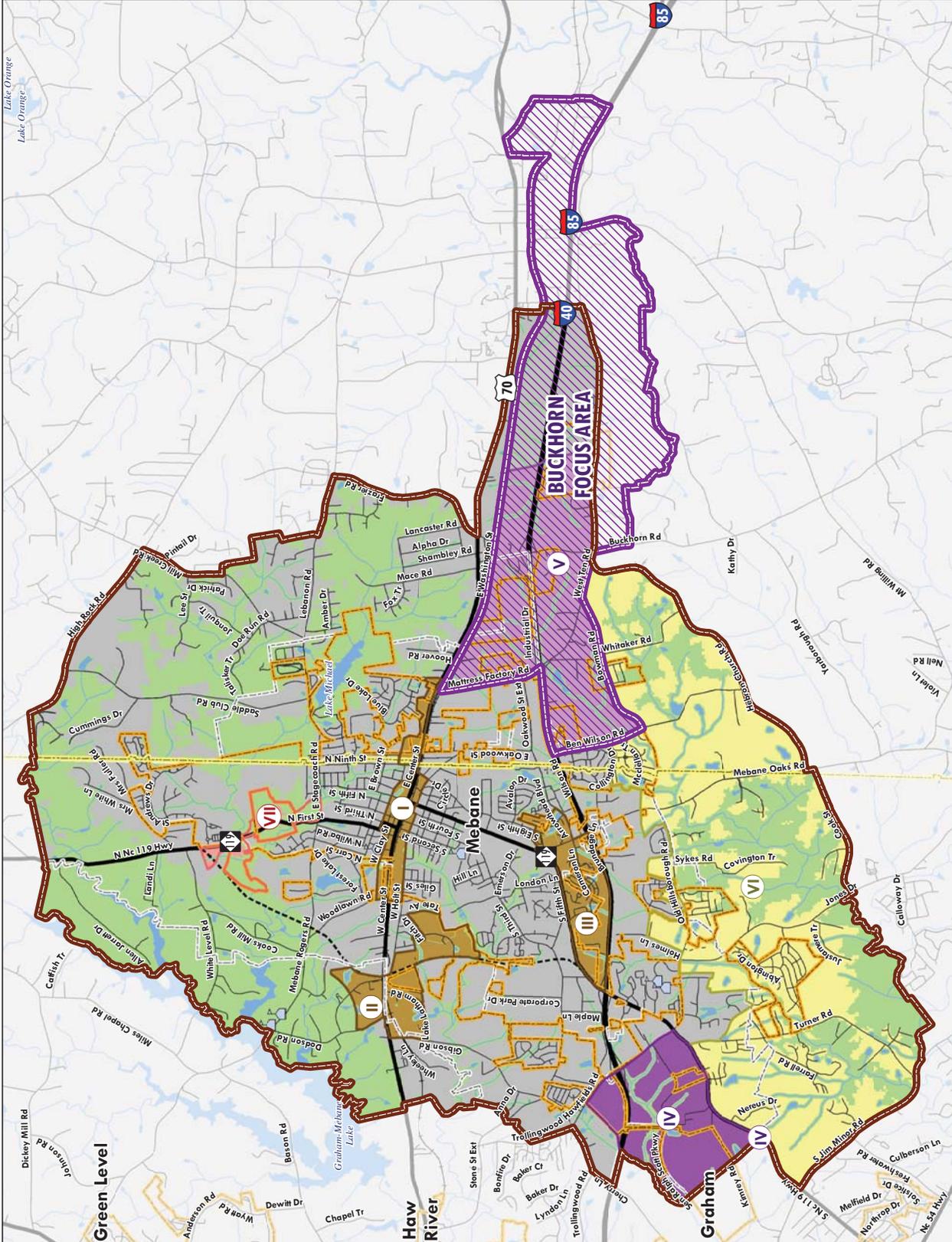
GROWTH STRATEGY AREAS OVERVIEW



Mapping provided by the
Piedmont Triad Regional Council Planning Department
Date: November 02, 2020



Map 1: Mebane CLP Growth Strategy Areas and Buckhorn Focus Area





Date: December 15, 2020
To: Board of Orange County Commissioners
From: Brennan Bouma, Sustainability Coordinator
Steven Arndt, Director Asset Management Services
RE: Update on First Round of Applications for the Orange County Community Climate Action Grant

As part of the FY20 budget, the Board of Orange County Commissioners created the Orange County Climate Action Fund dedicated to accelerating climate change mitigation actions in Orange County. This decision was motivated in part to help the County meet the climate change mitigation goals set by the Commissioners in recent years:

- Reduce greenhouse gas emissions community-wide by 26 percent by 2025 (from 2005 levels).
- Transition to a 100% renewable energy based economy by 2050.

The first round of Climate Action Fund projects were proposed by the Commission for the Environment last year and approved by the Commissioners. These include funding for solar projects for each of the school districts, a LED lighting campaign for lower-income residents, and additional funding to weatherize and preserve affordable housing.

For the 2020-21 funding cycle, \$478,657 in funding was budgeted to support climate action projects that will benefit Orange County residents both socially and financially. Following the direction of the Board of Orange County Commissioners, the process for soliciting and selecting projects to receive funding is being conducted through a formal grant program.

The scoring and eligibility guidelines were created by the Board of County Commissioners and staff pulled together the remaining application elements borrowing from the successful model of the Outside Agency funding process. The application period for this first round of grant opened on September 18th and closed on November 9th.

The Community Climate Action grant program received 7 applications in this round from a variety of non-profit and public organizations whose total requests add up to more than \$1.2 million. While staff fielded some questions from prospective applicants from the private sector, no private sector applications were received.

At the time of writing, applications are being reviewed and scored by the Commission for the Environment (CFE) and the Human Relations Commission (HRC). Both of these commissions have their regular meetings on the second-Monday of the month, meaning that they will have met to discuss and harmonize their final scores and feedback on December 14th.

In the interest of allowing the Board of County Commissioners more than 24 hours to review these scores and recommendations, staff will pass along the combined feedback and scores from the HRC and CFE and will look forward to discussing these proposed projects at the Board's next opportunity on January 19th.