

**APPROVED 11/17/2020**

**MINUTES  
ORANGE COUNTY  
BOARD OF COMMISSIONERS  
VIRTUAL BUSINESS MEETING  
OCTOBER 20, 2020  
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, October 20, 2020 at 7:00 p.m.

**COUNTY COMMISSIONERS PRESENT:** Chair Penny Rich, Vice Chair Renee Price, and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Mark Marcoplos, and Earl McKee

**COUNTY COMMISSIONERS ABSENT:** None

**COUNTY ATTORNEYS PRESENT:** John Roberts

**COUNTY STAFF PRESENT:** County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, Interim Clerk to the Board Greg Wilder, and Assistant Deputy Clerk II Allen Coleman (All other staff members will be identified appropriately below)

Chair Rich called the meeting to order at 7:00 p.m. and asked Commissioners to accept a roll call.

Due to current public health concerns, the Board of Commissioners conducted a Virtual Business Meeting on October 20, 2020. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at [orangecountync.gov/967/Meeting-Videos](http://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.)**

Chair Rich called roll, and noted that Commissioners McKee and Dorosin were not yet present.

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

Chair Rich recommended that the Board move first to section 4 on the agenda, and hold agenda section 3 until afterwards, due to members of the public being present for section 4.

The Board agreed by showing thumbs up.

Chair Rich noted updated attachments had been provided for item 6-a.

**Public Charge**

Chair Rich acknowledged the public charge.

*Commissioner Dorosin joined the meeting at 7:01 p.m.*

*Commissioner McKee joined the meeting at 7:03 p.m.*

**Arts Moment** – No Arts Moment was available for this meeting.

## **2. Public Comments**

### **a. Matters not on the Printed Agenda**

NONE

### **b. Matters on the Printed Agenda**

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

## **3. Announcements, Petitions and Comments by Board Members**

Commissioner Bedford said the Department of Social Services (DSS) Board met yesterday, and the Holiday Toy Chest will be open again this year, in a drive by capacity. She said DSS has been involved with 33 different food distribution events.

Commissioner Bedford said Medicaid Transformation will resume in January 2021. She said a “live” date is planned for July 1, 2021.

Commissioner Greene said she voted yesterday in Chapel Hill, and encouraged residents to vote early or submit absentee ballots. She said she is very pleased to see high voter turnout.

Commissioner Price said the North Carolina Pandemic Recovery Office requested to receive county reports on aggregate covid-19 expenditure transactions. She asked if staff would also present this report to the Board of County Commissioners (BOCC) in December.

Commissioner Price said the Board received a resolution from Davidson County for 911 Tele-communicators to be considered as essential safety personnel, and she encouraged the Board to support that resolution or draft its own resolution.

Commissioner Price said the pretrial reform work group has been working on amending pretrial release policies in Orange and Chatham counties. She asked if staff would present this information to the BOCC in the coming weeks.

Commissioner Price said October is National Disability Employment Awareness month, and is the 30<sup>th</sup> anniversary of the American with Disabilities Act.

Commissioner Price said the North Carolina Housing Opportunities and Prevention of Evictions (HOPE) Program is now accepting applications online at [NC211.org/hope](http://NC211.org/hope).

Commissioner Marcoplos said Thursday, October 22 is the one-year report from the Orange County Climate Council. He encouraged the public to look at the agenda online.

Commissioner Dorosin said there was a resolution reached in an ongoing voting case regarding mistakes in absentee ballots. He said the Board of Elections will contact those whose ballots need to be cured. He encouraged members of the public to contact the Board of Elections if there are questions about a ballot.

Commissioner Dorosin said there was agreement on the deadline for receiving absentee ballots. He said if the ballot is postmarked with Election Day, they will be counted if received by November 12.

Commissioner Dorosin petitioned the Board to receive a report from the Chapel Hill Carrboro City Schools (CHCCS) Board about the audit received regarding financial deficiencies in the CHCCS budget. He said the BOCC would like to know how the schools plan to address these issues.

Commissioner Dorosin said he is seriously concerned for residents who are behind on payments to Orange Water and Sewer Authority (OWASA). He petitioned the Board to convene some type of discussion to address the debts to OWASA, once the emergency order is lifted.

Commissioner McKee expressed appreciation to the Manager and staff for accommodating a COVID testing site in the northern part of the County. He said the next testing will be held on November 21 at Lattisville Grove Missionary Baptist Church.

Commissioner McKee said a community meeting is taking place on 10/29 at 7:00 p.m. regarding the proposed Buc-ee's site. He said one can attend online or in person at the Efland Community Center. He said pre-registration is required for online attendance, using the email address: [UnitedVoicesofEflandCheeks@gmail.com](mailto:UnitedVoicesofEflandCheeks@gmail.com)

Commissioner Marcoplos recommended the County complete its own analysis on the financial issues within the Chapel Hill Carrboro City Schools.

Commissioner Greene petitioned staff to receive a report by the end of the calendar year from the Food Council on how it is involved in food distribution and access.

Chair Rich reminded the Board that the Food Council is not a food distributor.

Commissioner Greene said she used a bad choice of words, and would just like an update.

Chair Rich reminded the public that the BOCC elections committee application is available at the County's Boards and Commissions site.

Chair Rich said Solid Waste Advisory Group (SWAG) met last week, and a big concern is how glass is being separated out at the convenience centers. She said that committee plans to continue to meet quarterly, looking at long-term goals for solid waste.

Chair Rich said Commissioner Dorosin brought a petition forward months ago protecting LGBTQ community for the County Attorney's review. She said the County Attorney was ready to proceed, but it would need to wait until after December 1<sup>st</sup>, 2020. She said this agenda item would be slated for the December 7<sup>th</sup>, 2020 meeting.

Chair Rich referred to OWASA, and said the state of emergency has been kept in effect to avoid service cut off. She said it is vitally important that the Board start talking about how to address the debts that residents will face with OWASA once the state of emergency is lifted.

Chair Rich said there is COVID testing available all over the County, and flu shots are also being offered at those same locations.

Commissioner Price said the aforementioned HOPE program may be able to help residents with OWASA debts.

#### **4. Proclamations/ Resolutions/ Special Presentations**

##### **a. Resolution of Recognition for Judicial District 15-B Senior Resident Superior Court Judge Carl R. Fox Upon His Retirement**

The Board considered voting to adopt a resolution recognizing Judicial District 15-B Senior Resident Superior Court Judge Carl R. Fox upon his retirement.

Chair Rich reviewed the item below and introduced Caitlin Fenhagen, Criminal Justice Resources Director (CJRD).

Caitlin Fenhagen said it was her privilege and honor to recognize Senior Resident Superior Judge Carl Fox. She said like so many others she has known Judge Fox since she grew up here in Orange County. She said in high school she interned in his office, and later practiced against him when she was in the public defender's office here, and finally she represented several clients before him when he was judge.

Caitlin Fenhagen said Judge Fox is beloved in Orange County, in the courthouse community, and has touched countless lives. She said he has truly never met a stranger. She said he treats everyone he works with like an old friend, asking about family members, and most

significantly he treats everyone in his courtroom with dignity and equity. She said he has transformed the justice system in Orange County, and has never been afraid to make difficult and unpopular decisions. She said he has held people accountable and issued sentences that were stiff. She said he held everyone to the highest standards, and exemplified judicial integrity in his court.

Caitlin Fenhagen expressed congratulations on Judge Fox's retirement, and appreciation to his wife Julia.

**BACKGROUND:**

Judge Carl Fox has served as the Senior Resident Superior Judge in 15-B since 2005, when he was first sworn in. He has served with distinction in that role for over fifteen years.

Judge Fox previously served as the District Attorney for Orange and Chatham counties. He was appointed in 1984, elected in 1986, then re-elected four more times before his eventual appointment as a Superior Court Judge.

Judge Fox has served the residents of Orange and Chatham County honorably and tirelessly for over 30 years. He made the decision to retire at the end of September 2020, and he leaves a legacy of judicial integrity, courage in the face of extreme hardship and a career dedicated to ensuring equity and fairness for all. Staff requests that the Board formally adopt the attached resolution recognizing Judge Fox for his service and impact in Orange County.

Chair Rich read the resolution:

RES-2020-063

**ORANGE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION OF RECOGNITION FOR JUDICIAL DISTRICT 15-B SENIOR RESIDENT  
SUPERIOR COURT JUDGE CARL R. FOX UPON HIS RETIREMENT**

WHEREAS, Judge Carl R. Fox has served as the Senior Resident Superior Court Judge in Orange and Chatham counties since his appointment in 2005, and following multiple elections since, has served in this role for fifteen years; and

WHEREAS, Judge Fox previously served as the District Attorney for Orange and Chatham counties since being sworn in 1984. He was elected in 1986 and then re-elected in 1990, 1994, 1998 and 2002; and

WHEREAS, Judge Fox was the first African-American District Attorney and first African-American judge in Judicial District 15-B; and

WHEREAS, Judge Fox has served with distinction and honor and has received state and national recognition for his jurisprudence and integrity, including "Citizen of the Year" from the Chapel Hill-Carrboro Chamber of Commerce in 1989, the "Courage Award" in 2016 from the Martin Luther King, Jr. Day University Committee and the Order of the Long Leaf Pine from Governor Roy Cooper in 2020; and

WHEREAS, Judge Fox has provided countless hours to our community through visits to schools, mentoring lawyers and serving on numerous boards including the Governor's Crime Commission, the SECU House Steering Committee, the Ronald McDonald House, the NC Courts Commission and the Criminal Justice Partnership Program; and

WHEREAS, when Judge Fox was diagnosed with a rare and deadly form of bone marrow cancer, he bravely fought and conquered the disease while raising awareness of the critical need for bone marrow and cord blood donors through his Save the Fox campaign, which continues to register thousands of donors; and

WHEREAS, Judge Fox has sought to address issues of racism and inequality in 15B and beyond by raising awareness and ensuring the removal of symbols with racist legacies in our court rooms; and

WHEREAS, Judge Fox has been a beloved member of the local Judicial Bar and the community for many years and his compassion, humor and example have touched the lives of so many individuals that have appeared before him and that have had the opportunity to know or work for him. He has never met a stranger and he will be missed deeply; and

NOW THEREFORE BE IT RESOLVED that the Orange County Board of Commissioners expresses its congratulations upon Judge Fox's retirement and extends its deepest appreciation, gratitude and respect for his leadership, courage and service throughout the court system for the residents of Orange County.

This the 20th day of October 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to adopt the Resolution, and authorize the Board Chair to sign the Resolution.

Chair Rich called each Commissioner by name (roll call).

**VOTE: UNANIMOUS**

Judge Carl Fox expressed appreciation, and said it is a true honor to receive this recognition. He said he is so thankful to be present tonight, and expressed thanks to his wife, sister, sister-in-law and father-in-law. He said this year he celebrates five years from his first diagnosis with cancer. He said he did not plan to stay around for 42 years, but he loves Orange and Chatham counties. He said he is grateful to the citizens of both counties.

Judge Carl Fox said it has always been a pleasure to work in this community. He said he was fortunate to work in such a community, where he enjoyed coming to work.

Judge Carl Fox said when he started working he hired more women District Attorneys (DA), and always hired based on qualifications. He said everything is not perfect, but it should be everyone's goal to leave a place better than how they found it. He said he would rather be remembered for being a good person, than a good judge or excellent jurist.

Commissioner Price said Judge Carl Fox started his career in a very different era, and he has created a pathway for young people. She expressed appreciation for his service.

Judge Carl Fox said he is most proud of his internship program for young people.

Chair Rich said she had the honor of meeting Judge Carl Fox when she was on the Chapel Hill Town Council. She wished him a happy retirement.

**b. Resolution Honoring and Remembering Reverend Robert E. Seymour**

The Board considered voting to adopt a resolution honoring and remembering the life and service of Reverend Robert E. Seymour to the people of Orange County.

Chair Rich reviewed the item below, and introduced Janice Tyler, Director of the Department on Aging.

Janice Tyler said she had the pleasure of working with Bob Seymour for more than 30 years. She said the mark that he and his wife Pearl left on the community will be forever remembered. She said he was more than just a colleague, but a friend. She said he always checked in to see if she needed anything, and was willing to advocate for whatever was needed to help the older adults in our community.

Janice Tyler said he was so proud of the Seymour Center. She said he was most proud that the Seymour Center was a place that everyone was welcome. She said prior to COVID, Bob would stop by the Seymour Center for exercise and his weekly massage. She said she will so miss his conversations, and the job moving forward is to continue his legacy: to always be willing to help others, to be bold, generous, and to always have compassion for others. She said he will be greatly missed, and the Seymours have left a legacy to be remembered.

**BACKGROUND:**

Reverend Robert “Bob” Seymour passed away on Sunday, October 11, 2020. From his dedication to improving the lives of older adults and those less fortunate in the community, to his leadership in advancing social justice and inclusion, to being a champion for racial equity, Reverend Robert “Bob” Seymour was a strong advocate for Orange County and North Carolina.

Robert Seymour was born in Greenwood, South Carolina. He completed his undergraduate degree at Duke University, a Master of Divinity from Yale Divinity School and a Ph.D. from the University of Edinburgh in Scotland. In 1956, while serving as a minister in Mars Hill, NC, Bob met his wife, Pearl. In 1959 the Seymours moved to Chapel Hill for Bob to serve as the first pastor of the Olin T. Binkley Memorial Baptist Church, which under his guidance became a church committed to social justice and inclusion. With Bob as a champion for social justice, Binkley was one of the first interracial congregations in North Carolina that challenged racial segregation. Bob, along with many parishioners including UNC Basketball Coach Dean Smith and former Chapel Hill Mayor Howard Lee, was a driving force behind the civil rights movement in Orange County.

Reverend Seymour was compassionate and an advocate for those less fortunate in the community. From that passion, Bob helped organize the Inter-Faith Council for Social Service in 1963 and served as its first president. He was also an advocate for affordable housing. In 1984 he was instrumental in helping start Orange County Habitat for Humanity. In honor of his service, the first building in the Crescent Magnolia senior community was named the Beloved Community in honor of him and his life’s work of pursuing justice and fairness in Orange County.

After serving as pastor of Binkley Church for 30 years, and as Bob was entering his retirement years, a new interest in aging services arose. In 1990 Reverend Seymour was appointed to the Orange County Advisory Board on Aging, and Bob quickly became an advocate for aging services. Reverend Seymour served on the Orange County Task Force for Senior Needs in Southern Orange County, and became the guiding force in the inception, planning and design of a new senior center. He was instrumental in securing a temporary location for a new Chapel Hill Senior Center on Elliott Road in Chapel Hill.

With Bob doing much of the behind the scenes work, a County bond was proposed and passed to build a state of the art senior center. In 2005 the Orange County Board of County Commissioners voted to name the new senior facility on Homestead Road the “Robert and Pearl Seymour Center” in honor of the Seymours for their dedication and commitment to serving the older adults in Orange County. In 2007 the Seymour Center opened and has served a diverse population for the past 13 years. Until the COVID pandemic, Bob visited the Center at least once a week for exercise class and a weekly massage. He was very proud that the Center was a place that everyone, regardless of socio-economic status or race, was welcomed.

Reverend Seymour will be remembered for loving people; for being compassionate and generous; and for his boldness when needed. Bob was a prolific writer, which became even more of a passion in his later years. He published several books including *Aging Without Apology: Living the Senior Years with Integrity and Faith* and *“Whites Only” A Pastor’s Retrospective on Signs of the New South*.

Reverend Robert “Bob” Seymour leaves behind a legacy of service; many friends; and is an example of a life well-lived with meaning and purpose. He is survived by his children, Frances and Rob, their spouses, and several grandchildren.

Kristen Smith-Young, a close Seymour family friend, read the resolution:

RES-2020-064

**ORANGE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION HONORING AND REMEMBERING  
REVEREND ROBERT E. SEYMOUR**

**WHEREAS**, Reverend Robert “Bob” Seymour, a community leader, activist, pastor, advocate for aging services, servant to those less fortunate and a resident leading the way for diversity, equity and inclusion in our community, passed away on October 11, 2020 at the age of 95; and

**WHEREAS**, Reverend Seymour was known for his life of service to the people of Orange County; and

**WHEREAS**, Reverend Seymour was born in Greenwood, South Carolina, completed his undergraduate degree at Duke University, a Master of Divinity from Yale Divinity School and a Ph.D. from the University of Edinburgh in Scotland; and

**WHEREAS**, Reverend Seymour and his wife, Pearl, came to Chapel Hill in 1959 where he served as the first pastor of the Olin T. Binkley Memorial Baptist Church, which under his guidance became a church committed to social justice and inclusion, and with Bob as a champion for social justice, Binkley Church was one of the first interracial congregations in NC that challenged racial segregation; and

**WHEREAS**, Reverend Seymour was compassionate and an advocate for those less fortunate in our community, and from that passion helped organize the Inter-Faith Council for Social Service in 1963 and served as its first president; and

**WHEREAS**, Reverend Seymour was an advocate for affordable housing, serving an instrumental role in helping start Orange County Habitat for Humanity, and in honor of his service, the first building in the Crescent Magnolia senior community was named the Beloved Community in honor of him and his life’s work of pursuing justice and fairness in Orange County; and

**WHEREAS**, as Reverend Seymour was entering his retirement with 30 years of service at Binkley, he was appointed to the Orange County Advisory Board on Aging, and quickly became an advocate for aging services, serving on the Orange County Task Force for Senior Needs in Southern Orange County and becoming the guiding force in the inception, planning and design of a new senior center; and

**WHEREAS**, in 2005 the Orange County Board of County Commissioners voted to name the new senior facility on Homestead Road in Chapel Hill the “Robert and Pearl Seymour Center” in honor of the Seymours for their dedication and commitment to serving the older adults in Orange County; and

**WHEREAS**, in his retirement years Bob continued to be a prolific writer, including publishing *Aging Without Apology: Living the Senior Years with Integrity and Faith* and *“Whites Only” A Pastor’s Retrospective on Signs of the New South*; and

**WHEREAS**, Bob’s love for people, his boldness, generosity, and compassion for others will be greatly missed;

**NOW, THEREFORE**, we, the Orange County Board of Commissioners, on behalf of the residents of Orange County, express our deep appreciation, gratitude and respect for the services rendered by Reverend Robert E. Seymour to the County and beyond over the course of his lifetime and honor him for his service.

This the 20th day of October, 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

A motion was made by Commissioner Price, seconded by Commissioner Greene to adopt the Resolution, and authorize the Board Chair to sign the Resolution.

Chair Rich called each Commissioner by name (roll call).

**VOTE: UNANIMOUS**

Frances Seymour expressed appreciation to Janice Tyler and Kristen Smith. She said her father loved the senior center, and the diverse group that it brought together.

Commissioner Price told Frances Seymour that her father would be greatly missed, and thanked the family for sharing him with the community for so long. She said Reverend Robert Seymour had a huge impact on her, and would often sit her down and explain things going on in the senior community.

**c. Resolution Regarding the Hyde Amendment**

The Board considered voting to adopt a proposed resolution calling for the Repeal of the Hyde Amendment and Supporting the Right of All Women to Safe and Comprehensive Health Care.

Chair Rich reviewed the item below and read the resolution:

**BACKGROUND:**

BOCC Chair Penny Rich submitted a petition at the Board's October 6, 2020 Business meeting proposing that the Board consider a resolution regarding the repeal of the Hyde Amendment.

RES-2020-065

**ORANGE COUNTY BOARD OF COMMISSIONERS  
A RESOLUTION CALLING FOR REPEAL OF THE HYDE AMENDMENT  
AND SUPPORTING THE RIGHT OF ALL WOMEN TO SAFE AND  
COMPREHENSIVE HEALTH CARE**

WHEREAS, a person's bodily autonomy and freedom to make reproductive decisions are vital to their safety, well-being, economic opportunity, and ability to participate equally in society; and

WHEREAS, access to safe, affordable, and comprehensive reproductive health care is a basic human right and is important for the overall physical and mental health of women and of transgender and gender-nonconforming individuals who can become pregnant; and

WHEREAS, every person has a right to comprehensive, evidence-based information about the full range of reproductive health care options, and should have access to comprehensive reproductive health care throughout their lives, regardless of income, race/ethnicity, age, sexual orientation, gender identity, ability, immigration status, geographic circumstance, criminal history, and insurance-coverage status; and

WHEREAS, in 1973, the US Supreme Court, in a landmark decision, ruled in *Roe v Wade* that the US Constitution safeguards a woman's ability to make her own personal medical decisions about whether and when to have children; and

WHEREAS, in the *Whole Woman's Health v Hellerstedt* decision in 2016, the US Supreme Court reaffirmed the constitutional right to access abortion; and

WHEREAS, these decisions have saved lives, strengthened families, and enabled women to participate more fully in society, and we must guard against efforts to erode the availability and affordability of abortion and to undermine the protections affirmed by *Roe v Wade*; and

WHEREAS, the Hyde Amendment, passed by Congress on September 30, 1976, has for 44 years impeded access to abortion for low-income women enrolled in Medicaid; and  
WHEREAS, North Carolina law imposes limits on insurance coverage of abortion in the state Medicaid program; and

WHEREAS, approximately 400,000 women in North Carolina (including more than 2,000 in Orange County) who qualify for insurance coverage from the federal or state government – including local, school district, state, and federal employees; veterans and military service members; Native Americans who use the Indian Health Service; Peace Corps members; persons incarcerated in federal prisons; and those who purchase insurance through the Affordable Care Act – are subject to bans on insurance coverage of abortion; and

WHEREAS, the impact of health inequities and obstacles to quality health care fall

hardest on low-income women, women of color, immigrant and undocumented women, survivors of domestic violence, transgender and gender-nonconforming individuals, and young women; and

WHEREAS, public health insurance programs should cover all of an individual's options when they are facing pregnancy and other reproductive health care decisions, so that they may make real decisions about what is best for them and their family, and so that their economic status and source of insurance coverage do not affect important health care decisions or access;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners calls for the repeal of the Hyde Amendment in this forty-fourth year of its enactment; and

BE IT FURTHER RESOLVED that the Board of Commissioners encourages Governor Roy Cooper to support these and other measures to protect the rights of women and transgender and gender-nonconforming individuals everywhere to unhindered access to safe and comprehensive reproductive health care.

This the 20th day of October, 2020.

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Penny Rich, Chair  
Orange County Board of Commissioners

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to adopt the Resolution, and authorize the Board Chair to sign the Resolution.

Commissioner Dorosin thanked Chair Rich for bringing this resolution forwarded. He said the nation is finally addressing the legacy of institutional racism, and it is also important to remember institutional discrimination against women and the poor.

Chair Rich said she started looking at this resolution in 2018, but she did not feel there was not the same backing in 2018, as there is now.

Commissioner Dorosin said COVID has highlighted that disparities are real and present.

Chair Rich said agreed.

Commissioner Greene agreed, and said she did not realize that State Governors have the power to override the Hyde Amendment at the State level.

Chair Rich called each Commissioner by name (roll call).

**VOTE: UNANIMOUS**

**5. Public Hearings  
NONE**

**6. Regular Agenda**

**a. Zoning Atlas Amendment – Master Plan Development Conditional Zoning District (MPD-CZ) for the Research Triangle Logistics Park (RTLP)**

The public comment period for items: 6-a, closed at 9:00 a.m. on September 24, 2020. The BOCC did not accept any additional comment for these items.

The Board reviewed and considered taking action on the applicant initiated Zoning Atlas Amendments for three (3) parcels west of Old NC Highway 86/south of interstate 40 to Master Plan Development Conditional Zoning (MPD-CZ) district. Specifically, the Board considered finalizing an application submitted by Terra Equity Incorporated to rezone parcels:

**FROM:** MPD-CZ (Settlers Point), Major Transportation Corridor (MTC) Overlay District, Rural Residential (R-1), and Rural Buffer (RB).

**To:** MPD-CZ (Research Triangle Logistics Park), Major Transportation Corridor (MTC) Overlay District, Rural Buffer (RB).

Michael Harvey, Current Planning Supervisor, reviewed the following information:

**BACKGROUND:**

Review of this item began at the BOCC's September 15, 2020 BOCC regular meeting and concluded with the closure of the public hearing on September 22, 2020. Agenda materials from the public hearing can be accessed at:

<http://server3.co.orange.nc.us:8088/WebLink/Browse.aspx?startid=61357&row=1&dbid=0>.

Video from the September 15 and 22, 2020 meetings can be accessed at:

<https://www.orangecountync.gov/967/Meeting-Videos>.

During the meeting, Board members requested the following:

1. Elimination of driveway access onto Davis Road.

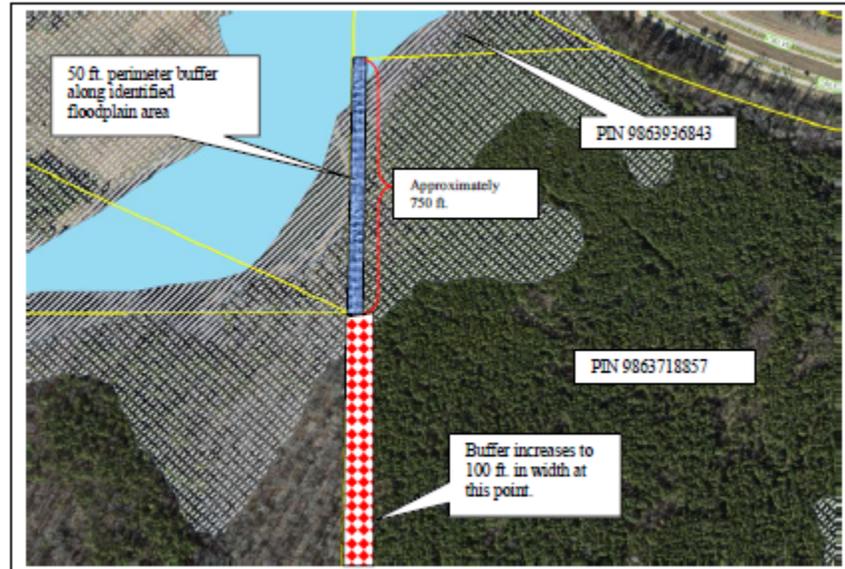
STAFF COMMENT: As indicated by the applicant on October 6, the proposed drive access had been eliminated with all traffic utilizing Service Road. The intersection would be improved to handle traffic flow, including installation of a signal light.

A driveway cut is proposed for Davis Road for emergency/public utility vehicle use only (i.e. no commercial or passenger vehicles).

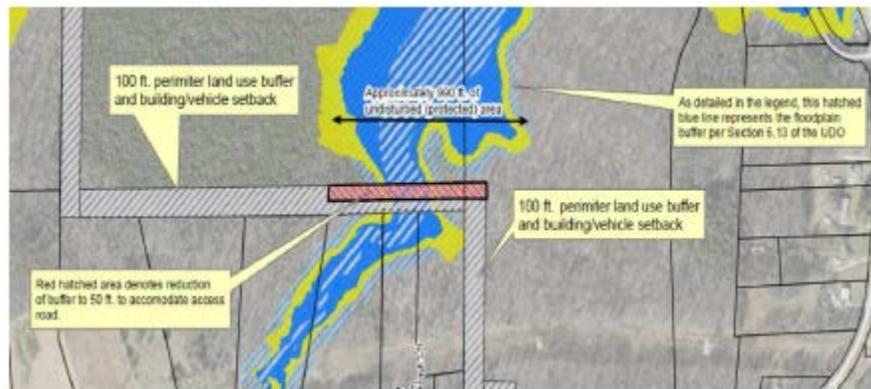
2. Establish a 100 ft. perimeter land use buffer adjacent to residentially zoned parcels.

STAFF COMMENT: During Chair/Vice-Chair review of the agenda, staff was requested to provide a map denoting required floodplain buffers and the recommended 100 ft. perimeter buffer. This map is contained in Attachment 1. The applicant has requested modification of the requested 100 ft. perimeter buffer as follows:

- Reduce the buffer along the western property line to 50 ft. in areas where there is established floodplain. This reduction would extend approximately 750 ft. along the common property line following the established floodplain (map below):



- Reduce the buffer along the southern property line to 50 ft. in order to accommodate a roadway (map taken from Attachment 1). The reduction would run approximately 750 ft. in length as noted on the aforementioned map:



The Director had indicated his willingness to approve requested modifications.

3. BOCC members wanted additional response(s) from staff addressing public comments on the presence of protected and/or endangered species on the Property.

STAFF COMMENT: Staff's response is contained in Attachment 2.

4. Establish uniform height measurement standards for the Project. As part of this condition, BOCC members wanted to limit building height to 40 ft. for structures built on the Davis Road property.

STAFF COMMENT: As staff has previously indicated, the Project will abide by height requirements as detailed in the UDO. The condition(s) have been revised and agreed to by the applicant, including limiting building height on the Davis Road parcel.

## 5. Preserve landscaping along Davis Road.

STAFF COMMENT: The applicant voluntarily imposed a 120 ft. setback for structures and a 50 ft. setback for driveways/access roads from Davis Road. No parking will be allowed within 120 ft. from Davis Road.

## 6. Preserve a minimum of 30% open space for the Project.

STAFF COMMENT: Applicant agreed to this requirement.

## 7. Clarify language within the condition(s) associated with Energy Star certification and incorporation of LED lighting.

STAFF COMMENT: Requested language has been added clarifying recommended conditions.

## 8. Several BOCC members asked for condition(s) addressing the idling of vehicles.

STAFF COMMENT: Language has been included within the final draft list of conditions as contained in Attachment 4.

## 9. Address interior lot line setback requirements.

Staff has recommended the imposition of several conditions designed to address potential impacts of the Project as well as concerns expressed by the general public. As previously indicated, these conditions must mutually be agreed to by the applicant. Attachment 5 contains a letter from the applicant on the proposed conditions.

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 3.
2. Ordinance amending the Zoning Atlas, as well as imposing development conditions, for the identified parcels as contained in Attachment 4.

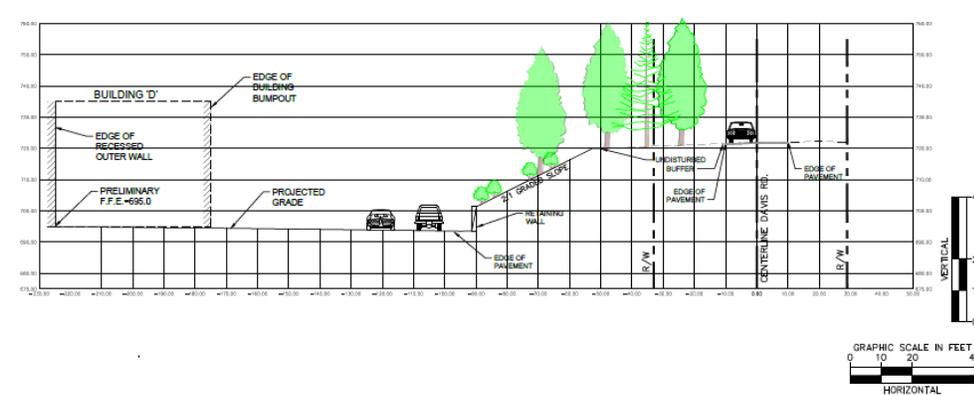
Effect of Denial or Withdrawal: In the event the rezoning application is denied or withdrawn, it should be noted that Section 2.2.8 of the UDO states that no application for the same or similar amendment, affecting the same property or portion thereof, may be submitted for a period of one year. The one-year period begins on the date of denial or withdrawal.

**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.

**RECOMMENDATION:** The Manager recommended the Board:

1. Review and discuss the conditions as necessary;
2. Approve the Statement of Consistency (Attachment 3), and
3. The Resolution Amending the Zoning Atlas and imposing conditions (Attachment 4).

Michael Harvey presented the following map:



**CROSS-SECTION EXHIBIT**  
 RTLP INDUSTRIAL PARK  
 10/15/2020

Commissioner McKee asked if the distance between each one of the horizontal lines on the map could be identified.

Michael Harvey said it varies, and is intended to capture the base elevation of what would be grade. He said Davis Road is at 720 grade, and the building will be at a lower grade than Davis Road, thus hiding a portion of the building.

Commissioner Price asked if the buffer between Davis Road and the interior roads would be 80 feet.

Michael Harvey said yes.

Commissioner Greene asked if the start of the buffer line could be identified.

Michael Harvey indicated such on the map, at the Davis Road right of way.

Commissioner Price said the buffer is really not even 60 from the right of way. She said the right of way trees/vegetation may not remain.

Michael Harvey said if the trees are in the right of way, they are not subject to the conditions. He said the trees can be removed by the NC Department of Transportation (NCDOT), as necessary. He said the buffer and the setback are measured from the edge of the right of way.

Commissioner Price said the 100-foot buffer will not be imposed along Davis Road.

Michael Harvey said the Applicant has asked that access roads be allowed along Davis Road. He said staff has agreed to access roads, but not parking.

Commissioner Price asked if there is a reason staff agreed to this request, when the Unified Development Ordinance (UDO) requires 100 feet.

Michael Harvey said the existing grade will cause the visibility of the building to be greatly reduced, thus making the traditional 100-foot buffer not as necessary.

Craig Benedict, Planning Director, said the building set back is 120 feet instead of 100.

Commissioner Marcoplos asked if this grading is consistent along all of Davis Road.

Michael Harvey said yes, and the Applicant has voluntarily agreed to hold itself to this condition.

Commissioner Marcoplos referred to page 3, and a drawing with 100-foot perimeter land use buffer and building vehicle set back, and said this is where the most southern parcel is connected to the larger parcel.

Michael Harvey said this is an attempt to show the Applicant's requested reduction of a buffer along the southern property line to accommodate road access. He said this is where the existing floodplain narrows, and there would be less impact in putting a roadway in this portion of the property than it would to observe a 100-foot perimeter buffer. He said staff agreed, as it would help preserve the integrity of the floodplain to allow a small reduction in the buffer. He

said it is also necessitated by the fact that the Applicant has withdrawn access off of Davis Road making internal access more important.

Chair Rich said Michael Harvey could continue to review the abstract.

Michael Harvey did so, and then reviewed portions of the Statement of Consistency showing that the proposal is in line with the land use plans established for this area between the County and the Town of Hillsborough.

Commissioner Greene referred to the 30% green space, and asked if this includes the storm water impoundment area.

Michael Harvey said yes.

Commissioner Greene asked if the storm-water impoundment area would be visually attractive.

Michael Harvey said yes.

Frank Csapo said the storm water impoundment areas would be visual add-ons to wildlife buffers and/or close to the existing floodplain area.

Commissioner Greene said it would be helpful to see this on a map.

Commissioner Dorosin asked if Michael Harvey could go through the items that were revised. He said Davis Road access was a point of contention, but this road will now only be used for emergency vehicles.

Michael Harvey said that is correct, and no commercial traffic will exit on this road.

Commissioner Dorosin said another issue was the building heights, and this has been addressed in the review of the abstract.

Commissioner Dorosin said the 100-foot setback was discussed previously, and after looking at the map (agenda item 6-a; 1), it appears the buffers are 100 feet almost everywhere, with two exceptions: the area that runs east to west, and another was north to south in the northwest edge of the property. He said these areas are marked with red hatching, and the buffers will go to 50 feet in these two areas to accommodate parking or access roads. He asked if the access roads are new roads that were being proposed.

Michael Harvey said those roads are shown. He said the Applicant requested a relaxation of the 100-foot buffer where it made sense, especially in the southern portion. He said a 100-foot buffer in this area would cause issues with the floodplain, and thus the reduction of the buffer will allow the road placement to have less of an impact on the floodplain. He said the situation is the same in the northwest part of the property, and the Applicant requested a buffer reduction here to allow for access to be granted in area that would be less visual and intrusive to surrounding properties.

Commissioner Dorosin said it would be helpful to see the map showing where these roads will be.

Commissioner Dorosin said he has received several calls on this item. He said the Board went through many of the issues with Settlers Point. He said that project was approved but was never built. He asked if this project gets approved, but does not get built, is there any significance in the changes being made to these parcels.

Michael Harvey said the general public should remember the Applicant could develop the parcels of property under the existing Settlers Point proposal. He said this Applicant has chosen to modify the existing conditions, which would also include the extra 12-acre parcel on Davis Road. He said if the BOCC approves the project, it revises the conditions, and would allow additional floor area than Settlers Point; a different parking standard; would only allow for a 40 foot building on the Davis Road property; would require the same perimeter buffers, with the exception of the two previously mentioned areas; would not permit a driveway access on Davis Road; and would preserve the same amount of open space. He said the land uses are slightly different, but the same protections at Settlers Point will be incorporated here. He said if the BOCC approves this item, the conditions will govern development of this property in perpetuity, unless the land were rezoned or one seeks to amend these conditions.

Commissioner Dorosin asked if the BOCC could potentially rezone it at some point. Michael Harvey said yes, as long as UDO notifications requirements are followed.

Commissioner Price referred to the red-hatched areas on the map, with reduced buffers. She said it is hard to tell what is going on in the map, but it appears a road will go right through the protected area. She said she was adamant about preserving the 100-foot buffer, and asked if staff was in favor of allowing pavement in this area, even with potential run off issues, etc.

Michael Harvey said if one looks at the totality of the County land use development regulations and storm water standards, the staff is confident that existing regulatory standards would address any potential impact. He said as it relates to the potential access road, the reduction of the buffer makes perfect sense to staff because it would allow the road to go at a narrower portion of the floodplain, than if it were further back. He said this option is a much better arrangement. He said the other area with reduced buffer showed no negative impacts, and staff saw fit to agree with the request.

Commissioner Price said the Board purposefully put in a 100-foot buffer, but staff disregarded that recommendation and she said she wants to understand staff's reasoning.

Michael Harvey said the BOCC can certainly disagree with staff, and insist on the 100 foot buffer.

Commissioner McKee said the BOCC has received emails from the public regarding the 125 buffers that were agreed upon at the Settlers Point property.

Michael Harvey said these buffers were agreed upon during negotiations at the BOCC meeting, and the 125 buffer was along the southern portion of the property only.

Commissioner McKee said there has been some confusion with the public who thought that a 125 buffer would be the starting point for this project, but he said that would only be the case if it was under the Settlers Point construct. He said this is a different application, and the BOCC is not required to start with 125 foot buffer.

Michael Harvey said that is correct.

Commissioner McKee said he wanted clarification, as there is some confusion amongst the public. He said it is his understanding that the BOCC must start with the UDO requirements for this property, and negotiate from there.

Michael Harvey said that is correct.

Commissioner Greene said she understands the 50-foot buffer that runs east west, as this one makes sense to her. She said she is less understanding of the north south 50-foot buffer that runs in the northwest corner of the property.

Michael Harvey said he understands this concern. He said the Applicant requested flexibility, and staff agreed to it. He said if the BOCC disagrees, and wants the 100-foot buffer, it can deny the requested flexibility.

Chair Rich asked if the map showing the need for the access point could be shown.

Frank Csapo presented an access point map.

Commissioner Dorosin said there is a road going around a parking lot in the northwestern corner of the property, and asked if this is within the 50- foot buffer.

Frank Csapo said the road is not within the buffer, but some of the parking spaces are. He said the Developer has been trying to be creative, per Commissioner Dorosin's request. He said the land to the west of this parking area is not developable, per County ordinance, and so it was chosen as an area for buffer reduction as the impact on neighboring properties would be minimal, due to the fact that development will not happen on the neighboring property.

Frank Csapo said the other buffer reduction, running east-west in the southern portion of the property has been requested as the crossing of a floodplain must be done on the perpendicular. He said to do this further in would require a much larger portion of the floodplain be crossed, and the impact will be much less if it is done lower down with a 50-foot buffer.

Chair Rich asked if the distance of the building from the property edge could be identified.

Frank Csapo said it is 175 feet.

Commissioner Marcoplos asked if parking spaces could be moved to the southwest corner of the property, where there appears to be room.

Frank Csapo said this map is an older drawing, and the space that seems available in the southwest corner is due to the drawing showing only a 50-foot buffer. He said this buffer has been increased to 100 feet, so there is no longer the same amount of room available in the southwest corner of the property.

Commissioner Marcoplos asked if the number of parking spaces that would be lost by increasing the buffer on the northwest side could be identified.

Frank Csapo said about 25 truck spaces. He said other spots have already been lost internally, due to the accommodation of County requests. He said it is a balancing act.

Commissioner Greene asked if the northwest red hatched area starts with the parking spaces, or before that.

Frank Csapo said the red hatch starts at the very top.

Commissioner Greene asked if there was a reason why this is so, as there is no internal road or parking spaces at the very top.

Frank Csapo said the 50 foot buffer could be moved down a bit, as there is a specific area of need for the Developer. He said the red hatch was run all the way to the top for design ease, but there is room for adjustment.

Commissioner Greene referred to an area further east in the property, and asked if some additional spaces could be added there, without cutting into the wetlands area.

Frank Csapo said the area to which Commissioner Greene referred is designated for storm water basins.

Commissioner Greene asked if the total number of truck spaces anticipated in the northwest portion could be identified.

Frank Csapo said there will be about 35 spaces.

Commissioner Price asked how many trucks are anticipated being in this area at any one time.

Frank Csapo said the parking ratio is suitable for a development of this type.

Commissioner Price asked if the parking spaces to the south of buildings A and B are for cars.

Frank Csapo said yes.

Commissioner Price asked if delivery trucks will take up every parking spot.

Frank Csapo said the trailer part of a truck will be parked, and will likely sit for some time in between loading and unloading.

Commissioner Price referred to the southern red-hatched portion, and asked if the difference between the 50 foot and 100 foot buffer could be identified.

Frank Csapo said the stream curves left and widens, and the crossing must be at the perpendicular, and thus the impact would be greater at the 100-foot mark than the 50-foot mark.

Commissioner Price said it seems it could be flipped, and the stream does not seem much wider further in.

Frank Csapo said it may not look significant on the map, but creating a larger buffer here would have a much more significant impact on the area than reducing the buffer. He said the road would have to take significant curves, and the stream is noticeably wider further up.

Commissioner Price asked if the total number of truck parking spaces could be identified.

Frank Csapo said he can get that information.

Commissioner McKee referred to the Developer's master plan drawing from July 2020, and said it shows different storm water facilities. He asked if parking spaces could be picked up in vacant areas.

Frank Csapo said some of the retention basin areas have been in motion to accommodate buffers. He said there is a buffer line near where Commissioner McKee is focusing, upon which the Developer cannot encroach.

Michael Harvey said this is the 65-80 foot floodplain buffer.

Frank Csapo said, to answer Commissioner Price, there are 395 trailer parking spaces on the property.

Commissioner Marcoplos said at the last meeting the BOCC asked if there was a trade-off for better buffers with the neighbors to the south of the property line. He said the trade-off is the reduced buffer in the northwest corner. He said he values the buffer along the property line shared with the neighbors, and this trade-off is in the spirit for which the BOCC asked.

Chair Rich asked if a map could be returned to the screen.

Michael Harvey showed the map with the floodplain coloring on it. He said the map shows the 500-year floodplain and the 100-year floodplain. He said nothing can be built in the floodway itself, as well as in the 100-year floodplain.

Commissioner Dorosin said nothing can be developed in the very top portion of the northwest red hatched area, due to the floodway and floodplain.

Michael Harvey said yes, and that is why staff agreed with the Applicant's requested flexibility.

Chair Rich said the BOCC can change the line.

Commissioner Dorosin said even if lines are changed, nothing can be developed in the blue area on this map.

Michael Harvey said that is correct.

Commissioner Greene said the internal access road does not go into the red-hatched area.

Frank Csapo said that is correct.

Commissioner Price said no buildings can be developed in the blue area, but asked if roads can be built across it.

Frank Csapo said that is allowed pursuant to the UDO.

Commissioner Price said there is still not very much open space in the plan. She said she asked for more input on the environmental impacts, and nothing has been said about the letter from the North Carolina Wildlife Resources Commission (dated September 15), which spelled out endangered species. She said this may not be important to everyone, but she is disappointed this letter has not come up.

Michael Harvey said Attachment 2 includes staff's response to this letter.

Commissioner Price said it has not been discussed in a meeting, and there are endangered species in this area.

Commissioner McKee said the buffer conversation does not seem concluded.

Chair Rich agreed.

Commissioner Marcoplos suggested taking out the northern half (~50%) of the red-hatched area in the northwest corner of the property, and accepting the other buffers.

Chair Rich said this would take out 15 parking spots, and asked if the Applicant would be agreeable to this change.

Frank Csapo said there is already agreement to stay out of the floodplain area.

Commissioner Marcoplos said the drawing shows the red-hatched area going into the blue floodplain area.

Frank Csapo said the drawing may show that, but the Applicant is agreeable to not going into the floodplain area.

Chair Rich said Frank Csapo is agreeing with Commissioner Marcoplos' suggestion.

Commissioner Dorosin said according to our UDO, the applicant would not be able to build in the floodplain area, so the red-hatched area should only be outside the blue floodplain area to begin with.

Frank Csapo agreed.

Commissioner Dorosin said there are over 300 spaces throughout the entire area, but asked if the number in the red-hatched zone could be identified.

Frank Csapo said approximately 35.

Commissioner Dorosin said this does not include any being in the blue zone.

Frank Csapo said that is correct.

Commissioner Dorosin asked if the Applicant would consider reducing this area to 16 spaces.

Commissioner Marcoplos said he thought that no buildings could go in the floodplain, but that parking could, and he wanted to reduce the number of parking spaces in the red-hatched area in the northwest corner.

Chair Rich said she hears general consensus around the reduced buffer in the southern portion of the property, but concern over the northwestern portion. She asked if it would hurt the project to lose the parking spaces in the northwestern area.

Frank Csapo said yes it does, because the Applicant has already given up parking spaces in other areas to accommodate BOCC conditions. He said the Applicant could reduce the parking spaces from 35 to 20.

Commissioner Marcoplos asked if the maps could be shown again.

Chair Rich said Commissioner Marcoplos proposed going to 20 parking spots, and reducing the red-hatched area.

Frank Csapo said the Applicant agreed.

Chair Rich asked if the BOCC would accept this compromise.

Chair Rich, Commissioners Bedford, Greene, Marcoplos, McKee and Dorosin indicated agreement.

Commissioner Price said she will not accept this change.

Commissioner McKee referred to the eastern "knifeblade" portion of the property, and asked if there is still a 50-foot structural buffer here.

Frank Csapo said this buffer is unchanged.

Michael Harvey said that parcel is zoned Economic Development Hillsborough, and typically a perimeter buffer would not be required.

Commissioner McKee said he understands, and the Applicant had the buffer in earlier plans and he just wanted to know if it still intended to have it.

Commissioner Marcoplos expressed thanks for the no idling section, and asked if there is a plan as to how this will be monitored and enforced.

Frank Csapo said there will be a master regime that will be filed of record that will apply to this project as a whole, which will entail many of these restrictions and covenants. He said the property rights will be limited in accordance with these. He said there will be a condominium-like board tasked with enforcing these regulations. He said as these are conditions of the zoning, the County can also enforce the conditions.

Commissioner Marcoplos clarified that the repercussions of disobeying these conditions is a citing by a board.

Frank Csapo said yes, and that board will have enforcement authority.

Commissioner McKee said he appreciated the Applicant's cooperation on Davis Road. He referred to section 4, item f, and said he would like to enhance the wording by adding, "controlled by electronic means, with access to those control units limited to the entities above" after "gate or bollards." He said he wants to insure that this is not just a manual gate that remains open at all times.

Frank Csapo said the Applicant is agreeable to this change.

Commissioner Dorosin asked if electronic methods are common in other areas, or would padlocks and keys be better.

Commissioner McKee said emergency vehicles typically have electronic equipment that can override signals. He said he spoke with Commissioner Greene who saw electronic bollards in Europe that went down automatically. He said keys are likely to get lost.

Commissioner Greene referred to the idling provision, and staff's desire to see "any and all vehicles" from idling more than one minute. She said one minute is a brief time, and it seems unreasonable to apply this rule to passenger vehicles, but she would like this rule to apply to all freight vehicles, and not just diesel engines.

Frank Csapo clarified was Commissioner Greene meaning all commercial freight vehicles included.

Commissioner Greene said yes, all commercial freight vehicles, not just diesel, and regardless of weight.

Frank Csapo said the Applicant agrees to this change.

Commissioner Marcoplos referred to the electronic bollards, and asked if these are compatible with an emergency situation that requires all employees to evacuate the site.

Frank Csapo said it is his understanding that this type of equipment can be paired with a building fire alarm system, which would open the bollards in case of an emergency evacuation.

Commissioner Price referred to section 4, item g, and the final roadway lay out, which needs to be approved by the Town of Hillsborough and the Fire Marshall. She asked if the BOCC's decision even matters, if the Town has to have final say.

Michael Harvey said all projects have to go through the final site plan review process, where staff approves all details. He said this process will involve the Town of Hillsborough and the Fire Marshall. He said these entities will have a seat at the table.

Commissioner Price said that it sounds like the County is not involved in this process, as Hillsborough has the final say.

Michael Harvey said the County conducts the process, and invites Hillsborough to be a part of the process.

Commissioner McKee referred to section 4, item d, and asked if this is the western most parcel of the three parcels.

Michael Harvey said yes.

Commissioner McKee said he thought the service road already went that far.

Michael Harvey said no it does not. He said the service road and right of way terminate at the second parcel.

Commissioner McKee clarified that this is the northeastern corner of the back parcel.

Michael Harvey said yes.

Commissioner McKee referred to the red wording in the section below, and asked if the current service road goes to the property line between the eastern and western parcels, and has to be extended to the western edge of the back parcel, in order to provide access to the parking lot, who will pay for this extension, if not the Developer.

Michael Harvey said the Applicant is proposing to access that parking lot internally, not by the extended service road. He showed an aerial photograph to clarify.

Commissioner McKee said this now makes sense.

Michael Harvey said staff required the condition that the right of way be extended, due to the County's connectivity policy, which was agreed to, but the Applicant did not agree to construct a road for future use of western property owners.

Michael Harvey reviewed the modified conditions of the northwestern buffer encroachment being reduced to allow 20 parking spaces instead of 35; an inclusion of electronic bollards to prevent access from Davis Road; and idling restrictions on all freight vehicles of any size.

Commissioner McKee said he wanted to insure that the buffer on the eastern edge is still included.

Chair Rich said this is in the original site plan.

Frank Csapo said the Applicant is in agreement with all of these items.

Chair Rich said there are 3 modifications and 1 reference to the original plan, and asked John Roberts if all is in order.

John Roberts said yes, the Applicant has indicated agreement with all new conditions.

A motion was made by Commissioners Marcoplos, seconded by Commissioner McKee to Approve the Statement of Consistency (Attachment 3);

Chair Rich called each Commissioner by name (roll call).

**VOTE: Ayes, 6; Nays, 1 (Price)**

A motion was made by Commissioners McKee, seconded by Commissioner Dorosin to Adopt the Ordinance Amending the Zoning Atlas and imposing conditions (Attachment 4).

Chair Rich called each Commissioner by name (roll call).

**VOTE: Ayes, 6; Nays, 1 (Price)**

**ATTACHMENT 3**

**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 3 parcels as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning District	Proposed Zoning District
9863-71-8857	Hillsborough	Suzanne McGrady	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Major Transportation Corridor (MTC) Overlay District.
9863-91-6573	Hillsborough	Christy Bailey – ETAL John Clayton	Master Plan Development Conditional Zoning (MPD-CZ) Settlers Point; Economic Development Hillsborough Limited Office (EDH-2) - north of Interstate 40 Major Transportation Corridor (MTC) Overlay District	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Economic Development Hillsborough Limited Office (EDH-2) – north of Interstate 40 Major Transportation Corridor (MTC) Overlay District.
9862-99-8894	Hillsborough	Facility Care Services Inc.	Rural Residential (R-1) Rural Buffer (RB) – approximately 26,000 sq.ft. along Davis Road	Master Plan Development Conditional Zoning (MPD-CZ) Research Triangle Logistics Park; Rural Buffer (RB) – approximately 26,000 sq.ft. along Davis Road

The BOCC 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 Town of Hillsborough have engaged in numerous studies/joint planning efforts over the last 20 years identifying area viable for the extension of utilities (i.e. water and sewer) in support of high intensity residential and nonresidential land uses.

In 2017, these efforts led to the adoption of the *Town of Hillsborough and Orange County Central Orange Coordinated Area (COCA) Land Use Plan*.

This plan indicates the area in question is intended to support 'Employment' and 'Suburban Office Complex' land use categories, specifically areas that are best suited to allow for the development of light industrial/manufacturing, office, research/development, and service/warehousing operations.

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 Town.

- 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 nonresidential land uses in an area of the County designated for the location of adequate supporting infrastructure (i.e. water and 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.

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 nonresidential development.

The expansion is consistent with County and Town of Hillsborough plans outlining those parcels suitable for service by water/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.

\_\_\_\_\_  
Penny Rich, Chair

\_\_\_\_\_  
Date

**ORD-2020-022  
ATTACHMENT 4**

**AN ORDINANCE AMENDING  
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has received and processed a petition submitted by Terra Equity Incorporated (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 3 parcels totaling approximately 161 acres of property to Master Plan Development Conditional Zoning District (MPD-CZD) for the purpose of developing the Research Triangle Logistics park (RTLTP) development (hereafter ‘the Project’); and

WHEREAS, The properties subject to this rezoning are identified, utilizing Orange County Parcel Identification Numbers (PIN), as:

- i. A 90.37 acre tract of land PIN# 9863-71-8857,
- ii. Approximately 60 acres of land PIN# 9863-91-6573, and
- iii. A 12 acre parcel of land PIN 9862-99-8894,

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 3 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 as submitted/modified by the Applicant and as approved by the Orange County Board of Commissioners on October 20, 2020.

This includes the revised/updated traffic impact analysis (TIA) reviewed and approved by the County Planning Department and NC Department of Transportation on October 2, 2020.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.2 (F) of the UDO the approval of this Conditional Zoning applicant 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 the Town of Hillsborough. Provision of services shall be consistent with applicable Town utility connection policies and the utility agreement between the Town and Orange County;

- b. The Project shall be composed of 3 individual properties totaling approximately 161 acres of land area further defined as follows:

- i. PIN 9863-71-8857: An approximately 90 acre parcel currently zoned MPD-CZ (Settlers Point) and Major Transportation Corridor (MTC) Overlay District;

**NOTE:** MTC Overlay district boundaries not impacted by this approval.

- ii. PIN 9863-91-6573: An 80 acre parcel currently zoned:
1. Approximately 60 acres (south of Interstate 40) zoned MPD-CZ (Settlers Point);
  2. Approximately 20 acres (north of Interstate 40) zoned Economic Development Hillsborough Limited Officer (EDH-2). This portion of the property will remain zoned EDH-2 and shall be developed consistent with that general use zoning designation.
  3. Major Transportation Corridor (MTC) Overlay District.

**NOTE:** MTC Overlay district boundaries not impacted by this approval. EDH-2 zoned portion of property, north of Interstate 40, is not impacted by this approval and will remain zoned EDH-2.

- iii. PIN 9862-99-8894: An approximately 12 acre parcel currently split zoned Rural Residential (R-1) and Rural Buffer (RB).

**NOTE:** The RB zoned portion of property, along Davis Road, is not impacted by this approval and will remain zoned RB. This area shall remain either in undisturbed open space, used to support required utility improvements consistent with Town of Hillsborough or County requirements, or to support external roadway improvement(s) consistent with County and NC Department of Transportation requirement(s).

- c. 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: In addition to the requirements of Section 2.5 *Site Plan Review* of the UDO, development applications within the Project shall provide the following additional information as part of the site plan application process:

- a. All site plans proposing development within the Project shall be reviewed by Town of Hillsborough 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);

- c. Consistent with existing inter-local utility agreements between Orange County and the Town of Hillsborough, the Project has a utility allotment of 108,000 gallons a day of water/sewer service. Site plans proposing development/land uses exceeding this daily allotment shall be required to provide documentation from the Town of Hillsborough indicating there is sufficient water and sewer capacity to serve the proposed development.

A lack of water and/or sewer capacity shall result in the denial of the site plan;

- d. Prior to the approval of a site plan allowing development within the Project, the County shall require documentation from the Town of Hillsborough indicating there is sufficient water and sewer capacity to serve the project.

A lack of water and/or sewer capacity for a proposed use shall result in the denial of the site plan;

- e. The Orange County and Town of Hillsborough Fire Marshal(s), in consultation with the Town of Hillsborough Utility Director, shall review and approve location(s) of proposed water and sewer lines as part of the County's site plan review process and prior to the initiation of land disturbing activity;
- f. The Orange County and Town of Hillsborough 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(s).

- g. Each site plan shall be required to demonstrate compliance with Section 6.16 *Environmental Assessment* of the UDO as well as the approved master plan and environmental assessment completed for the Project. In those cases where development exceeds established thresholds, a formal Environmental Impact Statement (EIS) may be required allowing for site plan approval;
- h. Each site plan shall be required to demonstrate compliance with required traffic improvements detailed within the approved application, traffic impact analysis, and the condition(s) detailed herein.

Lack of compliance or consistency with required internal/external traffic improvement(s) shall result in the denial of the site plan;

- i. 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;

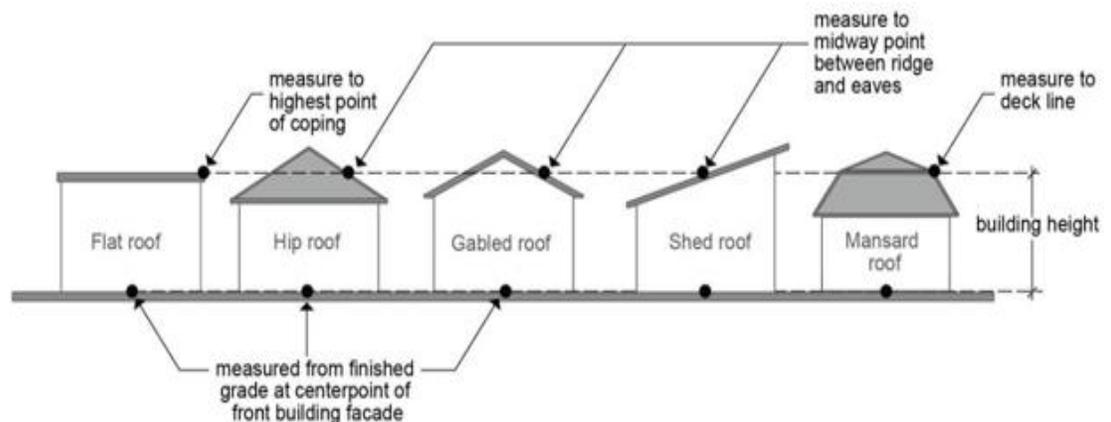
- j. For all site plans submitted for the Project the Orange Rural Volunteer Fire Department shall be considered a member of the County Development Advisory Committee (DAC) as outlined in Section 1.9 of the UDO to review a projects compliance with applicable development standards including, but not necessarily 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:

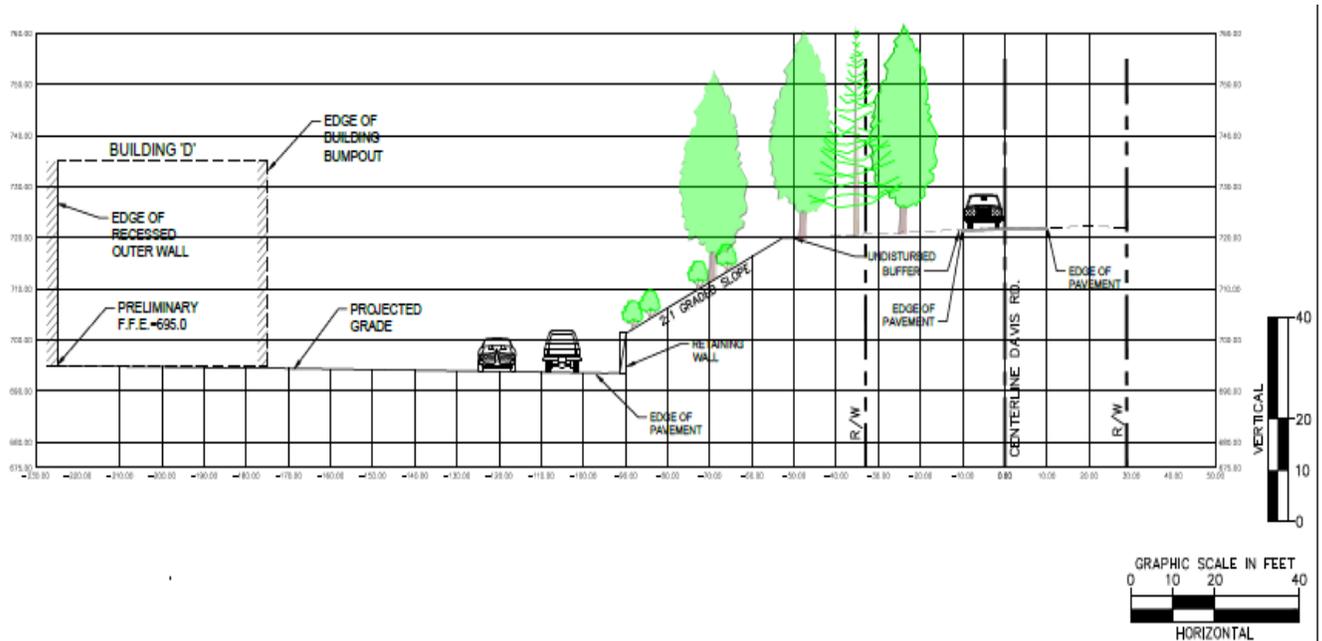
- a. The Project shall observe a building square footage limit of 2,400,000 sq.ft. consistent with the submitted and approved application and Traffic Impact Analysis (TIA) as approved by the NC Department of Transportation on October 2, 2020.

Additional floor area may be developed with the submittal of a revised, updated, master plan development conditional zoning district application and TIA processed and reviewed in accordance with the provisions of the UDO.

- b. Height: Consistent with the definition of *building height* in Article 10 *Definitions* and Section(s) 6.2.2 and 6.5 of the UDO, the following height limitations shall be observed within the Project:
  - i. Principal structures:
    1. PINs 9863-71-8857 and 9863-91-6573 shall abide by a height limit of 60 ft.
    2. PIN 9862-99-8894 shall abide by a height limit of 40 ft. This height limit shall not include architectural features utilized to screen rooftop equipment, consistent with the provisions of the UDO.



Applicant cross section exhibit for Davis Road property denoting height:



### CROSS-SECTION EXHIBIT

RTLTP INDUSTRIAL PARK  
10/15/2020

- ii. Accessory Structures: Water tower shall not exceed 90 ft.
- c. Setbacks:
  - i. Structures shall observe:
    1. 100 ft. setback from exterior property lines abutting residentially zoned property;
    2. 120 ft. setback from Davis Road right-of-way;
    3. 50 ft. setback from property exterior lines abutting non-residentially zoned property and the Service Road right-of-way.
  - ii. Vehicular use areas shall observe:
    1. 100 ft. setback from exterior property lines abutting residentially zoned property except as defined below;
      - a. PIN 9863-71-8857:
        - i. Along the western boundary line, adjacent to PIN 9863-53-9059, there shall be a reduction in the required buffer to 50 ft. in width to accommodate no more than 20 truck parking spaces. This area is further described as follows:

1. Parking area shall be located outside of identified special flood hazard area, including area located within the 1% annual change of inundation as depicted on Federal Insurance Rate Map (FIRM) 3710986300J, and required floodplain buffers consistent with Section 6.13 of the UDO;
  2. This area is approximately 500 ft. south of the subject parcel's northern property line adjacent to PIN 9863-93-6843.
    - b. An access road along the southern property line, affording interior access from the Project to PIN 9862-99-8894, shall be permitted observing a 50 ft. setback.
      2. 50 ft. setback for access roads/drives running parallel with Davis Road. No parking shall be located within this area;
      3. 25 ft. setback from property lines abutting non-residentially zoned property and the Service Road right-of-way.
  - d. Open Space: 48.3 acres (30%) of land within the Project shall be preserved as open space area.
- 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:
- a. Internal roadways shall be developed in accordance with Section 6.10 (A) of the UDO and shall be privately maintained;
  - 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. The right-of-way for Service Road shall be extended to the western edge of the PIN 9863-71-8857 to serve as a future access point for adjacent land area to the west.

Applicant and/or their successors shall not bear financial responsibility for the construction of additional roadway in this extended portion of the Service Road right-of-way nor shall they bear any financial responsibility for any required roadway improvements at the intersection of Service Road and Old NC Highway 86 necessary to accommodate additional traffic resulting from development external to the Project;

- e. Consistent with the approved traffic impact analysis for the Project, all passenger and commercial vehicle traffic shall utilize Service Road for ingress/egress;
- f. Vehicular ingress/egress to the Project from Davis Road shall be limited to:
  - i. Life safety vehicles;
  - ii. Fire, ambulance, rescue and emergency vehicles;
  - iii. Municipal and law enforcement vehicles; and
  - iv. Public utility vehicles.

No other traffic (i.e. passenger vehicles, commercial vehicles, etc.) shall be permitted to utilize this access, which will be blocked by a gate or bollards to prevent unrestricted access controlled by electronic means, with access to those control units limited to the entities above;

- g. Final roadway layout, including pavement widths and driveways, shall be approved by the Town of Hillsborough and Orange County Fire Marshal's office as part of the final site plan review process;
- h. 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);
- i. Any and all internal streets, sidewalks, bicycle lanes, etc. shall be designated for public access/use for employees/customers/visitors to the site;
- j. Driveway permits, when required, shall be applied for and issued by the North Carolina Department of Transportation;
- k. Orange County and North Carolina Department of Transportation shall approve the location of all proposed external utility poles housing street signals prior to installation. All street signals shall be erected on metal poles;
- l. Segregated entrances and exists for pedestrian, construction vehicle, and non-construction vehicular traffic shall be developed to avoid conflict during construction activities;
- m. 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. Each transit stop shall be a covered and enclosed on 3 sides to shield users from the elements,
    - ii. Kiosks shall be developed to provide transit information, including schedule and route information, and shall be illuminated to five (5) average maintained foot-candles.
  - n. In addition to the standards contained within Section 6.10 (A) (2) of the UDO, the following additional requirements shall apply to the development of crosswalks:
    - i. Signals shall be installed, where stoplights are located, providing assistance to deaf and visually impaired individuals announcing when it is safe to cross roadways
  - o. 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.
- 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. External space for collection of solid waste and recyclable materials. Materials collected shall be consistent with the County's Solid Waste Management ordinance.
    - ii. 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.
    - iii. The following additional notes shall be provided on any submitted site plan:
      - 1. Gate design will include gate retainers.
      - 2. Parking shall be prohibited from blocking access to waste receptacles.

3. Orange County will not be responsible for any pavement damage that may result from service vehicles.
  4. In cases where waste 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 dumpster agreement) to assure that (both parties may use) the proposed trash/recycling area and that it can be serviced across property lines.
  5. 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.
  6. 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. Finished building materials shall be applied to all sides of a building;
  - ii. Exterior wall materials shall include, but not be limited to:
    1. Stucco,
    2. Concrete,
    3. Textured concrete,
    4. Wood,
    5. Glass,
    6. Steel,
    7. Brick,
    8. Stone, and
    9. Masonry.

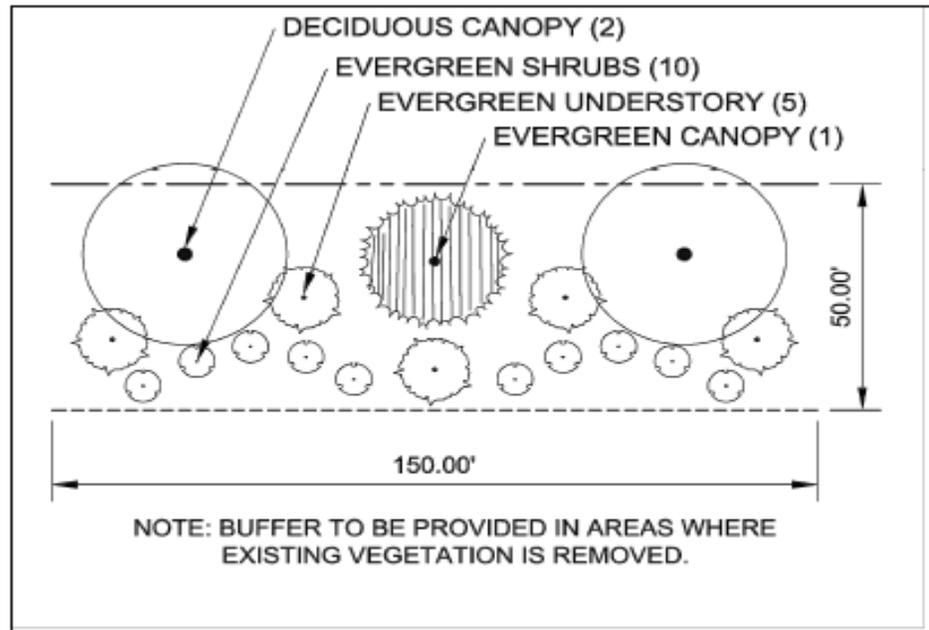
Examples of allowable exterior materials are contained in the approved application narrative and denoted on the approved master plan.

- iii. Prohibited design elements include:
  - 1. Highly reflective surfaces,
  - 2. Exposed, untreated precision block walls;
  - 3. Barbed wire;
  - 4. “Stuck on” mansard roofs;
  - 5. Materials with high maintenance such as stained wood shingles.
- iv. An internal architectural review committee shall be established to ensure; consistency with the UDO and the standards detailed herein. A representative of the Planning Department shall sit on the committee and be involved in reviewing development proposals/modifications;
- v. Consistent with the approved narrative and master plan, single, dominant, monolithic building mass is not acceptable for the Project. Visual breaks shall be used to provide ‘visual relief’ for long building facades. Acceptable techniques to provide visual breaks include, but are not limited to:
  - 1. Changes in height and the horizontal plane,
  - 2. Changes in Materials,
  - 3. Changes in Textures,
  - 4. Changes in Color,
  - 5. Reveals and/or Jogs,
  - 6. Utilization of other architectural enhancements.
- vi. Primary building entries shall be readily identifiable and well defined through the use of projections, recesses, columns, roof structures, or other design elements.
- vii. Expansions to an existing buildings shall provide for continuity between the existing building and the proposed addition. The addition need not strictly match the existing building, but shall include prominent design elements of the old building to provide architectural compatibility between old and new.
 

STAFF COMMENT: It is unclear how this condition will be enforced. Staff is concerned over the lack of measurable standard.
- viii. Building design/construction shall not preclude incorporation of alternative energy systems such as solar panels.

- ix. Equipment (i.e. HVAC, elevator overrides, etc.) shall be screened utilizing 1 of the following methods:
    - 1. Clad in exterior materials that are non-reflective or illuminated, OR
    - 2. Designed as an architectural feature of the proposed structure, OR
    - 3. Screened through some vegetative buffer or fencing.
  - x. All buildings constructed within the Project shall be Energy Star certified at the time of construction (or in the discontinuance of such certification, substantially in compliance with the former certification requirements) and, after issuance of a certificate of compliance (CoC), all installed systems shall receive proper maintenance in the ordinance course of businesses;
  - xi. Development within the Project shall utilize LED lighting for interior and exterior lights, or future successor technology, except in areas where use of same could typically be prohibited (i.e. lab space, etc.);
  - xii. Development within the Project shall utilize rain reclamation devices collecting rainwater for irrigation purposes
  - xiii. Buildings within the Project shall incorporate 'cool roof' systems into their design. The cool roof system is designed to deliver higher solar reflectance (i.e. the ability to reflect the visible, infrared and ultraviolet wavelengths of the sun, reducing heat transfer to the building, etc.) and higher thermal emittance (the ability to radiate absorbed, or non-reflected solar energy) than standard designed roofing products.
  - xiv. Motion control activated lighting shall be, where safety and internal operations permit, used for all internal building lighting to prevent internal lights being left on indefinitely;
  - xv. Bio retention basins (i.e. rain gardens) shall be incorporated into the Project to capture and treat runoff from truck wells within proposed loading docks;
  - xvi. Low flow toilets and water fixtures shall be used within the Project for all restroom facilities and where not associated with a manufacturing or research process.
- 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 in identified buffer areas as indicated on the approved master concept plan, including a 100 ft. perimeter buffer around external parcels zoned to an Orange County residential general use zoning designation. In those instances where foliage is disturbed or non-existent, landscaping shall be installed consistent with the following schematic:



Permitted breaks within this required 100 ft. perimeter buffer are detailed within this document, specifically Section III (c) establishing setback standards for structures and vehicular use areas, and on the approved master plan.

- iii. Interior landscaping shall be consistent with the following:
1. Parking lot:
    - a. A ten-foot vegetated buffer shall be provided between vehicular use areas and internal access roads. Consistent with Section 6.8.7 (D) of the UDO, this buffer shall be composed of shrubs and flowering plants forming a continuous opaque landscape barrier reducing glare and visual distractions to passing motorists.
    - 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. All site plans shall demonstrate a minimum of sixty percent (60%) of passenger parking spaces are within seventy-five (75) feet of the center of a shade tree. If not, additional landscaping shall be required.
  - d. The minimum tree planting area shall be 200 square feet except where tree grates are provided.
  - e. Where trees are planted within tree grates, and surface paving encroaches into the planting area, then the minimum planting area shall be sixteen (16) square feet in area by two (2) feet in depth.
  - f. Screening of parking areas along the perimeter boundary of the project shall maintain a minimum tree spacing of sixty (60) feet.
2. Building foundation:
- a. Twenty percent (20%) of a building's perimeter shall be landscaped while maintaining the necessary sidewalk area.
  - b. These areas may consist of lawn, planters, or shrub areas so long as the shrub areas, that have to be twenty-four inches (24") minimum in width, comprise a minimum of twenty percent (20%) of the total linear dimension along the building's perimeter
3. With respect to internal street landscaping, there shall be one (1) tree at a one-inch (1") caliper provided every one hundred (100) feet;
4. All ground level HVAC, mechanical equipment cabinets, solid waste containers, dumpsters, recycling bins, etc. shall be screened from view through the use of landscaping, walls, and or fencing in accordance with Section 6.8.9 of the UDO.
- iv. 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).
- e. **Parking:** In addition to the standards contained in Section 6.9 of the UDO, the following specific standards shall apply to the Project:
- i. 1 space shall be required for every 750 sq.ft. of office space;
  - ii. 1 space per 3,000 sq.ft. of additional indoor area (exclusive of office area).

- f. **Signage:** In addition to the standards contained in Section 6.12 of the UDO, the following specific standards shall apply to the Project:
  - i. Signs shall be permitted consistent with the approved sign master plan for the project;
  - ii. Final location/size shall be reviewed/approved by staff as part of a site plan submitted in accordance with Section 2.5 of the UDO and the conditions contained herein.
- g. **Lighting:** In addition to the standards contained in Section 6.11 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 45 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;
- h. **Stream Buffers:** The Project shall comply with the provisions of Section 6.13 of the UDO.
- i. **Stormwater regulations:** The Project shall comply with the provisions of Section 6.14 of the UDO.
- j. **Erosion Control regulations.** The Project shall comply with the provisions of Section 6.15 of the UDO.
- k. **Flood regulations:** The Project shall comply with the provisions of Section 6.21 of the UDO.

#### VI. PERMITTED AND PROHIBITED LAND USES:

- a. **Manufacturing:** Land uses category associated with assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site.

Permitted uses, by way of example and not limitation, include the following:

- i. Bottling.
- ii. Brewery, winery, distillery, cidery with tasting/sampling facilities and associated retail sales.
- iii. Bus or rail transit vehicle maintenance or storage facility.
- iv. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
- v. Food and beverage products.

- vi. Lawn, tree or garden service.
- vii. Laundry, dry-cleaning, and carpet cleaning plants.
- viii. Leather and leather products except tanning.
- ix. Sheet metal, welding, machine, tool repair shop or studio.
- x. Stone, clay, glass, and concrete products.
- xi. Woodworking, including cabinet makers and furniture manufacturing.
- xii. Fabricated metal products and machinery.
- xiii. Industrial sign-making.
- xiv. Manufactured or modular housing sales.
- xv. Primary metal manufacturing.

- b. **Light Manufacturing:** Land use category associated with facilities conducting light manufacturing operations within a fully-enclosed building.

Permitted uses include by way of example and no limitation, the following:

- i. Clothing, textile apparel manufacturing.
- ii. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
- iii. Office showroom/warehouse.
- iv. Printing, publishing, and lithography.
- v. Production of artwork and toys, graphic design sign-making, movie production facility, photofinishing laboratory.
- vi. Repair of scientific or professional instruments and electric motors.

- c. **Research and Development:** Land use category associated with facilities focused primarily on the research and development of new products. This includes associated manufacturing operation(s) for said products.

Permitted uses include by way of example and not limitation the following:

- i. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
- ii. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
- iii. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

- d. **Warehousing/Storage:** Land use category associated with facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Permitted uses include by way of example and not limitation the following:

- i. Warehouse, self-service.
  - ii. Fully enclosed indoor multi-story storage.
  - iii. Mini-warehouse.
- e. **Warehousing/Distribution Services:** Land use category associated with facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Permitted uses include by way of example and not limitation the following:

- i. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
  - ii. Commercial packing for fruits and vegetables.
  - iii. Distribution facility, central postal facility.
  - iv. Freight, service facility.
  - v. Parcel services.
  - vi. Transfer and storage business where there are no individual storage areas or where employees or automation are the primary movers of the goods to be stored or transferred.
  - vii. Trailer storage, drop off lot.
  - viii. Truck or motor freight terminal, cross-docking or service facility.
  - ix. Trucking operation.
  - x. Warehouse.
- f. **Wholesale Trade:** Land use category associated with facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.

Permitted uses include by way of example and not limitation the following:

- i. Mail-order house.
- ii. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
- iii. Wholesale sales of food, clothing, auto parts, building hardware and similar products.

- g. **Other Facilities:** including by way of example and not limitation, the following:
- i. Customary Accessory Uses to Principal land uses developed on-site
  - ii. Government Facilities and Office Buildings
  - iii. Government Protective Services
  - iv. Bus Passenger Shelter,
  - v. Surface and structure parking as principal use
  - vi. Mail kiosks for central mail pick-up,
  - vii. Elevated Water Storage Tanks.
  - viii. Public open space for use of on-site businesses, employees of same, and customers rather than the general public.
  - ix. Natural and man-made pedestrian/bicycle paths
- h. **Prohibited Land Uses:** The following land use categories and/or specific land uses are expressly prohibited from developing within the Project:
- i. Animal Slaughtering and Processing;
  - ii. Vegetable Fats/Oil Manufacturing and Processing;
  - iii. Concrete Batching Plant;
  - iv. Leather and Hide Tanning;
  - v. Petroleum and Coal Processing, Preparation, and Distribution including but not limited to Asphalt Plants;
  - vi. Pulp, Paper, and Paperboard Mills;
  - vii. Sawmills;
  - viii. Mining;
  - ix. Landfills;
  - x. Body alteration (i.e. tattoo artist, body piercing, etc.);
  - xi. Cemetery;
  - xii. Crematoria;
  - xiii. Funeral Home;
  - xiv. Pawnshop/Payday Loan.
  - xv. Junk/Salvage yard;
  - xvi. Massage Business; and
  - xvii. Sexually Oriented Business.

VII. **UTILITIES:** In addition to the requirements of Section 6.20 *Public Sewer Connection* of the UDO, required utility extensions and/or connections shall abide by the following:

- a. Development within the Project shall be served by public water and sewer services as provided and maintained by the Town of Hillsborough; 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 Town of Hillsborough 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 Town of Hillsborough 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, Town of Hillsborough Planning Director, and the Town of Hillsborough Utility Director;
- e. Fire-flow test(s) of all installed hydrants shall be conducted, in coordination with the Town of Hillsborough and Orange County Emergency Services, to ensure compliance with applicable State Fire Code standards;
- f. The Orange County and Town of Hillsborough Fire Marshal, in consultation with the Town of Hillsborough Utility Director, shall review and approve location(s) of proposed water lines prior to the initiation of land disturbing activity. Sizing of said lines shall be based on the proposed development, including water flow test data.

VIII **OTHER:**

- a. No permanent fuel or chemical storage shall occur within 30 ft. of a floodplain/stream buffer established consistent with the provisions of Section 6.13 of the County UDO.
- b. A minimum of 2 electrical vehicle charging stations shall be installed for every building constructed on-site. Additional stations may be proposed as part of the site plan review process.
- c. All commercial freight vehicles, regardless of engine type, within the Project shall be prohibited from idling for more than 1 consecutive minute.

The provisions of subsection (C) above shall not apply when:

- i. A vehicle is forced to remain motionless because of traffic or adverse weather conditions affecting the safe operation of the vehicle;
- ii. A vehicle is being operated for emergency or law enforcement purposes;

- iii. The primary propulsion engine of a vehicle meets all of the following criteria:
  - 1. Is providing a power source necessary for mechanical operations other than propulsion; and;
  - 2. Involves a power take off (PTO) mechanism, or other mechanical device performing the same function as a PTO; and
  - 3. Is powered by the engine for:
    - a. Loading and unloading cargo, or
    - b. Mixing or processing cargo, or
    - c. Controlling cargo temperature, or
    - d. Providing a mechanical extension to perform work functions.
- iv. The primary propulsion engine of a vehicle is being operated at idle to conform to manufacturer's warm up and cool down specifications, for maintenance or diagnostic purposes, or by manufacturers engaging the engines in testing for research and development.
- v. The primary propulsion engine of a vehicle is being operated to supply heat or air conditioning necessary for passenger comfort/safety in those vehicles operating for commercial passenger transportation or school purposes up to a maximum of 30 minutes/hour. If ambient temperatures exceed 75 degrees Fahrenheit, passenger buses are allowed to idle up to a maximum of 60 minutes in any 90-minute time period.

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 \_\_\_\_\_, 2020.

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 \_\_\_\_\_, 2020 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 \_\_\_\_\_, 2020.

SEAL

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 Clerk to the Board of Commissioners

**7. Reports**  
**NONE**

**8. Consent Agenda**

- **Removal of Any Items from Consent Agenda**  
 None
- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner Bedford, seconded by Commissioner McKee to approve the consent agenda.

Chair Rich called each Commissioner by name (roll call).

**VOTE: UNANMIOUS**

**a. Minutes**

The Board approved the draft minutes from September 10, 15 and 22, 2020 as submitted by the Interim Clerk to the Board.

**b. Fiscal Year 2020-21 Budget Amendment #2**

The Board approved the budget, grant, and capital project ordinance amendment #2 for fiscal year 2020-21 for Planning and Inspections Department; County Capital Project – Veterans' Memorial; Housing and Community Development; Board of Elections; Orange County Transportation Services; Health Department; County Capital Project – Emergency Services Remediation and HVAC Projects; Sheriff's Office; Department on Aging; County Manager/Arts Commission; and Orange County Schools. (*ORD-2020-023*)

**c. North Carolina Governor's Highway Safety Program – Orange County Sheriff's Office Traffic Safety Project and Approval of Budget Amendment # 2-A**

The Board adopted a resolution, which is incorporated by reference, recognizing federal funding for traffic safety projects to the Sheriff's Office; and approved Budget Amendment # 2-A; and authorized the Chair to sign the Resolution. (*RES-2020-066 and ORD-2020-024*)

**d. North Carolina Housing Finance Agency (NCHFA) Urgent Repair Program (URP20) Award and Updates to ESFRLP20 Assistance Policy**

The Board approved the 2020 Urgent Repair Program (URP20) Assistance Policy, updated 2020 Essential Single-Family Rehabilitation Loan Pool (ESFRLP20) Assistance Policy, and updated Orange County Procurement and Disbursement Policy for all housing rehab Programs and to authorized the County Manager to sign the Funding and Written Agreement for the URP20 award from the North Carolina Housing Finance Agency (NCHFA).

**e. Advisory Boards and Commissions – Appointments**

The Board approved the Advisory Boards and Commissions appointments as reviewed and discussed during the October 8, 2020 Work Session.

**f. Change in BOCC Meeting Schedule for 2020**

The Board approved changes to the Board of Commissioners' meeting calendar for 2020 making the remaining 2020 BOCC meetings virtual.

**9. County Manager's Report**  
NONE

**10. County Attorney's Report**  
NONE

**11. \* Appointments**  
NONE

**12. Information Items**

- October 6, 2020 BOCC Meeting Follow-up Actions List

**13. Closed Session**  
NONE

**14. Adjournment**

A motion was made by Commissioner Price, seconded by Commissioner McKee to adjourn the meeting.

Michael Harvey said Commissioner McKee referred to a community meeting earlier this evening regarding Efland Station. He said Planning Staff is also holding a session as a follow up to the community meeting, and providing the general public with an update. He said more information will be sent out.

Chair Rich asked if 4 or more Commissioners were to attend a meeting, would it be considered a quorum.

John Roberts said yes, and if this were to happen some kind of notification would need to be made.

Greg Wilder said the Clerk's office will work with the BOCC and the Attorney's office on this issue.

**VOTE: UNANMIOUS**

The meeting was adjourned at 9:58 p.m.

Penny Rich, Chair

Allen Coleman  
Assistant Deputy Clerk II

Submitted for Approval by Gregory A. Wilder, Interim Clerk to the Board