Orange County
Board of Commissioners

Agenda

Business Meeting
March 19, 2024
7:00 p.m.
Southern Human Services Center
2501 Homestead Road
Chapel Hill, NC 27514

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

Compliance with the "Americans with Disabilities Act" - Interpreter services and/or special sound equipment are available on request. Call the County Clerk's Office at (919) 245-2130. If you are disabled and need assistance with reasonable accommodations, contact the ADA Coordinator in the County Manager's Office at (919) 245-2300 or TDD# 919-644-3045.

1. Additions or Changes to the Agenda

PUBLIC CHARGE

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

2. Public Comments (Limited to One Hour)

(We would appreciate you signing the pad ahead of time so that you are not overlooked.)

a. Matters not on the Printed Agenda (Limited to One Hour – THREE MINUTE LIMIT PER SPEAKER – Written comments may be submitted to the Clerk to the Board.)

Petitions/Resolutions/Proclamations and other similar requests submitted by the public will not be acted upon by the Board of Commissioners at the time presented. All such requests will be referred for Chair/Vice Chair/Manager review and for recommendations to the full Board at a later date regarding a) consideration of the request at a future Board meeting; or b) receipt of the request as information only. Submittal of information to the Board or receipt of information by the Board does not constitute approval, endorsement, or consent.

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

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

4. Proclamations/ Resolutions/ Special Presentations

a. Eno-New Hope Landscape Conservation Plan Presentation

5. Public Hearings

a. Zoning Atlas Amendment – 6915-UT Millhouse Road, Chapel Hill

6. **Regular Agenda**

7. **Reports**

8. **Consent Agenda**
   - Removal of Any Items from Consent Agenda
   - Approval of Remaining Consent Agenda
   - Discussion and Approval of the Items Removed from the Consent Agenda

   a. Minutes
   b. Fiscal Year 2023-24 Budget Amendment #7
   c. World Water Day Proclamation
   d. Resolution Retiring Canine Callie and Approval of Transfer to K9 Handler
   e. Resolution to Allow for a 25' Right of Way for Type B Private Road "Roy Cooper Lane"
   f. Renewal of the Lease for the Dickson House
   g. Approval to Purchase One D6Track Type Tractor for Solid Waste
   h. Contract for Solid Waste Drainage Repairs
   i. Appointment of the Orange County Housing Director to the Central Piedmont Community Action, Inc. Board of Directors
   j. Boards and Commissions – Appointments

9. **County Manager's Report**

   Projected March 21, 2024 Legislative Breakfast Items
   2024 Priority Legislative Issues
   Upper Neuse River Basin Association Consensus Principles II for Falls Lake Rules
   UNC Co-generation Plant

10. **County Attorney's Report**

11. ***Appointments**

12. **Information Items**

    - March 7, 2024 BOCC Meeting Follow-up Actions List
    - Memorandum - Upcoming Unified Development Ordinance Amendments

13. **Closed Session**

14. **Adjournment**

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

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

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ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 4-a

SUBJECT: Eno-New Hope Landscape Conservation Plan Presentation

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

ATTACHMENT(S):
1. Eno-New Hope Landscape Conservation Plan Overview
2. Eno-New Hope Landscape Conservation Group Strategic Action Plan
3. Conservation Plan Map (Data)

INFORMATION CONTACT:
David Stancil, DEAPR Director, 919-245-2522
Christian Hirni, Land Conservation Manager, 919-245-2514

PURPOSE: To receive a presentation of the Eno New Hope Landscape Conservation Group's "Strategic Action Plan" and updated spatial analysis results.

BACKGROUND: Several years ago, a group of experts and staff within the conservation community from Orange and Durham counties, Duke University's Duke Forest Teaching and Research Laboratory, Eno River Association, Triangle Land Conservancy, NC Natural Heritage Program, NC Wildlife Resources Commission, NC Botanical Garden, and other practitioners/experts began meeting to discuss the need for collaborative conservation planning across jurisdictional lines for a four-county area (Orange, Durham, Chatham, and Wake counties). These counties share many of the same watersheds and wildlife corridors/open space networks, and all have conducted inventories of natural areas and spent significant time and resources documenting and working to protect conservation lands.

In discussions, the concept of the multi-county plan was centered on the importance of connections between existing conserved lands for wildlife, natural communities/habitats, and ecosystem services. The collaborating group met on several occasions and agreed that the focus of the plan should be built around one of the most important shared areas, the connections of the New Hope Creek and Eno River conservation networks, and that this plan be made available to local counties and municipalities, public and private institutions, and nonprofit land conservancies in the four-county region for use in prioritizing conservation efforts inclusion into local policies and plans.

The group determined the need for a spatial analysis and mapping effort to demonstrate the most vital connections between conserved and undeveloped areas for wildlife and the ecosystem types which support them.

Funding was secured from the NC Wildlife Resources Commission, with additional support from Orange County, to hire a consultant to conduct the spatial analysis, research the data, and create the analysis layers and associated maps. Through collaborative brainstorming sessions, three keystone species were identified to best represent their distinctive habitats and other associated animals, as well as their corridor, or connectivity, requirements. These species and their respective habitats are as follows:

- Eastern Box Turtle (Dry-Wet Mixed Hardwood-Pine Forests)
- Bobcat (Sparsely Settled Mixed Habitats)
- Four Toed Salamander (Wet-mesic Hardwood Forests)

This effort generated enhanced mapping layers that represented the habitat areas for each animal and its associated guild, and these layers were combined with land use layers to create a habitat-corridor analysis. These results and associated recommendations were presented at the 2019 Environmental Summit at the NC Botanical Gardens, hosted by the Commission for the Environment (CFE). The CFE also requested an additional presentation and opportunity for in-depth discussion of recommendations, which was conducted at the CFE's March 2020 meeting.

In 2020, the group was awarded a Catalyst Fund grant from the Network for Landscape Conservation to form a strategic action plan to implement the report findings. A coordinator was hired, and a steering committee was formed with representatives from Orange and Durham counties, Eno River Association, Triangle Land Conservancy, Duke University's Duke Forest, NC Wildlife Resources Commission, and the NC Botanical Gardens. Over the next two years, the steering committee worked to engage a large group of stakeholders and volunteers from around the study area to draft a strategic action plan outlining actions necessary for ensuring conservation connectivity. Four subcommittee groups were separated by specialty and/or direct interest – Education and Outreach, Land Use, Conservation, and Transportation. The final draft of the action plan was presented at a celebration event in the Robin Jacobs Pavilion at the Eno River Association's Confluence Natural Area in October 2022.

The Board of Commissioners received a copy of the report and a cover memorandum in March 2023 as an Information Item. The report attached herein is the same, but an updated map has been attached to reflect updated and included data.

In 2023, Durham County, utilizing funds from a Burt's Bees grant program, expanded the report data and mapping area to include the entirety of Durham County, particularly of the Upper Neuse Watershed. This expansion benefitted Orange County by expanding the data and mapping analysis to the northern most areas of the County, leaving only a portion of the Cane Creek and Haw River Watershed as area for an expanded analysis.

The findings of the report have significant implications and potential guidance for local conservation programs, such as the County's Lands Legacy Program and other upcoming plans. As such, value was seen in sharing this Strategic Plan with the Board at this time, as local conservation plans are being updated in coming months.

FINANCIAL IMPACT: There is no financial impact associated with this presentation. The plan itself may offer direction for future conservation efforts and therefore future resource allocation.

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

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

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
  Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

RECOMMENDATIONS: The Manager recommends that the Board receive the presentation of the Eno-New Hope Landscape Plan and Strategic Action Plan, provide comments and questions, and instruct staff to use the findings and incorporate them as appropriate into the County's Lands Legacy Program and its upcoming triennial Action Plan, as well as future plan efforts.

Eno-New Hope Connectivity Conservation Strategic Action Plan

Introduction

Our Mission: Conserve and restore landscape habitat connectivity that ensures long-term protection and resilience of biodiversity and natural resources.

What is Connectivity Conservation?

Connectivity conservation protects natural areas by creating connected corridors to maintain ecosystem functions and processes, sustain genetic diversity and natural communities, enable climate resilience, and make healthy places to live.

The History of Eno-New Hope Efforts

2015
Initial meetings with Eno-New Hope stakeholders

2017
Grant from NCWRC and Orange County to create a landscape conservation plan

2019
Release of Eno-New Hope Landscape Plan

2020
Catalyst Fund Grant to hire a coordinator and create a Strategic Action Plan

2022
Completion and release of Strategic Action Plan

THE STEERING COMMITTEE

Our Approach

This **S**trategic **A**ction **P**lan (SAP) aims to achieve connectivity conservation through **collaborative work** between **four groups**:

Education & Outreach

Spreading the word about connectivity across communities

Land Use

Planning for wildlife habitat and corridors

Transportation

Designing wildlife-friendly roads and infrastructure

Conservation

Protecting and restoring crucial wildlife corridors

Cross-Cutting Priorities:

Diversity, Equity, Inclusion, Justice

Funding

Leadership

Education & Outreach

Goal: Ensure that our communities have the knowledge needed to value, prioritize, and implement connectivity conservation in our area.

Share knowledge and data

Engage diverse audiences and communities

Facilitate learning and problem-solving

Partner with local organizations and communities

How We'll Get It Done

Develop our website as a resource hub for connectivity conservation

Provide presentations, workshops, field outings, & educational materials

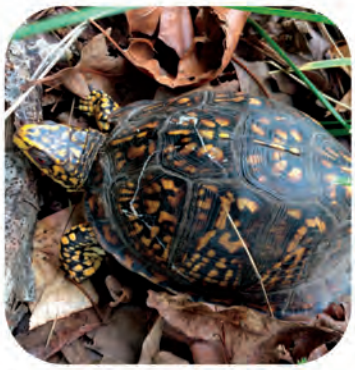
Listen, learn, & collaborate on shared priorities for mutual benefit

Land Use

Goal: Integrate connectivity conservation into inclusive land use planning and decision-making while prioritizing equitable outcomes

Amend and update planning documents to include connectivity conservation

Update ordinances to include connectivity conservation in development design



Identify barriers to connectivity in land use plans

Design open space to protect highest environmental values

How We'll Get It Done

Educate elected officials, planners, other local government staff, & developers

Share successful strategies & ordinance language

Give yearly presentations about corridor status & educate the community

Transportation

Goal: Remove barriers and avoid the creation of new barriers to wildlife mobility caused by transportation infrastructure along high priority landscape corridors.

Identify projects in the Transportation Improvement Plan to work with stakeholders and accommodate wildlife crossings

Conserve lands adjacent to essential wildlife crossings of roadways

Share the findings of the Landscape Plan with public agencies and elected officials and request action be taken

How We'll Get It Done

Work with NCDOT to design wildlife-friendly roads and bridges

Partner with land trusts to acquire key corridor land

Incorporate study findings into agencies' transportation plans

Conservation

Goal: Identify primary wildlife corridors in the Landscape Plan, ensure these receive permanent conservation protection, restore degraded habitat, and manage land for target species.

Protect lands in identified wildlife corridors

Restore degraded habitat as necessary and manage for effective wildlife movement

Partner with conservation groups – land trusts, state agencies, and other organizations – to ensure long-term habitat management

How We'll Get It Done

Work with landowners to get permanent land conservation protection

Create restoration & management plans for wildlife corridor habitats

Ensure that resources exist for long-term ecosystem management

Contributors

Education & Outreach

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Steering Committee

Celeste Burns, Sara Childs, Chris Hirni, Bo Howes, Kim Livingston, Brooke Massa, Johnny Randall, Julie Tuttle

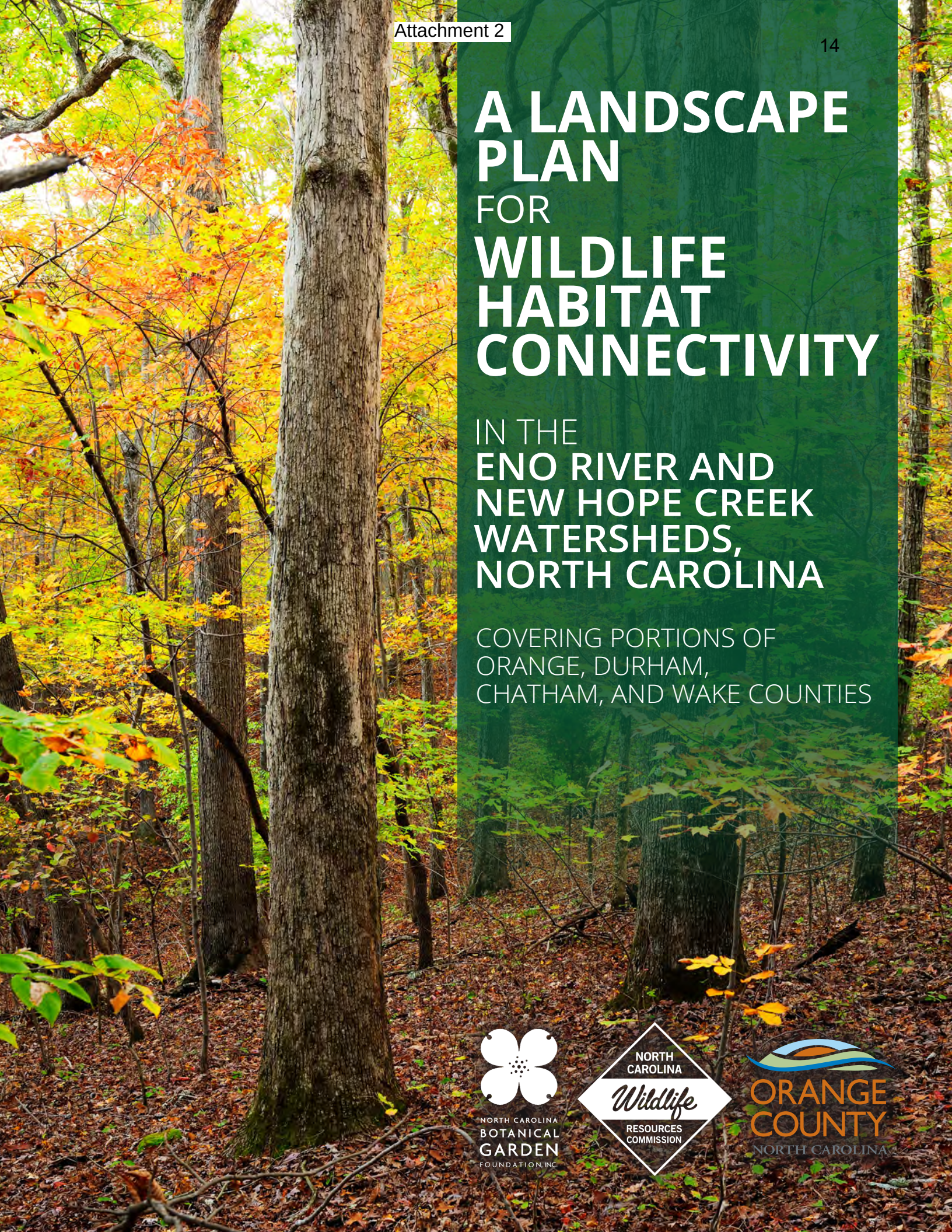
Visual SAP designed by Richard Yuan, 2022

For more information, visit

https://connectedconservationnc.org

Photo by Melissa McGaw, NCWRC

Made possible by the Landscape Conservation Catalyst Fund of the Network for Landscape Conservation.



A LANDSCAPE PLAN FOR WILDLIFE HABITAT CONNECTIVITY

IN THE ENO RIVER AND NEW HOPE CREEK WATERSHEDS, NORTH CAROLINA

COVERING PORTIONS OF ORANGE, DURHAM, CHATHAM, AND WAKE COUNTIES

NORTH CAROLINA BOTANICAL GARDEN FOUNDATION, INC.

NORTH CAROLINA Wildlife RESOURCES COMMISSION

ORANGE COUNTY NORTH CAROLINA

A Partners for Green Growth project funded by the North Carolina Wildlife Resources Commission and Orange County, NC, and administered by the North Carolina Botanical Garden Foundation, Inc.

Prepared by

Julie Tuttle, Project Ecologist and Coordinator

Brooke Massa, Olivia Munzer, Rich Shaw, Sara Childs, and **Johnny Randall**

in collaboration with the steering, policy, and technical committees and members of the

Eno-New Hope Landscape Conservation Group

December 2019

Front and back cover photo credit: David Blevins

Acknowledgements

We gratefully acknowledge:

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Members of the Eno-New Hope Landscape Conservation Group for sharing their time, expertise, insight, advice, and collaboration on all aspects of this project, especially:

- Brooke Massa and Olivia Munzer of the North Carolina Wildlife Resources Commission
- Johnny Randall of the North Carolina Botanical Garden
- Stephen Hall of the North Carolina Biodiversity Project
- Sara Childs of Duke University
- and members of the steering, technical, and policy committees (Emily Blanchard, Misty Buchanan, Celeste Burns, Sara Childs, Bo Howes, Kim Livingston, Brooke Massa, Olivia Munzer, Johnny Randall, Rich Shaw, Ron Sutherland, and Allison Weakley)

The North Carolina Natural Heritage Program, NatureServe, the North Carolina Wildlife Resources Commission, Stephen Hall, Wildlands Network, Triangle Land Conservancy, NC State Parks, Piedmont Wildlife Center, several iNaturalist citizen observers, and members of this collaborative group for sharing critical data inputs to this project.

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Melissa Blackburn of Orange County for graphic design of the cover of this report.

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Deborah Fowler	Wake County Parks, Recreation & Open Space
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Allison Weakley[23]	Town of Chapel Hill Stormwater Management; Chatham County Planning Board; Chatham Conservation Partnership
Travis Wilson	North Carolina Wildlife Resources Commission

1 = Steering Committee
2 = Technical Subcommittee
3 = Policy Subcommittee

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INTRODUCTION

OVERVIEW AND PROJECT OBJECTIVES

The Eno River and New Hope Creek-Jordan Lake watersheds in North Carolina are home to ecologically significant forests, wetlands, and other habitats that support a rich diversity of plant and animal species, including rare species. In these two watersheds, the North Carolina Natural Heritage Program (NCNHP) has identified over 65 Natural Heritage Natural Areas (NHNAs) (NCNHP 2019c). NHNAs are terrestrial or aquatic sites "of special biodiversity significance due to the presence of rare species, unique natural communities, important animal assemblages, or other ecological features" (NCNHP nd, 2019d). Around Jordan Lake alone, 19 NHNAs encompass approximately 8,000 of the more than 40,000 acres of the Jordan Game Land (NCNHP 2019c, NCWRC 2019).

Movement of animal species within and between these NHNAs and other priority natural communities (wildlife habitats) is necessary for their survival. In the face of increasing habitat loss and *fragmentation* from development and other threats, including climate change, wildlife species require an intact, connected network of habitat and movement corridors that maintain ecosystem functions and processes (Rudnick et al. 2012). Connecting wildlife habitats not only benefits wildlife populations but also benefits water quality, native plants, our local economy (including working farms and forests), and public health (NRCS 2004).

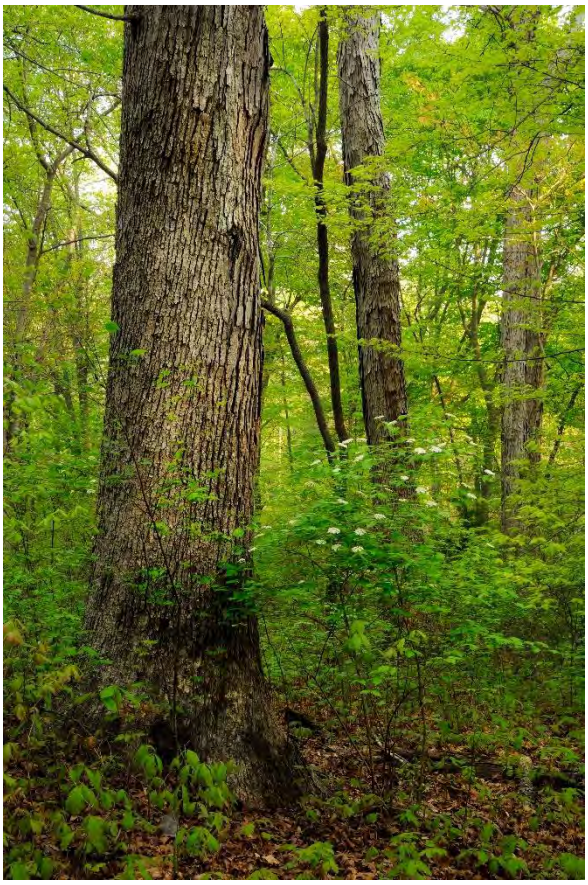

Figure 1. A protected upland hardwood forest in the project area. Photo credit David Blevins.

Important wildlife habitat anchors, including many NHNAs and other priority natural communities identified by the North Carolina Wildlife Resources Commission (NCWRC) (2015), have already been conserved in the project area by local land trusts, local government open space programs, state and national agencies, educational institutions such as Duke University and the University of North Carolina at Chapel Hill (UNC Chapel Hill), and other private and public landowners. However, the collaborators on this project recognize that existing conservation lands (such as in Figure 1) are in danger of becoming isolated by barriers to wildlife movement, such as roads and development.

Through discussions that led to the development of this project, group members articulated the need to identify places important for current and near-future landscape habitat *connectivity*, with the intention that results will help inform conservation priorities, land use decision-making, and transportation infrastructure siting and improvements. This collaboration across jurisdictions and organizations is also intended to foster coordination on shared landscape conservation goals that require planning based on ecological systems rather than jurisdictional boundaries.

The goal of this project is to provide an actionable plan for ensuring wildlife habitat connectivity across the landscape of the Eno River and New Hope Creek-Jordan Lake watersheds in North Carolina. Toward this aim, the project addresses three related objectives:

- to identify and map priority wildlife habitat and corridors connecting a network of natural communities and species populations, within and between the two watersheds (landscape corridor analysis)
- to review existing land protection priorities, policies, and ordinances related to wildlife habitat and corridor conservation (planning review), and
- to develop recommendations to drive land protection, land-use, and transportation decision-making across the project area.

This project focuses on the habitat and movement needs of development-sensitive terrestrial wildlife species that occur in the project area and are indicators of *landscape habitat integrity* (Hall 2008). Landscape habitat integrity is defined by Hall (2008) as simply the inverse of the degree of landscape fragmentation and is part of the broader concept of *ecological integrity* (ELI 2003, Parrish et al. 2003). The project species list was derived from:

- species identified in NCNHP's List of Rare Animal Species in North Carolina (NCNHP 2018), which includes species designated as rare, threatened, endangered, or on NCNHP's watch list, and
- Species of Greatest Conservation Need (SGCN), as identified by NCWRC in the North Carolina Wildlife Action Plan (NCWRC 2015), which includes species that are rare or at risk of extinction as well as species for which there are knowledge gaps and species which have received inadequate conservation attention in the past.

Planning to ensure landscape habitat connectivity and minimize the impacts of changing land uses is essential. NCWRC provides scientific guidance for conserving wildlife habitat (NCWRC 2012) and, through its Green Growth Program, offers strategies for local governance and development to enable landscape habitat conservation and connectivity. The recommendations in this plan were developed from strategies in NCWRC's Green Growth Toolbox (NCWRC 2013) and other science-based resources on best practices for ensuring landscape habitat connectivity for wildlife, and the recommendations were tailored to the project area and its jurisdictions based on the results of the corridor analysis and planning review.

PROJECT AREA

The adjacent Eno River and New Hope Creek-Jordan Lake watersheds are located in the Eastern Piedmont of North Carolina in the Upper Neuse and Cape Fear River basins, respectively (Figure 2). These watersheds include portions of Chatham, Durham, Orange, and Wake counties, the City of Durham, and the towns of Apex, Carrboro, Cary, Chapel Hill, and Hillsborough.

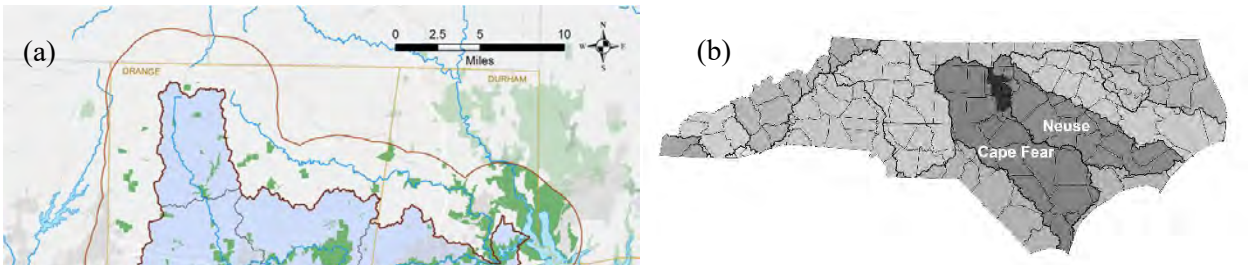

Figure 2. *(a) Protected areas (NCNHP 2019b) in the Eno River and New Hope Creek-Jordan Lake watersheds in (b) the Upper Neuse and Cape Fear River basins of North Carolina.*

Over 20 natural communities recognized by NCNHP occur in the project area. Natural communities are defined as "distinct and recurring assemblage[s] of populations of plants, animals, bacteria, and fungi naturally associated with each other and their physical environment" (Schafale 2012). Natural communities in the project area span upland, riparian, and wetland communities, including but not limited to upland depression swamps, several types of oak-hickory forest, diabase glades, hardpan prairie barrens, bottomland hardwood forests, rich mesic slopes, heath bluffs, mesic mixed hardwood forests, and numerous riparian forest variants (Schafale and Weakley 1990; Schafale 2012). These natural communities provide habitat for a number of rare plant and animal species (terrestrial and aquatic) and support a rich fauna of birds, bobcats, mink, weasels, box turtles, numerous amphibian species, (an overabundance of) white-tailed deer, the relatively recent arrival of coyotes, and many other wildlife species and taxonomic groups (North Carolina Biodiversity Project 2019).

Local, state, and national agencies, universities, land trusts, and private landowners (such as the North Carolina Plant Conservation Program, Eno River State Park, Eno River Association, North Carolina Botanical Garden Foundation, Triangle Land Conservancy, Duke University, UNC Chapel Hill, US Army Corps of Engineers, county and local governments, and others) hold thousands of acres of wildlands and natural open space in the project area (Figure 2). Connecting and preserving these areas with landscape corridors is a primary focus of this project.

Much more detail on the significant biodiversity, natural and environmental features, and history of the project area may be found in county natural area inventories conducted by NCNHP, ongoing data collected and managed by NCNHP (current data available from https://www.ncnhp.org/data), the NC Wildlife Action Plan (NCWRC 2015), county and municipal comprehensive plans, and other conservation planning and assessment documents for the region or specific sites (see References Cited section in this report).

BACKGROUND

THE EVOLUTION OF LANDSCAPE CORRIDOR PLANNING IN THE PROJECT AREA

Conservation of natural areas along the two major river corridors in the project area, the Eno River and New Hope River (now Jordan Lake), originated in the late 1960s and early 1970s. Eno River State Park was formed in 1973 with an initial purchase of 300 acres, and the Eno River Association has helped protect nearly 6000 acres along the Eno River corridor since that time (Eno River Association 2019), with ongoing efforts to complete protection of the entire river corridor. The Jordan Lake Dam on the New Hope River was completed in 1974, and Jordan Lake was filled by 1982. Greater than 32,000 acres surrounding Jordan Lake were protected from development when the lake was formed (LeGrand 1999), with protected lands now totaling more than 40,000 acres (NCWRC 2019); these lands are owned by the Federal government, administered by the US Army Corps of Engineers (USACE), and managed by various state agencies for recreation, wildlife-related activities, natural resource conservation, and education.

NATURAL AREAS INVENTORIES

From the late 1980s onward, natural areas inventories conducted and updated by NCNHP for Durham, Wake, Orange, and Chatham Counties have provided the foundation for conservation planning in the project area (Table 1). In addition, NCNHP completed an inventory of Jordan Lake (USACE land and the lake itself) in 1999 (LeGrand 1999), which includes portions of all four counties. The NCNHP inventories focus on identifying and surveying natural communities, wildlife habitat, and rare plant and animal populations throughout each county. NHNAs (formerly called Significant Natural Heritage Areas) (NCNHP 2019d) are then designed and mapped around these elements and evaluated for their biological significance based on these comprehensive biological surveys.

Table 1. Natural areas inventories completed by NCNHP for counties in the project area and Jordan Lake lands.

Natural Areas Inventory	Author, Year completed	Update Author, Year
Durham County	Sutter 1987	Hall and Sutter 1999
Wake County	LeGrand 1987	LeGrand 2003
Orange County	Sather and Hall 1988	Sorrie, Shaw, Sather, Hall 2004
Chatham County	Hall and Boyer 1992	n/a
Jordan Lake	LeGrand 1999	n/a

Each county inventory report in the project area acknowledges the importance of landscape connectivity for natural areas and wildlife habitat. The reports highlight important riparian corridors within the county, and NHNAs can be defined in part by their function as important wildlife corridors. The Durham and Orange County inventories include a broader focus on landscape-wide connectivity. The 1987 Durham County inventory (Sutter 1987) is organized "around a network structure of core refuge areas and linking movement corridors", and the 1999 update to this inventory (Hall and Sutter 1999) incorporates a more comprehensive zoological survey and assessment of wildlife movement corridors (Hall 1995). The 1999 update organizes the county into eight major riparian core refuge-corridor complexes and provides mapped corridors between these complexes, in addition to noting connectivity between core areas within each complex. The 1988 Orange County inventory (Sather and Hall 1988) provides a map showing a suggested wildlife corridor system for the entire county, organized around five riparian refuge systems and connected by four upland areas identified in the inventory. The 2004 update to the Orange County inventory (Sorrie, Shaw, Sather, and Hall 2004) organizes the landscape into macrosites (a concept used

for grouping NHNAs into larger, related conservation priority areas; no longer used by NCNHP) but does not include the suggested wildlife corridor system from the 1988 report.

REGIONAL LANDSCAPE ASSESSMENT

In 2008 NCNHP, in association with the North Carolina Ecosystem Enhancement Program (EEP), produced a "Statewide Assessment of Conservation Priorities at the Landscape Level" (Hall 2008, 2009). This assessment, which consists of a report on riparian habitats (Hall 2008) and a separate report on Eastern Piedmont upland and inter-basin habitats (Hall 2009), identifies and maps core wildlife habitat areas and linear habitat connectors between them for natural communities that represent habitat types in seven geographic regions, including the project area within the Eastern Piedmont region. The maps encompass NHNAs from the county inventories but include additional habitat areas for a broader set of indicator wildlife species beyond the rare, threatened, and endangered species tracked by NCNHP.

This statewide assessment introduced Hall's Landscape/Habitat Indicator Guild (LHIG) approach (Hall 2008) to identifying regional conservation priorities, with a focus on protecting a connected network of core habitats for guilds of indicator species that have similar habitat and movement needs and that respond in similar ways to landscape fragmentation. These indicator species collectively serve as indicators of landscape habitat integrity and, as a result, can represent the conservation needs of many species and natural communities. LHIGs as defined by Hall form the underpinning of the landscape corridor analysis in this project, and the geographic information systems (GIS) data for Hall's core-connector maps were updated for the project area in 2017-18 by Hall (unpublished) in support of this project.

CORRIDOR PLANNING

Three previous planning efforts have focused on landscape or riparian corridors in the project area: the New Hope Corridor Open Space Master Plan (Coulter Associates and New Hope Corridor Advisory Committee 1991), the Durham County Open Space Corridor System plan (Durham City-County Planning Department 1993), and the Triangle GreenPrint Regional Open Space Assessment (NC Division of Parks and Recreation et al. 2002).

In 1989 Durham County, the City of Durham, Orange County, and the Town of Chapel Hill commissioned a detailed plan for protecting open space in the New Hope Creek corridor, extending northward from the USACE lands around Jordan Lake. Following a survey and mapping of the natural areas within this corridor (Burger and Harrison 1989, Appendix E in Coulter Associates and New Hope Corridor Advisory Committee 1991), a consultant and an appointed advisory committee representing each of the four jurisdictions worked with planning staff to prepare a master plan for preserving the New Hope Creek corridor. They were charged with: "… creating an open space corridor linking the Eno River State Park, New Hope Creek, [USACE] Lands, and the growing communities of Durham and Chapel Hill for aesthetic, environmental, educational, and recreational purposes, and as a means of shaping the urban form of the area."

The resulting New Hope Corridor Open Space Master Plan (Coulter Associates and New Hope Corridor Advisory Committee 1991) identified potential recreational trails and key wildlife corridors with detailed recommendations on how to secure those areas over a 20-year period. Further, in 1993 the UNC Chapel Hill Department of City and Regional Planning worked with the Orange County Planning Department to develop the New Hope Corridor Open Space Master Plan: Proposals for Linking Duke Forest with Eno River State Park (UNC Chapel Hill Department of City and Regional Planning 1993). This study continued the work of the earlier New Hope Creek corridor plan by further defining corridor links in east central Orange County. The project identified a potential recreational trail and a separate wildlife corridor (200 feet wide) to link the Durham Division of Duke Forest and Eno River State Park. The New Hope Creek Corridor Advisory Committee remains in existence, has been active in monitoring conservation and development efforts in the New Hope Creek Corridor, and has been effective in providing expertise and

recommendations to the four local governments that have enabled the protection of 323 acres along this corridor since 1991 (Jane Korest, Durham Open Space & Real Estate Division, pers. comm.).

The Durham County Open Space Corridor System plan (Durham City-County Planning Department 1993) set the stage for completion of open space plans for individual "natural area corridors" along major streams in Durham. This plan also established policies to support the open space corridor system, including working with landowners to preserve corridor areas, supporting private and public-private efforts, cooperating with other public agencies, coordinating city and county efforts, encouraging clustered development away from natural areas, requiring inclusion of open space in new developments, and educating the public on the value of river and stream corridors.

The Triangle GreenPrint Regional Open Space Assessment (NC Division of Parks and Recreation et al. 2002) was not explicitly a landscape corridor plan. The aim of the project was to "facilitate development of a regional vision for [connected] open space in the Triangle." The plan produced a map and GIS layer of "significant open spaces for parks, greenways, historic areas, natural areas, and water quality." The resulting map represents a system of coarse-scale reserve areas (some of them already protected) connected by riparian corridors.

COUNTY LAND PROTECTION AND OPEN SPACE PLANNING

The use of NCNHP data (from county inventories and other surveys) for land use decision-making has been incorporated into county planning documents to some degree for all four counties. In addition, all four local governments involved in creation of the New Hope Corridor Open Space Master Plan (Coulter Associates and New Hope Corridor Advisory Committee 1991) endorsed the plan, and two local governments, Durham County and Orange County, incorporated the findings into their comprehensive land use plans.

Orange County specifically incorporated the mapped corridors (each 300 meters wide) from the Orange County inventory and Hall's (2008, 2009) LHIG work for the Eastern Piedmont into the county's comprehensive land use plan (as part of its Resource Protection Areas overlay) and amended its zoning and subdivision ordinances to include provisions that would help protect the areas from future development.

More recently, the Wake County Consolidated Open Space Master Plan (2003, 2006) and the Comprehensive Conservation Plan for Chatham County (Robert J. Goldstein & Associates, Inc., and Biocenosis, Inc. 2011) have identified high-priority lands for protection in Wake and Chatham counties, respectively. The Wake County plan funded and incorporated open space plans from its municipalities. The plan also maps priority open space corridors and recommends linking protected lands using corridors wide enough to protect water courses, conserve wildlife habitat, preserve historic landscapes, and beautify area roadways. Aspects of the Chatham Comprehensive Conservation Plan related to wildlife habitat conservation and connectivity have been incorporated into Plan Chatham (2017), Chatham County's recently completed comprehensive plan.

Efforts to implement landscape conservation recommendations and priorities included in the various plans are carried out by area land trusts (such as the Eno River Association, Triangle Land Conservancy, and North Carolina Botanical Garden Foundation), local government land conservation programs (such as the Orange County Lands Legacy Program, Durham County Open Space Program, and Wake County Open Space Program), and other partner entities including Duke University and UNC Chapel Hill. These land conservation programs have all worked to conserve lands within the Eno-New Hope project area, and the results of this report provide new data and a plan to build on past work and existing priorities to conserve a functional habitat-corridor network across the project area.

WHY WE NEED LANDSCAPE CORRIDORS

Movement of wildlife within and between habitats is essential for the short-term and long-term survival of individuals, species, and populations. Animals need to move across the landscape to find food, shelter, water, and mates, as well as to maintain genetic diversity and adapt to climate change (Cosgrove et al. 2018). However, as human population density increases, the natural contiguous landscape is fragmented by development into smaller, isolated patches or "islands" of natural habitat (Hilty et al. 2006) (Figure 3). Roads and development can make wildlife travel difficult or impossible (National Research Council 2005), while semi-natural landscapes such as working farms and forests are more conducive to movement by some species (NCWRC 2013). In North Carolina, as elsewhere, habitat loss and fragmentation are caused by changing human land uses from natural and semi-natural to developed land uses.

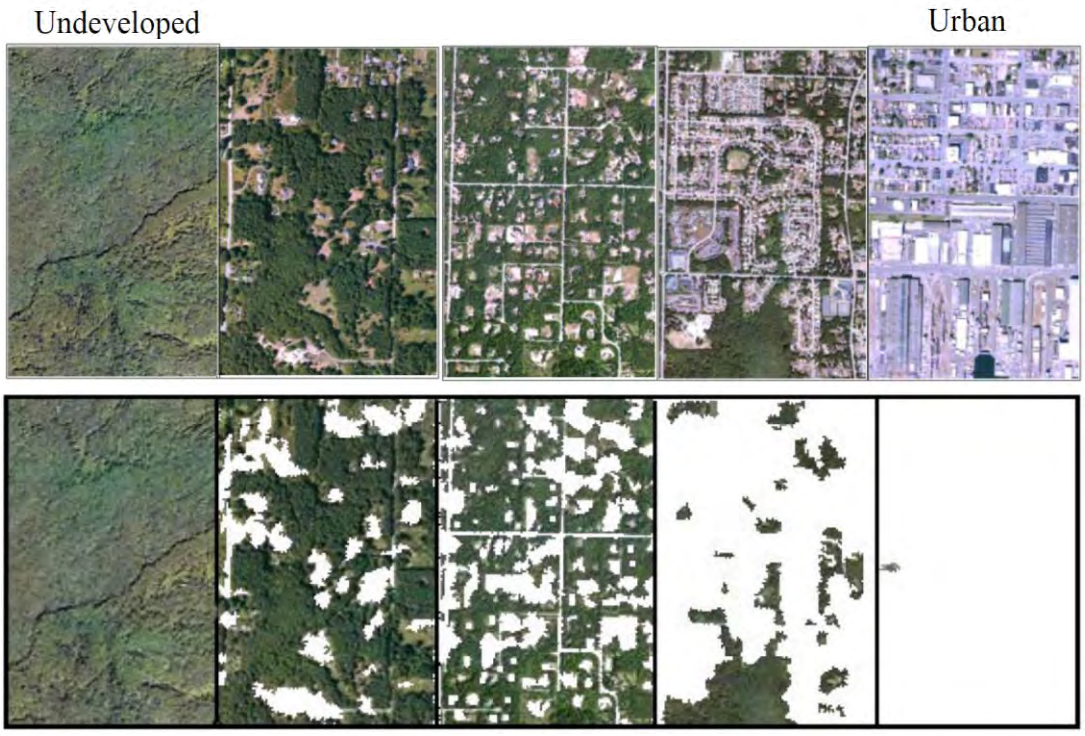

Figure 3. *Reproduced from Washington Department of Fish and Wildlife (2009): "An aerial depiction of the undeveloped to urban gradient...The bottom panel highlights how forest habitat (shown here in green) decreases, and how forest patches become smaller and more dispersed as development intensity increases."*

In addition to direct loss of wildlife populations from conversion of habitat to human land uses, development actions such as land clearing, development, and road-building (along with resulting increases in traffic volume) can be understood as stressors that negatively affect development-sensitive wildlife populations, overall biodiversity, and ecosystems (Washington Department of Fish and Wildlife 2009) (Figure 4). For example, along New Hope Creek in Durham County, habitat fragmentation caused by US Highway 15-501 creates an artificial edge to the forest that may alter or halt the movement behavior of wildlife species that are wary of open or developed areas. This *habitat edge* also contributes to habitat degradation and increased threats to wildlife (such as predation by other species) through changes in natural community composition and structure, as the road carries edge-dependent (often non-native and/or invasive) plant and animal species into the bottomland hardwood forests in the floodplain.

In addition to these and other *edge effects* of habitat fragmentation (Hilty et al. 2006, 2019), US Highway 15-501 is a direct cause of mortality for wildlife that try to cross, and the road creates a behavioral or

physical barrier for less mobile animals that will not cross a paved road or cannot cross a road with curbs or other structures (National Research Council 2005). Over time, loss and isolation of habitat, blocked animal movements, and increased mortality contribute to decline of wildlife populations (Haddad et al. 2015).

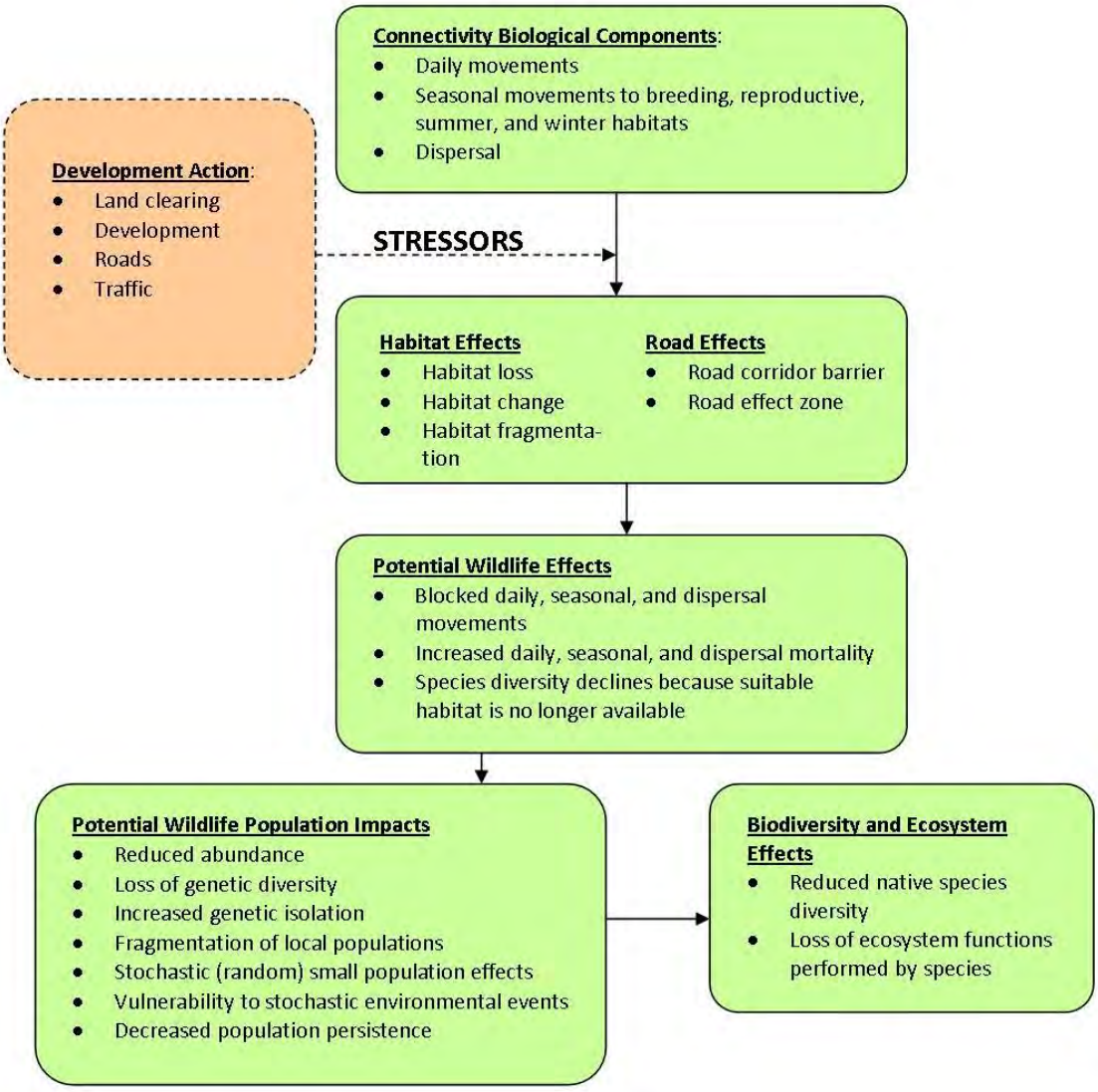

Figure 4. *Reproduced from Washington Department of Fish and Wildlife (2009): "Potential impacts to wildlife from loss of connectivity in developed landscapes. Includes impacts of the 'road effect zone,' or area of impact extending beyond the roadway and including traffic noise and lights."*

Ultimately, local wildlife populations and species diversity are not sustainable in a landscape with isolated patches of habitat (Williams 1998, Haddad et al. 2015). Interconnected networks of habitat are necessary for maintaining wildlife populations, natural communities, genetic and species diversity, and natural ecological processes (Bennett 1999, Cosgrove et al. 2018). Maintaining connectivity of natural communities and ecosystem processes also benefits humans by maintaining *ecosystem services*, such as clean water and air, native plant and pollinator diversity, carbon sequestration and climate regulation, benefits to our local economy (through working farms and forests, recreation, and tourism), benefits to public health, and more (NRCS 2004, Millennium Ecosystem Assessment 2005).

In fragmented landscapes, habitat connectivity can be achieved through naturally occurring or created habitat *corridors* (Gilbert-Norton et al. 2010), defined as "patch[es] of habitat (often linear) that link two or more other natural habitat patches, providing habitat for animals as they disperse or migrate" (NCWRC 2012) (see Appendix B: Glossary for more detailed definition). Corridors can include crossing structures that enable wildlife to cross barriers such as roads, reducing wildlife collisions with vehicles (Bennett 1999). Corridors allow wildlife populations to move to meet daily and seasonal resource needs, to interbreed with other populations, and to colonize new or former habitat areas (such as after recovery from disturbance or disease) by increasing the potential for dispersal from one habitat patch to another (NRCS 2004, Hilty et al. 2006). Maintaining habitat connectivity reduces the susceptibility of wildlife populations and species to decline and local extinction that can occur through, for example, the deleterious effects of increased predation, disease, and natural catastrophes when there are no avenues for escape or recovery through movement of individuals between populations and habitat areas (Rudnick et al. 2012).

THE IMPORTANCE OF WILDLIFE CROSSINGS

Roads contribute to wildlife habitat fragmentation and can function as barriers to wildlife movement or sources of wildlife mortality from wildlife-vehicle collisions (WVC) (National Research Council 2005) (Figure 5). In the US, over one million vertebrates are killed each day due to WVC (Bissonette and Cramer 2008 *in* Ernest and Sutherland 2017). Human safety is also at issue, with more than 61,000 wildlife-related vehicle crashes recorded in North Carolina from 2011 to 2013, causing nearly 20 human fatalities, greater than 3,400 injuries, and more than $149 million in damages (Oliver 2014 *in* Ernest and Sutherland 2017).

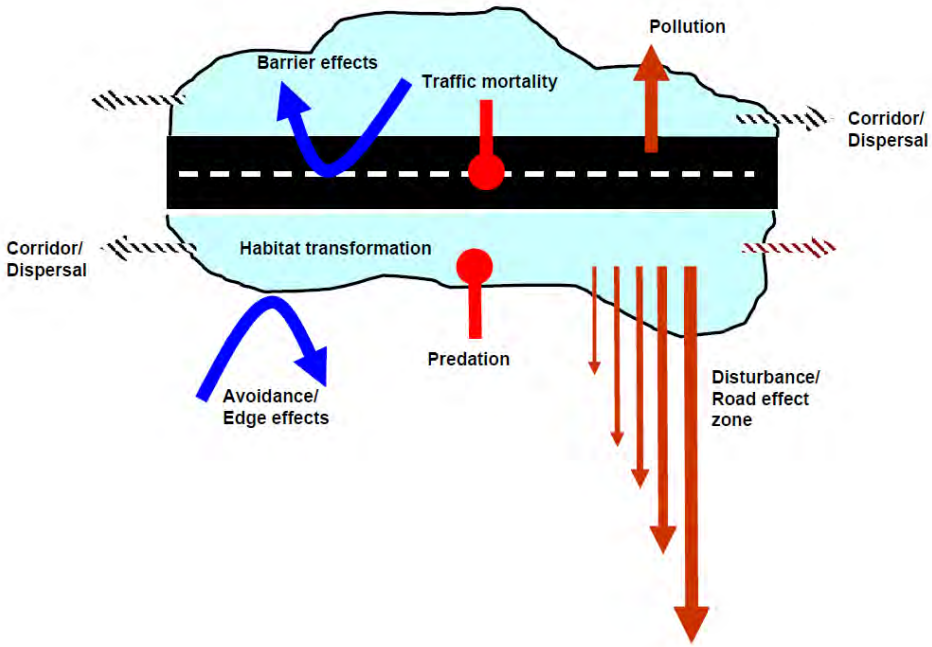

Figure 5. Schematic showing the primary effects of roads on wildlife species and populations (reproduced from National Research Council 2005).

Wildlife crossings, including underpasses, overpasses, and wildlife-friendly culverts, can facilitate wildlife movements and have been shown to reduce WVC (Clevenger et al. 2001 *in* Ernest and Sutherland 2017). Indeed, properly designed wildlife crossing structures installed or retrofitted at priority

locations within the landscape are a necessary component of a landscape habitat-corridor network that functions to maintain wildlife populations. To determine where wildlife crossings should be prioritized and what type of crossing is most suitable for a given location, knowledge of WVC, species' biological requirements, and landscape corridor data are required (Huijser et al. 2008). Other road design elements such as guard rails, fencing, and vegetation barriers are also important considerations for designing successful wildlife crossings. As our understanding of wildlife movement behavior and wildlife use of crossing structures improves, detailed structural specifications and implementation guidelines for effective crossing structures are increasingly available for different wildlife taxonomic groups (such as mammals, turtles, or salamanders) (Clevenger and Huijser 2011).

North Carolina has over 79,000 miles of roads, and the NC Department of Transportation (NCDOT) has installed or modified approximately 12 crossings for wildlife statewide (Ernest and Sutherland 2017). While most of these crossings are located in the mountains or coastal plain (such as in Jones et al. 2010), the improved US 15-501 bridge over New Hope Creek (Figure 6), installed in 2007, is an example of a transportation improvement project in the project area that included modification of the bridge height and length to improve its use as a wildlife underpass. The new bridge has increased safe passage under the highway for a variety of wildlife species (Ron Sutherland, Wildlands Network, pers. comm.).

Figure 6. The improved US 15-501 bridge over New Hope Creek in Durham County, NC. Photo credit Ron Sutherland, Wildlands Network.

Ernest and Sutherland (2017) recently produced a statewide map of roads that are high-priority candidates for wildlife crossing structures to mitigate WVC, based on data from NCDOT on traffic volume, WVC, and road structural characteristics. Their data, in combination with the results of this project and other conservation data layers, provide an opportunity for NCDOT and local governments to integrate wildlife crossing structures into transportation improvement projects at selected locations where they will be most effective for reducing WVC, promoting landscape connectivity, and helping to maintain healthy, diverse ecosystems.

PLANNING FOR CORRIDORS AND CONNECTIVITY: THE GREEN GROWTH APPROACH

NCWRC's Green Growth Program provides a framework for incorporating conservation data and principles into land use planning and development. The Green Growth approach to land use planning requires the recognition of our natural resources as fundamental to the resiliency of communities. Integrating natural resources into land use planning and policy is a critical step to ensure natural resource conservation and integrity into the future. NCWRC's Green Growth Toolbox (NCWRC 2013) is a set of resources that helps communities understand where high-quality natural areas occur and how to protect them through land use planning tools, such as plans, ordinances, and development review. To help identify conservation priorities, spatial information on natural areas, rare species locations, wildlife habitat, and other biological information collected and maintained by NCNHP is made available to planning departments and the public.

Once conservation priorities are recognized, the Green Growth Toolbox offers guidance using three basic conservation principles:

- **Protect** conservation priorities, including large natural areas and sensitive habitats.
- **Buffer** these areas from suburban and urban development.
- **Connect** these natural areas across the landscape to reduce habitat fragmentation.

As described in the Green Growth Toolbox manual (NCWRC 2013), the most direct way to maintain connectivity is to keep important natural areas in a rural context where they are typically surrounded by working farms and forests, which can act as wildlife corridors. However, in more suburban and urban environments, connectivity may be maintained for many species by protecting wildlife corridors that are 150-1000 feet wide (depending on species; NCWRC 2012), ideally with larger patches of habitat interspersed along the corridor.

In general, following the three conservation principles above using strategies outlined in the Green Growth Toolbox will encourage growth and development in areas more suitable for development. For North Carolina, the Green Growth Toolbox provides a bridge between conservation planning and development planning and, along with other science-based resources on best practices for landscape connectivity planning (such as in Appendix E), provides the framework for developing recommendations to ensure wildlife habitat connectivity across the Eno-New Hope project area.

METHODS

LANDSCAPE CORRIDOR ANALYSIS

Approach and tools

This project generally followed the steps outlined in NatureServe's Landscope America guide, "Connecting Landscapes: A Practitioner's Resource for Assessing and Planning for Habitat Connectivity" (Figure 7) (NatureServe/Landscope America 2019). The project used a spatially explicit, GIS-based approach to identify corridors and analyze connectivity in the project area. Within this broad approach, a variety of methods and tools exist to accommodate different objectives and scales of analysis (see examples at Conservation Corridor: Programs and Tools, https://conservationcorridor.org/corridor-toolbox/programs-and-tools/).

Figure 7. *An outline of the Landscope America Roadmap for Assessing Connectivity (Reproduced from NatureServe/ Landscope America 2019).*

Based on the scale of the project area, the group's objectives, and the need for compatibility with other planning tools, this project used resistance-surface-based connectivity modeling (Wade et al. 2015) to identify a *habitat-corridor network* across the project area, defined as a connected set of discrete wildlife *habitat patches* and *least cost corridors* between them (Figure 8a). Least cost corridor mapping (Wade et al. 2015, Etherington 2016) uses knowledge of species' habitat needs and movement behaviors to map pathways of different relative *movement cost* for a species across a given landscape, using a *cost surface* (or resistance surface) that excludes *movement barriers*. Rather than using the single *least cost path*, a cost threshold is used to identify the areas of lowest movement cost (least cost corridors) connecting pairs of discrete habitat areas (Wade et al. 2015) (Figure 8b).

Least cost corridors are intended to represent areas that, over time, are most hospitable or conducive to successful movement of a species between habitat areas. For example, a spotted salamander living in a moist forest habitat may typically stay within several hundred meters of its breeding pond; however, its offspring may disperse several kilometers across the landscape to find mates and new breeding ponds (NatureServe 2019c). For this *dispersal* to be successful, an individual salamander must choose a movement path that is safe (from predation by other species) and has environmental conditions it can tolerate (sufficient moisture, sufficient food and shelter for the journey, or a relative short journey between habitat patches). The salamander may actively avoid moving into or across areas that it perceives as threatening (roads with traffic) or inhospitable (open fields or dry, sunny conditions),

and will be unable to move across areas that it cannot physically traverse (a barrier across or alongside a road). A particular least cost corridor will preferentially include any areas similar to the salamander's habitat (whether small or large) and will exclude movement barriers and minimize expanses of threatening or inhospitable habitat. Over time, a connected landscape of habitat patches and functional least cost corridors can promote successful movement of individuals between a network of populations (Gilbert-Norton et al. 2010), which ultimately supports long-term persistence, health, and *resilience* of species and ecosystems.

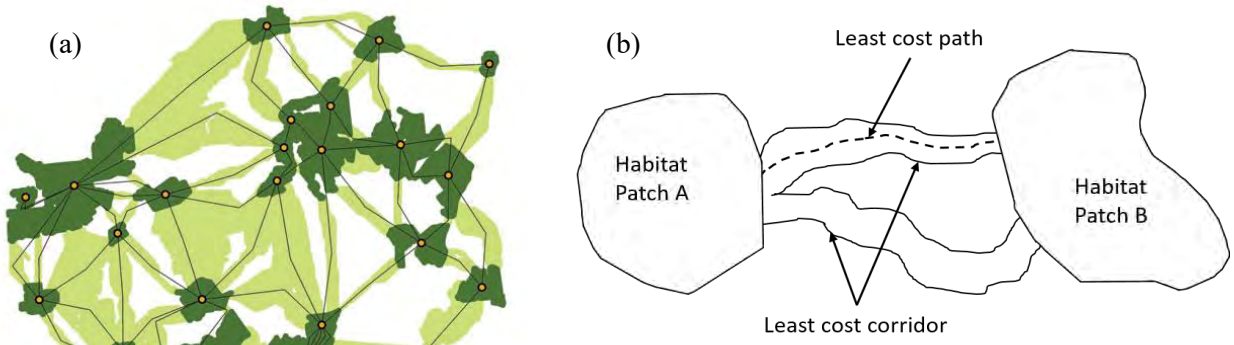

Figure 8. *(a) Depiction of a habitat-corridor network with habitat patches in dark green and corridors in light green (reproduced from Rudnick et al. 2012). (b) Two habitat patches connected by areas of lowest movement cost for a given species across a cost (or resistance) surface, defined by a threshold of maximum movement cost.*

To create the habitat-corridor network, Tuttle used ArcGIS 10.4 (ESRI 2014), the GeoHAT Toolbox for ArcGIS (Geospatial Habitat Assessment Toolkit) (Fay 2012), customized ArcGIS models and Python scripts developed by Tuttle (unpublished), and NetworkX (software for network analysis using the Python programming language) (Hagberg et al. 2008). During the analysis process, the Technical Subcommittee (and later the Policy Subcommittee) reviewed data inputs and intermediate results and provided feedback in an iterative process of refining the data inputs, parameters, and analytical approach to best represent landscape habitat connectivity for the project area in the final results.

Natural communities: species and habitats

The project focuses on connectivity for preservation of terrestrial wildlife species (and many aquatic species by inclusion of riparian areas), natural communities, and existing conservation lands. Building on biodiversity and habitat assessments developed by NCWRC and NCNHP, the group elected to focus on priority species and natural communities (or habitat types) identified in the North Carolina Wildlife Action Plan (SGCN; NCWRC 2015) and in NCNHP's List of Rare Animal Species of North Carolina (Ratcliffe 2018). Hall's previous work on LHIGs (Hall 2008, 2009, 2018) helped focus the project on the function and movement of several focal species groups (indicator guilds) within and between habitat types in a landscape network. In the LHIG framework, species are grouped into guilds by similar habitat needs and responses to habitat fragmentation and development. Because of their sensitivity to fragmentation, these indicator guilds can represent the conservation needs of many species that rely on these habitats or, put another way, that collectively embody these natural communities. Hall's work on LHIG for the Eastern Piedmont of NC (Hall 2008, 2009, 2018) informed the definition of priority habitats and species guilds for the project area, and the relationships between them.

To identify the indicator species and habitat guilds known to occur in the project area, species occurrence data were compiled from several sources:

- NCNHP's List of Rare Animal Species of North Carolina (Ratcliffe 2018)
- NCWRC's SGCN list for the Eastern Piedmont (NCWRC 2015)
- A database compiled by Hall (2017 unpublished) from various sources, including the NCNHP county inventories, the NC State Parks Natural Resources Inventory Database (NRID) (NC Division of Parks and Recreation 2015), and additional field work
- Species Element Occurrence data from NCNHP for the project area (NCNHP 2019a)
- Observation data from the Piedmont Wildlife Center (2018 unpublished), located in the City of Durham adjacent to the New Hope Creek corridor.
- Observations by Eno-New Hope Landscape Conservation Group members, Allison Weakley (Town of Chapel Hill) (2018) and Deborah Fowler (Wake County) (through 2017)
- Observations by a number of individuals as recorded on iNaturalist (iNaturalist.org 2019), an online platform for sharing species observations by date and geographic location, which can be curated, verified, and used as citizen science data inputs in scientific research projects.

The SGCN list (NCWRC 2015) does not contain specific location data but provides a list of species known to occur in the Eastern Piedmont of NC. County-level occurrence lists for NCNHP's rare and watch list animal species (Ratcliffe 2018) are available (https://www.ncnhp.org/data/species-community-search). These two species lists were combined, and inconsistent species taxonomy was corrected. This combined species list was used to filter all available georeferenced species occurrences (from the additional sources listed above) within the project area boundary (with a 5-km buffer), yielding a list of SGCN, rare, and watch list animal species known to occur in the project area. The final species list included only terrestrial species known to occur in the project area within the last 30 years and with year-round resident populations in the project area. Classification of species into habitat guilds followed the classification designated by Hall in his work on LHIG (Hall 2008, 2009).

Fifty-seven terrestrial wildlife species in more than 22 habitat indicator guilds were identified for the project area (Appendix C). Based on the group's desire to identify specific corridor areas, the availability of spatial data for mapping habitat, and other methodological constraints, corridor analysis and mapping were limited to habitat types for three guilds. The three guilds broadly encompass wet-to-mesic (moist) hardwood forests (such as in Figure 9), dry-to-wet hardwood/mixed hardwood-pine forests, and sparsely settled forested areas, including some managed forests. Collectively, they include a total of 14 terrestrial wildlife indicator species, 8 of which are non-flying species and rely on ground-based habitat connectivity.

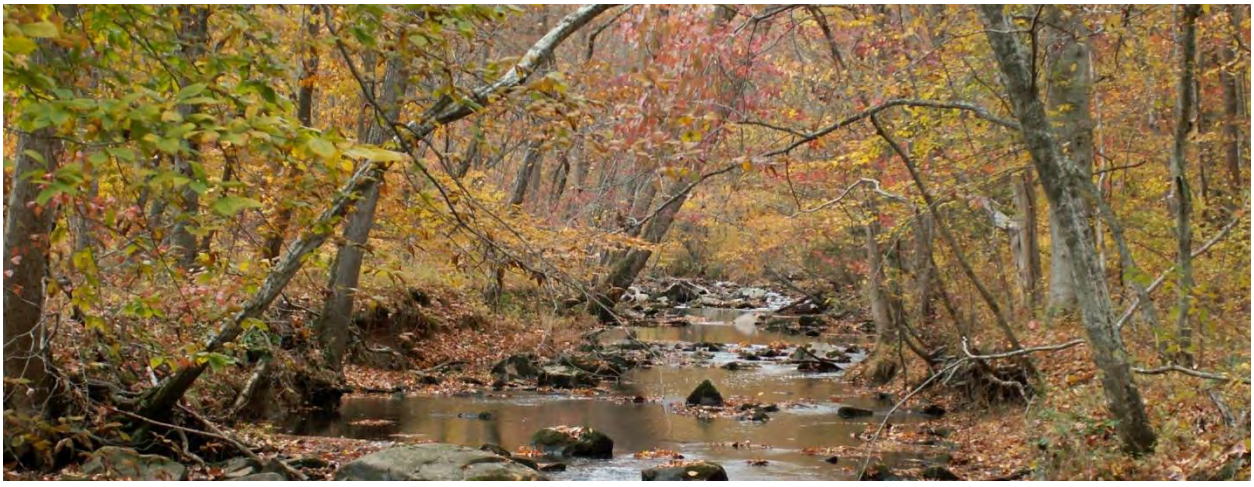

Figure 9. Riparian hardwood forest along the Eno River in North Carolina. Photo credit Kathy Lee.

The three guild habitat types are often spatially nested on the landscape (for example, as floodplain or riparian areas surrounded by adjacent upland areas) and encompass most of the remaining natural habitat in the project area as well as some managed forests that can support native wildlife populations. Additional localized habitat types are further nested within the three selected habitat types, supporting several additional priority wildlife species. As a result, conserving and maintaining connectivity for the three selected habitats will likely support persistence of several other embedded natural communities and many other wildlife species.

Biological and ecological information for species on the final list was compiled from information in Biotics, NatureServe's web-enabled biodiversity information management system (which includes NC-specific data from NCNHP) (NatureServe 2019c), the NC Wildlife Action Plan (NCWRC 2015), and the Fire Effects Information System (FEIS) (Abrahamson nd). Where species-level information was not available, information was compiled for the Element Group (NatureServe 2019d) to which the species belongs. Each Element Group represents species that are related taxonomically, functionally, or by habitat and that have similar habitat needs and movement behaviors.

Concepts, parameters, and inputs

Resistance-surface-based connectivity modeling, a common approach to GIS-based corridor analysis, involves conceptualizing the landscape as habitat, barriers to movement, and a cost surface (or resistance surface) intended to represent species' ability to move within and between habitat areas on the landscape. Types of habitat can be distinguished and assigned higher or lower movement costs, and the *cost distance* that species can move on the landscape can be specified, based on knowledge of species' habitat and movement needs, limitations, and behaviors. Potential corridors can be identified and overall landscape connectivity can be assessed from this mapping based on the quantity and arrangement of habitat types and barriers, and the ease, difficulty, or obstruction of movement over the cost surface.

Habitat. For this project, we used the concepts of suitable and unsuitable habitat used by NatureServe and the Natural Heritage Network (NatureServe 2019a, b). The landscape was divided into habitat suitable for occupancy (by individuals or populations; *suitable habitat*), habitat unsuitable for long-term occupancy but suitable for movement (*unsuitable habitat*), and barriers to movement.

Suitable habitat was further divided into habitat patches -- contiguous areas of suitable habitat above a size threshold -- and smaller fragments of suitable habitat dispersed on the landscape. Habitat patch size thresholds for each guild (Table 2) were determined from information on home range size, daily and seasonal movement behaviors, and habitat characteristics for species or Element Groups as compiled in Biotics (NatureServe 2019c), supplemented by information from FEIS (Abrahamson nd). Where habitat patch size differed for species or Element Groups within guilds, the more limiting (larger) patch size was used.

To classify the landscape of the project area into suitable and unsuitable habitat, we used the LANDFIRE 2014 Existing Vegetation Type (EVT) classification (LANDFIRE 2014) as the base land cover layer. Vegetation types representing suitable or unsuitable habitat for species in each guild in the Eastern Piedmont were identified from information in reports by Hall (2008, 2009) and in Biotics (NatureServe 2019c) (Table 2). EVT land cover classes (LANDFIRE 2016) were then matched to these vegetation types. This habitat "crosswalk" was calibrated and validated by Hall's previous mapping of guild habitat for the project area (from finer-resolution aerial photography than that used for the EVT 30 m x 30 m classification) and the locations of guild species occurrences compiled for the project area. The resulting habitat classification was refined and updated using overlays of floodplains from the NC Flood Mapping Program (2017) and wetlands from the National Wetlands Inventory (NWI) (US Fish and Wildlife Service 2017). For instance, in areas mapped as floodplain but incorrectly classified as an upland hardwood forest type (usually because of the relatively coarse scale of the EVT layer), the vegetation type was updated to floodplain hardwood forest.

***Table 2**. Guild/species biological and ecological information related to habitat and connectivity needs, derived from information in Biotics (NatureServe 2019c) or, where noted, FEIS (Abrahamson nd).*

Guild name (habitat type)	Taxonomic groups in guild	Focal species (species observation network)	Habitat and movement characteristics				Barriers to movement	Sensitivity to development and fragmentation	Primary stressors
			Patch size	*Habitat composition*	Separation distance				
					Unsuitable habitat	*Suitable habitat*			
Wet-mesic hardwood forests	amphibians, (riparian breeding birds and odonates)	Four-toed salamander	5 ha[a]	**breeding:** boggy streams, ephemeral wetlands, usually in floodplains or uplands near headwater streams **non-breeding:** mesic hardwood forests, mixed hardwood/pine near wetlands	1 km	3 km	Large streams and rivers, roads, suburban and urban development	High sensitivity	Floodplain and wetland modification, human disturbances, water pollution, roads
Dry-wet mixed hardwood/ pine forests	reptiles, amphibians, (forest breeding birds)	Box turtle	20 ha	**breeding**: upland mixed hardwood/pine, successional (herb, shrub, and woody) **non-breeding**: bottomland hardwood, successional	1 km	3-5 km (minimum of 3 km used)	High-traffic-volume roads, large rivers, urban development	Moderate sensitivity	Roads, habitat loss
Sparsely settled mixed hardwood/ pine habitats	generalist species of large and small mammals, reptiles, (birds)	Bobcat	60 ha[b]	**breeding:** upland and bottomland mixed hardwood/ pine, successional, with logs, fallen trees, or rock shelters for denning **non-breeding:** upland and bottomland mixed hardwood/pine, successional	50 km[c]	200 km[c]	None; avoidance of buildings and development	Moderate sensitivity	Roads, dense development, human disturbances

[a]Data in Biotics (NatureServe 2019c) indicate home range size of less than 1 ha; however, to avoid including spurious patches and to avoid excessive GIS computation time, the observed minimum patch size of approximately 5 ha (based on species observations in the project area) was used.
[b]Derived from minimum Bobcat home range provided in FEIS (Abrahamson nd).
[c]Derived from Bobcat dispersal information in Biotics (NatureServe 2019c). Dispersal distances for Timber rattlesnake are lower (7 and 1 km for suitable and unsuitable habitat, respectively), but species observation data do not conclusively support the current presence of Timber rattlesnake populations in the project area.

Barriers. By definition, characteristics of barriers are similar for terrestrial species within the same guild. Information in Biotics indicates that developed areas, some roads, and some water bodies are the primary barriers to movement for the focal species and habitat guilds in this project (Table 2). Developed areas were identified from developed land cover classes in the EVT layer (LANDFIRE 2014) and building footprint layers combined across the project area (Apex 2017, Carrboro 2017, Cary 2018, Chatham County 2015, Durham City-County 2017, Orange County 2010). Areas of open water (large rivers, lakes, and ponds) were identified from the EVT and NWI (US Fish and Wildlife Service 2017) layers. Streams that were not wide enough to be identified as open water in the EVT classification were not considered barriers. To classify roads as either barriers or non-barriers, the scientific literature (as compiled in Ernest & Sutherland 2017) provides details on traffic volume, road characteristics, and roadway structures that likely represent barriers to movement for large- and small-animal species groups (adapted for this project as in Table 3). Roads, road characteristics, roadway structures, and traffic volume data for the project area were obtained from NCDOT (2019a, 2017).

To represent known or potential wildlife crossing locations, barrier roads were considered *permeable* to wildlife passage via known and presumed crossing structures (such as bridges, culverts, or pipes). Bridge, culvert, and pipe location data were obtained from NCDOT (2019b). Ultimately, however, potential wildlife crossings were represented primarily as intersections between barrier roads and permanent streams from the National Hydrography Dataset (USGS 2018) because of incomplete mapping of bridge, culvert, and pipe locations throughout the project area. Bridge locations over non-barrier roads were included as potential crossing locations for the sparsely settled mixed habitats guild.

Table 3. Criteria for identifying barrier roads and potential crossing locations for each habitat guild, slightly modified from criteria provided in Ernest and Sutherland (2017) based on biological/ecological information for the species included in this project. Barrier roads were identified from data on road characteristics and roadway structures (NCDOT 2019a) and traffic volume (NCDOT 2017). Potential crossing locations were identified from barrier road—stream intersections (USGS 2018) and bridge/culvert/pipe structure locations (NCDOT 2019b).

Habitat guild	Barrier road characteristics	Potential crossing locations
General wet-mesic hardwood forests (Four-toed salamander)	Surface width ≥ 26 feet Shoulder curb present Median barrier or curb present Striped median present Traffic volume ≥ 2000	Intersections between barrier roads and streams
Dry-wet hardwood and mixed forests (Eastern box turtle, salamanders)	Surface width ≥ 26 feet Shoulder curb present Median barrier or curb present Striped median present Traffic volume ≥ 2000	Intersections between barrier roads and streams
Sparsely settled mixed habitats (medium-sized mammals, snake)	Speed limit ≥ 60 miles per hour Median barrier present Traffic volume ≥ 10,000	Intersections between barrier roads and streams Bridges over non-barrier roads

Movement cost and distance. Cost distance thresholds and the costs for movement through suitable or unsuitable habitat were derived from NatureServe's concept of *separation distance* (NatureServe nd). For NCNHP mapping of known species occurrences, the distance between two or more occurrences and the quality of the intervening habitat (suitable or unsuitable) determines whether the occurrences are mapped as distinct populations or as connected sub-populations. These separation distances for suitable and unsuitable habitat are determined from knowledge of species' biology and ecology, including typical or maximum dispersal distances within and between areas of suitable habitat (Table 2).

For each guild, separation distances for suitable and unsuitable habitat were derived from information for species or Element Groups in Biotics (NatureServe 2019c), supplemented by information from FEIS (Abrahamson nd). Where suitable or unsuitable separation distance differed for species or Element Groups within guilds, the more limiting (lower) distance was used. A guild's cost distance threshold was scaled to the unsuitable separation distance, so that each unit of distance traveled in unsuitable habitat represented a unit of cost toward the distance threshold for unsuitable habitat. The lower movement cost in suitable habitat was then calculated as the ratio of unsuitable to suitable separation distance, so that for the same cost distance threshold, the actual distance on the ground would equal the larger suitable separation distance.

Cost surface and habitat patches. The cost surface for each guild was derived by first rasterizing (where necessary), reclassifying, and combining the following GIS layers into a single raster GIS layer:

- habitat (EVT vegetation, floodplains, wetlands, and non-barrier roads)
- barriers (EVT developed areas, building footprints, open water, and barrier roads)
- potential wildlife crossing areas (barrier road—bridge/culvert/pipe intersections and barrier road—stream intersections)

The combined raster layer was then reclassified so that barriers were removed, and each unique habitat class was assigned the guild's unit movement cost value for suitable or unsuitable habitat according to a reclassification table. Potential wildlife crossing areas were also assigned the movement cost value for unsuitable habitat. Discrete areas of suitable habitat above the threshold patch size were identified and extracted as a separate habitat patch layer (shown in Figure 10 overlaid on the cost surface).

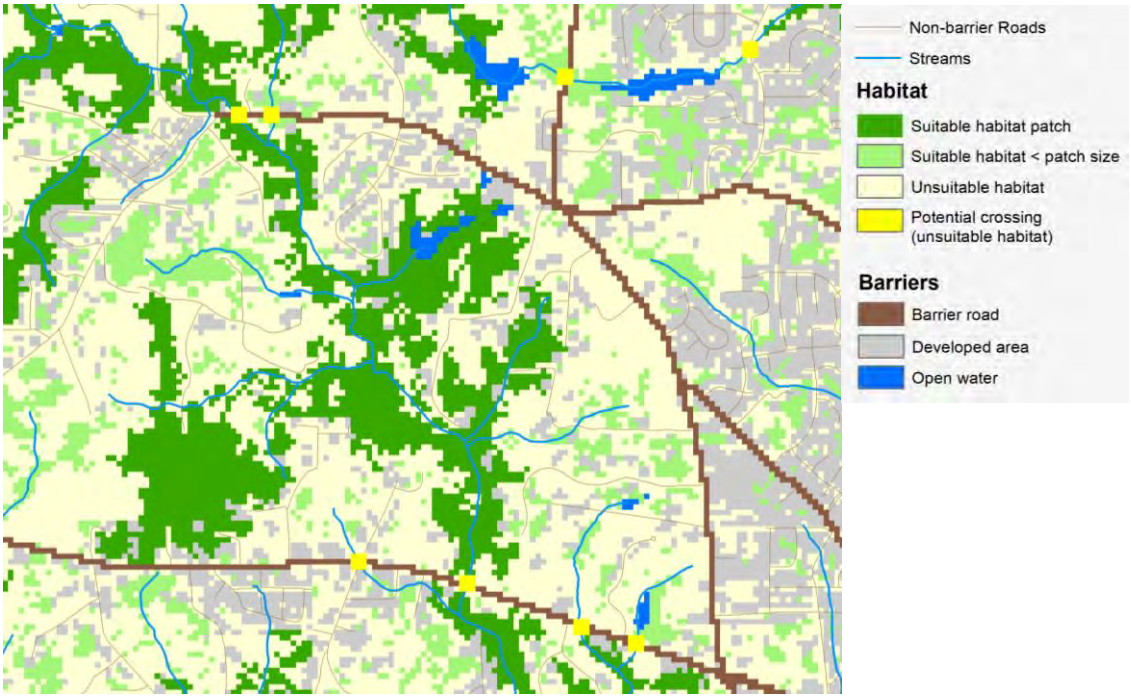

Figure 10. A portion of the cost surface for the Dry-Wet Hardwood and Mixed Forests guild in the project area. Unsuitable habitat areas, including potential crossing locations, are assigned a cost of 1 distance unit. Suitable habitat (non-patch) areas are assigned a cost of 1/3 distance unit, to reflect the lower cost and species' ability to move greater distances through suitable habitat. In the modeling approach for this project, movement proceeds from the edge of one habitat patch to the edge of another patch, such that there is no movement cost associated with the area occupied by habitat patches. Non-barrier roads and streams are shown for context.

Analysis and interpretation

Using a combination of tools and scripts from ArcGIS 10.4 (ESRI 2014), GeoHAT (Fay 2012), Tuttle's custom toolbox for this project (Tuttle unpublished), and NetworkX (Hagberg et al. 2008), a network of habitat patches and least cost corridors was identified for each guild. The relative *connectivity importance value* was then calculated for each corridor segment (*edge*, not to be confused with habitat edge) between two habitat patches. We used the cost-weighted *edge betweenness centrality* (EBC) metric (NetworkX Developers 2019) in NetworkX to represent connectivity importance value for corridor segments. EBC represents the proportion of least cost paths between all patches in the connected network that "travel" through a particular corridor segment, and the value ranges from 0 to 1 (Wade et al. 2015). To assign a connectivity importance value to each patch, the maximum EBC value for all corridor segments connected to the patch was assigned to the patch. In this way, the most important patch-corridor pathways for overall landscape connectivity were mapped.

Species occurrence data for one indicator species in each guild (Figure 11) were used to develop a subnetwork of corridor connections between species occurrences, and the EBC-based connectivity importance values for these *species observation networks* were used to refine the priority habitat network for the project area. Specifically, the maximum connectivity importance value for either the *habitat-only network* or the species observation network was applied for each corridor segment and habitat patch.

Figure 11. Indicator species selected from each of the three habitat types for development of the species observation networks, which were used to refine the priority habitat network for the project area.

The habitat-corridor network for each guild was classified into 4 ranked priority groups based on natural breaks between connectivity importance values (EBC), and the guild networks were combined for viewing in GIS using either a semi-transparent overlay of all three guild networks (as shown in the Results section of this report) or an intersection of the three guild networks as a single layer in which the maximum value across the three guilds was assigned to each patch or corridor segment.

The Technical and Policy Subcommittees reviewed the results of analysis in the context of other relevant GIS layers (such as future land use and zoning districts, existing conservation lands, potential wildlife crossings, etc.) and, based on their knowledge of the project area, tentatively identified priority locations for protection (not reported here), such as corridor pinch points, conflicts with land use and zoning districts, opportunities and gaps in conservation planning areas, and corridor alternatives.

Review of Existing Policies, Ordinances, and Protection Priorities

To ensure landscape connectivity within the Eno-New Hope project area and between adjacent watersheds, project results and recommendations will need to be incorporated into local decision-making. In addition, successful landscape connectivity conservation will, by definition, rely on interjurisdictional coordination.

To support these efforts, we synthesized existing policies, ordinances, and protection priorities related to corridor planning and protection within the two watersheds. Governing documents were reviewed for each county and municipal jurisdiction within the project area, including comprehensive plans and unified development ordinances (UDO) as well as separate plans, ordinances, and spatial data layers focused on land use, natural resources, open space, parks and recreation, trails and greenways, water resources, hazard mitigation, and small planning areas. In addition to the New Hope Corridor Open Space Master Plan, several other interjurisdictional plans and agreements were reviewed. Discussion with the Policy Subcommittee and individual interviews with several group members provided additional insight into existing governmental structure and processes related to land conservation and natural resource protection.

The resulting summary of existing policies, ordinances, and conservation priorities related to landscape connectivity provides a resource for interjurisdictional coordination and, along with the corridor analysis results, informs the recommendations provided in this report.

RESULTS

LANDSCAPE HABITAT-CORRIDOR NETWORK

Final corridor analysis results for the three habitat guilds combined reveal a backbone habitat-corridor network running primarily north-south through the project area (Figure 12(a)). Most prominently, results illustrate the high importance of the central New Hope Creek-Jordan Lake corridor in supporting biodiversity and maintaining habitat connectivity across the project area. Also prominent are the Eno River corridor and areas where opportunities exist for protection of corridors across the Eno River-New Hope Creek watershed boundary, which is also a boundary between the Neuse and Cape Fear River basins, respectively.

Results also illustrate how the habitat-corridor network connects NHNAs (which may be considered high-value biodiversity "source nodes") across the project area (Figure 12(b)), and areas where land protection is needed to keep existing conservation lands, the overall network, and neighboring watersheds connected (Figure 12(c)). In the review and interpretation of results, members of the project subcommittees tentatively identified (not shown) protection opportunities, notable gaps, and vulnerable areas in the priority habitat network, including several pinch points along major corridors where urgent protection or restoration action is needed.

The GIS layers encompassing the analysis results will be provided to the project participants, natural resource professionals, and local government planners and decision-makers as a resource for more detailed and ongoing assessment, prioritization, and update of the landscape habitat-corridor network. In particular, further assessment of the results with respect to existing land use layers and conservation planning tools will help shape the integration of these results into an overall landscape conservation strategy for the project area. Care should be taken when using the results to consider the assumptions and limitations of the methods of analysis and the data inputs, particularly the 30 m x 30 m resolution of the base land cover layer, which (for example) cannot effectively identify finer-scale urban vegetation and riparian corridors.

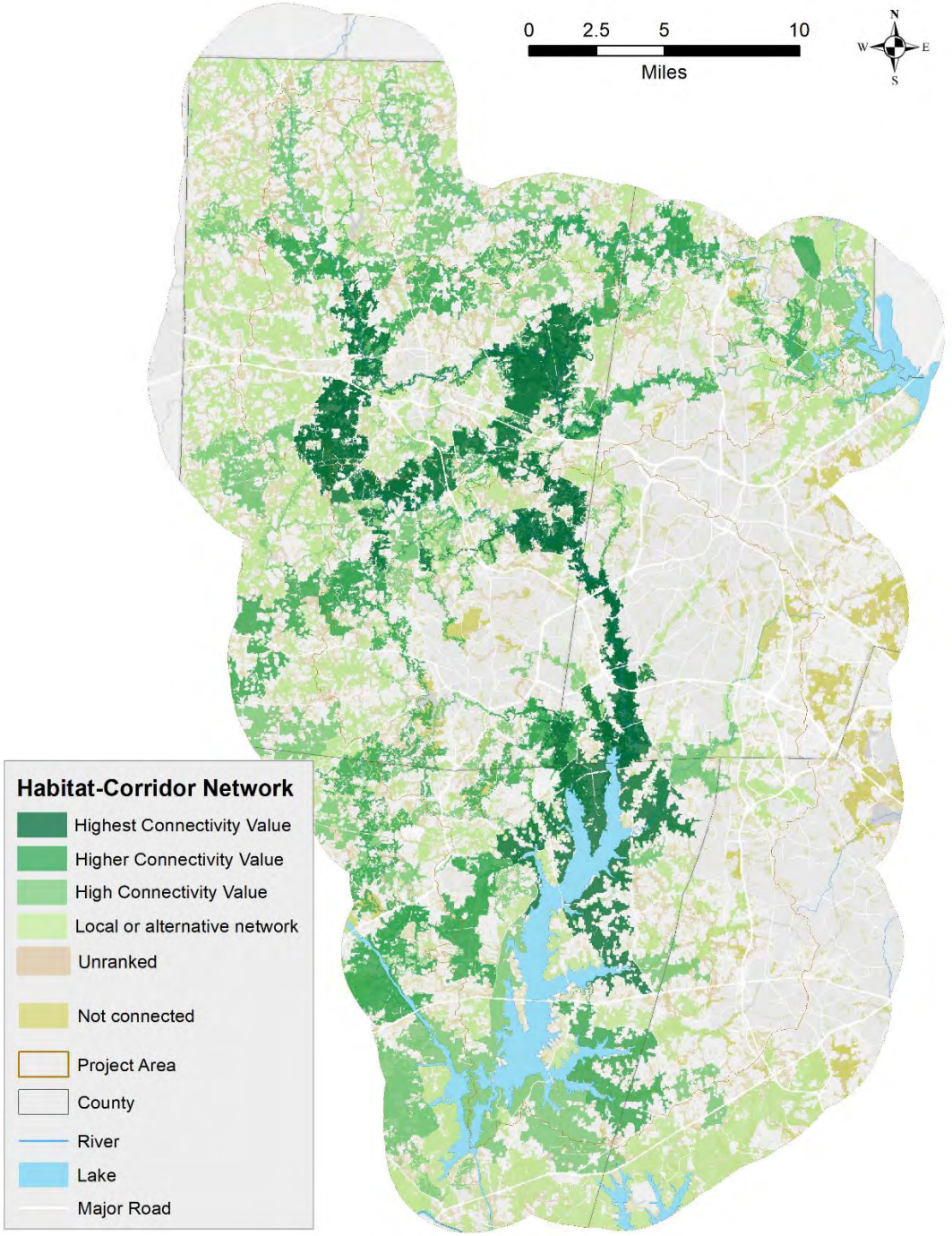

Figure 12(a). *Results of GIS-based corridor analysis for the Eno-New Hope project area, shown here as the priority habitat-corridor network for the three habitat guilds, combined with a semi-transparent overlay. Each guild's network is divided into 4 classes based on natural breaks in the connectivity importance values (EBC). Connectivity importance value for each patch in a guild represents the maximum of the habitat-only and species observation network EBC values. Unranked areas represent suitable habitat smaller than the minimum patch size or corridors with cost distance greater than the guild's cost distance threshold. Disconnected areas represent habitat patches that are not connected to the overall habitat network, either because of intervening barriers or because the lowest cost distance to the overall network is greater than the cost distance threshold for the guild.*

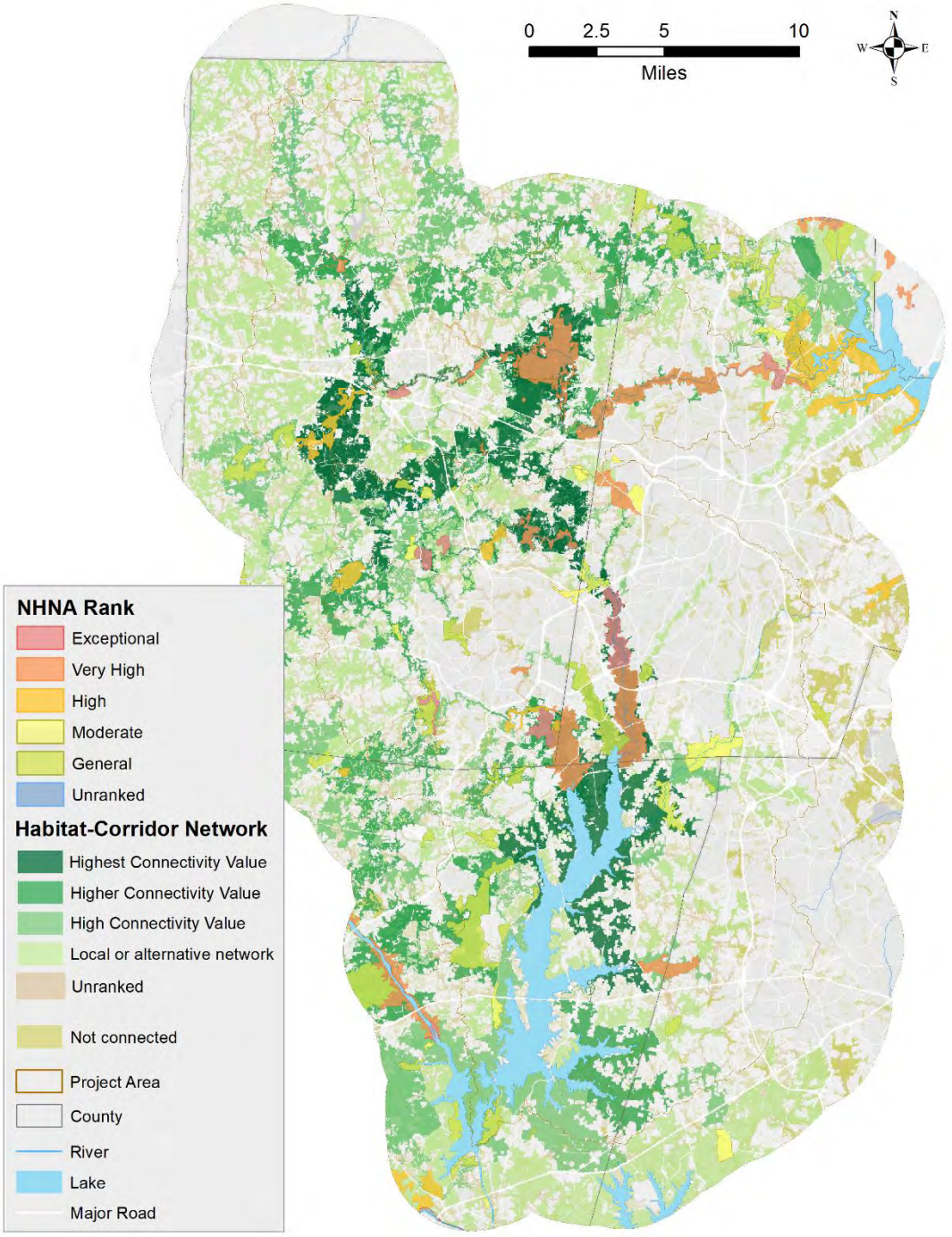

Figure 12(b). *Natural Heritage Natural Areas (NHNAs) (NCNHP 2019c) overlaid on the habitat-corridor network for the project area, depicted as in Figure 12(a).*

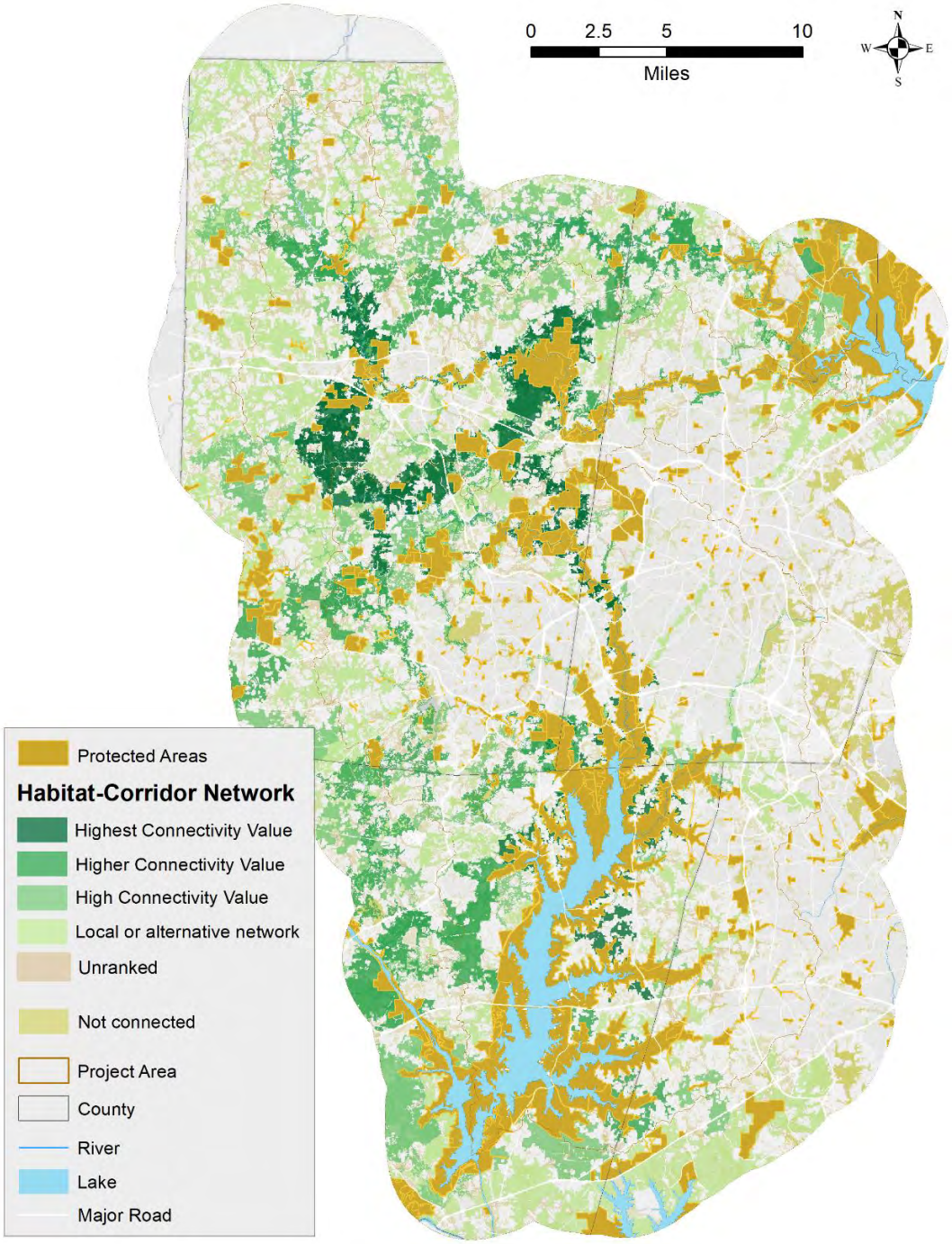

Figure 12(c). *Protected areas (NCNHP 2019b) overlaid on the habitat-corridor network for the project area, depicted as in Figure 12(a).*

EXISTING LAND PROTECTION PRIORITIES

Many jurisdictions have identified or mapped specific land protection priorities in planning documents, which we summarize here by jurisdiction. As expected, many of these priorities overlap with the priority habitat and corridor areas identified in this project (and some priorities from older plans have already been protected). However, it should be noted that not all priorities suggested in these documents have been incorporated into formally adopted plans or ordinances. More detailed comparison of this project's corridor analysis results to existing priorities and other conservation data layers can guide a comprehensive reassessment of land protection priorities that considers landscape-wide habitat connectivity within and between jurisdictions.

CHATHAM-CARY

The **Chatham County Town of Cary Joint Land Use Plan** (2012, last amended 2016) prioritizes a natural buffer along either side of the American Tobacco Trail (ATT) right-of-way (consistent with the Town of Cary's Land Development Ordinance) and, where needed, supplemental plantings to achieve an opaque or semi-opaque buffer. The buffer does not apply to existing development plans.

DURHAM-ORANGE-CHAPEL HILL

Priorities from the **New Hope Corridor Open Space Master Plan** (1991) and County/Town resolutions include (adopted as comprehensive plan amendments by Orange County and the Town of Chapel Hill, and "in concept" by Durham City-County):

- From the resolution: Overland areas between watersheds, the 100-year floodplain of New Hope Creek and Mud Creek, and a 200-foot-wide corridor between Duke Forest and Eno River State Park. Corridor areas are shown in a map attached to the resolution.
- From the master plan: The stream course, 100-year floodplain, 20% slopes adjacent to floodplains, the remaining land between the top of a slope and the nearest road or existing development, the NC 751 Scenic Road, larger tracts of particular historic, educational, or recreational value (open space anchors), and protection of wildlife via mapped wildlife protection areas
- The plan further states, "…strict protection of 20% slopes would result in a patchwork of isolated areas too small to serve as habitat or survive over time. Therefore, it was determined that in keeping with the environmental, recreational, and educational purposes of this Plan, a buffer 200' wide should be preserved adjacent to certain floodplains as indicated in the appropriate components. This buffer includes much of the steep slopes…"
- Specific sites recommended by the plan include:
    - New Hope Creek from NC 54 north and west to Erwin Road in Orange County
    - Dry Creek from New Hope Creek on the north side of Chapel Hill-Durham Boulevard west to Erwin Road and the future Chapel Hill greenway
    - Mud Creek from New Hope Creek north to NC 751
    - Connections between Mud Creek-NC 751 and Eno River State Park along NC 751 and Orange County roads (to the west)
    - Sandy Creek from New Hope Creek on the south side of Chapel Hill-Durham Boulevard northeast across the Boulevard to NC 751

More detailed recommendations for each site are provided in the plan. The plan lists 1,802 acres to be protected (1,699 by acquisition or donation, the rest by conservation easement). Maps in the plan show the areas recommended for protection.

CHATHAM COUNTY

Plan Chatham (2017)

The Conservation Design land use district prioritizes Big Woods NHNA and a connector to the Haw River. The plan also suggests studying the feasibility of establishing a nature preserve on the county-owned land along Terrell's Creek adjacent to Crawford-Dairy Road.

Big Woods Conservation Design Guide (2017)

The design guide includes the following recommendations:

- The county should prepare a map of a proposed connected system of conservation space for the county.
- Chatham County and the Triangle Land Conservancy should partner with interested landowners to permanently protect wildlife hubs and corridors, such as the Big Woods NHNA.
- Where appropriate, consider the use of bottomless culverts, spanning bridges, or other crossing structures to enable the movement of wildlife. This may be especially effective in avoiding impacts to aquatic habitats. Also, consider locating wastewater treatment systems, such as community septic systems or land application areas, outside of key habitat hubs and corridors.
- Identify areas targeted for improved open space, such as greenways, that provide recreational opportunities and alternative transportation options while functioning as wildlife corridors. Such opportunities exist between Bynum, the Big Woods NHNA, and Jordan Lake Game Lands.
- Define the types of resources that should be considered Primary Conservation Areas and Secondary Conservation Areas.
- Recognize opportunities to protect large, intact open space areas so that as development occurs, they continue to extend contiguously across property boundaries to maintain wildlife corridors and connect habitat hub areas.

DURHAM CITY-COUNTY

Durham Comprehensive Plan (2016)

A priority in the comprehensive plan is to restrict uses adjacent to Eno River State Park to those compatible with recreational uses, such as residential uses and public and private recreation and open space.

Durham Urban Open Space Plan (2017)

Priorities include:

- For District 4: Better connectivity between planned trails, riparian corridors, and the ATT.
- For District 5: Develop greenways with linear open space connecting NCCU, Hayti Heritage Center, and Downtown. Foster linear open space connections to Burton Park including stream restoration and tree canopy along the proposed Burton Creek Trail. Preserve and enhance larger tracts of forest in stream valley areas. Create larger corridors to connect Burton Creek and Campus Hills Park. Green connectors could be made to NCCU and Durham Tech that would allow for flexible use of open space.

ORANGE COUNTY

Lands Legacy Program Action Plan 2018-2020

- Action plan objectives include:
  - High-priority Natural Areas (NHNAs) adjacent to existing conservation lands
  - Collaboration with towns for open space acquisition, including trails, greenways, and connecting important open space
- Priority projects include:
  - Upper Eno Preserve – lands adjacent to 7-Mile Creek and trail link to Riverwalk
  - Farmland easements – priority water supply watersheds and riparian buffers
  - Jordan Lake Headwaters Preserve
  - Corridors between New Hope Creek and Eno River
- Acquisition objectives include riparian buffers for the Upper Eno River, Upper New Hope Creek, Bolin Creek, and others

New Hope Corridor Open Space Master Plan: Proposals for Linking Duke Forest and Eno River State Park (1993)

Priorities include:

- To protect a 200-foot wildlife corridor running from Eno River State Park to Duke Forest along Rhodes Creek and parallel to Southern Railway
- A wildlife underpass at the I-85/US-70 interchange

Mountains-to-Sea Trail Route Map (2018)

The Orange County Mountains-to-Sea Trail Route map, adopted in January 2018, shows existing and proposed sections of the trail through Orange County.

Eno Economic Development District Small Area Plan (2008, amended 2009)

Priorities include:

- Wildlife crossing structure(s) upon redesign of I-85/US-70 interchange
- To preserve stream corridors and create public trails between developed areas and Eno River State Park and Duke Forest

Stoney Creek Basin Small Area Plan (1996)

Priorities include:

- Protection of natural terrain features and sensitive ecological areas, especially Duke Forest, wildlife corridors along Stoney Creek, and NHNAs identified in inventories
- The Stoney Creek corridor lies 100 meters (328 feet) on each side of Stoney Creek and connects Duke Forest and the Eno River.

Town of Carrboro

Facilitated Small Area Plan for Carrboro's Northern Study Area (1999)

The Land Use Plan Map for the Northern Study Area proposed potential locations of four new parks (as recommended in the town's Recreation and Parks Master Plan), three of them accessible from the proposed Bolin Creek greenway. In particular, the plan focuses on aiming for more than a small 10-acre park on UNC's Horace Williams Tract, to encompass natural areas within the Bolin Creek floodplain and a remaining hardwood forest stand.

The plan explicitly requires preservation or strict limitation of development in natural areas along the Bolin Creek basin, in the Meadow Flats area, and in other sensitive environmental areas identified in the plan's Environmental Constraints Map.

Conservation Areas in the Upper Bolin Creek Watershed (2005)

The town adopted this map of proposed conservation areas as a guide, stating "Conservation areas shown on the map will be preserved to the extent required by the Town of Carrboro Land Use Ordinance." The proposed conservation areas were mapped according to existing conservation lands and open space as well as conservation areas as defined in the town's Land Use Ordinance.

Recreation and Parks Comprehensive Master Plan Update for the Town of Carrboro (2006)

The recreation and parks action plan suggests a focus on land acquisition for the Bolin Creek and Morgan Creek greenways and designation of portions of these stream corridors as "Natural Areas" or "Nature Preserves".

Town of Chapel Hill

Central West Small Area Plan (2013)

A priority in the plan is to maintain (or reestablish if needed) riparian buffers along streams with sufficient allowance for wildlife corridors.

Chapel Hill 2020 Comprehensive Plan, Future Focus Area 6 (2012)

Priorities include:

- To promote greenways, particularly along and near creeks (Areas 1, 2, 3 on Focus Area map).
- To maximize permanent preservation of open space (Areas 2, 3 on Focus Area map).

WAKE COUNTY

Corridor Acquisition Priorities from the **Wake County Open Space Acquisition Corridors** map (2008) include the Beaver Creek Corridor (acquisition priority) with some "partnership" tracts, and a couple of "partnership" tracts on the tributary north of Beaver Creek

Municipal priorities from the **Wake County Consolidated Open Space Master Plan** (2006) include:

- For **Cary**: The planned open space/greenways map. Cary's goal is 12,000 acres of open space (both public and private).
- For **Apex**: "acquiring 112 acres of active and 70 acres of passive recreation lands", "acquiring up to nine specific Resource Conservation Area tracts", and "…developing the Beaver Creek Greenway and the Lexington Greenway…"

EXISTING POLICIES AND ORDINANCES

Review and synthesis of planning documents, ordinances, and spatial data revealed a set of underlying elements relevant to landscape corridor planning and protection, which can be organized into four general categories: natural resources protection, land use and development, planning and collaboration, and transportation. The results of this review, organized by jurisdiction, are presented as a resource that can be cross-referenced with other jurisdictions, the corridor analysis results, and the recommendations in this report, which can help identify opportunities for ensuring landscape habitat connectivity through specific policies, ordinances, incentives, processes, and collaboration. Official documents should be consulted for additional information. A list of documents reviewed is provided in Appendix D of this report.

CHATHAM-CARY

The *Chatham County Town of Cary Joint Land Use Plan* (2012, amended 2016) envisions that the western Cary/eastern Chatham County area should remain rural and provides for a rural buffer that limits water and sewer services to help achieve this vision. This plan also calls for the creation of parks and greenways in this area.

DURHAM-ORANGE-CHAPEL HILL

The *New Hope Corridor Open Space Master Plan* and its appendices (1991) were reviewed.

Appendix B provides a joint resolution "to Preserve a Corridor of Open Space Connecting New Hope Creek with the Eno River Through Orange and Durham Counties" that was passed by the elected boards of Orange County, Durham City-County, and the Town of Chapel Hill. This resolution states, "Therefore, Be It Resolved that the jurisdictions…support the following: 1. The preservation of a corridor of public open space linking New Hope Creek with the Eno River, including the 100-year floodplain of New Hope and Mud Creeks and a 200' wide corridor connecting the Duke Forest Divisions to the Eno River State Park through Orange and Durham Counties, as shown conceptually on the attached map. 2. Each County and the municipalities within will support and fund the project in a proportionate manner. 3. The Administration of each jurisdiction is directed to prepare more detailed plans for this project, including identifying the exact route, the amount and location of land and easements to be preserved, developing a preservation plan, identifying possible funding sources, and preparing a timetable for completion."

The full plan, which was adopted by Orange County and the Town of Chapel Hill and adopted *in concept* by Durham, contains more detailed recommendations and protection priorities (see the Existing Land Protection Priorities section in this report).

This plan established a multi-jurisdictional advisory committee, the New Hope Creek Corridor Advisory Committee, to help guide conservation efforts by the four jurisdictions and to monitor progress periodically, which has continued to the present day. The presence of this advisory committee since 1991 has provided historical context and continuity that helps the four jurisdictions adhere to the plan's policies and priorities in a changing environment.

ORANGE-CHAPEL HILL-CARRBORO

The *Orange-Chapel Hill-Carrboro Joint Planning Agreement* (1987, last amended 2015) and *Joint Land Use Plan* (1986, last amended 2015) were reviewed.

The *Joint Land Use Plan* indicates that the county's Resource Protection Areas overlay should, in the Joint Planning Areas, "form the basis for a comprehensive parks and open space system which provides

the framework within which other land use categories are to function." The plan reiterates the New Hope Creek Corridor Open Space Areas, which are relevant for the county and Chapel Hill. The *Facilitated Small Area Plan for Carrboro's Northern Study Area* is "specifically incorporated by reference" in the *Joint Land Use Plan* and "...supersedes any provisions of this Plan that are inconsistent with the Small Area Plan with respect to the...Transition Area."

CHATHAM COUNTY

Chatham County's land use and related ordinances as well as the following plans were reviewed: *Plan Chatham* (the Chatham County comprehensive plan) (2017), *Land Use Strategic Plan* (1999), and *Chatham County, North Carolina Agricultural Land Use Plan* (2009).

At the time of this document, Chatham is beginning to revise its ordinances to meet the goals laid out in *Plan Chatham*.

NATURAL RESOURCES PROTECTION

Chatham County has integrated natural resource protection throughout *Plan Chatham*, the comprehensive plan, by including open space protection and landscape connectivity in its conservation goals and as part of its economic, climate resiliency, parks and recreation, transportation, housing, public works/utilities, and community health goals (open space protection is also a goal in Chatham's earlier *Land Use Strategic Plan* and *Agricultural Land Use Plan)*. The county has set a goal to protect an additional 20,000 acres of land by 2040. Within the goal to "conserve natural resources", multiple strategies that aim to protect and connect important natural areas are recommended throughout the plan, including:

- Encourage development design that preserves unique natural features on sites. Examples include wildlife hubs and corridors, mature forest, hedgerows, rare habitats, riparian areas, drainage-ways (above USGS-defined "blue line" streams).
- Encourage development design to preserve forest cover and additional uplands.
- Protect NHNAs, habitat hubs, and wildlife corridors through voluntary reservation, acquisition and partnerships with nonprofits and private entities. Study the establishment of a county-led land acquisition program to assist in local land protection efforts.
- Allow density transfers to protect landscape level green infrastructure (such as greenbelts around towns and planned activity centers).
- Continue to allow administrative approval for conservation subdivisions up to 15 lots and consider allowing administrative approval for conservation subdivisions up to a certain size provided that design criteria are established.
- Allow off-site septic for conservation subdivisions, but discourage for conventional subdivisions
- Website updates and creation of county GIS datasets, including a dataset on wildlife corridors and hubs.
- Develop open space framework plans for areas with high value natural assets. These plans would acknowledge the areas identified as valuable natural resources and describe the integration with public and private development while maintaining the integrity of the resources. Mapped using GIS, these data could inform decisions about open space preservation in conservation design (such as in the plan's Natural Resources Element and the Big Woods Concept Plan in the Big Woods Conservation Design Guide, included as an appendix to *Plan Chatham*).
    - Areas that would be candidate locations for open space framework plans include the Haw River Corridor, Rocky River Corridor, Southeast Jordan Lake, and other areas surrounding NHNAs.

- Support well-designed, decentralized wastewater systems in order to support land use goals and objectives, particularly:
    - …Conservation subdivisions that conserve sensitive natural resources while protecting property rights

LAND USE & DEVELOPMENT

The *Future Land Use and Conservation Map* within *Plan Chatham* shows important natural areas connected to one another through riparian buffers and/or rural lands. Conservation subdivisions with connected natural areas and wildlife corridors are the encouraged residential development pattern in rural and conservation areas identified on the map. Currently, Chatham County has a conservation subdivision option which provides a density bonus for a natural area set-aside of 40% for the protection of the following priority natural features:

- NHNAs and Natural Heritage Element Occurrences
- NC Wildlife Action Plan Upland Systems (≥ 5,000 ft^2 must exist)
- NC Wildlife Action Plan Lowland Systems (≥ 5,000 ft^2 must exist)

At least 50% of the open space must be configured to be contiguous on-site. Applicants must include a fragmentation map that helps the applicant configure the open space to be contiguous with important natural features within 1 mile of the parcel boundaries.

Additionally, Chatham County requires that all developments protect 30-foot, 50-foot, and 100-foot buffers on ephemeral, intermittent, and perennial streams, respectively. When environmental impact assessments are required of developments, they must also identify natural communities, wildlife, and impacts on wildlife.

At the time of this document, Chatham is beginning to revise its ordinances to meet the goals laid out in the comprehensive plan. The plan has provided specific recommendations to improve the incentives for conservation subdivisions. Under Strategy 4.4, the plan recommends "modified submittal requirements for conventional and conservation subdivision design (CSD). Specific amendments to the existing regulations could include the following:

- Modify procedures to simplify the review and approval steps. The process for designing and permitting a residential subdivision that adheres to conservation design standards should be no more arduous or expensive than the process for designing and permitting a conventional residential subdivision.
- Clarify requirements to eliminate vague language and increase predictability.
- Clearly define specific design criteria to be met.
- Ensure standards are measurable.
- Consider allowing administrative approvals.
- Offer incentives to make CSD a more attractive option than conventional subdivision, especially for smaller properties (i.e. <50 acres). Consider the following:
    - Density bonus adjustments (sliding scale based on parcel size)
    - Modifications to street requirements, and/or off-site septic allowances (contingent on soil survey results).
- Further clarify primary and secondary conservation areas and make datasets available to applicants to use as a starting point for identifying primary and secondary conservation areas to be set aside.
- Require conditional use permits for conventional subdivisions in Conservation Areas.

The plan also includes a conservation design guidance document, the *Big Woods Conservation Design Guide*, as an appendix. Using the Big Woods Upland Forest NHNA and adjacent wildlife corridors as an example, the guide outlines how to design conservation subdivisions to ensure priority natural areas are conserved and connected in ways that minimize habitat fragmentation.

PLANNING & COLLABORATION

Plan Chatham recommends that the county "partner with state and local governments and non-profit organizations to increase access to protected lands and unique natural features."

TRANSPORTATION

Chatham County does not address habitat fragmentation in the transportation section of its comprehensive plan, but Policy 7 is to "preserve rural character through appropriately designed transportation infrastructure in areas designated as Rural, Agriculture and Conservation on the Future Land Use and Conservation Map." The plan does recommend that greenways connecting open space be a key piece of the transportation future of the county. Trails and greenways are important components of many community development goals within the plan.

DURHAM CITY-COUNTY

Durham City-County's unified development ordinance and the following plans were reviewed: the *Durham Comprehensive Plan* (2016), *Durham County Open Space Corridor System* plan (1993), *Durham Urban Open Space Plan* (2017), and *New Hope Corridor Open Space Master Plan* (1991).

At the time of this report, Durham is beginning an update of its comprehensive plan and is seeking further information to enhance its environmental protections.

NATURAL RESOURCES PROTECTION

Durham has several policies in the *Durham Comprehensive Plan* that aim to identify and protect natural resources, especially streams, wetlands, and areas identified in the Natural Heritage Inventory or in open space plans for the county. Strategies to protect these resources include:

- Collaboration with partners to acquire lands
- Use of existing documents, plans, and data, such as NCNHP inventory data, to guide priorities
- Restoration of streams and wetlands
- Development of an open space coordination group, "including the Durham Open Space and Trails Commission and various organizations and agencies involved in open space preservation", to improve collaboration in open space preservation. (The Durham Open Space and Trails Commission also provides open space fund-raising support and matching grants program assistance.)

In 1993, the *Durham County Open Space Corridor System* plan set the stage for completion of open space plans for individual "natural area corridors" along major streams in Durham. The plan established policies to support the open space corridor system, including:

- Working with landowners to preserve corridor areas
- Supporting private and public-private efforts
- Cooperating with other public agencies
- Coordinating city and county efforts
- Educating the public on the value of river and stream corridors.

In order to coordinate the *Durham Comprehensive Plan* with open space planning, the city and county formally adopted (in concept) the *New Hope Corridor Open Space Master Plan* (1991) and other open space plans within the city-county (and any future updates of these plans). The *New Hope Corridor Open*

Space Master Plan identifies critical environmental areas, including the stream course, adjacent floodplains, steep slopes (defined as 20% or greater) adjacent to floodplains, larger tracts of particular historic, educational, or recreational value (open space anchors), and the NC 751 Scenic Road (designation and some acquisition), and recommends they be protected through easements or fee-simple acquisition.

LAND USE & DEVELOPMENT

The *Durham Comprehensive Plan* establishes land use and development policies and strategies to protect natural resources, including:

- A development review process that encourages developers to choose conservation subdivisions, infill development, planned developments, cluster developments, and other means to avoid impacting important natural areas, including NHNAs
- Regular update and maintenance of NCNHP data by the planning department
- Restriction of land uses near protected lands to minimize impacts to recreation. In particular, the plan restricts uses adjacent to Eno River State Park to those compatible with recreational uses.
- Protection of undisturbed, naturally vegetated stream buffers and prohibition of most development activities within stream buffers.

The earlier *Durham County Open Space Corridor System* plan established related policies, including:

- Encouraging clustered development away from natural areas
- Requiring inclusion of open space in new developments

Article 8, Environmental Protection of Durham's UDO provides natural resource protections to minimize impacts of developments on the environment, including streams and wetlands, steep slopes, and, through conservation subdivisions, Natural Heritage Inventory sites and defined conservation areas, as follows:

Stream and wetland buffers

Minimally, the UDO requires developments to protect an undisturbed, naturally vegetated, buffer of at least 50 feet on intermittent and perennial streams, including modified natural streams. In watershed protection overlay areas, such as Eno River and Jordan Lake, the buffer for perennial streams is widened to 150 feet in watershed critical areas and 100 feet in watershed protection areas.

While acknowledging the pre-eminence of Federal and State identification and regulation of wetlands, Durham requires at least 25-foot buffers around the perimeter of wetlands 1 acre or greater in size.

Steep slopes

Except in the Patterson Place Compact Neighborhood Tier, the steep slopes ordinance limits grading to no more than 15% of the steep slope area on the tract. Land disturbance solely for the purpose of public right-of-way is exempt from this limit. A residential density credit is provided for the amount of land designated as steep slopes. Steep slopes are defined as areas with a natural grade of 25% or more, an area of 5000 square feet or greater, and located within 200 feet of any floodway fringe or perennial stream or within 100 feet of an intermittent stream.

In the Patterson Place Compact Neighborhood Tier, which is adjacent to and includes portions of the New Hope Creek Corridor designated in the New Hope Corridor Open Space Plan, grading of any portion of steep slopes is prohibited. In addition, "The only allowed disturbance shall be unpaved walking paths and foot trails constructed with minimal disturbance of tree roots and existing vegetation. No tree eight inches dbh [diameter at breast height] or greater shall be removed for the construction of the trail." Steep slopes here are defined as areas with a natural grade of 15% or more, an area of 2500 square feet or greater, and located within 200 feet of any floodway fringe or perennial stream or within 100 feet of an intermittent stream. Development within this tier must conform to adopted plans, including specifically the New Hope Corridor Open Space Plan.

Open space within conservation subdivisions

Developments proposed for areas identified in the Natural Heritage Inventory should use by-right conservation subdivision design to protect significant natural features.

Conservation subdivisions are required to protect 50% of the site as open space. Most of the open space (80%) should consist of features identified as a primary conservation areas. Secondary conservation areas and other open space can be included only after primary conservation areas comprise 80% of required open space.

Primary conservation areas are defined in order of priority as floodplains; riparian buffers; jurisdictional wetlands and their buffers; other water bodies; slopes greater than 25% and at least 5000 square feet in size; mature hardwood forests at least 1 acre in size; wildlife corridors, wildlife habitats, and other important sites.

Secondary conservation areas are defined in order of priority as mature forests at least 12,000 square feet in size; slopes greater than 20% unless identified as a primary conservation area; large, healthy individual trees; and some pedestrian trails. Other conservation areas include, but are not limited to, naturally vegetated areas, or areas re-vegetated to appear naturally vegetated, that are not primary or secondary conservation areas.

PLANNING & COLLABORATION

The *Durham Comprehensive Plan* explicitly recognizes the need for the planning department to prevent habitat fragmentation by "… develop[ing] a plan to interconnect open and green spaces where possible, including many of the larger areas designated for open space in open space plans and large undeveloped large tracts to reduce isolation resulting from fragmentation."

The comprehensive plan directs that:

- "The City Parks and Recreation Department and the County Engineering and Environmental Services Department shall coordinate park development and open space protection programs with the Eno River State Park and the Eno River Association."
- "The City-County Planning Department, City Parks and Recreation Department and the County Engineering and Environmental Services Department shall coordinate Durham's open space plans with other jurisdictions' plans and other regional open space initiatives."
- "The City and County shall continue coordination with the surrounding jurisdictions of Cary, Chapel Hill, Morrisville, Raleigh, Orange County, and Wake County in planning efforts…"
- "Durham City and County shall support State open space efforts, such as the...Mountains to Sea Trail, by coordinating their open space preservation efforts with the State."
- "The County Engineering and Environmental Services Department shall work collaboratively with the Durham Open Space and Trails Commission, local land trusts, the City Department of Parks and Recreation, and other community organizations to increase the amount of open space preserved."

TRANSPORTATION

The comprehensive plan supports the need to work with NCDOT to build wildlife passages under or over roads. The *Durham Urban Open Space Plan* recommends using riparian corridors as greenways to increase connectivity across the urban part of Durham.

ORANGE COUNTY

Orange County's unified development ordinance and the following plans were reviewed: *Orange County Comprehensive Plan 2030* (*Land Use* and *Natural & Cultural Systems* elements) (2008, updated 2012), *A*

Lands Legacy Program for Orange County (2000), *Lands Legacy Program Action Plan 2018-2020*, and *Orange County Parks and Recreation Master Plan 2030* (2014).

NATURAL RESOURCES PROTECTION

The *Orange County Comprehensive Plan 2030* includes natural area resource preservation as one of the Board of County Commissioners' 8 Planning Principles. Specifically, "protection of the County's natural areas, including forests, wildlife habitat, and other important open spaces should be a priority. The County should work with regional and local organizations, the towns, and private landowners to promote and achieve preservation of the County's important natural resources."

The *Natural & Cultural Systems Element* focuses on a systems approach to natural area and natural resource conservation.

- Goal 7 is a balanced and healthy diversity of plant and animal populations.
- Goal 8 is to establish networks of protected natural, cultural, and agricultural lands.
- The Natural Areas, Wildlife Habitat, and Prime Forests component provides "direction and guidance for future land protection efforts in the County." The objective was, at the time, to protect 10% of the county by 2010.

Under Goal 7:

- Objective NA-1 is to "conserve high-priority natural areas and wildlife habitats, including wetlands, rivers and streams, floodplains, steep slopes, prime forests, wildlife corridors, and other critical habitats."
- Objective NA-2 is to "conduct more frequent updates to the County's inventory of natural areas, and include previously unsurveyed areas of the County."
- Objective NA-3 is to "develop a more detailed and consistent methodology for monitoring changes in forest cover throughout the County, and specifically the extent of mature hardwood forest."
- Objective NA-5 is to "prohibit development that would cause adverse impacts on highly significant natural areas and wildlife habitat."
- Objective NA-8 is to "encourage forest management practices on both public and private land that minimize disruption and fragmentation of intact hardwood forests."

Under Goal 8:

- Objective NA-12 is to "establish a system of nature preserves that protect large areas of undeveloped land (including significant natural areas) surrounded by low-density development and working farms and managed forests."
- Objective NA-15 is to "protect land in and around biologically significant areas, and connections between these areas, to allow for the maintenance of native wildlife and plant populations and their functional relationships."

To guide natural area resource preservation, the comprehensive plan includes, as appendices, Lists of Significant Plant and Animal Species in Orange County, Lists of Rare Plant and Animal Species in Orange County, and a Map of Natural Areas and Macrosites.

The *Lands Legacy Program Action Plan 2018-2020* sets and continues the program's land acquisition and protection priorities (see the Existing Land Protection Priorities section in this report for 2018-2020 priorities).

In the *Parks and Recreation Element*:

- Objective PR-1.1 is to "acquire and /or retain public ownership of parks, recreation facilities, open space, and conservation areas that will serve Orange County."

- Objective PR-5.4 is to "encourage development of a system of private open space and conservation areas, including nature preserves, parks, linear parks, and scenic vistas compatible with the character of Orange County."

LAND USE & DEVELOPMENT

In the *Land Use Element*:

- Goal 1 sets the goal of sustainable growth, including environmentally responsible growth.
    - Objective LU-1.1 emphasizes locating higher intensity / high density residential and non-residential development to avoid areas with *protected* natural and cultural resources.
- Goal 2 is to create land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.
    - Objective LU-2.2 is to continue to protect valuable resource land such as…natural areas…through the County's Lands Legacy Program, and by directing incompatible development away from these areas through land use and zoning policies and regulations.
- Goal 5 is to keep life, health, and property safe from hazards.
    - Objective LU-5.1 prohibits new development in special flood hazard areas.

Under *Natural & Cultural Systems Element, Goal 8:*

- Objective NA-10 is to "require that all major subdivisions…include within their boundaries open space suitable for low-impact recreation and wildlife habitat."
- Objective NA-13 "promote[s] clustering of residential development and dedication of large areas of undisturbed land for low-impact recreational use by residents and for wildlife habitat. Where feasible, these areas should be contiguous to neighboring tracts of undisturbed land."
- Objective NA-14 is to "encourage developers and neighborhood associations to protect undeveloped community open space through formal conservation agreements."

For the Future Land Use classification map in *Appendix G, Land Use Classification and Overlay Locational Criteria,* land was evaluated to determine the suitability of certain locations to contain various land uses. Areas that are determined to be protected land uses are based on an evaluation of steep slopes, floodplains, rare species, and historic and cultural features. Resource Protection Areas (as an overlay) are "located in areas that contain significant and natural areas and wildlife habitats, including connecting wildlife corridors, as identified by local, state, or federal inventories." The New Hope Corridor Open Space overlay is designated to contain areas of "great diversity, including regionally rare plant species, hardwood trees of size and number uncommon for their location, and important wildlife habitat." All other land use classes are to be purposefully "located away from sites that would, if developed, create a threat to unique or endangered species as identified by the state or federal government."

Under Section 7, General Design Standards of the *Orange County UDO*, the Planning Department is directed to review development proposals to ensure that the land is suitable for the development being proposed. Suitability criteria include potential for flooding, soil drainage, drainage patterns, slope, historic sites, maximum anticipated levels of land disturbance for the project and all proposed individual lots, and unique natural features. Developments proposed for areas identified in Natural Heritage Inventories must include strategies to minimize impacts to the resources, such as clustering lots, conservation easements, etc. Open space is required of developments as well. Under Flexible Developments, 7.12, protected common open space must be set aside at a minimum of 33% and a maximum of 60% of the development site, depending on minimum residential lot size. The open space layout should provide "connectivity and compatibility with both existing development and other types of open spaces." The types of common open space provided in Flexible Developments include Primary Open Space Areas and Secondary Open Space Areas. Primary Open Space areas must be included toward the 33% minimum open space requirement, and Secondary areas can be included only after all Primary areas have been included. Primary Open Space Areas include:

- Wetlands and adjoining land areas identified as part of the NWI map for the county, the county's USDA soil survey, the county natural areas inventory, a required environmental assessment or environmental impact statement, and/or a site analysis by a relevant professional using data from USACE.
- Areas identified in the Orange County "Inventory of Natural Areas and Wildlife Habitats"
- 100-year floodplains and alluvial soils identified as part of the county's flood map and/or soil survey.
- Steep slopes, defined as slopes greater than 25% and identified as part of the county's soil survey or a site analysis by a relevant professional using data from USACE.
- Natural areas and/or wildlife habitats identified as part of the county's natural areas inventory, a required environmental assessment or environmental impact statement, and/or an independent study conducted by a trained botanist and/or biologist.
- Wildlife corridors as identified in the county's comprehensive plan.
- Historic and archaeological sites.

Secondary Open Space Areas can be chosen for access or composition, and compositional criteria include, but are not limited to:

- Woodlands, including lands for production of timber where selective harvesting and wildlife enhancement practices are used.
- Farmland.
- Slopes of 15% to 25%.
- Greenbelt linkages within an approved county greenbelt program.

Orange County ordinances also require 50-foot buffers on perennial and intermittent streams, although in protected and critical watershed areas, the buffer will be wider depending on ground cover and slope steepness, up to 150 feet.

PLANNING & COLLABORATION

The *Land Use Element* of the comprehensive plan emphasizes intergovernmental coordination of land use planning to create a sustainable land use pattern, including courtesy review and continuing an active dialogue with the towns.

The *Natural & Cultural Systems Element* provides many policies to encourage the county to work with partners to achieve its natural resources protection goals:

- The Natural Areas, Wildlife Habitat, and Prime Forests component calls for "a comprehensive natural areas and open space conservation plan" that addresses threats to important natural areas and rare species, connectivity between protected areas, coordination with neighboring counties and conservation partners, and the sustainable management of critical natural resources (Goal 8, Objective NA-11).
- "The goals and objectives are the framework for the County to work with local land trusts, institutions, and private landowners to preserve a natural network of lands in the County and to ensure long-term environmental sustainability of its natural systems."
- Interjurisdictional Coordination: "Natural and cultural resources know no political boundaries. As such, coordination both within Orange County government and with other area jurisdictions is of paramount importance."
- Intragovernmental: "The Commission for the Environment (CFE) is charged to advise the Board of Commissioners on matters affecting the environment, particularly the topical areas of air quality, water resources and natural areas/biological resources, as well as environmental education."

- Intergovernmental: "Coordination of County policies and decisions affecting natural and cultural resources with other jurisdictions in Orange County includes working with the Towns…and the City of Durham, to ensure that the interconnectivity of natural resources is recognized and planned for…The County's Lands Legacy Program strives for close coordination with the other adjoining local governments. Interconnectivity of natural resource lands, whether for wildlife or human uses, is a key component and likely to be an area of emphasis for many years to come."
- "In summary, conservation of the natural and cultural resources within Orange County will require heightened levels of cooperation and collaboration with the other local governments in the County and the region in future years."

TRANSPORTATION

Small area plans prioritize implementation or improvement of wildlife crossing structures at particular locations. Lands Legacy Program staff work with NC DOT to implement these structures when opportunities arise through transportation improvement projects.

Town of Carrboro

The Town of Carrboro's land use ordinance and the following plans were reviewed: *Carrboro Vision 2020: Policies through the Year 2020* (2000), *Facilitated Small Area Plan for Carrboro's Northern Study Area* (1999), and *Recreation and Parks Comprehensive Master Plan Update for the Town of Carrboro* (2006).

At the time of this report, Carrboro is in the process of developing a comprehensive plan to guide achievement of the vision described in *Carrboro Vision 2020*.

NATURAL RESOURCES PROTECTION

The Environmental Protection and Promotion section of *Carrboro Vision 2020* includes several policies that either directly or indirectly support the protection of natural areas and wildlife corridors, including:

- Section 5.2, Water
  - Policy 5.22: "Carrboro should adopt a strategy and set of policies to protect all of our creeks, streams, ponds, and lakes."
- Section 5.3, Open Space, Greenways, and Natural Areas
  - Policy 5.31: "Carrboro should work to preserve open space and greenways through all available means, such as direct purchase, conservation easements, donations, and federal and state grants."
  - Policy 5.32: "The town should map a connected series of greenways that are large enough to serve as wildlife corridors."
- Section 5.6, Farmland Preservation
  - Policy 5.61: "The town should adopt incentives to help limit the conversion of farmland to developed uses that bridge the transition areas. These incentives should be designed to preserve small farms, farm co-ops, and organic farming within new conservation subdivisions and elsewhere."

Recreation and Parks policies in *Carrboro Vision 2020* promote a network of greenways that supports wildlife corridors, including:

- Policy 1.11: "The town should encourage and support the development of greenways and parklands dedicated to public use along streams and easements. There should be a network of connected greenways throughout the town. These greenways should serve as nature trails, biking and walking trails, wildlife corridors. All should protect our natural environment."

- Policy 1.14: "The town should practice and encourage ecologically sound and sustainable maintenance of open space, including parks and greenways."

The *Facilitated Small Area Plan for Carrboro's Northern Study Area* explicitly requires preservation or strict limitation of development in natural areas along the Bolin Creek basin, in the Meadow Flats area, and in other sensitive environmental areas identified in the plan's Environmental Constraints Map.

Goal 2, Objective 2.B. suggests that the town "Investigate and implement various mechanisms for the acquisition of land for the purposes of providing open space, creating trail and bikeway linkages, and preserving environmentally sensitive areas." Similarly, Goal 3, which focuses on "conservation of natural and environmentally sensitive areas, and the protection of environmental quality," includes as an objective the "pursuit of land acquisition or dedication strategies to protect important natural areas."

The action plan for the *Recreation and Parks Comprehensive Master Plan Update for the Town of Carrboro* suggests a focus on land acquisition for the Bolin Creek and Morgan Creek greenways and designation of portions of these stream corridors as "Natural Areas" or "Nature Preserves". The plan outlines greenway guidelines and development criteria that designate environmentally sensitive areas as "no facility development" or "low impact uses/limited development" areas.

LAND USE & DEVELOPMENT

The development-related sections of *Carrboro Vision 2020* include several policies that support the protection of natural areas and natural resources. The Development section states, as a value that should guide development, that "Respect for and protection of the natural environment should be integrated into the town's policies as a high priority in enriching the quality of life." Several Development section policies support protection of natural areas, open space, and buffers, including:

- Section 2.1, Adverse Effects on Public Health and Safety
    - Policy 2.12: "The town should limit development in sensitive areas such as the watershed, wetlands, and other areas the development of which could adversely affect water supplies and habitat. The town's restrictions on development within the University Lake Watershed should be retained and enforced."
- Section 2.2, Preservation of the Natural Environment
    - Policy 2.21: "The town should continue to require the preservation and maintenance of open space when land is developed, to enforce restraints on clear-cutting, and to require adequate buffers."
    - Policy 2.22: "Where development is deemed acceptable, there should be well defined dense development with areas of well preserved open space."
    - Policy 2.23: "The town encourages the planting of native plant species, as well as non-native species that are not invasive. Removal of invasive species is encouraged. The town supports education on this topic and encourages the public to become aware of the list of invasive plant species found in Appendix E-17 of the Town of Carrboro Land Use Ordinance."
- Section 2.4, Carrboro's Character
    - Policy 2.42: "The town should adhere to policies that...retain unspoiled green spaces and other natural areas."

Economic Development, Section 3.1, Nature of Development, states, "In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods."

Housing Policy 6.15 supports "...the development of density bonus provisions for projects incorporating environmentally sensitive development and building practices."

In the *Facilitated Small Area Plan for Carrboro's Northern Study Area*, Goal 1 promotes "patterns of growth which minimize negative impacts and maximize positive impacts on the community and the natural environment." Objectives for this goal include requiring clustered residential development and pursuing objectives under the plan's environmental quality goal. Implementation measures for this goal include:

- setting standards for conservation lands and providing density options based on the percentage of land conserved
- requiring "that all primary conservation areas be protected and designated as open space, regardless of the percentage of the development this encumbers, unless the strict provisions required to obtain a variance apply to a particular piece of property"
- providing density incentives and disincentives to encourage conservation subdivisions
- requiring greater detail about natural and cultural features on plans submitted for review
- establishing interactive site plan review procedures that promote early understanding and planning to conserve a site's sensitive natural resources and contribute to "interconnected open space network protection."

Goal 3 focuses on "conservation of natural and environmentally sensitive areas, and the protection of environmental quality." The objectives for this goal include:

- the use of conservation overlay standards to determine site-specific stream buffer widths
- creation of a resource or open space conservation district to prohibit development of natural and environmentally sensitive areas
- pursuit of land acquisition or dedication strategies to protect important natural areas
- mitigation of development impacts to streams and creeks
- identification of primary and secondary conservation areas as defined in the town's land use ordinance

Goal 6, "adequate provision of publicly accessible parks and recreation facilities," focuses on establishing a system of connected greenways, including requiring "...developers of new subdivisions to lay out and construct neighborhood trails through their new developments in such a way that they will connect with and extend the Town's more formal greenway network." This goal also includes the objective of offering a de facto density bonus to obtain more than a 10-acre park from the UNC-owned Horace Williams Tract, to consist of natural areas in the Bolin Creek floodplain and an area of hardwood forest. Implementation measures for this goal include requiring conservation land, open space, and greenways in new subdivisions to interconnect.

Goal 10, "encourage active farmland preservation," describes several strategies that could support the maintenance of corridors that traverse working lands.

The *Carrboro Land Use Ordinance*, Article IX, Zoning Districts and Zoning Map establishes a Conservation District "severely restricting development within and adjacent to certain lakes, ponds, watercourses, streams, creeks, drainage areas, floodplains, wetlands, and other flood-prone areas within the University Lake Watershed." Article IX also establishes a Village Mixed Use District that includes open space protection in two of its 10 required rezoning objectives:

- "The preservation of open space, scenic vistas, agricultural lands and natural resources within the Town of Carrboro and its planning jurisdiction and to minimize the potential for conflict between such areas and other land uses."
- "The creation of a distinct physical settlement surrounded by a protected landscape of generally open land used for agricultural, forest, recreational and environmental protection purposes."

A Village Mixed Use rezoning application for property within the Orange-Carrboro Joint Planning Area "shall be denied if the application is inconsistent with the approved master plan in any substantial way.

...an application for a conditional use permit is inconsistent in a substantial way with a previously approved master plan if the plan of development proposed under the conditional use permit application increases the residential density or commercial floor area permissible on the property or decreases or alters the location of open space areas."

Article XII, Density and Dimensional Regulations provides for "cluster subdivisions" with reduced lot sizes in exchange for setting aside the land "saved" by reduced lot sizes as open space.

Article XIII, Recreational Facilities and Open Space directs that open space should serve several objectives, including:

- preservation of environmentally sensitive lands
- preservation of habitat for wildlife

Residential zoning districts, with a few exceptions, must be developed so that at least 40% of the total area is preserved as permanent open space. Two additional zoning districts must be developed with at least 20% of the total area preserved as open space. Carrboro defines primary and secondary conservation areas that must be identified and prioritized for open space in developments. Where primary open space exceeds 40% of the total area, the development plan should provide for preservation of these additional areas even if on privately owned lots. Residential subdivisions of fewer than 15 dwelling units or consisting solely of multi-family, single-room occupancy units are exempt from the open space requirements. Primary open space includes:

- steep slopes (greater than 25%)
- hardwood areas designated in the Town's GIS
- wetlands as defined pursuant to Section 404 of the Clean Water Act
- floodplains
- water quality buffers on perennial and intermittent streams
- lakes and ponds
- road buffers

Secondary open space includes:

- slopes greater than 15% but not more than 25%
- wooded areas other than hardwood areas designated in the Town's GIS
- vistas along entranceways to the town
- other areas containing unusual natural features (such as major rock formations)
- 60-foot buffers for streams on the Town's adopted Stream Classification Map
- other environmentally, historically, archeologically significant, or unique areas, including water quality buffers on ephemeral streams

Article XVI, Part III requires protection of water quality buffers (with some exempt and allowable activities) in two zones: Zone 1, a streamside zone, should consist of mature forest. Zone 2 is an undisturbed area intended to protect Zone 1; grading and revegetating of Zone 2 are allowed provided that the vegetation of Zone 1 is not compromised. Required total buffer width (split equally between Zones 1 and 2) is 100 feet for perennial streams, ponds, lakes, and reservoirs and 60 feet for intermittent streams and ponds. In the University Lake Watershed, the entire buffer width should consist of Zone 1 buffer. Ephemeral streams and ponds with a contributing drainage area of at least 5 acres require 15-foot Zone 2 buffers (30 feet within the University Lake Watershed).

PLANNING & COLLABORATION

The transportation-related goal of the *Facilitated Small Area Plan for Carrboro's Northern Study Area* includes in its implementation measures two types of coordination: 1) coordination of transportation planning with Chapel Hill and other relevant agencies and 2) promotion of coordination between

developers for the planning of routes. The *Orange-Chapel Hill-Carrboro Joint Planning Agreement* requires the town to coordinate with Orange County and the Town of Chapel Hill in the town's development transition areas and the county's rural buffer zone.

TRANSPORTATION

The Transportation section of *Carrboro Vision 2020* and the transportation-related objectives of the *Facilitated Small Area Plan for Carrboro's Northern Study Area* do not address wildlife habitat, habitat connectivity, or corridors.

Town of Chapel Hill

The Town of Chapel Hill's Land Use Management Ordinance as well as the following plans were reviewed: *Chapel Hill 2020 Comprehensive Plan* (2012)*, Chapel Hill Comprehensive Parks Plan* (2013)*, Greenways Master Plan* (2013)*, Rogers Road: Mapping our Community's Future* (2016)*,* and *Central West: Small Area Plan* (2013)*.*

At the time of this report, the town is in the process of rewriting its Land Use Management Ordinance and refining the Future Land Use Map.

NATURAL RESOURCES PROTECTION

The *Chapel Hill 2020 Comprehensive Plan* has several goals that directly aim to protect wildlife corridors and habitats. Most significantly, Goal NOC.3, to "protect, acquire, and maintain natural/undeveloped open spaces and historic sites in order to protect wildlife corridor, provide recreation and ensure safe pedestrian and bicycle connections. These spaces could include, amongst other things Significant Natural Heritage Areas (SNHA) lands adjacent to and connecting various properties like riparian lands, etc.", directs the Town to implement many actions that the Eno-New Hope Landscape Conservation Project can support, including:

- Create a comprehensive conservation plan that includes a green print map, addressing streams, floodplains, wildlife corridors, natural heritage areas, open space, steep slopes, entranceways and scenic views, tree cover, and farmland
    - Determine priority areas for riparian protection and restoration
    - Work with Orange County to develop an inventory of natural/undeveloped spaces, especially those that serve as wildlife corridors
        - Develop wildlife area map including known endangered species
    - Determine vulnerable habitats and spaces/places for preservation such as Significant Natural Heritage Areas and other areas within the town necessary to maintain and uphold Chapel Hill's distinct balance between people and the natural landscape
- Protect, acquire, and maintain natural/undeveloped spaces for parks, greenways, and community gardens and protect the quality of the community's waterways and air resources
    - Protect the rural buffer established through the Orange County Land Use plan
    - Encourage conservation easements to ensure permanent protection
    - Ensure that the spaces identified in the Green Print Map are protected when development is proposed in surrounding areas

Goals NOC.2 and GPNS.7 also support the protection of wildlife corridors and ecosystems.

Connected parks through natural area greenways (minimum 50-feet wide) are a key piece of parks and recreation development in Chapel Hill, and the *Chapel Hill Comprehensive Parks Plan* aims to continue

to expand this network to meet their recreation and transportation needs. The *Greenways Master Plan* also emphasizes greenways as natural, linear open spaces that provide travel corridors for wildlife.

LAND USE & DEVELOPMENT

Small area plans in areas of priority wildlife corridors call for the protection of natural resources as the areas develop. *Rogers Road: Mapping our Community's Future* guides land use in an area identified by this project as being part of a priority wildlife corridor. This document calls for action that "balances land conservation with density to reduce suburban sprawl, minimizes disruption to the natural landscape, & opens [the] environment to people's use and enjoyment." The *Central West: Small Area Plan* also calls for "respecting the environment, protecting wildlife, enhancing the area's natural features, preserving the area's tree-filled character, and implementing stormwater management standards." It also recommends the "[maintenance or reestablishment] if needed [of] riparian buffers along streams with sufficient allowance for wildlife corridors."

The town's Land Use Management Ordinance also supports the protection of natural resources in areas of new development. In *Article 3, Zoning Districts, Uses, and Dimensional Standards*, the Resource Conservation District (RCD) "retain[s] open spaces and greenways and to protect their environmentally-sensitive character, to preserve urban wildlife and plant life habitats from the intrusions of urbanization," among other goals. The RCD:

- requires 150-foot buffers on perennial streams and 50-foot buffers on intermittent streams
- allows landowners to transfer their development rights to receiving parcels in other districts

Article 5, Design and Development Standards provides regulations that serve to minimize the impact of development on the environment, such as the following:

- *5.3.2. Steep Slopes* minimizes degradation of slopes greater than 15%
- *5.5. Recreation* requires that recreation areas, whether they be for passive or active recreation, must be configured to be adjacent to other recreation areas
- *5.7.5 Significant Tree Stands* protects mature contiguous woodlands to the extent practicable.

PLANNING & COLLABORATION

The *Chapel Hill 2020 Comprehensive Plan*, *Chapel Hill Comprehensive Parks Plan,* and *Greenways Master Plan* all identify the importance of collaborating with partners to meet its environmental protection goals and actions. The *Orange-Chapel Hill-Carrboro Joint Planning Agreement* requires the town to coordinate with Orange County and the Town of Carrboro in the town's development transition areas and the county's rural buffer zone.

TRANSPORTATION

Connected parks through natural area greenways (minimum 50-feet wide) are a key piece of parks and recreation development in Chapel Hill, and the *Chapel Hill Comprehensive Parks Plan* aims to continue to expand this network to meet their recreation and transportation needs.

Town of Hillsborough

The Town of Hillsborough's unified development ordinance and the following plans were reviewed: *Strategic Growth Plan* (2006), *Hillsborough Vision 2030* (2015), *Parks and Recreation Master Plan* (2007, updated 2009 and 2014), *Community Connectivity Plan* (2009, updated 2014 and 2017), *Churton Street Strategic Corridor Plan* (2006), and the *US 70/Cornelius Street Corridor Plan* (2007).

NATURAL RESOURCES PROTECTION

Hillsborough has made natural resources protection a goal in its *Hillsborough Vision 2030* and the *Strategic Growth Plan*. To do this, *Hillsborough Vision 2030* recommends protection of known resources and to document new resources. It explicitly states that local regulations should adequately "identify and protect fragile resources." The *Strategic Growth Plan* calls for the preservation of natural resources by ensuring that "land use patterns should take forms that preserve these key resources including corridors and buffers."

LAND USE & DEVELOPMENT

The *Strategic Growth Plan* identifies the rural buffer as a place where the "extension of public utilities would be avoided, and where rural and environmental preservation are the main objectives." In the town's UDO, Hillsborough provides natural resource protection measures in the "Requirements for Watershed Protection Districts."

- "Natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC" are identified as environmentally sensitive areas that should be avoided in the placement of streets, driveways, and buildings.

Under *Article 3, Administrative Procedures, 3.5.5 Conditional Subdivisions*, development standards include:

- The identification and protection of existing "irreplaceable natural features" in the site plan as designated Open Space.
- A minimum of 35% of the land must be set aside for open space

All developments with a required master plan, conditional use permit, or special use permit are required to set aside a minimum of 10% open space to protect significant natural features. Importantly, the ordinance calls for open space to be "arranged for contiguity and connectivity within the development dedicating the open space and to any surrounding dedicated open space for wildlife."

PLANNING & COLLABORATION

Hillsborough Vision 2030 identifies partnerships with local advocacy and nonprofit agencies as a strategy for protecting and identifying natural resources.

TRANSPORTATION

Hillsborough does not address habitat fragmentation in its transportation plans, nor the dual use of greenways as wildlife corridors. However, the *Parks and Recreation Master Plan* does plan to have connected trails within Hillsborough to provide connectivity for pedestrians.

WAKE COUNTY

Wake County's unified development ordinance as well as the following plans were reviewed: *Wake County Transportation Plan* (2003), *Wake County Environmental Stewardship Agenda* (2006, 2011), *Southwest Wake Area Land Use Plan* (2007), *Wake County Land Use Plan* (last amended 2006), *Wake County Consolidated Open Space Master Plan* (2003, 2006), *Wake County Greenway System Plan* (2017), *Wake County Park Facility Master Plan Updates Final Report* (2017), and the *Comprehensive Parks & Recreation Master Plan* (2008).

At the time of this report, the county is in the process of updating its comprehensive plan (PlanWake). In addition, Wake County's Open Space Program staff members are currently interested in updating Wake County's inventory of natural areas with the help of NCNHP.

NATURAL RESOURCES PROTECTION

Wake County has many policies, in multiple plans, to address natural resources protection. In some cases, plans specifically aim to protect wildlife habitats and corridors.

In the *Wake County Land Use Plan*, Goal 5 "encourage[s] the conservation of historical sites, environmentally significant areas, and important natural and cultural resources", and the first objective aims to "identify areas, which provide habitat for significant plant or wildlife species or make a significant contribution to environmental quality" so that they become protected or the landowner is encouraged to "maintain" them.

In the *Southwest Wake Area Land Use Plan*, natural resources protection is prioritized in tiers:

- NHNAs are the highest priority for conservation
- Urban Wildlife Conservation Corridors are a secondary priority for conservation
- Other conservation priorities include the American Tobacco Trail greenway and its noted ability to function as a wildlife corridor if widened to 300 feet

The *Wake County Consolidated Open Space Master Plan 2006*:

- Envisions the county's open spaces to be a "series of natural, interconnected landscapes that will protect vital natural resources" and aims to "Identify key parcels of land and corridors that should be acquired and protected as open space."
- Aims for 30% of the county to be protected as natural areas
- Uses a GIS-based landscape prioritization model verified by expert review. The prioritization approach is currently under review in advance of Wake County's 2019 bond funds. Current prioritization criteria include:
    - water quality
    - drinking water supply watersheds
    - headwater streams
    - properties near impaired streams
    - biodiversity indices
    - connectivity between and proximity to all existing Wake County Open Space preserves
    - parcel size
- Uses county bond initiatives to fund land and easement acquisition by the Open Space program in high-priority areas, following a competitive application process from towns, agencies, and land trusts for specific projects within the county or municipalities.
    - Wake County voters overwhelmingly approved a $120 million parks-greenways-open space protection bond referendum in November 2018 that will be financed over a six-year period (beginning November 2019), from which approximately $20 million is allocated for acquisition and protection of key natural areas/open space lands in the county.

The Open Space program, which implements and administers the master plan, focuses entirely on *natural open space*, which is defined in four categories distinguished by levels and placement of human activity and infrastructure within the natural area.

The *Comprehensive Parks & Recreation Master Plan*:

- Sets a goal for greenways as a place to protect wildlife habitat (also in the *Wake County Greenway System Plan 2017*).

- Considers the protection of lands that "preserve natural resources, wildlife, and help provide clean air and drinking water" as a core service of the county.
- Aims, in Goal 6, to "commit resources to a regional park system connected by trails and greenways."

Protected riparian buffers, which can be used as corridors linking large natural areas, are also identified as an important natural resource to protect in the *Environmental Stewardship Agenda* and the *Southwest Wake Area Land Use Plan*.

LAND USE & DEVELOPMENT

Similarly, in the county's UDO, Wake County provides natural resource protection measures in many places, including in the following zoning classifications:

- Residential Watershed Districts
- RCOD-1 Resource Conservation Overlay District,
- RCOD-2, Resource Conservation Overlay District 2

These zoning classifications are mostly aimed at protecting water resources by requiring riparian buffers on perennial streams of 50 feet and 100 feet depending on the district. In practice, these buffer widths can provide wildlife passage for many species.

Article 5, Lot and Building Standards:

- Allows Cluster and Open Space Development for the protection of 30% of the project as a natural area.
- Provides a 20% density bonus for developments that protect 65% percent open space.
- In all subdivisions, recommends preservation for important wildlife habitats such as "woodlands, steep slopes, rock outcroppings, ponds, streams, rivers, and lakes" in the layout and design phase of subdivision development.

These natural area set-asides, if configured as large, contiguous blocks of wildlife habitat, could create a network of wildlife habitats.

PLANNING & COLLABORATION

The *Comprehensive Parks & Recreation Master Plan* states three times that Wake County will collaborate with partners to achieve its vision for open space protection.

- Collaboration with other local governments and with non-profits is a key strategy in Goal 2 to ensure that the county maintains and enhances its core services, including natural area protection.
- Goal #6 aims to use partners to help identify land to protect and pool resources to gain that protection.
- Goal #7 is "To participate in the planning and collaboration of municipal and regional trail and greenway plans."

TRANSPORTATION

The *Wake County Transportation Plan* recognizes the impact that the transportation network has on wildlife corridors and habitats and aims to develop a transportation network that balances the competing needs of the county.

Town of Apex

The Town of Apex's unified development ordinance and the following plans were reviewed: *Town of Apex Comprehensive Transportation Plan Update* (2011), *2045 Updated Future Land Use Map* (2019), *Town of Apex 2035 Land Use Plan Update | Economic Study and Market Analysis* (2016), and *Peak Plan 2030* (2013).

NATURAL RESOURCES PROTECTION

Apex's *Peak Plan 2030,* the comprehensive plan, recommends encouraging "low impact site development and more ecologically designed and sustainable sites with functional landscapes."

The *Advance Apex: The 2045 Land Use Map Update* memo identifies the western portion of Apex, where buffers around Jordan Lake, floodplains, and other natural lands occur, as low-density rural residential zoning, where there is only 1 dwelling unit per 5 acres.

LAND USE & DEVELOPMENT

Apex's UDO provides specific purposes for its adoption, including the prevention of adverse environmental impacts and the discouragement of sprawl, which will help reduce habitat fragmentation. Tools the UDO provides the community to achieve this include:

- Planned Development Districts: development that encourages protection of natural features and cluster and compact development to the greatest extent possible
- CB Conservation Buffer District: publicly owned natural lands
- Sustainable Development Conditional Zoning District: development that facilitates the restoration and enhancement of the environment and natural resources
- Watershed Protection Overlay Districts: to protect public drinking water supplies in the Swift Creek Watershed and the Jordan Lake Watershed
    - Provides 100-foot and 50-foot buffers on perennial and intermittent streams, respectively. In practice, these buffer widths can provide wildlife passage for many species.

In Article 8 General Development Standards, Resource Conservation standards are applicable to all new development. These standards aim to "to encourage site design techniques that preserve the natural and cultural environment and enhance the developed environment; to control erosion, slippage, and sediment run-off into streams and waterways; to increase slope stability; and to protect wildlife habitat and migration corridors." Resource Conservation Areas (RCAs) in new developments must be located adjacent to other existing RCAs or natural features and be composed of the following priority undisturbed natural areas: riparian or floodplain habitats, forests, steep slopes, significant plant and wildlife habitat, scenic views, rock outcrops, etc. Measures are included to provide alternative RCAs when these natural features do not exist. The size of RCAs is determined by the presence of resources and Town Council.

PLANNING & COLLABORATION

There are no policies to encourage planning and collaboration to protect Apex's natural resources.

TRANSPORTATION

The *Town of Apex Comprehensive Transportation Plan Update* aims to invest in a transportation network that supports the protection of natural resources. Connected parks and greenways are mentioned many times as a way to provide multimodal transportation. The plan aims for greater connectivity of collector streets, while also minimizing impacts to natural resources.

Town of Cary

The Town of Cary's Land Development Ordinance and the following plans were reviewed: the *Cary Community Plan* (2017), *Parks, Recreation and Cultural Resources Master Plan* (2012), and *Parks, Recreation & Cultural Resources Master Plan* (2003).

NATURAL RESOURCES PROTECTION

Cary has three plans that address natural resources protection. In some cases, plans specifically aim to protect wildlife habitats and corridors. In addition, in October 2019 more than three-quarters of voters approved a bond financing referendum that will provide $112 million needed to finance parks-greenways-open space protection projects.

Cary's comprehensive plan, the *Cary Community Plan,* under its Natural Resource Goals aims to:

- "Continue to protect areas that are ecologically important and have a high wildlife habitat value."
- "Work with developers to set aside important open space that provides trail connectivity, wildlife habitat corridors, and water quality protection."

The plan also has a policy statement to:

- "Protect and Restore Open Space and the Natural Environment: Protect and restore environmentally significant areas and either preserve or create green infrastructure throughout the Town and within the built environment."
    - Notably, the intent of this policy is to manage and protect natural communities, reduce forest fragmentation, and provide corridors for wildlife. It specifically aims for "interconnected ecosystems."

The *Parks, Recreation & Cultural Resources Master Plan* (2003) includes goals related to natural resources protection:

- Goal 6 is to protect wetlands, woodlands and other natural areas and wildlife habitats as green infrastructure.
- Goal 7 is to provide facilities that honor and enhance Cary's open space by providing natural areas and preserves, buffers and linkages to the overall open space system.
    - Approximately one-third of lands in new park development should be set aside to be held in their natural condition and should carry a stewardship plan.

Under Chapter 7: Park Recommendations, the plan recommends that:

- "The town [should] evaluate currently owned property and new acquisitions to preferentially set aside Conservation Areas (includes Preserves, Natural Areas, and Greenway Corridors)."

The *Parks, Recreation and Cultural Resources Master Plan* (2012) contains the most comprehensive natural resource protection policies and actions, especially as it relates to reducing habitat fragmentation:

- Under GOAL 1, regarding types of parks in Cary, the goal calls for the protection of "areas that are ecologically important and have a high wildlife habitat value (e.g., riparian corridors, forests, large sections of early successional habitat)." The following actions are recommended:

  "Utilize conservation planning tools to prioritize high value natural resources to acquire for preservation …. Acquisition criteria include:"

    - Broad corridors when possible

    - Connectivity and adjacency to larger natural areas (e.g., Jordan Lake, Lake Crabtree, Umstead State Park, etc.)
    - Connectivity and adjacency to existing parks and greenway corridors
- Under GOAL 2, where Cary specifically addresses greenways, the plan emphasizes the need to provide "wildlife habitat along corridors in design and vegetation."

The implementation of these policies and actions could create a network of wildlife habitats and protected natural resources throughout Cary.

LAND USE & DEVELOPMENT

Cary has policies related to how land is developed in order to protect natural areas.

In the *Parks, Recreation and Cultural Resources Master Plan* (2012) under Goal 1, to have a diverse park system, the town aims to:

- Evaluate zoning within open space priority areas (e.g., land within the National Register Historic District that is zoned as commercial could be rezoned to residential or another designation to reduce property tax burden).
- Continue to work with developers to set aside important open space that provides trail connectivity, wildlife habitat corridors, and water quality protection.

Similarly, in the town's Land Development Ordinance, Cary provides natural resources protection measures in the following zoning classifications:

- RR: Resource/Recreation District
- The Conservation Residential Overlay District, which has the stated goal of "creat[ing] a contiguous network of open spaces by linking the open space areas within the residential development to open space on adjoining land wherever possible."
    - This overlay requires a 50-foot buffer on the American Tobacco Trail and provides a density bonus for larger natural area set-asides.

Under Article 8, Standards for Subdivisions and Uses Requiring Site Plans, "All subdivision development proposals must identify significant natural features on the sketch plan and prioritize them for conservation, including wildlife corridors."

Open space must be configured to be contiguous within and beyond the project area, to the maximum extent feasible.

PLANNING & COLLABORATION

Cary encourages collaboration with other entities in its parks planning. In the *Parks, Recreation & Cultural Resources Master Plan* (2003) within Goal 7, the town plans to "work in partnership with Wake County and adjacent municipalities to identify lands that can provide open space linkages to connect open space systems and to contribute to the overall County Open Space Plan." In the *Parks, Recreation and Cultural Resources Master Plan* (2012), an action under Goal 1 is to pursue partnership opportunities (e.g., grant writing, acquisition, and stewardship activities) with Triangle Land Conservancy, Wake Soil and Water Conservation District, and other conservation organizations.

TRANSPORTATION

The *Cary Community Plan* recognizes the role that greenways play in the transportation network but does not address the impacts that roads have on wildlife corridors and habitats.

RECOMMENDATIONS

To varying degrees, the jurisdictions within the project area have recognized a need to protect connected natural areas and have devised different policies and strategies to address this need. Each jurisdiction can work with its existing policy framework, in coordination with other jurisdictions, agencies, and conservation partners, to use the new information and data described in this report to help protect a connected network of priority wildlife habitat and corridors. The objectives and strategies recommended below are provided to help ensure that protection of the priority wildlife habitat-corridor network identified in this project is incorporated into county, town, and interjurisdictional planning and decision-making processes within the project area.

COMMIT TO LANDSCAPE CONSERVATION

Objective **Ensure that landscape conservation and corridor protection for wildlife habitat connectivity are explicitly supported and funded as a joint priority across jurisdictions.**

The primary strategy recommended for this objective is for the jurisdictions in the project area to pass a joint resolution including, but not limited to, the following elements:

- Establish landscape conservation and landscape corridor protection for wildlife habitat connectivity as an overarching principle, goal, or strategy (see also Plan and Adopt).
    - Develop consensus on shared definitions of landscape conservation, landscape corridor, wildlife habitat, and other terms critical for effective interjurisdictional coordination.
- Acknowledge the necessity of interjurisdictional coordination to achieve protection of a functional landscape habitat-corridor network.
- Commit to enact and fund intra- and interjurisdictional landscape corridor planning, protection, and coordination.
- Acknowledge the importance of following the best available scientific guidelines for landscape conservation and corridor protection, including the implementation of effective wildlife crossing structures, as outlined in NCWRC's Green Growth Toolbox and other comprehensive corridor planning and protection resources.

FOLLOW ESTABLISHED GUIDELINES

Objective **Formally authorize and, if possible, require consultation and use of Green Growth Toolbox guidelines and other authoritative resources for landscape conservation and corridor protection, including best available science on wildlife crossing structures.**

Strategies include, for example:

- Prioritize land conservation efforts in critical habitat areas and corridors (as identified, for example, in this project and verified with ground surveys), around identified pinch points, and in priority corridor areas under high development pressure.

- Communicate with landowners about the importance of their properties for conservation.
- Prioritize land conservation efforts for critical habitat areas and corridors that are adjacent to major roads and highways, to provide the protection needed to incentivize the provision of wildlife underpasses in future transportation improvement projects.
- Assess bridges and culverts in critical wildlife corridors for suitability as crossing structures, and actively work with NCDOT to replace or improve unsuitable bridges and culverts.

PRIORITIZE AND DEFINE

Objective **Ensure that landscape corridor protection priorities are identified, recognized, and incorporated into local land conservation programs and initiatives, including acquisition by open space programs and conservation partners.**

A comprehensive strategy to achieve this objective includes several action items:

- Evaluate corridor maps and priorities identified in this project with respect to existing protection priorities and conservation planning tools.
- Incorporate priorities identified from this project's results into existing protection priorities, strategies, and plans.
- Use the GIS layers from this project to incorporate landscape corridor protection into existing land conservation planning and prioritization approaches.
- Integrate the information from this project into other conservation plans, such as the Jordan Lake One Watershed plan, which may eventually provide an additional funding mechanism for conserving these key properties.
- When needed, verify or update the results from this project with ground surveys.
- Regularly update biological inventory data available for use in land protection and open space planning, including obtaining NCNHP's quarterly updates to NHNAs and Element Occurrences and updated SGCN species status or data from NCWRC.
- Conduct biological and ecological inventory of poorly known areas or areas in need of updated inventory.
- Consider conducting a regional biological and ecological inventory that helps refine the results of this project and promotes interjurisdictional collaboration through shared conservation objectives and priorities.

PLAN AND ADOPT

Objective **Ensure that a clear, explicit path to landscape corridor protection and funding is enabled in existing and new planning documents, with formal adoption by governing bodies to increase the likelihood of implementation and funding.**

Recommended strategies for new, updated, or existing plans include:

- Adopt landscape conservation and landscape corridor protection as an overall planning principle, goal, or strategy in comprehensive plans.
- Adopt or develop a landscape conservation or landscape connectivity plan. Actions to consider include:
    - Adopt this document (or a modified version of it) as a landscape connectivity plan.
    - Adopt and incorporate elements of this plan into existing or updated plans, such as comprehensive, open space, land use, small area, and other plans. Elements to adopt or incorporate can include:
        - Priority landscape corridor maps and GIS layers from this project.
        - Specific landscape corridor protection priorities identified in this project.
        - Specific recommendations provided in this report.
    - Update and expand the New Hope Corridor Open Space Master Plan to include the entire New Hope Creek-Jordan Lake watershed, in collaboration with relevant jurisdictions and conservation partners.
        - Alternative: Fund an updated progress assessment based on the original plan.
        - Prioritize connectivity between New Hope Creek-Jordan Lake and adjacent watersheds, especially the Eno River watershed, and synchronize with existing corridor or watershed plans.
    - Develop an Eno River Watershed Open Space Master Plan, in collaboration with relevant jurisdictions, the Eno River Association, and other conservation partners.
        - Focus on assessment and completion of the Eno River corridor and, where necessary, restoration and mitigation of pinch points.
        - Prioritize connectivity between the Eno River and adjacent watersheds, especially the New Hope Creek-Jordan Lake watershed, and synchronize with existing corridor or watershed plans.

IMPLEMENT AND ADMINISTER

Objective **Ensure that landscape conservation and corridor protection principles and priorities are integral to planning and development.**

Critical steps and strategies for achieving this objective through planning departments include:

For governing bodies and planning department leadership:

- Direct planning staff to develop, if needed, and implement a coordinated set of plans, policies, ordinances, and procedures focused on landscape conservation and corridor protection.

- Incorporate landscape conservation and corridor protection objectives into planning department strategic plans.
- Educate staff on the importance of landscape conservation and corridor protection and the use of conservation planning tools and approaches.
- Fund staff with relevant expertise to serve both county and municipal efforts to achieve landscape corridor protection (see also coordination strategies below).

For integration with existing land use planning and zoning tools, data, and definitions:

- Evaluate corridor maps and priorities identified in this project with respect to existing planning tools, including:
    - Land use and zoning districts or overlays aimed at natural area, natural resource, environmental, or open space protection.
    - Maps of development constraints, whether regulatory, incentivized, or voluntary.
    - Defining criteria for districts, overlays, and constraints.
- Where possible, update districts, overlays, and definitions to better incorporate or synchronize with landscape corridor protection priorities. Examples include:
    - Consider formally adding all or part of the priority corridor areas identified in this project to an existing resource protection overlay, as a separate category defined for corridor protection.
    - Consider revising open space as well as primary and secondary conservation area requirements and definitions to include high-priority corridor areas and, in general, natural open space that is contiguous within and between parcels or development project boundaries.
- Where possible or necessary, create a separate land use or zoning overlay, or protection category within an overlay, to enable landscape corridor protection.

For integration with development standards and decision-making processes:

- Revise development standards and incentives to promote effective landscape corridor protection in development proposals.
    - Consult the Green Growth Toolbox and other references based on best available science for recommended standards and incentives.
- Integrate landscape corridor identification and planning into the development proposal and review process, including in the initial site selection process (or as early as possible).
- Coordinate planning and development review processes with land conservation or open space programs and priorities. Possible strategies to ensure an effective communication and advisory structure include:
    - Designate a staff liaison to land conservation or open space programs to ensure consultation, coordination, and efficiency in pursuing landscape corridor protection objectives.
    - Ensure that conservation data are regularly updated, available, and promoted for use within planning processes.
    - Create a development review advisory committee to provide regular input on development proposals from departments outside planning, including land conservation or open space programs.
    - Empower a citizen/expert advisory board to advise planning staff on landscape conservation and corridor protection considerations.

COORDINATE

Objective **Ensure successful and timely coordination with other jurisdictions, government agencies, conservation partners, and funding entities in pursuing landscape conservation and corridor protection goals.**

Strategies include:

- Convene and empower a landscape conservation advisory commission or working group (such as the Eno-New Hope Landscape Conservation Group) to, for example:
    - Support landscape conservation and corridor protection efforts
    - Establish landscape conservation goals and targets
    - Support fund-raising, pursue joint funding opportunities, or jointly encourage funding entities to support landscape conservation projects
    - Evaluate progress across the project area.
- Work with existing interjurisdictional working groups to communicate and collaborate on landscape corridor protection priorities, including:
    - Work with regional metropolitan planning organizations (MPOs) and NCDOT to integrate wildlife crossing structure priorities into transportation planning and NCDOT projects.
    - Provide a landscape conservation liaison to relevant interjurisdictional working groups.
- Share relevant planning data (especially spatial data layers) and priorities between jurisdictions and agencies, especially for boundary areas, to better incorporate landscape corridor protection priorities into site-specific planning decisions.

LIST OF POTENTIAL CONSERVATION PARTNERS

LOCAL GOVERNMENT

Chatham County	Planning Department Jason Sullivan, Planning Director Parks and Recreation Department
Durham County	Open Space & Real Estate Division Jane Korest, Division Manager Celeste Burns, Open Space & Real Estate Coordinator City-County Planning Department
Orange County	Department of Environment, Agriculture, Parks & Recreation David Stancil, Director Natural & Cultural Resources Division Christian Hirni, Land Conservation Manager Lands Legacy Program Planning and Inspections Orange Water and Sewer Authority, Resource Management & Sustainability
Wake County	Open Space Program Wake County Parks, Recreation and Open Space Chris Snow, Director Deborah Fowler, Open Space Manager Planning, Land Use and Zoning
Town of Apex	Planning Department Parks, Recreation & Cultural Resources
Town of Carrboro	Planning, Zoning and Inspections Recreation and Parks
Town of Cary	Planning and Development Services Parks, Greenways and Environment
Town of Chapel Hill	Planning and Development Services Parks and Recreation
Town of Hillsborough	Planning Department Public Space Division

PRIVATE, NON-PROFIT LAND TRUSTS

Ellerbe Creek Watershed Association	https://www.ellerbecreek.org/ Rickie White, Executive Director
Eno River Association	http://www.enoriver.org/ Kim Livingston, Director of Conservation & Stewardship

NC Botanical Garden Foundation, Inc.	https://ncbg.unc.edu/about/north-carolina-botanical-garden-foundation/ncbgf-land-trust/
Triangle Land Conservancy	https://www.triangleland.org/ Bo Howes, Director of Conservation & Stewardship

PRIVATE EDUCATIONAL INSTITUTIONS

Duke Forest Teaching and Research Laboratory, Duke University	https://dukeforest.duke.edu/ Sara Childs, Director

INTERJURISDICTIONAL PLANNING ORGANIZATIONS AND GROUPS

Capital Area MPO	https://www.campo-nc.us/ Wake County and portions of other counties
Durham-Chapel Hill-Carrboro MPO	http://www.dchcmpo.org/
Raleigh Clean Water Initiative	https://www.triangleland.org/upper-neuse-clean-water-initiative
Triangle J Council of Governments	https://www.tjcog.org/ Jordan Lake One Water Initiative

STATE AGENCIES AND EDUCATIONAL INSTITUTIONS

NC Botanical Garden	http://ncbg.unc.edu/ Johnny Randall, Direction of Conservation
NCDOT State Transportation Improvement Program	https://www.ncdot.gov/initiatives-policies/Transportation/stip/Pages/default.aspx
NC Division of Land and Water Stewardship	https://www.ncdcr.gov/about/nature/division-land-and-water-stewardship Walter Clark, Director NC Clean Water Management Trust Fund https://cwmtf.nc.gov/ NC Natural Heritage Program https://www.ncnhp.org/ Misty Buchanan, Director
NC Division of Parks and Recreation	https://www.ncparks.gov/ Parks Planning Program https://www.ncparks.gov/more-about-us/about-parks-recreation/park-planning Dave Head, Planning Program Manager Land protection/acquisition https://www.ncparks.gov/more-about-us/about-parks-recreation/land-protectionacquisition George Norris, Program Manager for Land Protection
Eno River State Park	https://www.ncparks.gov/eno-river-state-park

NC Wildlife Resources Commission	https://www.ncwildlife.org/ Habitat Conservation Program Green Growth Program & Toolbox https://www.ncwildlife.org/Conserving/Programs/Green-Growth-Toolbox Brooke Massa, Land Conservation Biologist Partners for Green Growth Program & Technical Assistance https://www.ncwildlife.org/Conserving/Programs/Green-Growth-Toolbox/Technical-Assistance Olivia Munzer, Western Piedmont Habitat Conservation Coordinator https://www.ncwildlife.org/Conserving/Programs/Habitat-Conservation-Program Land Protection/Acquisition Brooke Massa, Land Conservation Biologist

FEDERAL AGENCIES

US Army Corps of Engineers – Jordan Lake	https://www.saw.usace.army.mil/Locations/District-Lakes-and-Dams/B-Everett-Jordan/

REGIONAL ORGANIZATIONS AND PROGRAMS

Carolina Wetlands Association	http://carolinawetlands.org/ Rick Savage, President
The Nature Conservancy – NC Chapter	https://www.nature.org/en-us/about-us/where-we-work/united-states/north-carolina/
NatureServe – Southeast Region	http://www.natureserve.org/about-us/contact-us
South Atlantic Landscape Conservation Cooperative	https://www.southatlanticlcc.org/
Southern Conservation Partners	https://www.conservationsouth.org/ Chuck Roe, President
Wildlands Network	https://wildlandsnetwork.org/ Ron Sutherland, Chief Scientist

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Appendix A: List of abbreviations

ATT	American Tobacco Trail
CFE	Orange County Commission for the Environment
CSD	Conservation subdivision design
dbh	diameter at breast height
EBC	Edge betweenness centrality
EEP	Ecosystem Enhancement Program
ELI	Environmental Law Institute
EVT	LANDFIRE Existing Vegetation Type
FEIS	Fire Effects Information System
GeoHAT	Geospatial Habitat Assessment Toolkit
GIS	Geographic information system(s)
LHIG	Landscape/Habitat Indicator Guild
MPO	Metropolitan planning organization
NCCU	North Carolina Central University
NCDOT	North Carolina Department of Transportation
NCNHP	North Carolina Natural Heritage Program
NCWRC	North Carolina Wildlife Resources Commission
NHNA	National Heritage Program Natural Area
NRCS	Natural Resources Conservation Service
NRID	North Carolina State Parks Natural Resources Inventory Database
NWI	National Wetlands Inventory
OWASA	Orange Water and Sewer Authority
RCOD-1	Resource Conservation Overlay District
RCOD-2	Resource Conservation Overlay District 2
SGCN	Species of Greatest Conservation Need
UDO	Unified development ordinance
UNC Chapel Hill	University of North Carolina at Chapel Hill
USACE	United States Army Corps of Engineers
USGS	United States Geological Survey
WAP	North Carolina Wildlife Action Plan
WVC	Wildlife-vehicle collision

Appendix B: Glossary

Connectivity (landscape connectivity, landscape permeability): The degree to which the landscape facilitates or impedes movement of organisms or processes (Wade et al. 2015). The extent to which a species or population can move among landscape elements in a mosaic of habitats. This necessitates linkages among individuals, species, communities, and ecosystems at appropriate spatial and temporal scales. Corridors are one means of achieving connectivity. (Hilty et al. 2006) A measure of the ability of organisms, gametes, and propagules to move among separated patches of suitable habitat. Ideally, corridors serve to facilitate connectivity over time and can operate at a range of spatial scales. (Hilty et al. 2019)

Conservation planning: The process that occurs when a group of stakeholders consider the status of an area's natural environment and identify goals and strategies for conserving the area's natural heritage and biological diversity (NCWRC 2013).

Conservation threshold: The minimum level of any characteristic of a species' habitat that is needed in order for local populations to persist over time (NCWRC 2012).

Corridor (landscape, habitat, or wildlife corridor): Avenues along which wide-ranging animals can travel, plants can propagate, genetic interchange can occur, populations can move in response to environmental changes and natural disasters, and threatened species can be replenished from other areas (The Ninth US Circuit Court of Appeals 1997 *in* Walker and Craighead 1997). Any space that facilitates the movement of populations, individuals, gametes or propagules, and plant parts capable of vegetative reproduction in a matter of minutes, hours, or over multiple generations of a species. Corridors may encompass altered or natural areas of vegetation and provide connectivity that allows biota to spread or move among habitat fragments through areas otherwise devoid of preferred habitat. Landscape elements that function as corridors may also serve multiple other purposes, providing aesthetic amenities, ecosystem service values, cultural heritage protection, and recreational opportunities. (Hilty et al. 2019)

Cost surface (resistance surface): A mapped surface representing the degree to which some landscape feature impedes or facilitates some movement process, typically represented as a cell (pixel) value in a grid (raster) within a GIS. Corridors are then modeled in areas with lowest resistance to the movement process considered. The models are relatively easy to apply given existing data, and the approach offers the flexibility to develop models ranging from simple to complex, tailored to the specific conservation needs, and able to be refined as better data become available. A resistance surface is conceptually related to the idea of travel costs from behavioral ecology, and can therefore be designed to integrate ecological concepts important to successful wildlife movement, such as an organism's perceptual range and susceptibility to competition and predation. Resistance-surface connectivity modeling assumes a relationship between surficial proxy measures (such as habitat type or quality) and ease of animal movement. It is important that resistance surfaces be considered hypotheses reflecting a solid consideration of causal biology. (Wade et al. 2015)

Dispersal: Movements that occur within the lifetime of the individual, as, for example, when it leaves its natal site (NCWRC 2015).

Ecological integrity: A system's wholeness, including presence of all appropriate elements and occurrence of all processes at appropriate rates, that is able to maintain itself through time (ELI 2003). The ability of an ecological system to support and maintain a community of organisms that has a species composition, diversity, and functional organization comparable to those of natural habitats within a region. An ecological system has integrity, or a species population is viable, when its dominant ecological characteristics (such as elements of composition, structure, function, and ecological processes) occur within their natural ranges of variation and can withstand and recover from most perturbations imposed by natural environmental dynamics or human disruptions (Parrish et al. 2003).

Ecosystem: An ecosystem is a community of living organisms (plants, animals, and microbes) in conjunction with the nonliving components of their environment (air, water, and mineral soil), interacting as a system. It is a system of environmental conditions, habitats, natural communities, and species that interact (NCWRC 2015).

Ecosystem services: The benefits people obtain, directly or indirectly, from ecosystems. These include *provisioning services* such as food, water, timber, and fiber; *regulating services* that affect climate, floods, disease, wastes, and water quality; *cultural services* that provide recreational, aesthetic, and spiritual benefits; and *supporting services* such as soil formation, photosynthesis, and nutrient cycling. The human species, while buffered against environmental changes by culture and technology, is fundamentally dependent on the flow of ecosystem services. (Millennium Ecosystem Assessment 2005)

Edge effects: The negative influence of habitat or ecosystem edges on interior conditions of the habitat or on associated species. Edge effects can include profound modification of biological and physical conditions. (ELI 2003)

Habitat: The physical features (such as topography, geology, stream flow) and biological characteristics (such as vegetation cover and other species) needed to provide food, shelter, and reproductive needs of animal or plant species (ELI 2003).

Habitat edge: The edge of a habitat adjoining incompatible land. Habitat edge causes "edge effects" whereby species are negatively impacted due to edge conditions, such as a higher number of predators. The width of edge effects differs for different species. (NCWRC 2013) The portion of a habitat patch near its perimeter where environmental conditions are more affected by the surrounding matrix as compared to the patch core (Wade et al. 2015). A boundary between different natural communities, or between a patch and matrix, along which movement of non-living materials, organisms, and information between the two areas may occur (Hilty et al. 2006). Edges can naturally occur or can be the result of human activities, and species responses may differ. (Hilty et al. 2019)

Habitat fragmentation: The breaking up of previously continuous habitat (or ecosystem) into spatially separated and smaller parcels. Habitat fragmentation results from human land use associated with forestry, agriculture, and settlement, but can also be caused by natural disturbances like wildfire, wind, or flooding. Suburban and rural development commonly changes patterns of habitat fragmentation of natural forests, grasslands, wetlands, and coastal areas as a result of adding fences, roads, houses, landscaping, and other development activities. (ELI 2003)

Habitat loss: Reduction in total area of habitat (Wade et al. 2015).

Habitat patch: A relatively homogeneous type of habitat that is spatially separated from other similar habitat and differs from its surroundings (ELI 2003). A discrete area of contiguous habitat, often above a size threshold representing the habitat needs of an organism or species, or the functional needs of a natural community.

Habitat-corridor network: A connected set of discrete habitat patches and corridors between them.

Home range: Area used by an animal in its normal daily activities. Not defended. (NCWRC 2015).

Indicator guild: A group of species that show similar patterns of response to specific types of environmental change (Hall 2008).

Indicator species: A species that is closely associated with a particular habitat type, and whose presence indicates quality habitat (NCWRC 2012).

Invasive species: Any species that does not occur naturally in North Carolina and poses serious threats to native ecosystems, due to the species' propensity to spread rapidly and out-compete native species (adapted from NCWRC 2013).

Landscape: For the scale of this project, a large heterogeneous land area (for example, multiple square miles or several thousand hectares) consisting of a cluster of interacting ecosystems repeated in similar form (such as a watershed) (ELI 2003).

Landscape conservation: An approach that brings people together across geographies, sectors, and cultures to collaborate on conserving our important landscapes and the myriad ecological, cultural, and economic benefits they provide (Network for Landscape Conservation, http://landscapeconservation.org/about/what-is-landscape-conservation/)

Landscape/Habitat Indicator Guild: A group of species that have similar habitat and movement needs, respond in similar ways to landscape fragmentation, and collectively serve as indicators of landscape habitat integrity (Hall 2008).

Landscape habitat integrity: Defined by Hall (2008) as simply the inverse of the degree of landscape fragmentation.

Least cost corridor: A corridor representing areas of lowest movement cost between two discrete endpoints (habitat patches), determined by a threshold of total movement cost above the cost of the least cost path.

Least cost path (shortest path): In cost distance analysis (or shortest path modeling), the single path with the lowest total sum between two endpoints (habitat patches). In raster-based GIS analysis, the least cost path is only a single pixel wide, which is unlikely to represent the exact path taken by an organism. (Wade et al. 2015)

Matrix: A component of the landscape, often altered from its original state by human land use, which may vary in attributes from human-dominated to natural, and in which corridors and habitat patches are embedded (Hilty et al. 2019).

Metapopulation: A network of semi-isolated populations with some level of regular or intermittent migration and gene flow among them, in which individual populations may be extinct but then be recolonized from other subpopulations (ELI 2003).

Movement barrier: A physical object or environmental condition that obstructs or prohibits animal movement from one part of the landscape to another.

Natural community: A distinct and recurring assemblage of populations of plants, animals, bacteria, and fungi naturally associated with each other and their physical environment (Schafale 2012).

Natural Heritage Element Occurrence (NHEO): Occurrences of rare plants and animals, exemplary or unique natural communities, and important animal groupings, as tracked and documented by NCNHP. Collectively, these plants, animals, natural communities, and animal assemblages are referred to as "elements of natural diversity" or simply as "elements." Maps of NHEOs are maintained and distributed by NCNHP and are updated quarterly (NCWRC 2013).

Natural Heritage Natural Area (NHNA): Terrestrial or aquatic sites that are of special biodiversity significance as defined by NCNHP. A site's conservation priority rating or significance may be due to the presence of rare species, rare or high-quality natural communities or other important ecological features. Maps of NHNAs are updated quarterly. (NCNHP 2019d, NCWRC 2013)

Non-native species: Any species that has been introduced (either intentionally or accidentally) to an area outside its natural past or present distribution. This includes any part (gametes, seeds, eggs, or propagules) of such species that might survive and subsequently reproduce. Nonnative species can be invasive, injurious, or beneficial where they occur. (NCWRC 2015)

Resilience: The ability to retain essential processes in the face of disturbances or expected shifts in ambient conditions; ecosystem resilience provides the ability to support native diversity (NCWRC 2015).

Separation distance for suitable habitat: Distance of intervening suitable habitat not known to be occupied that is great enough to effectively separate occurrences by limiting movement or dispersal of individuals between them (NatureServe 2019a).

Separation distance for unsuitable habitat: Distance of intervening unsuitable habitat that is great enough to effectively separate occurrences by restricting movement or dispersal of individuals between them (NatureServe 2019b).

Species of Greatest Conservation Need (SGCN): In North Carolina, SGCN have been defined as species that are currently rare or have been designated as at-risk of extinction; those for which we have knowledge deficiencies; and those that have not received adequate conservation attention in the past. In addition to these species for which there is high conservation concern, SGCN may also include those species for which we are unable to determine true status in the state and are therefore a priority for research due to these knowledge gaps. (NCWRC 2015)

Succession: The process of replacement of one community with another, typically after disturbance (adapted from NCWRC 2015).

Suitable habitat: Habitat capable of supporting reproduction or used regularly for feeding or other essential life history functions; a habitat in which you would expect to find the species (assuming appropriate season and conditions) (NatureServe 2019a). Habitat that meets the survival and reproductive needs of a species, allowing for a stable or growing population over time (ELI 2003).

Unsuitable habitat: In most cases, unsuitable habitat is habitat through which individuals may move, but that does not support reproduction or long-term survival (NatureServe 2019b).

Wetland: An area of land with soil that is either permanently or temporarily saturated with water (NCWRC 2012).

Appendix C: List of Landscape/Habitat Indicator Guilds in the project area

Terrestrial (or semi-terrestrial) wildlife indicator species known to occur in the Eno River and New Hope Creek watersheds, grouped according to Hall's Landscape/Habitat Indicator Guilds (LHIG) (Hall 2008, 2009). The three LHIG habitat types selected for corridor analysis include General Wet-Mesic Hardwood Forests, Dry-Wet Hardwood and Mixed Forests, and Sparsely Settled Mixed Habitats. The three focal species selected for additional *species occurrence network* analysis are marked with an asterisk.

MORE TEXT HERE.

Habitat Guild	Taxonomic Group	Common Name	Scientific Name
General Wet-Mesic Hardwood Forests	Amphibian	Four-toed Salamander*	*Hemidactylium scutatum*
	Bird	Acadian Flycatcher	*Empidonax virescens*
	Bird	Kentucky Warbler	*Geothlypis formosa*
	Dragonfly or Damselfly	Coppery Emerald	*Somatochlora georgiana*
Dry-Wet Hardwood and Mixed Forests	Amphibian	Marbled Salamander	*Ambystoma opacum*
	Amphibian	Mole Salamander	*Ambystoma talpoideum*
	Amphibian	Spotted Salamander	*Ambystoma maculatum*
	Bird	Eastern Whip-poor-will	*Antrostomus vociferus*
	Bird	Yellow-throated Warbler	*Setophaga dominica*
	Moth	Straw Besma	*Besma endropiaria*
	Reptile	Eastern Box Turtle*	*Terrapene carolina carolina*
Sparsely Settled Mixed Habitats	Mammal	Bobcat*	*Lynx rufus*
	Mammal	Long-tailed Weasel	*Mustela frenata*
	Reptile	Timber Rattlesnake	*Crotalus horridus*
General Hydric Forests	Bird	Prothonotary Warbler	*Protonotaria citrea*
General Wet Hardwood Forests	Bird	Louisiana Waterthrush	*Parkesia motacilla*
	Bird	Rusty Blackbird	*Euphagus carolinus*
	Moth	Broadly Pectinate Hypomecis Moth	*Hypomecis longipectinaria*
Cool Mesic Slopes	Amphibian	Eastern Red-backed Salamander	*Plethodon cinereus*
Cool Heath Bluffs	Butterfly	Brown Elfin	*Callophrys augustinus*
General Mesic Hardwood Forests	Reptile	Smooth Earthsnake	*Virginia valeriae*
Rich Wet-Dry Hardwood Forests	Moth	Franck's Sphinx	*Sphinx franckii*
Piedmont Monadnock Forests	Moth	A Geometrid Moth	*Lytrosis permagnaria*
Dry-Xeric Mixed Forests, Woodlands, and Barrens	Bird	Chuck-will's-widow	*Antrostomus carolinensis*
	Butterfly	Confused Cloudywing	*Thorybes confusis*
	Butterfly	Northern Oak Hairstreak	*Satyrium favonius ontario*
	Reptile	Scarlet Kingsnake	*Lampropeltis triangulum elapsoides*
General Semi-Natural Pine Forests and Woodlands	Bird	Brown-headed Nuthatch	*Sitta pusilla*
Wet-Mesic Forest-Field Ecotones and Groves	Bird	American Woodcock	*Scolopax minor*

Habitat Guild	Taxonomic Group	Common Name	Scientific Name
Dry-Wet Forest-Field Ecotones and Groves	Bird	Red-headed Woodpecker	*Melanerpes erythrocephalus*
Mix of open and forested habitats	Reptile	Mole Kingsnake	*Lampropeltis calligaster*
Reservoirs	Bird	Bald Eagle	*Haliaeetus leucocephalus*
Beaver Ponds and Successional Wetlands	Bird	Hooded Merganser	*Lophodytes cucullatus*
	Reptile	Eastern Ribbonsnake	*Thamnophis sauritus*
Canebrakes	Bird	Swainson's Warbler	*Limnothlypis swainsonii*
Inland Freshwater Marshes	Bird	King Rail	*Rallus elegans*
	Bird	Least Bittern	*Ixobrychus exilis*
	Moth	Louisiana Owlet Moth	*Macrochilo louisiana*
Semi-Natural Grasslands	Bird	American Kestrel	*Falco sparverius*
	Bird	Barn Owl	*Tyto alba*
	Bird	Grasshopper Sparrow	*Ammodramus savannarum*
	Bird	Loggerhead Shrike	*Lanius ludovicianus*
Successional Fields	Bird	Northern Bobwhite	*Colinus virginianus*
	Bird	Prairie Warbler	*Setophaga discolor*
	Butterfly	Monarch	*Danaus plexippus*
Urban Areas	Bird	Chimney Swift	*Chaetura pelagica*
	Bird	Common Nighthawk	*Chordeiles minor*
Habitat guild not yet determined	Amphibian	Cope's Gray Treefrog	*Hyla chrysoscelis*
	Amphibian	Gray Treefrog	*Hyla versicolor*
	Bird	Gadwall	*Anas strepera*
	Dragonfly or Damselfly	Blackwater Clubtail	*Gomphus dilatatus*
	Dragonfly or Damselfly	Septima's Clubtail	*Gomphus septima*
	Dragonfly or Damselfly	Spine-crowned Clubtail	*Gomphus abbreviatus*
	Dragonfly or Damselfly	Splendid Clubtail	*Gomphus lineatifrons*
	Mammal	Tricolored Bat	*Perimyotis subflavus*
	Reptile	Queen Snake	*Regina septemvittata*
	Sawfly, Wasp, Bee, Ant	American Bumblebee	*Bombus pensylvanicus*

Appendix D: List of planning documents and ordinances reviewed

Additional planning documents not listed below were reviewed for this project. However, only those documents with protection priorities, policies, or ordinances most relevant to the project objectives are included in the results.

Jurisdiction	Document	Year	Last amended/ updated
Interjurisdictional	Chatham County Town of Cary Joint Land Use Plan	2012	2016
	New Hope Corridor Open Space Master Plan	1991	
	Orange-Chapel Hill-Carrboro Joint Planning Agreement	1987	2015
	Orange-Chapel Hill-Carrboro Joint Land Use Plan	1986	2015
Chatham County	Land use and related ordinances as of July 2019		
	Plan Chatham (the Chatham County comprehensive plan)	2017	
	Land Use Strategic Plan	1999	
	Chatham County, NC Agricultural Land Use Plan	2009	
	A Comprehensive Conservation Plan for Chatham County, NC	2011	
Durham City-County	Unified development ordinance as of December 2019		
	Durham Comprehensive Plan	2016	
	Durham County Open Space Corridor System plan	1993	
	Durham Urban Open Space Plan	2017	
Orange County	Unified development ordinance as of July 2019		
	Orange County Comprehensive Plan 2030 (Land Use and Natural & Cultural Systems elements)	2008	2012
	A Lands Legacy Program for Orange County	2000	
	Lands Legacy Program Action Plan 2018-2020	2018	
	Orange County Parks and Recreation Master Plan 2030	2014	
	New Hope Corridor Open Space Master Plan: Proposals for Linking Duke Forest and Eno River State Park	1993	
	Mountains-to-Sea Trail Route Map	2018	
	Eno Economic Development District Small Area Plan	2008	2009
	Stoney Creek Basin Small Area Plan	1996	
Town of Carrboro	Land use ordinance as of November 2019		
	Carrboro Vision 2020: Policies through the Year 2020	2000	
	Facilitated Small Area Plan for Carrboro's Northern Study Area	1999	
	Recreation and Parks Comprehensive Master Plan Update for the Town of Carrboro	2006	
	Conservation Areas in the Upper Bolin Creek Watershed	2005	
	Recreation and Parks Comprehensive Master Plan Update for the Town of Carrboro	2006	
Town of Chapel Hill	Land use management ordinance as of July 2019		
	Chapel Hill 2020 Comprehensive Plan	2012	
	Chapel Hill Comprehensive Parks Plan	2013	
	Greenways Master Plan	2013	
	Rogers Road: Mapping our Community's Future	2016	
	Central West Small Area Plan	2013	
Town of Hillsborough	Unified development ordinance as of July 2019		
	Strategic Growth Plan	2006	
	Hillsborough Vision 2030	2015	
	Parks and Recreation Master Plan	2007	2009, 2014
	Community Connectivity Plan	2009	2014, 2017
	Churton Street Strategic Corridor Plan	2006	

Jurisdiction	Document	Year	Last amended/ updated
	US 70/Cornelius Street Corridor Plan	2007	
Wake County	Unified development ordinance as of July 2019		
	Wake County Transportation Plan	2003	
	Wake County Environmental Stewardship Agenda	2006	2011
	Southwest Wake Area Land Use Plan	2007	
	Wake County Land Use Plan		2006
	Wake County Consolidated Open Space Master Plan	2003	2006
	Wake County Open Space Acquisition Corridors map	2008	
	Wake County Greenway System Plan	2017	
	Wake County Park Facility Master Plan Updates Final Report	2017	
	Comprehensive Parks & Recreation Master Plan	2008	
Town of Apex	Unified development ordinance as of July 2019		
	Town of Apex Comprehensive Transportation Plan Update	2011	
	2045 Updated Future Land Use Map	2019	
	Town of Apex 2035 Land Use Plan Update | Economic Study and Market Analysis	2016	
	Peak Plan 2030 (the Town of Apex comprehensive plan)	2013	
Town of Cary	Land development ordinance as of July 2019		
	Cary Community Plan (Town of Cary comprehensive plan)	2017	
	Parks, Recreation and Cultural Resources Master Plan	2012	
	Parks, Recreation & Cultural Resources Master Plan	2003	

Appendix E: List of resources for landscape connectivity planning

NORTH CAROLINA LANDSCAPE CONSERVATION PLANNING GUIDES, DATA, AND ASSISTANCE

Ernest, M and R Sutherland. 2017. Prioritizing wildlife road crossings in North Carolina. Wildlands Network, Durham, NC. Available from https://wildlandsnetwork.org/wp-content/uploads/2017/01/Prioritizing-wildlife-road-crossings-in-North-Carolina-2017-1.pdf.

NCNHP data. Current data available from https://www.ncnhp.org/data.

NCNHP information requests and site review requests. https://www.ncnhp.org/data/request-information.

NCWRC. 2012. Conservation recommendations for priority terrestrial wildlife species and habitats in North Carolina. NCWRC, Raleigh, NC. Available from https://www.ncwildlife.org/LinkClick.aspx?fileticket=gpdoxjaXTew%3d&tabid=1719&portalid=0&mid=4866

NCWRC. 2013. Green Growth Toolbox: wildlife and natural resource stewardship in planning. Green Growth Toolbox handbook second edition. NCWRC, Raleigh, NC. Available from https://www.ncwildlife.org/Conserving/Programs/Green-Growth-Toolbox/Download-Handbook

NCWRC Green Growth Toolbox workshops, data, technical assistance, and site assessment. https://www.ncwildlife.org/conserving/programs/Green-Growth-Toolbox.

NCWRC. 2015. North Carolina wildlife action plan. NCWRC, Raleigh, NC. Available from http://www.ncwildlife.org/plan.aspx.

Wildlands Network. 2019. Eastern Wildway. https://wildlandsnetwork.org/wildways/eastern/.

CORRIDOR ECOLOGY AND CONSERVATION

Conservation Corridor: Connecting Science to Conservation. Available from https://conservationcorridor.org/. “Our mission is to bridge the science and practice of conservation corridors.”

Hilty, JA, ATH Keeley, WZ Lidicker, Jr, AM Merenlender, editors. 2019. Corridor ecology: linking landscapes for biodiversity conservation and climate adaptation. Second edition. Island Press, Washington, DC.

Hilty, JA, WZ Lidicker, Jr, AM Merenlender. 2006. Corridor ecology: the science and practice of linking landscapes for biodiversity conservation. Island Press, Washington, DC.

LANDSCAPE CONSERVATION AND CONNECTIVITY PLANNING

Ament, R, R Callahan, M McClure, M Reuling, and G Tabor. 2014. Wildlife connectivity fundamentals for conservation action. Center for Large Landscape Conservation, Bozeman, MT. Available from https://largelandscapes.org/resources/.

Beier, P, D Majka, S Newell, E Garding. 2008. Best management practices for wildlife corridors. Northern Arizona University, AZ. Available from http://corridordesign.org/dl/docs/corridordesign.org_BMPs_for_Corridors.pdf.

Bentrup, G. 2008. Conservation buffers: design guidelines for buffers, corridors, and greenways. General Technical Report SRS-109. US Department of Agriculture, Forest Service, Southern Research Station, Asheville, NC. Available from https://www.fs.usda.gov/nac/buffers/index.html.

Environmental Law Institute (ELI). 2003. Conservation thresholds for land use planners. The Environmental Law Institute, Washington, DC.

Landscape Conservation Cooperative Network. 2019. Conservation issue: landscape conservation design. Available from https://lccnetwork.org/issue/landscape-conservation-planning-and-design.

NatureServe/Landscope America. 2019. Connecting landscapes: a practitioner's resource for assessing and planning for habitat connectivity. Available from http://www.landscope.org/focus/connectivity/.

NRCS. 2004. Part 613: Conservation corridor planning at the landscape level--managing for wildlife habitat. National Biology Handbook Subpart B--Conservation Planning. US Department of Agriculture, Natural Resources Conservation Service, Washington DC.

CONNECTIVITY MODELING

Conservation Corridor: Corridor Toolbox. https://conservationcorridor.org/corridor-toolbox/.

NatureServe/Landscope America. 2019. Connecting landscapes: a practitioner's resource for assessing and planning for habitat connectivity. Available from http://www.landscope.org/focus/connectivity/.

Wade, AA, KS McKelvey, and MK Schwartz. 2015. Resistance-surface-based wildlife conservation connectivity modeling: summary of efforts in the United States and guide for practitioners. General Technical Report RMRS-GTR-333. US Department of Agriculture, Forest Service, Rocky Mountain Research Station, Fort Collins, CO.

LANDSCAPE CONSERVATION AND CONNECTIVITY PLANS FROM OTHER STATES

Chisholm, M, A Bates, D Vriend, and D Cooper. 2010. Wildlife passage engineering design guidelines. Report prepared by Stantec Consulting Ltd. for the City of Edmonton, Office of Natural Areas. Available from https://www.edmonton.ca/city_government/documents/WPEDG_FINAL_Aug_2010.pdf.

Conservation Corridor: Connectivity Plans Library. https://conservationcorridor.org/connectivity-plans-library/.

New Jersey Division of Fish and Wildlife. 2019. Connecting habitats across New Jersey guidance document version 1.0. New Jersey Department of Environmental Protection, State of New Jersey. Available from https://www.njfishandwildlife.com/ensp/chanj.htm.

Shilling, F, P Cramer, L Farrell, and C Reining. 2012. Vermont transportation and habitat connectivity guidance document. Report prepared for the Vermont Agency of Transportation. Available from http://stayingconnectedinitiative.org/assets/vtrans_transport_habitat_connectivity_guidance_final_dec2012.pdf

Washington Department of Fish and Wildlife. 2009. Landscape planning for Washington's wildlife: managing for biodiversity in developing areas. Olympia, WA. Available from https://wdfw.wa.gov/sites/default/files/publications/00023/wdfw00023.pdf.

TRANSPORTATION PLANNING FOR WILDLIFE

Clevenger, AP, and MP Huijser. 2011. Wildlife crossing structure handbook. Design and evaluation in North America. Publication No. FHWA-CFL/TD-11-003. US Department of Transportation, Federal Highway Administration, Central Federal Lands Highway Division, Lakewood, CO.

Defenders of Wildlife. 2007. Getting up to speed: a conservationist's guide to wildlife and highways. Defenders of Wildlife, Washington, DC. Available from https://defenders.org/sites/default/files/publications/getting_up_to_speed.pdf.

Huijser, MP, P McGowen, AP Clevenger, and R Ament. 2008. Best practices manual: wildlife-vehicle collision reduction study. Report to US Congress. Federal Highway Administration, McLean, Virginia, USA. Available from http://www.fhwa.dot.gov/environment/hconnect/wvc/index.htm.

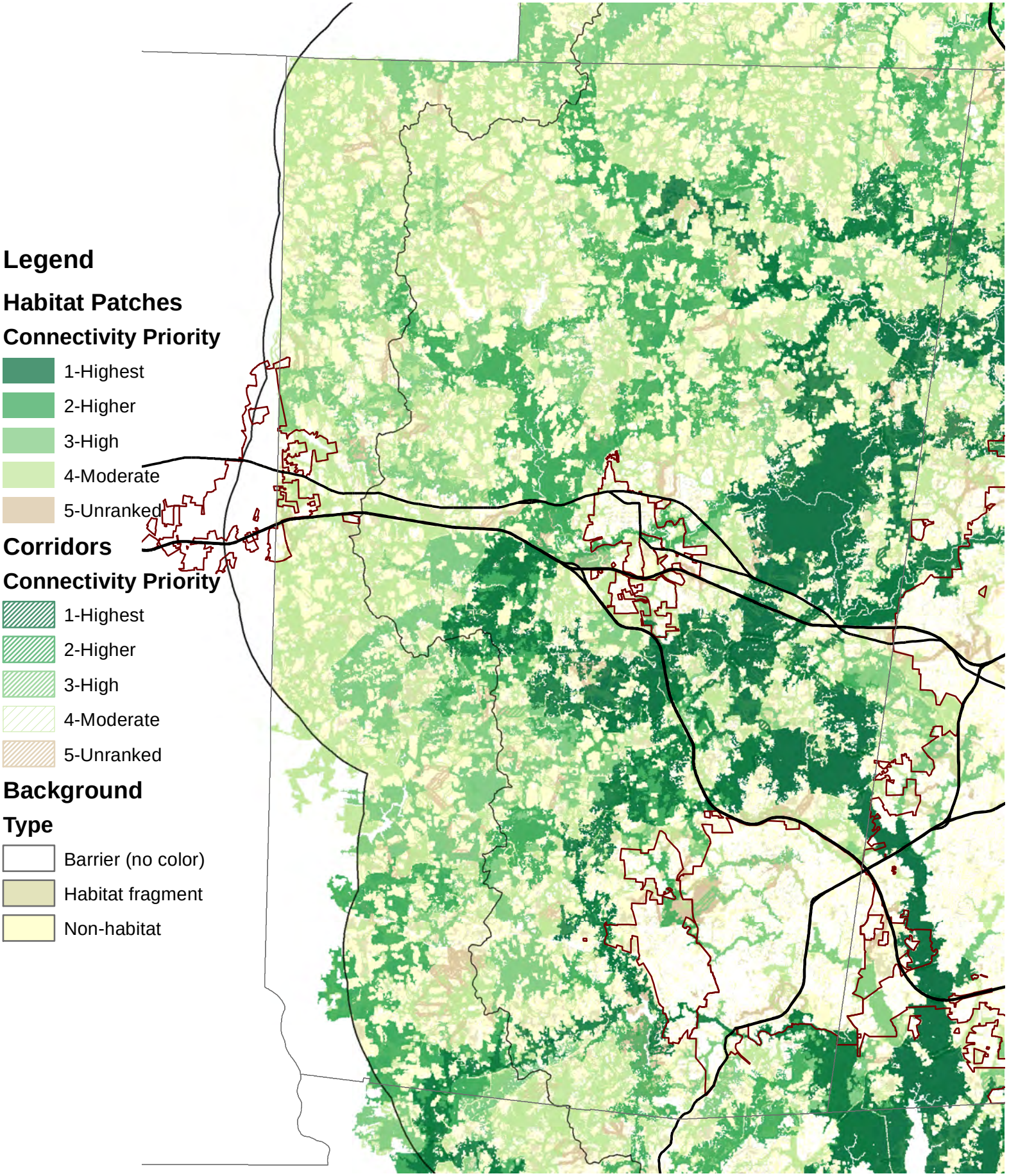
National Research Council. 2005. Assessing and managing the ecological impacts of paved roads. The National Academies Press, Washington, DC. Available from https://doi.org/10.17226/11535.

Southeast Aquatic Resources Partnership. Resources for culvert assessment. https://southeastaquatics.net/ and https://southeastaquatics.net/sarps-programs/southeast-aquatic-connectivity-assessment-program-seacap/culvert-assessments/sarp-culvert-assessment-manual.

Van der Ree, R, DJ Smith, and C Grilo, editors. 2015. Handbook of road ecology. John Wiley & Sons, Ltd, West Sussex, UK.

For more information on this project including how to support these efforts, please visit:

ncbg.unc.edu/eno-new-hope-plan


Legend
Habitat Patches
Connectivity Priority
1-Highest
2-Higher
3-High
4-Moderate
5-Unranked
Corridors
Connectivity Priority
1-Highest
2-Higher
3-High
4-Moderate
5-Unranked
Background
Type
Barrier (no color)
Habitat fragment
Non-habitat

ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 5-a

SUBJECT: Zoning Atlas Amendment – 6915-UT Millhouse Road, Chapel Hill

DEPARTMENT: Planning and Inspections

ATTACHMENTS:
1. Application, including Site Plan and Supplemental Materials
2. Staff Report
3. Notification Materials and Certification
4. Neighborhood Information Meeting Report Form
5. Development Advisory Committee and Courtesy Review Comments
6. January 3, 2024 Planning Board Minutes and Signed Statement of Consistency
7. Statement of Consistency
8. Statement of Inconsistency
9. Ordinance Approving Zoning Atlas Amendments, Including Proposed Conditions
10. Class B Special Use Permit for Existing Telecommunication Tower

INFORMATION CONTACT:
Ashley Moncado, Planner III, 919-245-2589
Taylor Perschau, Current Planning and Zoning Manager, 919-245-2597
Cy Stober, Planning Director, 919-245-2592

PURPOSE: To hold a public hearing, receive the Planning Board and staff recommendations, and public comment, close the public hearing, and consider action on an applicant-initiated Zoning Atlas Amendment to rezone +/-10.01 acres (PIN: 9871-50-3254) located at 6915-UT Millhouse Road, Chapel Hill, within the Chapel Hill Township of Orange County. The proposed rezoning is:

FROM: RB (Rural Buffer)

TO: ASE-CD (Agricultural Support Enterprises - Conditional District)

BACKGROUND: A Conditional Zoning Atlas Amendment application (Attachment 1) from The Treeist proposes to rezone an approximately 10.01 acres property at 6915-UT Millhouse Road, Chapel Hill, in Chapel Hill Township. The Staff Report in Attachment 2 contains additional information, maps, and analysis, including a summary of the applicant's narrative regarding the proposed use's consistency with County-adopted plans. Approval of a site-specific plan is required, and binding, agreed-upon development conditions are permitted, for a conditional zoning district.

Basic Review Process: A conditional district rezoning application requires submission of a site plan and associated documents, in accordance with Section 2.9.1(C) of the Orange County

Unified Development Ordinance (UDO). Sections 2.8 and 2.9 of the Orange County UDO require the following review:

- **FIRST ACTION** – Application is sent for courtesy review.

  STAFF COMMENT: This property is located within the Joint Courtesy Review Area as defined by the Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan. UDO Section 2.8.4 requires that applications of zoning amendments for properties located within the Joint Courtesy Review Area be processed in accordance with the specified joint courtesy review procedures. County staff provided application materials to Town of Carrboro and Town of Chapel Hill planning staff on September 15, 2023, and comments received from this courtesy review are available in Attachment 5.

  UDO Sections 2.5.4(C)1 and 2.8.5(B) require applications for Agricultural Support Enterprises located within the Rural Buffer be forwarded to the County's Agricultural Preservation Board (APB). The APB reviewed the application at its September 20, 2023 meeting and its comments are available in Attachment 5.

- **SECOND ACTION** – Applicant holds a Neighborhood Information Meeting (NIM).

  STAFF COMMENT: The applicant held the NIM on November 17, 2023 at 4:00 p.m. at the Orange County Public Library (Attachment 4).

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

  STAFF COMMENT: The Planning Board reviewed this application at its regular meeting on January 3, 2024.

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

  STAFF COMMENT: The public hearing is scheduled to be held on March 19, 2024.

A formal site plan is required as part of a conditional zoning application and has been submitted (Attachment 1). The applicant is proposing an Agricultural Support Enterprise to locate a tree care and consulting company on this site. This use will include two office buildings, a residential building for a property caretaker, and a service equipment staging area.

The application and site plan were presented to the APB, as required by Sections 2.5.4(C)(1) and 2.8.5(B) of the UDO, but no substantive comments were provided (Attachment 5). Orange County Development Advisory Committee staff approved the submitted site plan with the imposition of recommended conditions, as included in the Ordinance in Attachment 9.

Additional Information

Existing Special Use Permit

A Class B Special Use Permit (SUP) was approved by the Orange County Board of Adjustment in 1994 for the existing 180-foot telecommunication tower and 312 square foot equipment building. The presence of a SUP on the property does not prohibit the use of the property for

other purposes, provided both uses are addressed in the conditional zoning application. The approved SUP is contained in Attachment 10.

Site Access
A Grant of Easement and Assignment of Lease for the existing access easement was recorded in 2008 between the property owner at that time and Crown Castle, the tower owner. The easement language grants Crown Castle privileged rights, including first right of refusal, for the sale and use of that private access easement. Crown Castle has not commented upon this zoning application. Attachment 5 includes a letter detailing the applicant's legal right to the access easement, which cannot be confirmed by staff.

Proposed Conditions
Following the January 3, 2024 Planning Board meeting, the applicant requested to vest their plan's development rights, per Section 2.5.5 of the UDO. This request was added as Condition #7, which was not reviewed by the Planning Board.

Following Planning Board recommendation, Orange County and the applicant negotiated the details included in Conditions #5 and #6.

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

a. The compatibility of the proposed development with surrounding property,
b. Proposed support facilities (i.e. roadways, and access points, screening and buffer areas, the timing of development, etc.), and/or
c. All other matters the County may find reasonable and appropriate or the petitioner may propose.

Per Section 2.9.1(F)(3) of the UDO, the following conditions are being proposed:

1. Project shall be completed as presented in approved site plan/application packet.

2. Allow for a reduction of the 100' setback from the southern property line for outdoor storage of wood chips, stumps and logs, branches and similar wood by-products resulting from tree cutting operations. Outdoor storage shall not be less than 40 feet from the southern property line.

3. Allow for Planning Director to review and approve minor changes to the approved plan, per Section 2.9.1(I) of the Orange County Unified Development Ordinance, specific to the location and arrangement of development within the limits of disturbance and the proposed "activity area". The "activity area" shall be defined as the edge of gravel as shown on the provided conditional zoning plan set.

4. Allow for Planning Director to review and approve minor changes to the approved plan, per Section 2.9.1(I) of the Orange County Unified Development Ordinance, specific to outdoor pole lights. Pole lights shall not exceed 14 feet and shall not be located outside the proposed "activity area" The "activity area" shall be defined as the edge of gravel as shown on the provided conditional zoning plan set.

5. Initial access to the applicant's property shall be through the current access easement held by Crown Castle, LLC, and improved consistent with the County's road improvement terms and standards.

Orange County intends to develop the property on which the existing access easement is located into a park for recreational activities. When that development occurs, the County will construct and record a new access road running along the northern boundary of the property with a north/south connection to the applicant's property. When that new access road is recorded, as conceptually shown in orange on the map as Attachment A, the County may demand that the applicant discontinue use of the initial access road and exclusively access applicant's property using the new access road constructed by the County. The applicant agrees to comply with the County's demand within ten business days.

6. The additional party to the current access easement, Crown Castle, LLC, shall be contacted and their written response should acknowledge their use of the new access road once constructed, and their abandonment of the current access easement.

7. Approval of this plan establishes a zoning vested right under North Carolina General Statute 160D-108. Unless terminated at an earlier date, the zoning right shall be valid until March 19, 2029 (assuming Board of Commissioners' approval of this rezoning application on March 19, 2024).

Public Notifications: In accordance with Section 2.8.7 of the UDO, notices of the Public Hearing were mailed via first class mail to property owners within 1,000 feet of the subject parcel. These notices were mailed on February 28, 2024, 20 days before the hearing. Staff also posted the subject parcel with signs on February 29, 2024, 19 days before the hearing. See Attachment 3 for the notification materials.

Planning Board Recommendation: The Planning Board reviewed the zoning atlas amendment at its January 3, 2024 regular meeting. At this meeting the Planning Board voted unanimously to recommend approval of the Statement of Consistency (Attachment 7) and the proposed Zoning Atlas Amendment (Attachment 9), as presented, with the exception of directing the applicant and Orange County to continue to negotiate regarding the access road, which crosses County-owned land (Condition 5).

The approved minutes from the January 3, 2024 meeting, as well as the Board's signed statement of consistency, are included in Attachment 6. Agenda materials from the meeting can be viewed at: https://www.orangecountync.gov/AgendaCenter/ViewFile/Agenda/_01032024-1916.

Planning Director's Recommendation

The Planning Director recommends that the Board of County Commissioners:

1) Consider the matter for action;
2) Acknowledge that legally-sufficient public notice was given for the application and this meeting, in accordance with State law and the Orange County UDO;
3) Review the staff report (Attachment 2), featuring analyses of UDO compliance, impact of the use to the surrounding area, safety and efficiency of land use, and consistency of the application with the Orange County's adopted plans;
4) Allow for the applicant's presentation of materials;
5) Conduct the public hearing, receive public comments, and consider the Planning Board recommendation;
6) Close the public hearing; and

7) **Vote to Approve** the Statement of Consistency (Attachment 7) and Zoning Atlas Amendment Ordinance (Attachment 9)
OR
Vote to Deny the Zoning Atlas Amendments, including a statement as to why the application is not reasonable and/or not in the public interest, as detailed in the Statement of Inconsistency (Attachment 8).

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

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

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

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

RECOMMENDATION(S): The Manager recommends the Board:

1. Conduct the public hearing and receive the Planning Board and staff recommendations and public comments;
2. Close the public hearing; and
3. **Vote to Approve** the Statement of Consistency (Attachment 7) and Zoning Atlas Amendments (Attachment 9);
   OR
   Vote to Deny the Zoning Atlas Amendments, including a statement as to why the application is not reasonable and/or not in the public interest, as detailed in the Statement of Inconsistency (Attachment 8).

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

Zoning Atlas Amendment – Rezoning Application

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

Date: August 3, 2023 **Rezoning Request:** ☐ Conventional District ☑ Conditional District

Contact Information

Property Owner(s): Craig Nishimoto (Acer LLC)

Mailing Address: 1200 Hatch Rd, Chapel Hill, NC 27156

Phone: 984-215-8231 **Email:** craig@thetreeist.com

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

Mailing Address:

Phone: **Email:**

Property Information

Parcel ID Number (PIN): 9871503254 **Total Acreage:** 10.01 A

Address: 6915-UT Millhouse Rd, Chapel Hill, NC 27516

Future Land Use Map Classification: Rural Buffer

Current Zoning Designation: Rural Buffer

Requested Zoning Designation: ASE-CD

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

Other Submittal Requirements

Conventional District Rezoning Application

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

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

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

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

☑ A detailed narrative denoting the following:

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

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

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

Conditional District Rezoning Application

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

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

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

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

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

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

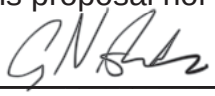
☑ A schedule of construction of all elements of the proposal.

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

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

Certification and Signatures

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



Owner Signature(s)

August 3, 2023

Date

Applicant Signature (if different from owner)

Date

Detailed Narrative

How the proposed amendment is consistent with, or carries out the intent and purpose of the adopted Orange County Comprehensive Plan , or part thereof

Well over half of Orange County's population is clustered within the Towns of Chapel Hill and Carrboro.[1] It is within these towns where we find the County's most significant tree-related challenges and needs. These include

- the increasingly disruptive noise pollution created by industrial tree processing equipment,
- the countless tons of wasted natural resources from tree maintenance and tree removal services,
- the rising costs of tree ownership compromising the goals of flourishing and equitable canopy coverage,
- the challenge of attracting, training, and providing local jobs to highly skilled arborists,
- the need to increase tree and tree-care literacy among local property owners, and
- the challenge of providing responsive emergency tree services to south Orange County population centers.

We, at the Treeist, are uniquely positioned to help meet these needs, but we have outgrown our current headquarters at the outskirts of Carrboro. We have therefore purchased an ideally located 10-acre parcel off Millhouse Road, bordering the county landfill. Although located within the Rural Buffer, the requisite rezoning of this parcel is congruent with the neighboring parcels and with the County's development directives. Observing how the Treeist's track record and future aspirations align with the County's own mandated goals and objectives, we argue that fidelity to the 2030 Comprehensive Plan favors our rezoning needs.

1. Noise Pollution

The Orange County Comprehensive Plan aims to preserve and promote the tranquility of our neighborhoods by restricting operations that create noise and dust, such as the wood processing operations of sawmills and mulch grinders. While well-intentioned, these inflexible zoning restrictions actually have the effect of bringing the noise of wood processing directly into our neighborhoods.

[1] Comprehensive Plan, p. 5-21: The "population is not evenly distributed throughout the County. Density is focused in the southern section of the County with fifty-seven percent of the population residing within the Towns of Chapel Hill and Carrboro."

The intent of zoning restrictions on wood processing operations is to ensure that tree workers haul away woody waste to distant, zoning-compliant locations for the noisy work of sawing, chipping, and grinding, but what actually happens is the opposite. With zoning-compliant locations for processing trees so far away, tree services find it more expedient to haul large tree processing machinery into the residential neighborhoods processing the wood and debris onsite. Today's standard practice is for tree crews to bring in high-capacity chippers (typically a 10,000 pound machine capable of chipping entire trees and logs over a foot and a half in diameter) and parking them on residential streets or in the homeowner's driveway. Whole trees are processed within steps of the living rooms and home offices of unprepared neighbors. While electric versions of vehicles, leaf blowers, lawn mowers, trimmers and chainsaws are making all other forms of yard work quieter, there will never be a quiet way to turn trees into wood chips. Wood chippers have in fact become significantly louder in the last decade as emissions standards favor higher-pitched gas-powered chippers over their diesel counterparts.

In short, rigid zoning ordinances bring the noise and disruption of tree processing into the communities the same ordinances seek to protect, and the standard practices of residential tree work are thereby increasingly at odds with the reasonable expectations of the neighborhoods serviced.

2. Natural Resource Waste

Processing trees within residential neighborhoods is not just loud, it is also highly wasteful of natural resources. With log yards and sawmills so far away from the communities in which the tree work is done, it is rarely feasible for tree services to haul the logs to these destinations. The logs are instead run through high capacity wood chippers or cut into short lengths worthless to a mill and are, as a result, discarded. Without a local site where logs and woody material can be collected and staged for their highest use (as lumber, veneer, biofuel, and pulpwood, e.g.) nearly everything ends up as waste material or, at best, as firewood or coarse wood-chip mulch.

The negative environmental impact of such practices deserves attention. An average chip truck holds 10,000 pounds of wood chips. One tree crew will fill that truck daily. Our company currently sends out four crews every weekday, and we will likely need to double or triple that number to keep up with the local demand for tree maintenance needs. Whether spread out in the landscape or left in a pile, wood-chip mulch decomposes rapidly, with most of their stored carbon released back into the atmosphere. Since wood chips are by weight approximately 40% water, and what remains is 50% by weight carbon,[2] a truckload of wood chips contains 3,000

[2] https://www.fs.usda.gov/sites/default/files/Forest-Carbon-FAQs.pdf

pounds of carbon. Decomposed and converted back into carbon dioxide, this becomes 11,000 pounds of $C0_2$.[3] This is the greenhouse gas emissions equivalent to burning 5,589 pounds of coal, 561 gallons of gasoline, or 229 cylinders of those propane cylinders used for backyard barbecues.[4] Every day, therefore, tree services like ours facilitate the rapid and wasteful release of many tons of greenhouse gasses due to their inability to repurpose logs and woody material as biofuel or wood products. Running four crews, I imagine our company as wastefully burning off two thousand gallons of gasoline daily simply because we are stuck with the status quo. While we also seek to have a positive environmental impact through tree planting and arboriculture education, nothing matches our opportunity to effectively reduce wood wastage. Again, using the EPA's greenhouse gas equivalencies calculator, we would have to grow over eighty tree seedlings for ten years to sequester the carbon equivalent of just one truckload of wood chips.

The present situation of tree logs is also alarmingly wasteful. This has recently come to attention in North Carolina House Bill 295. This bill, which offers assistance to NC sawmills, is supported by the NC House of Representatives and the NC Senate Agriculture Committee. Randall Williams, a coauthor of this bill and sawmill operator in Orange County, explains:

> Like most states, North Carolina's lumber market is international, not local. Most of the lumber that people get at big box stores is shipped across the continent from clearcuts in the Pacific Northwest and Canada. Sometimes it comes from as far away as Romania, Sweden, and Germany. Meanwhile, local logs often get dumped in the landfill. Why? Most big lumber companies have contracts with international log suppliers; they rarely source from local loggers, landowners, farmers, and arborists. For those N.C. wood-based businesses, the prices they get for their logs is so low that they rarely make a profit hauling them. Sometimes, local log haulers get as little as $25/ton for their loads. As the Wall Street Journal has pointed out, most small landowners and loggers are getting 1990s prices for timber.

Due to the low price per ton mentioned above, North Carolina has lost almost half of its sawmills since 2001.[5] This dearth of available processing facilities, along with the low price for logs, decreases the feasibility of getting logs harvested from residential trees to suitable sawmills. The result is that trees harvest by local tree services almost always end up in the waste stream, to the disadvantage of the environment, the waste reduction goals of Orange

[3] Since $C0_2$ is only 27% by weight carbon, multiplying the pounds of carbon by 3.7 yields the amount of $C0_2$ produced. As wood chips decompose most of the carbon is released as $C0_2$ (exposed to air and moisture, precious little carbon remains stable as humus).
[4] https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator.
[5] The North Carolina Sawmill Industry: A Closer Look. NC State Extension Publications

County, the small local sawmill operators, the local woodworkers and builders, and even to the homeowners who would like the wood from their trees to go to a better use.

The Millhouse Road parcel addresses these problems of waste and noise pollution. The 10-acre plot is centrally located for ease of servicing tree care operations in southern Orange County, but also ideally situated such that disturbances to neighbors would be minimal to nonexistent. The parcel borders the County landfill to its south and is surrounded on all sides by County-owned land and Duke Forest. The nearest residential structure is about a quarter of a mile away.

This location would serve as our company headquarters where we would stage the woody materials brought back in mixed loads by our local tree crews. This location would alleviate pressure to tow large tree-processing machinery into residential neighborhoods. By having this staging area we foresee being able to replace high capacity towable wood chippers with grapple trucks that can load and haul away logs and brushy material without the need for on-site processing. Such grapple trucks would be similar to those already in use by many municipalities for local curbside debris pick up, except that they would be built and rated for log pickup. From the 10-acre parcel the staged and organized material could then be efficiently transported to log mills, green-waste processing centers, and biofuel plants.

These grapple trucks and the location for log staging would also enable us to collaborate with other local tree services for similarly managing their wood waste. We would offer to local tree services the option of hiring us to haul away their logs from residential locations, thereby multiplying our impact on noise pollution and natural resource waste.

In helping to resolve the noise pollution problem, we would be helping Orange County achieve the following Goals and Objectives of its 2030 Comprehensive Plan:

- ED Goal 4: Partnerships that ensure the County remains a great place in which to live and work.
- Objective H-3.1: Achieve residential neighborhoods that are attractive and well maintained.
- Goal LU-1: Fiscally and environmentally responsible, sustainable growth, *consistent with the provision of adequate services and facilities and a high quality of life*. (italics added)

In enabling us to direct locally produced wood chips to energy production and logs to lumber we would be helping the county with one of the “key issues” identified in its 2030 plan, namely

"Promoting the sustainable use of the County's natural resources" (Comprehensive Plan, p. 5-11). In particular, we would be facilitating the following Goals and Objectives.

- Objective ED-1.1: Focus public education efforts on sustainability issues, looking at the social, economic and environmental contributions of local businesses.
- LU Goal 1: *Fiscally and environmentally responsible, sustainable growth*, consistent with the provision of adequate services and facilities and a high quality of life. (italics added)
- LU Goal 2: Land uses that are appropriate to on-site environmental conditions and features, and t*hat protect natural resources*, cultural resources, and community character. (italics added)
- Objective AE-2: Adopt a carbon reduction plan to reduce County greenhouse gas emissions by a target to be determined by the ongoing Greenhouse Gas Emissions Study by the year 2020.
- Objective AE-13: Develop an inventory of funding opportunities, programs, credits, etc., that can be used to improve energy efficiency and to generate sustainable power. Identify ways for the County to facilitate the use of these options by County businesses, institutions, and residents.
- Objective AE-15: Foster participation in green energy programs…
- Objective AE-16: Develop the use of alternative fuels and waste-derived fuels that will convert landfill, water treatment, agricultural, and wood wastes into heat and electricity.
- Objective AG-8: Encourage the use and production of natural fuel alternatives to petroleum-based products and pursue new types energy sources. (sic)
- Objective T-1.2: Facilitate the overall development and use of a transportation system that is more energy-efficient, reduces carbon emissions, and *reduces the use of fossil fuels while promoting the use of local renewable and sustainable fuels*.
- Objective SW-2: Encourage the recycling of solid waste….

In redirecting the woody waste *away from* local solid waste services, we would be helping the County achieve its waste reduction targets. In measuring its waste reduction goals the County specifically includes "all tons managed by Orange County, including waste deposited into landfills, recyclables collected that year, *mulched brush*, *and other operations, such as appliance recycling, that recycle or dispose of materials in ways other than placing in a landfill"* (Comprehensive Plan, p. 8-25). In terms of the Comprehensive Plan:

- Services and Community Facilities Goal 6: Less solid waste per capita with cost effective and environmentally responsible disposal and management.
- Objective SW-1: Continue to affirm, support, and work towards achieving a 61% waste reduction goal adopted by the County in 1997.

In allowing us space to sort and stage saw logs from locally removed trees, the County would also be enabling us to work with and support local sawmills. These sawmills, and the wood salvaged from the trees that we selectively remove locally, are a part of our local agriculture. They are aptly described by this observation in the County's Comprehensive Plan:

> Another key trend has been a set of changes in the agricultural industry: first with the emergence of agri-business making it increasingly difficult for local farms to compete in national markets; and second, a growing interest in Orange County in consuming locally grown products that can offer strategic opportunities for local agriculture. p. 3-16

We would be helping the County achieve the following.

- Objective ED 4.4: Enhance rural and agricultural community character by supporting local agriculture markets, supporting complementary conservation and management tools, and considering tools to make farming more profitable.
- Natural and Cultural Systems Goal 2: Economic viability of agriculture, forestry, and horticulture and their respective lands.
- Natural and Cultural Systems Goal 3: Infrastructure and support systems for local and regional agriculture.
- Objective AG-2: Pursue new measures (some of which may require special legislation) to make farming more profitable, such as additional programs for tax assistance.
- Objective AG-3: Develop programs and associated infrastructure facilities to make local farms more economically viable, including local farm product processing, development of a distribution center, and marketing initiatives.

3. Lowering Costs of Tree Ownership

"Tree equity" refers to the idea that lower-income neighborhoods should receive the same benefits of trees and canopy coverage as their higher-income counterparts. The rule, however, is often tree inequity.[6] Since the cost of caring for and accommodating mature, large trees is often prohibitive for lower-income neighborhoods, canopy coverage becomes an impractical luxury. Dead limbs appear even in healthy trees, creating hazards over houses, patios, and cars. Mitigating even these routine tree hazards often requires the costly services of a specialist. Tree costs become exceedingly high and unpredictable if a large tree should suddenly die or begin to fail. Thus, several researchers have concluded that "[d]ue to the costs incurred it would not be

[6] New York Times, 2021. "Since When Have Trees Existed Only for Rich Americans?"; Scientific American, 2021. "Trees Are Missing in Low-Income Neighborhoods"; Pew Charitable Trusts, 2021. "Trees: The Critical Infrastructure Low-Income Neighbors Lack"; Nature Conservancy, 2021. "Mapping Tree Inequality: Why Many People Don't Benefit from Tree Cover".

affordable for low-income households to plant and maintain trees in their backyards."[7] The reality is that "[t]rees grow on money,"[8] and instead of investing in the long-term goal of canopy coverage, marginalized neighborhoods turn to lawns and shrubbery. For, when money is short, it is better to suffer tall grass than dangers from a tall tree.

If, as our population grows, the goal is to maintain and increase healthy tree canopy coverage throughout Orange County, then the costs of tree care must be taken seriously. Other measures open to the County and its municipalities, such as tree protection ordinances and community tree planting initiatives, need to be combined with a direct addressing of this root cause of why many homeowners, especially in lower-income neighborhoods, are averse to increased canopy coverage and large-growing trees: trees are too expensive. In order to increase our tree canopy, we have to reduce the cost of tree care.

To that end, we have made it an integrated part of our operations to provide *pro bono* tree work for our neighbors in the Rangewood Community of Chapel Hill.[9] As of July of this year, we have completed over $18,000 worth of needed tree work. We are committed to continuing this work and, more generally, to make premium tree care within the reach of more residents of Orange County. We can do this by lowering our operating costs through elimination of inefficiencies and waste in managing woody materials.

The proposed zoning amendment will directly lower our operating costs, thereby allowing us to make premium tree care services accessible to more Orange County residents, facilitating the following:

- ED Goal 2: Infrastructure that supports desired development.
- Objective H-3.1: Achieve residential neighborhoods that are attractive and well maintained.
- Objective H-3.3: Expand assistance in the retrofitting, repair, and maintenance of existing homes owned by financially challenged households, particularly those that are senior citizens.

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[7] Seo, Y. Varying Effects of Urban Tree Canopies on Residential Property Values across Neighborhoods. *Sustainability* 2020, *12*, 4331. https://doi.org/10.3390/su12104331

[8] Schwarz K, Fragkias M, Boone CG, Zhou W, McHale M, Grove JM, et al. (2015) Trees Grow on Money: Urban Tree Canopy Cover and Environmental Justice. PLoS ONE 10(4): e0122051. https://doi.org/10.1371/journal.pone.0122051

[9] Every Wednesday, as well as on some Saturdays, David Ricks, the co-owner of the Treeist, leads a crew in pro-bono work for the Rangewood Community. Contact us for a list of services we have provided. We can also provide references upon request.

4. Employment and Job Training

In 2015 the Treeist was a sole proprietorship with only a couple of employees. Each year we have grown, largely in an effort to keep up with the growth in the demand for our services, a growth almost entirely fueled by current clients through word-of-mouth referrals, as well as through our online reputation. We have been able to double our number of employees since 2020, and currently employ 26 people, 23 of which are full time. We anticipate the opportunity, and the need, to double in size again within three years.

Our employees are paid well above the $16.60 per hour living wage recognized for Orange County in 2023-24, with our tree workers earning an average of $28 per hour and our clerical workers and consultants averaging $26 per hour. Through our reputation for safety, employee training, pathways for career advancement, and opportunities for working alongside other top arborists and climbers, we have attracted top talent to our company, including from far out of state. Continuing to build on this strength will ensure that Orange County has first-class arboriculture training opportunities, along with first class arborists. We believe this is one of the best things that can be done for our trees, for Orange County residents who care about trees, and for residents who would like a path into arboriculture as a career.

Our site plans for the new property include an extensive area of preserved mature trees for climbing training, as well as ample classroom space to allow us to build an apprenticeship program, which we see as needed in our industry.[10] This facility will expand our ability to offer training to affiliated organizations, such as municipal Parks and Recreational employees, university and arboretum staff, and climbers from other tree care companies.[11]

[10] A core part of our mission is to train and employ people who want to work with trees, especially in aerial tree work. Aerial tree work tends to be both dangerous to the worker and deleterious to the trees if there isn't a lot of training, knowledge, and experience. Where does one find this training, knowledge, and experience? It is not found in any formal degree or certificate program, and it is highly difficult to come by it privately. Prospective employers typically require several years of tree climbing experience for their climbing positions. For most, the path into professional residential arboriculture requires a extremely dangerous (starting to climb hazard trees with chainsaws without proper training) or dissuasive time consuming (requiring several years of menial physical work of dragging brush before a coworker or employer lets you try to climb a tree under supervision). Consequently, talented people who might otherwise love to work with trees tend to avoid residential arboriculture. Our pitch for bringing talenting people back towards arboriculture is posted at our webpage "Why Not be an Arborist?"

[11] At our current location we have provided tree pruning training to the Parks and Recreation staff of Carrboro, climbing training to staff at the NC Botanical Garden and the Coker Arboretum, climbing and aerial rescue training to the arborist team at NC State University and many tree climbers from other companies, both local and not-so-local. Much of this training was provided by the Treeist at no cost to these individuals and organizations.

By allowing us to use our Millhouse Rd property for an expanded headquarters, Orange County aligns itself with its Guiding Principle “to provide employment opportunities close to the areas where people live in Orange County” (Comprehensive Plan, p 3-16), facilitating the following:

- ED Goal 3: Effective systems to train and support residents and those who work in Orange County.
- Objective ED-3.1: Develop and nurture partnerships that support workers and their families at all stages of their lives and provide opportunities for lifelong learning and retraining in response to changing economic conditions.
- Objective ED-3.2: Promote access to living wage jobs that offer benefits and career advancement potential.
- Objective ED-3.3: Form partnerships with Durham Technical Community College, UNC-Chapel Hill, Chapel Hill/Carrboro Schools, Orange County Schools, *and others* to provide adequate training and education to enable workers in Orange County to obtain high quality jobs. (Italics added)

5. Public Education about Trees and Tree Care

Most homeowners in our area will eventually have a concern about trees that calls for professional attention. When this happens they will often call an arborist. We receive approximately 75 requests every week from concerned local homeowners requesting an in-person property visit from one of our consulting arborists, and we fulfill these property visits requests typically within the subsequent week. Over 85% of those visits are provided by us at no cost to the property owner, and many of these requests are primarily requests for our advice.

These advice requests run the gamut and are incredible opportunities to educate and inform the public about their trees. Many of our clients cannot distinguish a birch from a beech. They may have called us because they fear a large white oak that is leaning slightly towards a child’s bedroom, or because of a dead black gum in their backyard, or because their slippery elm appears to be dying. As often as not, we are able to assuage their tree fears, directing the homeowner towards more valuable and ecologically sound investments in their property. For the white oak, we might discuss the many virtues of *Quercus alba* and why its lean doesn’t of itself constitute a high risk of tree failure. We might provide them with risk mitigation options that will save the tree and be less costly than whole tree removal. If their dead back gum is suitably located, we’ll point out that leaving it in place is a reasonable option, even beneficial for its wildlife habitat value and ecological function. If their apparently dying elm is merely defoliated by elm leaf beetle, a common native insect in our area, we will inform them that, despite appearances, the tree will prove itself to be entirely healthy the following spring. Next

to the elm, however, we might point out an ash which, although seemingly healthy now, will soon become problematic and increasingly difficult to remove as it dies from the invasive emerald ash borer. Each of the 75 properties our consultants visit in a week offers opportunities like these to educate and inform.

Our consulting arborists are selected for their genuine interest in trees and ecology, and we maintain and attract these arborists by guaranteeing their pay independent of the sales that they make. We tell our consultants that their mandate, first and foremost, is to give good advice. To understand what this means, we have our consultants imagine being asked, towards the end of a consultation, “What would you advise about my trees if I were your own dear mother?” Their answer should be: “The same advice that I have given.”

We invest in this kind of detailed and property-specific advice, and the education of our clients, as a value-driven alternative to advertising. That it is effective and valued by our clients is shown by the ever-increasing demand for our services as our clients recommend us to their friends and neighbors. It is effective in part because of how distinctive our consultations are from many other tree services. When clients receive multiple bids from multiple tree services many of these will, whether intentionally or not, profit at the expense of trees and the community, selling unnecessary tree work through the already-present fears and naivety of the public. We are motivated by the idea that every next property we can visit is a property we can benefit through the education and options that we provide in contrast to those who simply intend to profit from tree cutting.

While Orange County does have publicly supported institutes such as local arboretums and the NC Botanical Garden that offer excellent and ecologically sound information to residents, these institutions tend to preach to the choir, speaking largely to those who already have a healthy interest in trees. We get invited into the backyards of all those same people along with everyone else, offering the kind of advice one might hear at the NC Botanical Garden, but in direct reference and application to the homeowner’s specific trees and landscape. It is an incredibly direct, individualized, and rapid avenue for connecting the resident to their property.

We therefore see the growth of our company as both reflecting and expanding the valuable service we provide to our community. Our staff currently includes the following certifications of the International Society of Arboriculture: eight Certified Arborists, four arborists qualified in Tree Risk Assessment, and one Board Certified Master Arborist. A larger and expanded facility would allow us to more than double our capacity and impact.

By permitting our rezoning request, Orange County would thereby be facilitating our work in educating and providing ecologically sound options to local homeowners. This advances the County's interest in the following.

- Objective ED-1.1: Focus public education efforts on sustainability issues, looking at the social, economic and environmental contributions of local businesses.
- Natural and Cultural Systems Goal 7: A balanced and healthy diversity of native plant and animal populations.
- LU Goal 2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.

Beyond what we do for private homeowners, the Treeist has in the past also been able to further these environmental and educational goals by offering guest presentations at local garden clubs and the Chapel Hill Public Library, as well as offer discounted tree services to the ecologically-minded non-profits such as the NC Botanical Garden, the Coker Arboretum, and the Ellerbe Creek Watershed Association, and the Triangle Land Conservancy. We hope to be able to expand these offerings and services.

6. The Provision of Emergency Services

Orange County receives a wide variety of storms and weather events including flooding rains, ice storms, tornados, tropical storms, hurricanes, straight line winds, and lightning strikes. In all of these weather events, trees break and fail. It is damages from trees that comprise most of the problems we associate with storm events of every kind.

To help prepare itself for emergencies, Orange County participates in a regional hazard mitigation plan. On page 50 the plan lists the FEMA Major Disaster Declarations of our region

since March 2019:

Table 4.4 – FEMA Major Disaster Declarations, Eno-Haw Region

County*	Disaster #	Date	Incident Type	Event Title
A, O, P	4412	10/10/2018	Hurricane	Tropical Storm Michael
A, D, O, P	4393	9/14/2018	Hurricane	Hurricane Florence
A, O, P	4167	3/31/2014	Severe Ice Storm	Severe Winter Storm
A	1969	4/19/2011	Severe Storm(s)	Severe Storms, Tornadoes, and Flooding
P	1801	10/8/2008	Severe Storm(s)	Tropical Storm Hanna
A	1553	9/18/2004	Hurricane	Hurricane Ivan
D, O, P	1490	9/18/2003	Hurricane	Hurricane Isabel
A, O, P	1457	3/27/2003	Severe Ice Storm	Ice Storm
A, D, O, P	1448	12/12/2002	Severe Ice Storm	Severe Ice Storm
A, D, O, P	1312	1/31/2000	Severe Storm(s)	Severe Winter Storm
A, D, O, P	1292	9/16/1999	Hurricane	Hurricane Floyd Major Disaster Declarations
D	1211	3/22/1998	Severe Storm(s)	Severe Storms, Tornadoes, and Flooding
A, D, O, P	1134	9/6/1996	Hurricane	Hurricane Fran
A, D, O, P	1087	1/13/1996	Snow	Blizzard of 96
D	827	5/17/1989	Tornado	Tornadoes

Source: FEMA Disaster Declarations Summary, March 15, 2019
*County code: A = Alamance, D = Durham, O = Orange, P = Person

Looking at each of the Incident Types and Event Titles, we can see that each of these major disasters intimately involved trees. Orange County residents remember Hurricane Fran or the 2002 ice storm primarily because of all of the trees that fell or broke around them. Tropical Storm Michael might have been forgotten except for the remnants of all of the large uprooted hardwoods still visible in its long aftermath.

While Orange County and its towns may have publicly funded resources for fire, EMT, and police responses, individuals and institutions generally must find private tree companies to deal with the fallen trees on their houses, buildings, vehicles, driveways, and yards. From its webpage on Disaster / Emergency Preparedness, consider Orange County's own directives to its residents:

Downed Trees & Debris

- For downed trees and other debris in a roadway, assure that you are in a safe location and call 911
- For downed trees on private property contact the primary insurer of the property and then contact a private debris removal company

If you hope for help from public emergency services, then hope that your tree emergency involves a roadway. Since, however, most of the trees that fall or break do not do so on a public roadway, most emergency responses for fallen or broken trees depend on the services of private tree companies such as the Treeist.

Realizing that our clients and community rely on us to respond to emergencies, we are available to respond every day of every week without exception or holiday. Monitoring weather

forecasts, we prepare emergency response teams ahead of storms, ensuring that trucks are ready and staff are on standby during weekends or whenever rains interrupt our routine scheduling.

In addition to availability, ameliorating emergency situations for residents also requires accessibility - how quickly can the tree service come to the property owner's aid? A tree service will tend to prioritize its near neighbors, and in major storm events tree services headquartered further away may be unable to respond when their routes into town are impassable due to ice, flooding, or other obstructions. As of 2005 nearly sixty percent of the County's population is clustered within the Towns of Chapel Hill and Carrboro (Comprehensive Plan, p. 5-21). It is in these towns, and particularly in the older subdivisions, where we find the homes and buildings surrounded by large and aging trees. Allowing us to locate our headquarters near this majority of Orange County's residents and residential tree service needs helps to ensure that property owners have access to timely emergency services.

It is not just for the rapid response and availability that vehicles and equipment needed for emergencies should be located close to town. When a major natural disaster such as a hurricane is forecasted well in advance, tree services from neighboring and distant states show up in droves. Their lack of connection to the community, however, often results in unscrupulous practices and subpar services. Clients sometimes tell us painful stories about past entanglements with malpracticing tree services. These stories typically feature some out-of-town tree cutting crew without any strong stake in the local community. In emergency situations, however, residents often do not have the luxury of selectivity or of due diligence research. With close proximity and an adequate location for waste disposal, the Treeist hopes to offer nimble and responsive tree emergency services, giving Orange County residents the option of working with a local company in their times of need.

Besides responding to emergencies, we proactively do what we can to reduce these tree emergencies from happening in the first place. We do this by helping property owners identify and to mitigate tree risks throughout the year, and all of our consultants are specifically trained in evaluating tree risks.

Permitting us to rezone our 10 acres will allow us to expand our capacity for emergency tree services for Orange County, helping Orange County to fulfill its several related obligations.

- LU Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.
- LU Goal 5: Life, health, and property safe from hazards.

- Objective LU-5-2: Continue to implement the Orange County Hazard Mitigation Plan.
- Objective LU-5-3: Develop and coordinate an emergency disaster plan and community education program to increase awareness of the dangers of natural and human-made emergency events and understand how best to prepare.
- Services and Community Facilities Goal 7: Efficient and effective public safety, including police, fire, telecommunications, emergency services, and animal services.
- Objective PS-T-3: Establish and maintain an appropriate level of service for law enforcement and emergency services and ensure the provision of adequate public safety protection standards for residential, commercial, and industrial development throughout the County.
- Objective PS-T-4: Maintain high levels of cooperation and sharing of equipment among all departments and agencies involved in law enforcement, public safety, crime prevention, fire protection, and emergency services to assure a high level of service in a cost effective manner.
- Objective T-2.3: Increase countywide access for emergency vehicles, including ways to improve response times, both for existing and new developments.

7. Congruence with the Adjacent Parcels

Our plans for the 10-acre parcel are congruous with the nearby properties. A brief geographical overview:

- To our south: the Orange County Landfill at 1514 Eubanks Rd. Adjacent to our property is the artificial hill created by the old “preregulatory” unlined landfill no longer in use. Beyond that is the county’s mulching operation and waste and recycling center. Altogether this 120 acre parcel creates an approximately half mile buffer between our property and Eubanks Rd.
- To our west: Duke Forest’s research forest area, which is closed to the public, creating a 1.15 mile buffer between our property and NC Highway 86.
- To our north and east: 78 acres of largely undeveloped land owned by Orange County. To our north this creates a 1000 foot buffer between our nearest neighbors (Green Beagle Lodge, and Green Beagle Lodge owners Andrew and Tammy Purner). To our east this creates a 1,350 foot buffer to the 2-acre along Millhouse Rd owned by the Town of Chapel Hill.
- Within our parcel is a 195 foot tall telecommunication tower within a 0.2 acre plot for which the owner of the tower has a perpetual lease.

The long, shared southern border with the old landfill limits the viable uses for our parcel and the neighboring parcels owned by Orange County. There is a long history of controversy between the county landfill on Eubanks Rd and its neighbors.[12] The most publicized of these issues concerns the newer portion of the landfill south of Eubanks Rd near the Rogers Road community. In a 2011 article supported by the Fund for Investigative Journalism, Rebekah Cowel reported on that community.

> Last year, the Orange County Health Department tested the community's drinking water wells and reported that nine of the 11 wells were contaminated and did not meet federal drinking water standards. Contaminants found include the carcinogen vinyl chloride, which was detected at levels 1,066 times higher than DENR's acceptable level. Long-term exposure to vinyl chloride can lead to "rare cancer of the liver," according to the Environmental Protection Agency. Benzene was detected at six times higher than acceptable levels. Long-term exposure can lead to anemia, a decrease in blood platelets and increased risk of cancer. Other contaminants included tetrachlorethylene and dichlorethene.

Significantly, the portion of the landfill near the Rogers Road community is the newer, more tightly regulated and properly-lined portion of the landfill. Our parcel, and those nearby, share a border with the portion of a landfill built before 1983. According to the same article, such older landfills are "'preregulatory," essentially unlined dumps whose contents often leak into the soil and groundwater."[13] According to the Orange County Comprehensive Plan "[m]ethane from the closed municipal solid waste landfill is passively vented" and the closed area still "generates a biogas that is vented to the atmosphere" (p. 8-21).

While problematic for many types of community and uses, our intended proposal for the property isn't affected by these issues or operations. Based on email correspondence with Robert Williams and Bruce Woody, Orange County's Director and Assistant Director of Solid Waste, we expect no conflicts with our neighbors to the south.

To our west is the 1,000+ acre Blackwood Division of Duke Forest. The portion of Duke Forest adjacent to our 10-acre parcel is used for research and is intentionally off limits to the public. According to Duke Forest Supervisor Tom Craven, their primary concern has been the

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[12] https://www.newyorker.com/news/news-desk/fighting-environmental-racism-in-north-carolina; https://www.renacommunitycenter.com/the-landfill; https://mediahub.unc.edu/rogers-road-neighborhoods-fight-environmental-justice/; https://hpdp.unc.edu/2011/07/landfill-air-pollution-may-be-as-unhealthy-as-it-is-unpleasant-study-finds; https://stonewalls.substack.com/p/greenetract

[13] https://indyweek.com/news/northcarolina/digging-deeper/

trespassers entering the Blackwood Division on foot or on bicycle from unauthorized trails through the adjacent county parcels and our undeveloped ten acres. Trespassers are a particular threat to the expensive equipment and monitoring instruments throughout these forests. Duke Forestry also has an ongoing problem with people dumping garbage in their Blackwood Division, especially on Wednesdays when the County's solid waste and recycling center on Eubanks Road is closed. The staff at Duke Forestry foresee these problems getting worse if and when Orange County develops the Millhouse Road Park for recreation, which will include a public parking lot. Our plans would therefore benefit Duke Forest when, for our own purposes, we add security to our 10-acre private-land buffer between the recreational fields and Duke Forest.

Close to our 10-acre parcel, Duke Forest allows seasonal deer hunting and utilizes regular, prescribed burnings to maintain their "Piedmont Prairies" such as Blackwood Field. Knowing the ecological benefits of these practices, neither Duke Forestry nor the county will receive complaints from us about smoke or hunting. Likewise, knowing that ongoing research in the Blackwood Division may be sensitive to light pollution, we are happy to follow dark sky guidelines for avoiding any conflict. Our interests and ethos regarding trees, forests, and teaching are well aligned.

To our north and west are County-owned parcels, largely undeveloped, that together compromise 78 acres. In 2004 and 2007, Orange County purchased these parcels with the idea of using them for future recreational facilities, including lighted fields and potentially an indoor recreational center, under the name Millhouse Road Park.[14] In 2018 the Board of County Commissioners looked into the possibility of using its adjacent parcels for a 34-unit manufactured home park. This resulted in a 240 page property evaluation. Since all of this land is in the Rural Buffer, these sites would have depended on septic systems, ground water from wells, and rezoning to HP-CZD. The major obstacles appear to have been the inadequate soils, wetlands, and likely inadequate or cost-prohibitive well and waste-water options for the envisioned park.[15] Aspirations for the manufactured home park appear to have been abandoned.

Our 10-acre parcel is situated towards the back corner of the 78-acre Millhouse Road Park site. Our plans for our parcel are compatible with the County's plans for rezoning and development of the Millhouse Road Park site for recreational use. As a headquarters for our company, our 10-acres would also extend the recreational options for the community. In 2018 we began offering free-to-the public, in-depth weekly tree climbing courses. At our current location, which

[14] 2014 Parks and Recreation Master Plan, section 3-22
[15] see pp. 32f from the June 5th, BOCC meeting minutes

we are outgrowing, we offer classes to the public multiple days of the week. These include tree climbing instruction, crafting workshops, and weekly outdoor workout events. We also host bi-weekly open house days that bring together local arborists and tree enthusiasts in the community, including both residents of Orange County and visitors from out of town. In the past we have offered tree identification events, pruning training to the Carrboro Parks and Recreation staff, aerial rescue courses for state employees, and tree climbing competitions for local arborists. For our current offerings click here. During the first half of 2023 we provided approximately $30,000 worth of no-cost training for the community via classes advertised on our website. We would hold these events and classes at the 10-acre property, expanding our offerings with the larger facility and space.[16]

Given our dedication to community building and tree-related training and education, our development plans for the property include the goal of preserving trees and creating inviting spaces for tree-related recreation, both indoors and outdoors. I believe this will augment the attractiveness of Millhouse Road Park, offsetting any drawbacks of our use of the property for our business purposes.

Beyond the County-owned parcels to our east are the 2-acre parcels owned by the Town of Chapel Hill along Millhouse Rd. From recent email correspondence with Katie Bowden, the Economic Development Manager of the Town of Chapel Hill, we are told that Chapel Hill does "not foresee any potential conflicts with the proposed rezoning at 6915-UT Millhouse Rd." For their most adjacent properties along Millhouse Rd, there has been some discussion of using them for a storage facility, with the lack of water and sewer utilities limiting the usefulness of these lots.[17]

To our north, beyond the County-owned acreage, are the 19 acres of the dog boarding house Green Beagle Lodge and the private residence of Lodge's owners Tammy and Andrew Purner. According to recent personal conversation with the Purners, neither they nor the Lodge have objections to our plans for our ten acres. The next nearest residential location is 6806 Millhouse Rd to our northeast. The house on this parcel is over 1,500 feet from the nearest corner of our

[16] Treeist Community Actions (outside of paid tree services) since 2018: 2018 to 2020: 6+ hours of donated training time to community members *every* Saturday for two years straight. 2020 to present: at minimum 4+ hours each of the two Saturdays per month of donated training time to community members, ~$30,000 worth of no cost training for the community in the first half of 2023 alone (via classes advertised on the website). $18,000 worth of donated services to Rangewood to date (as of 7/28/23; this last number increases by $1000 each week).

[17] According to Chapel Hill's Commercial Development Plan, available at their Economic Development webpage, their properties in the Millhouse Road are considered for light-industrial/research companies. In 2017, ~12 acres of 7001 and 7000 Millhouse Rd were rezoned to Light Industrial Conditional Zoning.

ten acres. Through recent personal communications, Josh Kirshner, the owner of this address, has no objection to our rezoning plans and foresees no conflicts.

Our 10-acre lot also includes within it a 195 foot tall telecommunication tower, surrounded by its auxiliary utilities and chain link fencing for which the telecom tower owner must have perpetual access. While this permanent feature of the parcel limits its viability for other uses,[18] it is not a problem for our purposes. Our added security, as well as our improvements to and our maintenance of the access road, will only benefit the tower owners and maintenance teams.

Permitting the rezoning of our ten-acre parcel not only avoids creating conflicts with adjacent properties and property owners, but it is also a step towards preventing future conflicts. Our parcel is currently zoned RB, and looking down the Table of Permitted Uses it is difficult to find a use for the ten acres which is less likely to lead to some future conflict with one or more of the adjacent properties or property owners. In so allowing our plans to move forward, the County thereby makes progress on the following goals and objectives:

- LU Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.
- LU Goal 2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.

The Comprehensive Plan mentions the viability of agriculture and forestry and their respective lands (Natural & Cultural Systems Goal 2). In permitting us to pursue our plans, the County thereby protects Duke Forest from alternative uses of this ten-acre parcel which, although possibly permitted in the RB, could lead to "incompatible adjacent land uses or activities that will adversely affect the long term…investments" of Duke Forest (see Objective AG-1). Likewise, in precluding alternative uses of our ten-acre parcel, the county would thereby "minimize the incidence of complaints and nuisance suits" against Duke Forest (consider their prescribed burns), Orange County's landfill (recall all the complaints of the Rogers Road community), and potentially even the County's future recreational facilities (see Objective LU-3.4).

[18] We have learned from Duke Forest Supervisor Tom Craven that Duke Forest passed on an opportunity to purchase this parcel from the prior owner because of the restrictive details of the lease with the telecom tower owner. Clearly it wasn't for the price tag that Duke Forest found this ten acres undesirable. Around the same time Duke Forest purchased the nearby 27.5 acre Meadow Flats parcel for $2.5 million, well over four times the assessed tax value of that land. In 2019 the previous owner of our ten acre parcel attempted, apparently without success, to donate the entire lot to Orange County.

As a location that allows us to offer our own recreational and educational opportunities to the public, we facilitate the following Goals and Objectives.

- Objective ED-4.2: Provide lifelong learning opportunities, from early childhood through senior citizens.
- Objective LU-4.3: Determine how private developments can best accommodate or provide public and private commercial recreational facilities to serve Orange County's residents.
- Parks and Recreation Goal 3: Recreational facilities available for the public use in a manner that is multi-generational and accessible to all County citizens at both the countywide and community level.
- Parks and Recreation Goal 4: Healthy lifestyles, quality of life and community building through the provision of a variety of affordable recreational facilities and choice of leisure activities, while responding to the changing needs and interests of County residents.
- Objective PR-4.2: Investigate the potential for public and/or private commercial partnerships and recreational facilities needed to serve Orange County's residents.
- Objective PR-4.3: Work to keep recreational facilities and services affordable and sustainable to the general public.

8. Congruence with the County's Broader Plan for Development

Just as our plans for our parcel are congruent with the adjacent and surrounding parcels, our plans are also congruent with the County's broader development designs.

The Treeist is a small company and, although we are growing, we will remain a small company for the foreseeable future. While it is true that by permitting our project the County would signal its interest in "public-private sector partnerships that create a stronger business climate" (ED Goal 1) and provide a small step towards "a more balanced tax base that includes a diversity of businesses and services" (Comprehensive Plan, p. 5-30),[19] the County's greater achievement may be this: by allowing us to fulfill our needs as a company on this relatively low-value parcel - a parcel for which is difficult to imagine other productive uses - it prevents us from having to

[19] "While the economic climate in Orange County is good, there is concern regarding the need to diversify the County's tax base from one primarily composed of residential property (86.4% in 2005) to a more balanced tax base that includes a diversity of businesses and services. Making that change will require a countywide economic development strategy that recruits desired businesses to the area." Comprehensive Plan, p. 5-30

occupy a more valuable piece of commercial real estate that is more fittingly and profitably used for a commercial enterprise for which such spaces are more specifically designed.

While the County has taken pains to designate Economic Development Districts within Orange County, such districts comprise less than one percent of Orange County,[20] a vanishingly small fraction of those designated acres are available for purchase, and any acres that are available are likely to have far better uses than as a location for a tree service.

In choosing which lands to designate for commercial purposes, consider how the selection was made:

> These sites were selected because of their adjacency to the interstates, their proximity to rail facilities for the movement of goods and potential for future transit service, access to public water and sewer service, and the potential to divide large tracts in these districts into a range of building site sizes. Orange County's location, midway between the Piedmont Triad and Research Triangle metropolitan areas, makes these sites highly marketable. Comprehensive Plan, p. 3-4

While these criteria fit the needs and desires of many commercial enterprises, they are not attractive to a residential tree service servicing south Orange County. As a local tree service, we have no need for easy access to interstates or to rails to send out and receive goods or materials. Since nearly all of our employees spend the majority of their work days off site (working on properties throughout town), we do not rely on access to public water and sewer services at our headquarters. Since we offer no onsite services or sales, we do not need, or even want, a location that has high visibility or accessibility to the public. Proximity to lines of public transportation is superfluous. All that we need, essentially, is a place that is close to the population centers of south Orange County where we can park vehicles and equipment, stage woody material, and train our employees without bothering neighbors.

In these respects, our land use needs are most similar to a portion of Chapel Hill's Town Operation Center. How the Town met its needs is telling. With its lease on UNC's Horace Williams' Tract expiring in 2006, Chapel Hill needed a new location for parking its trucks and equipment, for parking staff vehicles, and for storing and loading mulch, sand, gravel, asphalt, and related materials. We may assume that the Town had substantial freedom of choice in where to locate this equipment and materials storage and parking facility. The Town, after all, had a planning staff with knowledge of the area, extensive land assets, and deep financial

[20] Comprehensive Plan, p. 3-4. The size of Orange County: 272,546 acres. The combined size of the designated Economic Development Districts: 2,379 acres. These numbers are taken from the County's EDD maps summary (scroll to the bottom).

resources (it spent $52 million on its Operations Center). We may also assume that the Town would have chosen its location in a responsible way. What entity, after all, has a greater interest in the responsible use and management of the land surrounding Chapel Hill? So, out of all the districts and zoning the Town might have chosen, it selected a portion of land in the Rural Buffer also on Millhouse Road. Aerial imagery shows that in 2004-2005 the Town cleared approximately 3.5 acres of Rural Buffer for uses very similar to those that we are proposing for our land, though on a significantly larger scale. The Town continues to use this Rural Buffer location for trucks and machinery parking, materials staging and loading, and parking spaces for associated staff vehicles.

It also makes sense for us to locate our more modest operation off Millhouse Rd where we are even less likely to disturb neighbors.[21] It would be a waste for the Treeist to use any of the scarce commercially zoned properties. To keep these scarcer commercial zoning open for higher uses means that Orange County is more likely to achieve the vision it has for these development districts, including "compact and higher density development" (Objective ED-2.1; LU-3.9), and "a clustered, walkable development pattern" and avoiding "strip development" in non-residential nodes (Objective LU-3.7). A business that profits from the unique features of the commercial districts will also be in a better position to pay a premium for such amenities, thereby keeping these locations available and attractive to "major corporate users" who will more significantly "build and expand upon the County's economic base" (Objective ED-2.6; ED-1.8).

9. An Appropriate Compromise in the Rural Buffer

Our plans for rezoning the 10-acre property are favored by a wide range of the Comprehensive Plan's directives for Orange County. In particular, progress would be made on *14 separate goals and 34 separate objectives*.

This alignment between our company's plans and the directives of Orange County is not accidental. We are a locally owned and managed company, servicing local clientele, and we stand or fall by our local reputation. At a most general level, our basic function as a company is to offer and improve services that are valued by Orange County residents and that strengthen our rapport within this community. When we succeed in making necessary improvements in

[21] If anything, the land that the Town of Chapel Hill selected to park its equipment and stage its materials is less suitable than the land we are proposing to use. The Town's Rural Buffer land is much closer to residential properties, of which 6704 Millhouse Rd is the closest at approximately 200 feet from the clearing created by the Town's facility. Aerial imagery suggests that, within 360 feet of the house on this property, the Town regularly uses heavy machinery to move and load gravel and associated materials. For comparison, our loading and staging area is about 1,725 feet from the nearest residential house (at 1550 Bruin Trail).

tree care, emergencies services, wood waste management, and employment conditions to attract the talent we need, the County succeeds in its corresponding environmental, services, solid-waste-related, and economic goals and objectives.

While this alignment is strong, the directives within the County's Comprehensive Plan are not themselves entirely harmonious. The Comprehensive Plan recognizes that tradeoffs will need to be made among its own goals and objectives.

> The County has many choices to make in the future. It will need to balance future development with the need to protect rural character, preserve important natural areas and water resources, provide a range of housing opportunities, and provide an efficient level of public services. (Comprehensive Plan 5-9)

The potential conflict at issue for our proposal concerns the Rural Buffer (RB), the approximately 35,000 acres of rural land that surrounds Chapel Hill and Carrboro where over half of Orange County residents (our clients) reside.[22] Our 10-acre parcel is situated at the near edge of the RB. These are the specific directives of the Comprehensive Plan about the RB that relate to our proposal:

1. "Maintain the rural, low-density land surrounding Chapel Hill and Carrboro Transition Areas as Rural Buffer land" (LU-2.1).
2. "Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan" (LU-3.1).
3. "Discourage new intensive non-residential land uses, or the expansion of existing intensive uses, in the area designated Rural Buffer" (LU-3.3).

The first thing to notice is, even if we were to take these objectives as inviolable laws, not one of them would be violated, strictly speaking, by permitting our rezoning plans.[23]

Second, if the Comprehensive Plan intended to prohibit plans such as ours within the RB, it easily could have made that clear. A change of wording to LU-3.3 would have done the trick: "*Prohibit* all new intensive non-residential uses in the RB, where 'intensive' is defined as...."

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[22] "Density is focused in the southern section of the County with fifty-seven percent of the population residing within the Towns of Chapel Hill and Carrboro." Comprehensive Plan 5-21

[23] That is, the existing obstacles to rezoning and development in the RB will continue to serve as discouragement (the costs in both time and treasure of the rezoning application, together with the uncertainty of outcome, is itself a significant discouragement to development); rural, low-density land surrounding Chapel Hill and Carrboro is maintained no matter what decision is made about our proposal.

Third, if our proposed use of our land is in tension with the above Land Use objectives, then several permitted uses of land within the RB must also be in tension. (Conversely, if the permitted uses are not in tension with these LU objectives, then neither is our proposal.) Consider:

- Mindful of the objective to "discourage new intensive non-residential land uses," why should a "Large Facility Solar Array" be permitted in the RB but a place to stage saw logs and wood chips for their environmentally responsible usage not be allowed? Or, why should Non-Farm Use of Farm Equipment be allowed but not the parking of tree equipment and vehicles necessary for managing and harvesting of local trees and timber?
- Mindful of the objective to "encourage a separation of urban and rural land uses," why should it be permissible to build Government Facilities and Office Buildings in the RB but it not be permissible for us to build office space to accommodate our clerical staff?
- Mindful of the objective to "maintain the rural, low density land as Rural Buffer" why should it be permissible to build Kennels, Care Facilities, Recreational Facilities, Group Homes, Family Care Facilities, and Sewer Pumping Stations in the RB, but it not be permissible for us to create indoor and outdoor facilities to train future tree workers?

The upshot here is that none of the Comprehensive Plan's goals or objectives regarding the Rural Buffer prohibit our proposed plan. Such a prohibition must instead find justification in the particulars of our land and of our proposed usage. That justification, moreover, must override the combined weight of the many and diverse considerations in favor of our proposed usage, themselves rooted in the Comprehensive Plan.

The particulars of our 10-acre parcel (situated just where it is), as well as the particulars of our local tree care business (both its needs and the distinctive services it offers) are what align so well with the County's own goals and objectives as outlined in the Comprehensive Plan. We cannot make similarly strong arguments for the sorts of developments that readily spring to mind as "urban sprawl." None of the considerations we have raised in favor of our proposal would give, for example, any support for building a discount retail franchise at Carrboro's bucolic border. The point is this: should the County find our particular case for rezoning compelling, the Rural Buffer remains safe. No worrisome precedent is set to which subsequent applicants could generically appeal. Rather, the County will decide subsequent cases just as the Comprehensive Plan instructs, balancing its many goals and objectives with which every particular rezoning case uniquely interacts.

According to the Comprehensive Plan, protecting the Rural Buffer's open spaces is about striking the "appropriate balance between the rights of private property owners and the

protection of the environment for the common good" (p. 5-12). While we are happy to let the County add our private property rights into the balance, our argument makes no such appeal. Our argument is that rezoning our 10 acres makes sense in terms of the County's own goals and objectives - including those concerned with protecting the environment and advancing the common good. We implore the County's appointed stewards to weigh our arguments and conscientiously engage with them with due recognition of what is at stake for our clients and our community, for our employees and their families, for our trees and our environment, and for our dreams of what we can accomplish in Orange County. In the realization of Land Use Goal 6, we ask that you be "transparent, fair, open, efficient, and responsive."

Detailed description of the proposed use of property including an outline of the proposed operational characteristics of the proposed development

The property will be used to house the Treeist tree care and consulting company, the principal function of which is urban forestry for the surrounding area, and southern Orange County in particular.

The property will be home to two proposed office and workshop spaces, a residential unit for a property caretaker, with supporting tree service equipment nestled within a perimeter of wooded areas and buffers on the 10 acre property.

Daily operations on the site include the workforce arriving at the site, gathering tools, equipment, and outfitting themselves for the day's work. Crews assemble at their designated areas, prepare their equipment consisting of service trucks, trailers, and tree care equipment.

The crews and consultants are dispatched from the site for the day's work where they serve nearby communities providing urban forestry services. These include consulting, tree management planning, and the assorted activities of tree and woodland management. These activities include tree risk assessment and mitigation, emergency tree work, pest and disease diagnosis and treatment, tree pruning, selective tree removal, stump grinding, the installation and maintenance of tree support systems, root care, the protection of trees during construction and site changes, invasive plant control, and tree planting.

Crews typically return to the site after the day's work, preparing their equipment and gathering supplies for the following work day. Clerical staff stays onsite during the day, scheduling and coordinating services.

Employee and apprentice teaching and training takes place onsite. Regular and semi-regular tree-related educational events are held for the interested public and tree workers outside of the company.

The site will also include an area to sort and to stage woody materials brought back in mixed loads by the tree crews; once sorted and staged, these materials can be transported to destinations for further processing.

The site will operate year-round during the daylight hours, and on extended hours depending on tree-related emergencies such as those caused by hurricanes, ice storms, or heavy thunderstorms. The Treeist provides quick and professional services for downed and hazard tree removal when required by the surrounding communities.

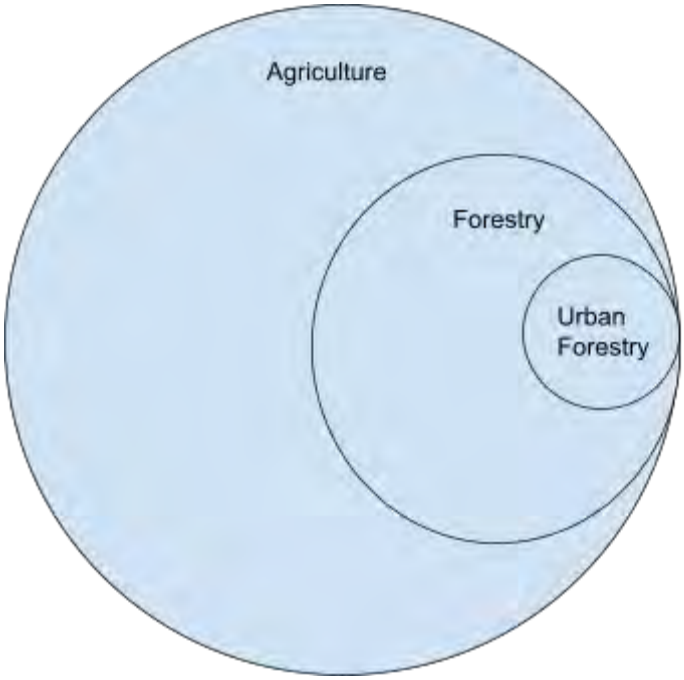
For a discussion of how our principal use fits ASE-CD zoning, see document 5, “ASE-CD Suitability,” also included in this application folder.

The Suitability of ASE-CD Zoning

The principal function of the Treeist is to provide urban forestry services to our community. Since urban forestry is a subfield of forestry, which itself is a subfield of agriculture, the principal function of the Treeist is a specialized form of agricultural services. More particularly, we engage in agricultural services when we create management plans for the trees of local landowners and when we prune, treat, or remove trees in privately-owned wooded yards and parcels. When we haul away logs and wood chips and stage them at our property for further transport, we are handling agricultural products (NC General Statutes, 20-88(b)(2)), many of which will be used for farming or other agricultural purposes.[1] Our other intended uses for our property properly count as "accessory uses" that are "incidental or insubstantial" and are "ancillary to the established principal use" of our urban forestry services (UDO definitions p.10-1). These accessory uses include training our employees, servicing our machinery, parking for employees and work trucks, accommodating our clerical staff, housing a property caretaker, and hosting a variety of tree-related educational events and activities for the community.

The purpose of ASE-CD zoning is "to provide for agriculturally-related activities that are not considered bonafide farming activities within the County's planning jurisdiction." Agricultural services, our principal intended use for this property, is a permitted Use Type in ASE-CD (UDO, p.5-3).

[1] As discussed in our Detailed Narrative (section 2, pp. 3-6), the salvaging of sawlog supports local sawmills, enhancing local markets for lumber products on a smaller scale conducive to Orange County properties. Our wood chips themselves are often delivered to local farms for use as mulch and organic matter.



Urban Forestry is a subfield of Forestry; We do Urban Forestry

"Urban forestry" was first defined in 1970 as a "specialized branch of forestry" that has as its objective "tree management in the entire area influenced by and utilized by the urban population."[2] The Society of American Foresters has accepted urban forestry as a specialized branch within forestry. To signal our specialization within forestry, and our ability to address specific trees within a landscape, we at the Treeist often refer to what we do as "arboriculture" and to ourselves as "arborists." As the Cooperative Forestry Act of 1978 makes clear, however, urban forestry encompasses arboriculture so understood: "Urban Forestry means the planning, establishment, protection and management of trees and associated plants, individually, in small groups, or under forest conditions within cities, their suburbs, and towns."[3] It is widely understood that urban forestry deals with trees in not only densely populated cities, but also areas around cities, "urban-interface areas," and places like our own Rural Buffer.[4]

Forestry is a subfield of Agriculture

[2] Jorgenson, E. 1970. "Urban Forestry in Canada." In Proceedings, 46th International Shade Tree Conference (pp. 3a-51a). International Society of Arboriculture, Urbana, Illinois.
[3] Miller, Robert W, Hauer, Richard J., and Werner, Les P. 2015. *Urban Forestry: Planning and Managing Urban Greenspaces*, 3rd Edition. Wave Press, Inc. Long Grove, Il. p. 17.
[4] Miller et. al. 2015. pp. 4-11.

In the NC General Statutes, "Agriculture" is defined broadly. Included in its definition is "the planting and production of trees and timber" (Section 106-157.1). Section 20-88(b)(2) defines "farm products" to include logs, bark, pulpwood, tannic acid wood and other forest products." To qualify as a bonafide farm in North Carolina it suffices to simply have a forest/woodland management plan (Section 160D-903).[5] These definitions are not idiosyncratic to North Carolina. The US Forest Service is a branch within the US Department of Agriculture.

Orange County's definition of Agricultural Services is expansive

This conception of "agriculture" is further expanded by Orange County's definition of "Agricultural Services," which specifically includes "landscaping and horticultural services" (UDO, p. 10-3). This suggests that "agriculture" is understood to extend to small-scale operations and the types of outdoor services routinely applied to residential yards (i.e., landscaping).

Why not call what we are doing bona fide farming activities?

Although the state's General Statutes provide a counterintuitively broad definition of "bona fide farm," we follow Orange County's implied judgment that "agriculturally-related activities" and "agricultural services" encompass more than "bona fide farming activities": the stated purpose of ASE-CD zoning is to accommodate agriculturally-related activities that are not bona fide farming activities (UDO, p. 3-62). We therefore apply for ASE-CD zoning under the cautious assumption that, while our principal activities are "agriculturally-related" and are "agricultural services," they may not comprise the activities of a bona fide farm as such.

Applicability of ASE-CD

The rezoning to ASE-CD is compatible with the existing development of the surrounding parcels. This compatibility is discussed at length in sections 7-9 of the Detailed Narrative included in our application folder.

[5] Also known as a "woodland plan," a forestry management plan encompasses a variety of forestry activities that meet the landowners objectives. "Any landowner may theoretically commission a plan…or write one on their own." See the NC Forests Service's "Benefits of a Woodland Plan" leaflet, its FAQs webpage on Woodland Plan Preparation Fees, and NC State Extension's discussion of Bonafide Farm zoning.

Schedule for Construction/Development

The project is proposed to begin construction upon proper permitting. The development of the property will consist of the clearing of trees within the work area and disturbance limits, followed by minimal grading, the installation of the property well, the construction of the necessary structures including the office, shed, caretakers quarters and supporting facilities. Upon completion of this phase, the on-site wastewater system will be constructed followed by the placement of the necessary gravel and driveway access will be completed.

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

Environmental Assessment

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

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

Date: August 3, 2023

Contact Information

Property Owner(s): Craig Nishimoto (Acer LLC)

Mailing Address: 1200 Hatch Rd, Chapel Hill, NC 27516

Phone: 984-214-8231 **Email:** craig@thetreeist.com

Applicant (if different than property owner)**:** _____

Mailing Address: _____

Phone: _____ **Email:** _____

I. Property Information

Parcel ID Number (PIN): 9871503254

Address: 6915-UT Millhouse Rd, Chapel Hill, NC 27516

Acreage: 10.01 A **Township:** Chapel Hill

Zoning District: RB

Watershed Overlay: Jordan Lake Unprotected

Other Overlay: _____

II. General Site Information

A. Adjacent Property

Zoning	**North:** RB		**South:** Chapel Hill Zoning	
	East: RB		**West:** RB	
Land Use	**North:** Vacant		**South:** Closed Landfill	
	East: Vacant		**West:** Research Forest	

B. Topography

- **Highest Elevation:** 528'
- **Lowest Elevation:** 496'
- **General direction of slope:** decending slope from high ground at SW corner

- **Estimated % of property with:**

0 – 5% slope: 65%

5 – 15% slope: 34%

15 – 25% slope: 1%

More than 25% slope: 0%

C. Water Features and Drainage

The following water features are located on the property:

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

Describe

There is an intermittent stream that runs along the NE property boundary and cuts through the NE property corner. This stream flows SE.

(attach additional sheets if needed)

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

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

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

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

III. Project Description

A. Describe proposed use of property:

The property will be used to house the Treeist tree care and consulting company. The property will be home to two proposed office and workshop spaces, a residential unit for a property caretaker, with supporting tree service equipment nestled within a perimeter of wooded areas and buffers on the 10 acre property.

B. Number of lots: 1

C. Number of structures: 3

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

2000

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

80,000

F. Estimated area to be graded for roads 0

- **Road type:** ☐ Public ☐ Private
  ☐ Class A
  ☐ Class B
- **Total road length:** _____

IIII. State Permits Required

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

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

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

☐ Yes ☑ No

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

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

- ☑ Yes ☐ No - If yes, describe

  Subsurface Pretreated Aerobic Drip System

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

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

☐ Yes ☑ No - If yes, describe

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

- **If yes, where is the source of the sludge?**
- **Describe where and how the sludge is being disposed**
- **Has a NPDES permit from the NC Division of Environmental Quality been issued?** ☐ Yes ☑ No

F. Water Usage

- **Estimated number of employees:** 10 x 25 gallons per day (gpd) = 250 gpd
- **Estimated water use for climate control =** 0 gpd
- **Process Water**

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

- **Water used for cooling, heating, etc., in association with production or manufacturing**

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

- **Describe source of water:**

  private well

Attachment A

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

1.a. Impact on Resource from Proposed Development

1.b. Proposed Mitigation

2.a. Impact on Resource from Proposed Development

2.b. Proposed Mitigation

Certification and Signatures

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

	August 3, 2023
Applicant	**Date**

Because this Property will have one or more of the following conditions meet from section 6.16 of the Orange County Development Ordinance:

"Requires grading in excess of 40,000 square feet, exclusive of roads, for nonresidential or attached residential development"

The following **Environmental Impact Statement** is made regarding the site below:

The appropriate databases researched reported that **no sites** as identified in *"An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County"* nor in an *"Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina."*

The subject site is located in an area bound by Orange County-owned properties and the properties of Duke University and The Duke Forest. The site is currently partially developed with a cellular / mobile or wireless communications tower.

The site development as presented proposes: no mining, hazardous materials bulk storage or disposal, no generation of process water, no demand on public water or sewer systems (municipal services are not available), to properly permit land disturbing activities and on site development with Orange County and its particular permitting agencies.

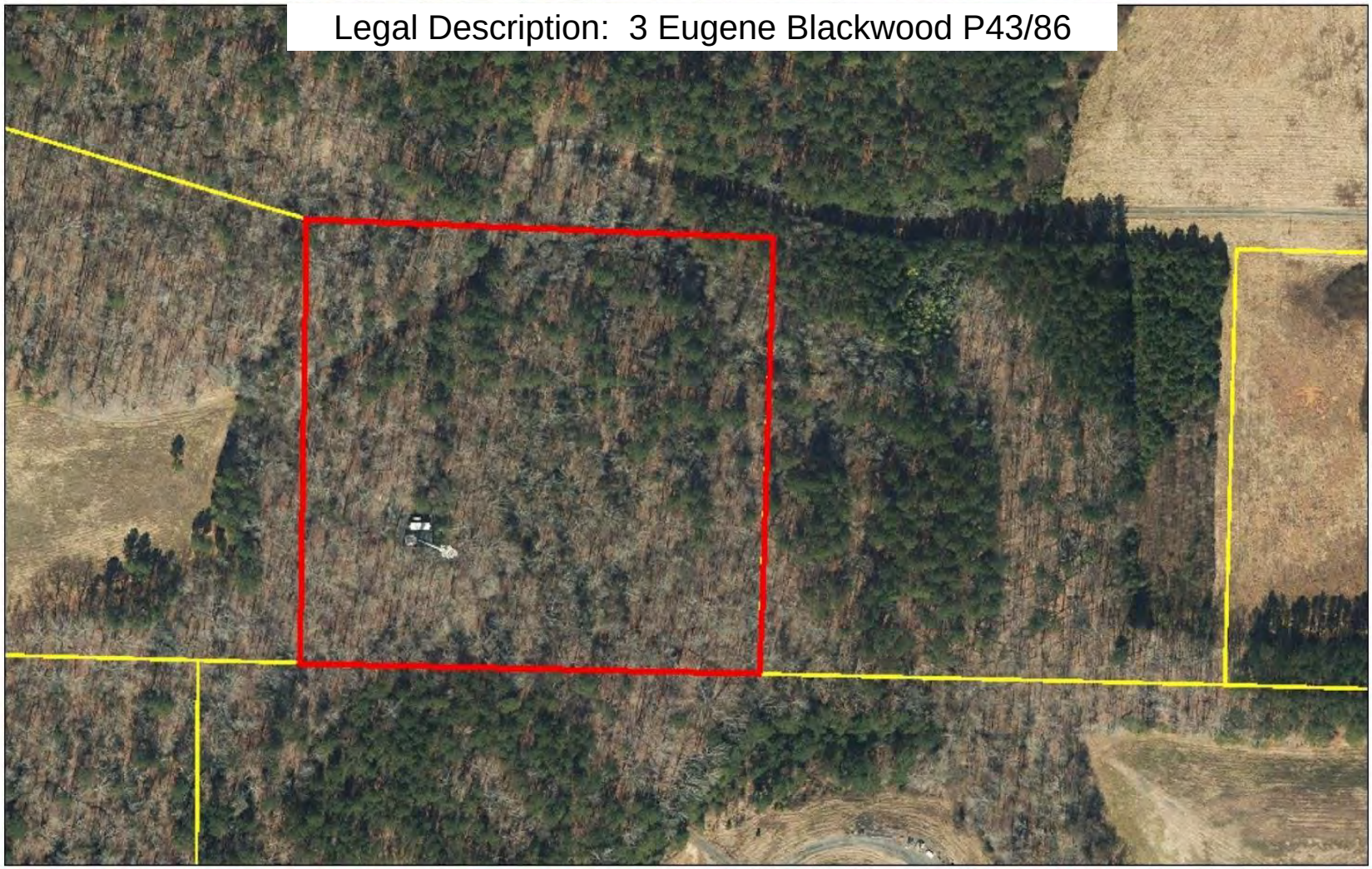
The L.E.A.D.S. Group, PA
505 East Davis Street
Burlington, NC 27215
Charles D. Huffine, PE
NC Reg. No. 24924

NORTH CAROLINA PROFESSIONAL SEAL 024924 ENGINEER CHARLES D HUFFINE

8-4-2023

Orange County

Legal Description: 3 Eugene Blackwood P43/86



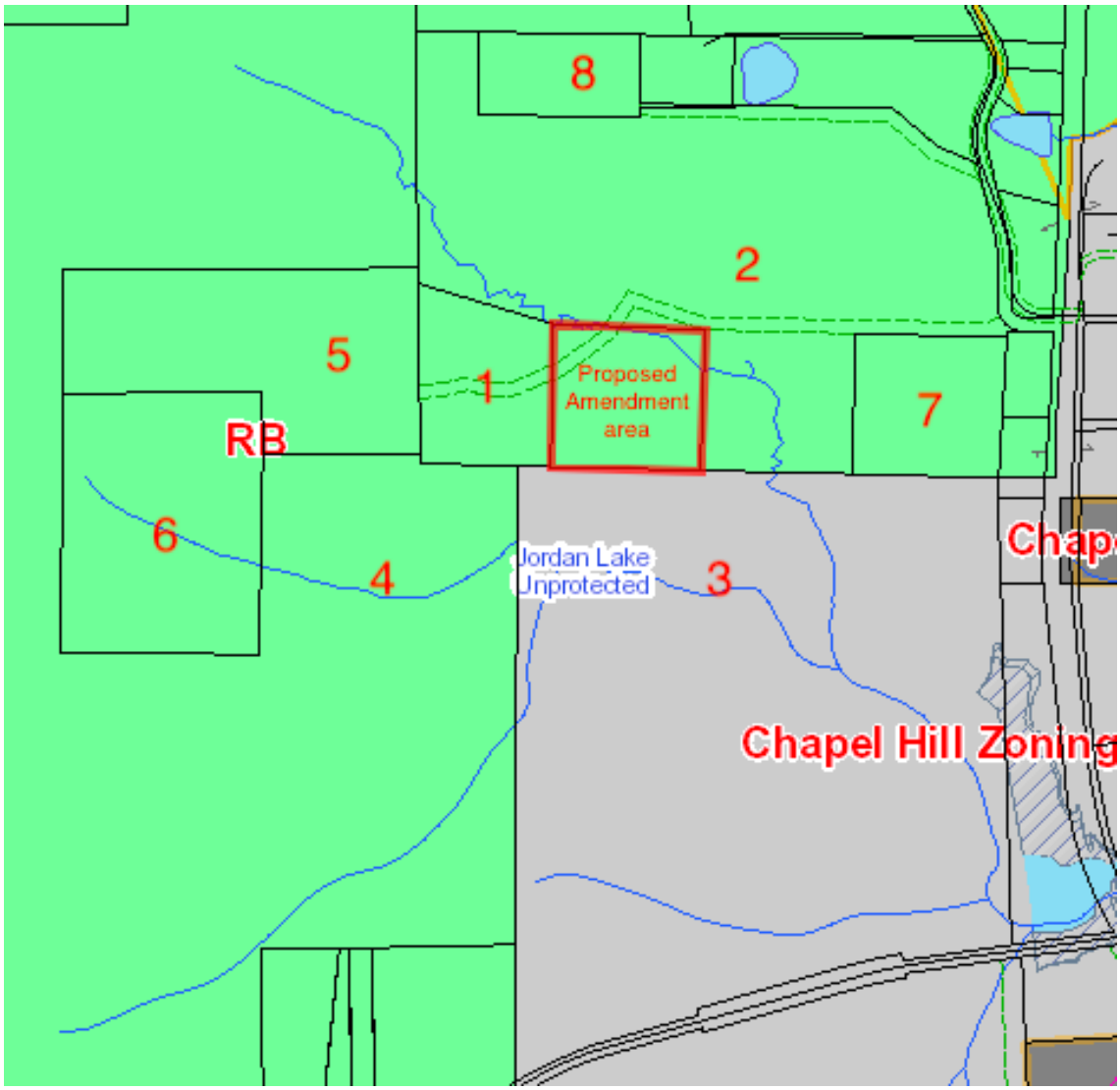
January 5, 2023

1:2,400

0 0.02 0.04 0.08 mi

0 0.0325 0.065 0.13 km

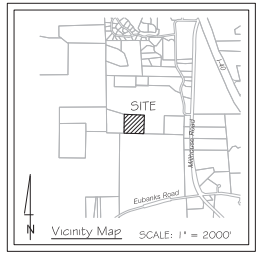
Notification Map and Mailing List



1. PIN: 9871406283
    a. Owner: DUKE UNIVERSITY
    b. Mailing Address: 324 BLACKWELL ST STE 850 DUKE UNIV CORP TAX - WASHINGTON BLDG DURHAM NC 27701;
    c. Addresses at this location: NONE
2. PIN: 9871519160
    a. Owner: ORANGE COUNTY
    b. Mailing Address: PO BOX 8181 HILLSBOROUGH NC 27278

   c. Addresses at this location: 6823 Millhouse Rd; 6827-UT Millhouse Rd
3. PIN: 9870680737
   a. Owner: ORANGE COUNTY
   b. Mailing Address: PO BOX 8181 HILLSBOROUGH NC 27278
   c. Addresses at this location: 1506, 1514, 1518, 1520, 1522, 1526, 1530, 1540, and 1544 Eubanks Rd.
4. PIN: 9870199380
   a. Owner: DUKE UNIVERSITY SCHOOL OF FORESTRY
   b. Mailing Address: 324 BLACKWELL ST WASHINGTON BLDG STE 850 DUKE UNIV CORP TAX DEPT DURHAM NC 27701
   c. Addresses at this location: 600, 602, and 604 Eubanks Rd
5. PIN: 9871402300
   a. Owner: DUKE UNIVERSITY
   b. Mailing Address: 324 BLACKWELL ST STE 850 DUKE UNIV CORP TAX - WASHINGTON BLDG DURHAM NC 27701
   c. Addresses at this location: NONE
6. PIN: 9870395740
   a. Owner: DUKE UNIVERSITY
   b. Mailing Address: 324 BLACKWELL ST STE 850 DUKE UNIV CORP TAX - WASHINGTON BLDG DURHAM NC 27701
   c. Addresses at this location: NONE
7. PIN: 9871607301
   a. Owner: ORANGE COUNTY
   b. Mailing Address: PO BOX 8181 HILLSBOROUGH NC 27278
   c. Addresses at this location: NONE
8. PIN: 9871615733
   a. Owner: GBL PROPERTY LLC
   b. Mailing Address: 6805 MILLHOUSE RD CHAPEL HILL NC 27516
   c. Address at this location: 6805 MILLHOUSE RD CHAPEL HILL NC 27516

THE TREEIST
PIN: 9871503254
PRJ: 1-23-1024



Property Owner Information:
ACER LLC
1200 HATCH ROAD
CHAPEL HILL, NC 27516

UTILITY PROVIDERS:
Piedmont Electric
800-222-3107

THE TREEIST

CONDITIONAL ZONING PLANS

6915-UT MILLHOUSE ROAD, ORANGE COUNTY, NORTH CAROLINA

Conditional Rezoning Case # MA23-0003

PRELIMINARY ZONING AND PLANNING PURPOSES ONLY, NOT APPROVED FOR CONSTRUCTION

DRAWING SET NOTES:
This plan set is conceptual in nature and is for zoning and conceptual purposes only. Not for construction.

Base map information is sourced from Orange County GIS information. The existing topography and other existing land features including adjoiner property lines shown hereon are represented by the best available public information at the time of this submittal.

Finished grades including proposed finished floor elevations are based on this GIS topographic information and are to be considered approximate and conceptual in nature. Site survey quality topographic information may be required for construction.

The area to be disturbed included in the limits of disturbance line proposed herein is based on GIS information. The limits of disturbance line illustrates the intention of this activity to avoid the existing stream and associated buffers.

The disturbed area illustrated includes, construction activities, removal of topsoil and grubbing in all areas to receive an all weather access surfaces ie: pavement, slabs, gravel, etc. (all to be considered impervious), some site grading where indicated by the finished contours, septic tank areas and landscape areas where supplemental shrubs may be required to improve existing buffer conditions.

Based on these proposed areas, stormwater and erosion control permitting will be required for this activity.

Grid: NAD83 (2011)

THE TREEIST

SHEET: COVER
6-8-23
1" = 40'
DRAWN BY: CDH/WCH
REVISIONS
1-23-1024
PROJECT NUMBER
COVER
12-21-2023
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 24924 CHARLES D. HUFFINE
Charles D. Huffine
C-1939
PROJECT: THE TREEIST
TOWN OF CHAPEL HILL, ORANGE COUNTY, NC
THE L.E.A.D.S. GROUP, P.A.
Land Engineering And Development Services

PARCEL DATA
Orange County Tax Information
Parcels Included in this Project: 1

Parcel 1:
PIN: 9871503254
Parcel Area: 10.01 Acres

Current Orange County Zoning: RB - Rural Buffer - Wooded
Orange County Overlay Districts: Jordan Lake Unprotected
Deed Reference: D.B. 6759 PG. 948
Site Address: 6915-UT Millhouse Road

MINIMUM BUILDING SETBACKS
Per Orange County UDO:
Section 3.8, ASE-CD Zoning District (Proposed)
Proposed
Front Setback - 40'
Side Setback - 20'
Rear Setback - 20'
Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district.
Orange County Zoning: ASE-CD AGRICULTURAL SERVICE ENTERPRISE - Conditional District

FLOOD PLAIN NOTE:
According to FEMA Flood Rate Map Community Panel #9871, effective 11/17/2017 this property DOES NOT lie within the 100-year or other special hazard flood zone.

RB-WOODED
DUKE UNIVERSITY

SOLID WASTE DISPOSAL NOTES:

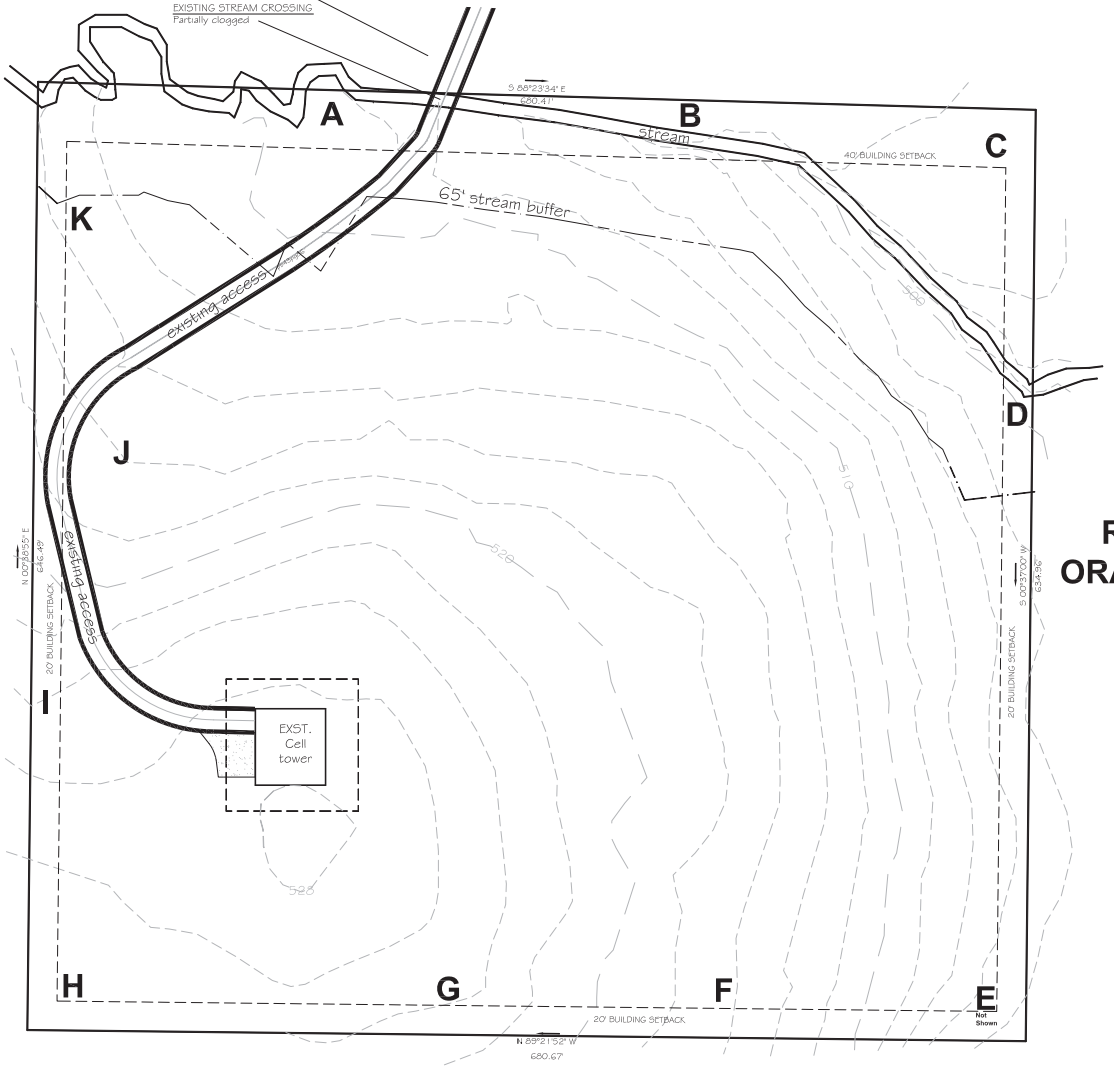
- All existing structures 500 square feet and larger shall be assessed prior to the issuance of a demolition permit to ensure compliance with the County's Regulated Recyclable Materials Ordinance (RRMO) and to assess the potential for deconstruction and/or the reuse of salvageable materials. Contact the Orange County SW Enforcement Officer at 919-968-2788 to arrange for the assessment.
- Pursuant to the County's RRMO, clean wood waste, scrap metal, and corrugated cardboard present in construction or demolition waste must be recycled.
- Pursuant to the County's RRMO, all haulers of mixed construction and demolition waste which includes any regulated recyclable materials shall be licensed by Orange County.
- Prior to any demolition or construction activity on the site, the applicant shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be the same pre-construction meeting held with other development/enforcement officials.
- The presence if any asbestos containing materials ('ACM') and/or other hazardous materials shall be handled in accordance with any and all local, state, and federal regulations and guidelines.

Plan Prepared for:
The Treeist - Tree Service
1200 Hatch Road, Chapel Hill
919-260-8970
Thetreeist@gmail.com

ACCESS DATA
60' Easement per Deed Book 311 Page 84
Plat Book 43 Page 86

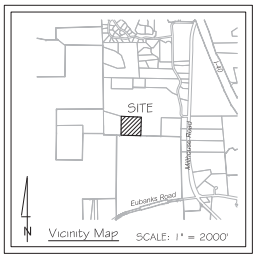
EXISTING STREAM CROSSING
Partially clogged

RB-WOODED
ORANGE COUNTY



RB-WOODED
ORANGE COUNTY

CHAPEL HILL ZONING - RT
ORANGE COUNTY



Property Owner Information:
ACER LLC
1200 HATCH ROAD
CHAPEL HILL, NC 27516

A existing vegetation sample area designation letter (see sheet 1a for vegetation illustration)

0' 80' 160'
Graphic Scale
Scale: 1" = 40'

THE TREEIST
PIN: 9871503254
PRJ: 1-23-1024

SHEET 1
6-8-23
1" = 40'
CDH/WCH
1-23-1024
EXISTING CONDITIONS PLAN
12-21-2023
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 24924 CHARLES D. HUFFINE C-1939
Charles D. Huffine
THE TREEIST
THE L.E.A.D.S. GROUP, P.A.
Land Engineering And Development Services

PARCEL DATA
Orange County Tax Information
Parcels Included in this Project: 1

Parcel 1:
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Parcel Area: 10.01 Acres

Current Orange County Zoning: RB - Rural Buffer
Orange County Overlay Districts: Jordan Lake Unprotected
Deed Reference: D.B. 6759 PG. 948
Site Address: 6915-UT Millhouse Road

MINIMUM BUILDING SETBACKS
Per Orange County UDO:
Section 3.8, ASE-CD Zoning District (Proposed)
Proposed
Front Setback - 40'
Side Setback - 20'
Rear Setback - 20'
Required side and rear setbacks adjacent to residentially zoned land shall be equal to the required side or rear setback of the adjacent residential district .
Orange County Zoning: ASE-CD AGRICULTURAL SUPPORT ENTERPRISES Conditional District

SITE DATA
Existing Use: Vacant / Wooded / Communications Tower Site
Proposed Use: Professional Arbonsts Shop / Professional Tree Service
Maximum Building Height 45'
Front Setback: 40'
Side Setback: 20' when adjacent to RB use
Rear Setback: 20' when adjacent to RB use

Uses Proposed for Parcel 1 Shall conform to:
Floor Area: Parcel 1 = 283,423 sf. (Provided 18,000 sf.)
Open Space: Parcel 1 = 174,414 sf. (Provided 174,415 sf.)

Parking Requirements:
(Per Orange County UDO Table 6.9.7: Off Street Parking Requirements)

Parking Data:
Min. 1space / 400 sf. GFA
(UDO Section 6.9.7)
GFA = 15,296sf.
Parking Required: 39
Parking Provided: 63
Parking Design shall meet UDO section 6.9.10

WATERSHED NOTES:
This project is located within the Jordan Lake UNPROTECTED watershed.
Stormwater Control for the site provides no net increase greater than 10 % in Peak flow post development to pre development conditions.
FIRE SERVICE ROAD FITNESS REQUIREMENT NOTE:
Roads and drives shall meet fire code for width and stability / structural capacity.

IMPERVIOUS AREA SUMMARY:
Existing Impervious Area: 16,000sf. PRE TOTAL
Proposed Impervious Area: 155,000sf. POST ADDED
Proposed Total Impervious Area: 171,000sf. TOTAL

General Notes:
1. All construction methods and materials shall conform to the NCDOT, Orange County Erosion Control, Orange County Standard Specifications & Details, and the NC Plumbing Code.
2. Boundary, existing feature, and topographic information obtained from survey information provided by Johathan F. Murphy, North Carolina (Project Number: Millhouse).
3. New Sanitary sewer - on site waste water system is proposed
4. New Water service - on site well is proposed.
5. Permitting of any utility connections is the sole responsibility of the applicant/property owner consistent with Orange County permitting requirements.
6. Exact size and location of existing utilities are to be field verified by Orange County Engineering staff prior to connection or new construction of utilities.
7. The owner shall be responsible for acquiring all permits, easements, construction approvals, and as-built certifications for this project.
8. Contact the project engineer immediately with any conflicts regarding the design or construction of the project. All field adjustments shall be verified by the project engineer prior to construction.
9. Construction and location of sidewalk, slopes, landings, approaches, ramps, and accessible routes shall be in accordance with the ANSI 2009 Handicap code or latest revision.
10. Contractor shall contact project engineer to observe formwork for site curb, concrete sidewalks, and other items as well as string lines or other controls prior to the placement of concrete, setting base course stone, or the placement of asphalt.
11. Compaction of fill materials, approval of residual subgrade, soil proof rolls, stone placement, and/or other materials testing functions shall be in accordance with the project geotechnical engineer's guidance, specifications, recommendations, and testing standards.

Plan Prepared for:
The Treeist - Tree Service
1200 Hatch Road, Chapel Hill
919-260-8970
Thetreeist@gmail.com

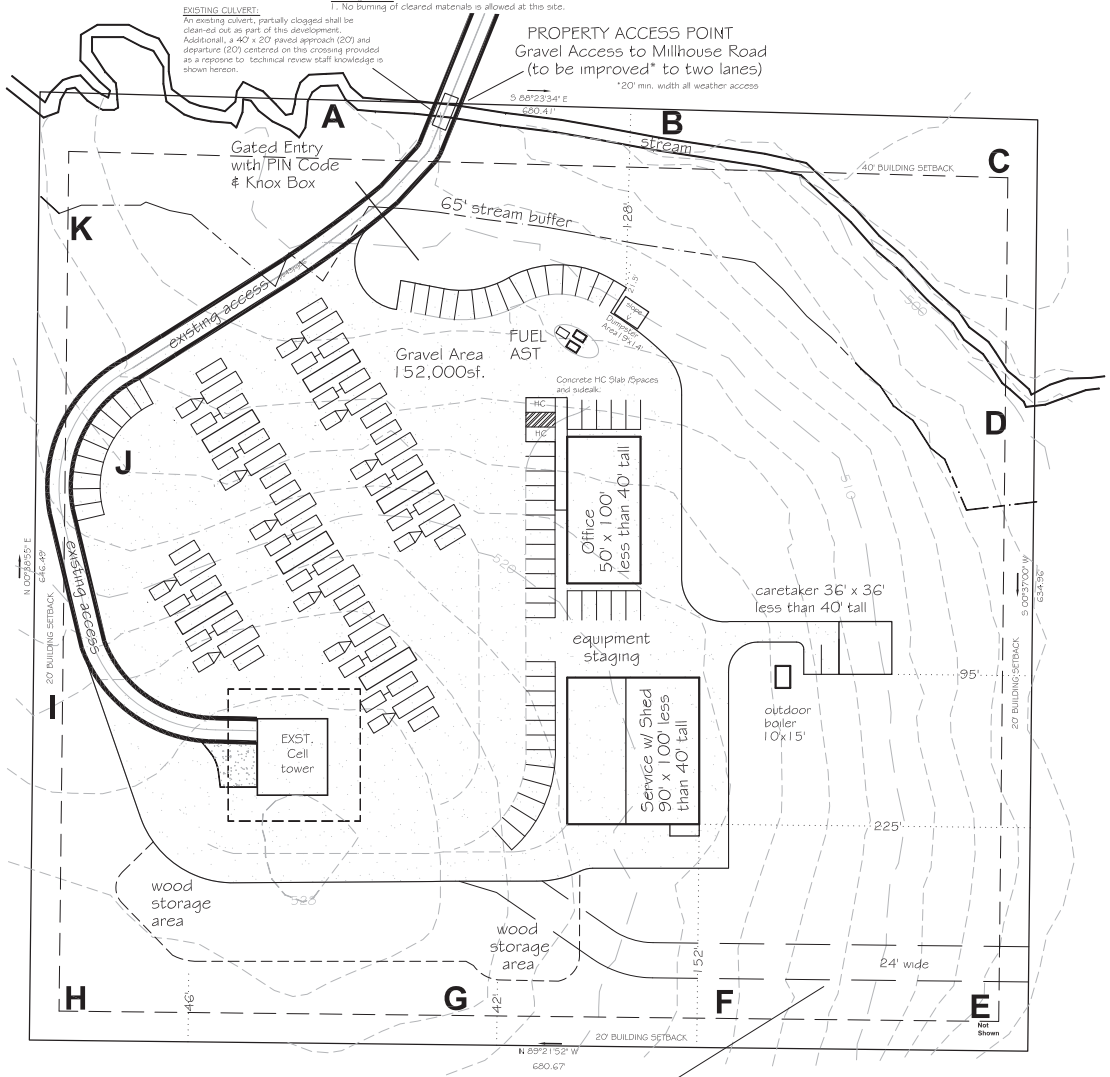
Minor Technical Plan Revisions:
County Technical Review Staff shall have the ability to review and approve minor changes to the approved conditional zoning plan consistent with the provisions under the Orange County Unified Development Ordinance not exceeding 10% of the dimensional quantities within the proposed activity area.

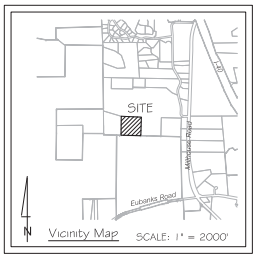
Traffic Data:
4 trips per day per crew member.
2 trips per day per onsite auxiliary staff.
36 members forming 12 crews.
10 auxiliary members for onsite staff.
164 total trips per day.
AM peak (6:15 AM to 7:15 AM) 62 vph
PM peak (2:30 PM to 3:30 PM) 55 vph

Outdoor Lighting Notes:
1. Building Wall Pack Lighting / required building entryway lighting shall be provided on the architectural plans where required.
2. A formal lighting plan will be required per Orange County UDO section 6.11 for any proposed outdoor lighting limiting lights to the confines of the property and subject to technical staff review and approval. Should and exterior pole lights be considered, they shall be less than 14' and located within the proposed activity area.
Signage Notes:
1. No signage is proposed. Signage must comply with Orange County UDO 6.12
Landscaping Notes:
1. Existing Vegetation shall serve to fulfill perimeter landscaping required per Orange County UDO section 6.8
Burning Notes:
1. No burning of cleared materials is allowed at this site.

Fire Protection Notes:
1. Gated Access shall have Knox Box equipped key box for fire department access.
2. Fuel Storage tank permitting requirements shall be determined any tanks properly permitted.
Building Inspections Notes:
1. All applicable building permits for this project shall be obtained prior to construction including the caretakers quarters building.

EXISTING CULVERT:
An existing culvert, partially clogged shall be clean-ed out as part of this development. Additionally, a 40' x 20' paved approach (20) and departure (20) centered on this crossing provided as a response to technical review staff knowledge is shown hereon.



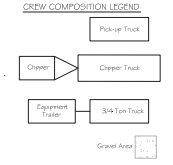


Property Owner Information:
ACER LLC
1200 HATCH ROAD
CHAPEL HILL, NC 27516

A existing vegetation sample area designation letter

NCDOT Notes:
1. A driveway permit is required for this project for the connection to the NCDOT right of way. A paved apron of suitable size, thickness and stability will be required having minimum travel width of 20' , stem length of 50' and turn-out radii not less than 20'.
2. Dimensional and turning movements for the largest expected vehicle shall be provided to NCDOT for review and approval prior to the issuance of the driveway permit.

CREW COMPOSITION LEGEND



CONTRACTORS NOTES:
1. The contractor shall verify the location of all existing utilities prior to beginning construction. Locations of existing utilities shown on the plan are based on the best available information, but can only be considered approximate.
2. Orange County shall review and approve construction drawings prior to construction. Any conflicts should be reported to the project engineer immediately for review prior to beginning construction. It shall be the owner's responsibility to obtain all required approvals and permits from agencies governing this work prior to any construction.
3. It shall be the responsibility of the owner to obtain all applicable permits, complete testing and inspections, and obtain proper certification that the proposed construction was installed in accordance with the approved plans and specifications.
4. All underground utilities are to be installed and tested prior to the placement of any base course stone, concrete, or pavement.
5. Any fill material imported into or exported from the site shall originate from or be disposed of at a properly permitted location. All structural fill material and bearing soils shall be tested and certified by the project geotechnical engineer.
6. Waste materials from cleaning, limbs and trees shall be chipped, mulched or otherwise recycled on site. Stumps, and all other unusable material shall be landfilled. Burning on site is prohibited by Orange County.

PERFORMANCE STANDARDS NOTE:
Operations will conform to standards contained in UDO Section 6.4.2 for Electrical Disturbance or Interference
Operations will conform to standards contained in UDO Section 6.4.3 for Noise and specifically table 6.4.3.5 (12 65db-night 70db-workday)
Operations will conform to standards contained in UDO Section 6.4.4 for Vibration
Operations will conform to standards contained in UDO Section 6.4.5 for Air Pollution
Operations will conform to standards contained in UDO Section 6.4.6 for Disposal of Liquid Wastes
Operations will conform to standards contained in UDO Section 6.4.7 for Hazardous Materials
Operations will conform to standards contained in UDO Section 6.4.10 for Outdoor Storage of Goods to be screened per UDO Section 6.8.9

Approval of this plan establishes a zoning vested right under NCGS 160D-108, Unless terminated at an earlier date, the zoning right shall be valid until March 19, 2029

Project Development Thresholds:
A Land Disturbing Permit is required for this project if the proposed land disturbance is greater than 10,000 square feet. (Per Orange County UDO Section 2.18). An Erosion Control Plan is required for this project if the proposed land disturbance is greater than 20,000 square feet (Per Orange County UDO Section 2.19). This site proposes to disturb greater than 20,000 square feet of land area.

A Stormwater Management Plan is required for this project if more than 21,780 sf of land area is disturbed (Per Orange County UDO Section 6.14.5). This site proposes to disturb greater than 21,780 sf of land area.

SECONDARY ACCESS NOTES:
A condition of this project shall allow for a secondary and / or alternate southern acces as part of a future collaborative effort with Orange County as shown hereon.

CALL BEFORE YOU DIG! ITS THE LAW
ULOCO North Carolina One Call Center
1-800-632-4949

0' 80' 160'
Graphic Scale
Scale: 1" = 40'

THE TREEIST
PIN: 9871503254
PIN#: 1-23-1024

SHEET 2
6-8-23
1" = 40'
CDH/WCH
1-23-1024
CONCEPT SITE PLAN
11-30-2023
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 24924 CHARLES D. HUFFINE
Charles D. Huffine
C-1939
THE TREEIST
6915 Millhouse Road
THE L.E.A.D.S. GROUP, P.A.
Land Engineering And Development Services

THE TREEIST
PIN: 9871503254
PRJ: 1-23-1024

Property Owner Information:
ACER LLC
1200 HATCH ROAD
CHAPEL HILL, NC 27516

Vicinity Map SCALE: 1" = 2000'

Access Notes (not to scale):
Most Critical Proposed Turning Movement
(exit site onto easement drive)
for largest proposed expected site vehicle

Access Notes:
A minimum 20' wide gravel drive suitable for all weather emergency vehicle service access is proposed within the existing easement further described as:

60' Easement per Deed Book 311 Page 84
Plat Book 43 Page 86

Required Parking inset Illustration
(not to scale): Parking Space and typical dimensions

10'x20'
typ.

Existing Connection to SR 1725
(21' e.o.p. V.R.O.W.
Millhouse Road)
Shall be improved as required with a paved apron from the right of way to the edge of pavement.

Connection shall be in accordance with NCDOT driveway permitting as required for change of property use.

AN NCDOT DRIVEWAY PERMIT IS REQUIRED.
A condition of the driveway permitting approval is a 50' paved driveway stem which is shown here on from the edge of mill house road pavement back 50'

NCDOT Notes:
1. A driveway permit is required for this project for the connection to the NCDOT right of way. A paved apron of suitable size, thickness and stability will be required having minimum travel width of 20', stem length of 50' and turn-out radii not less than 20'.
2. Dimensional and turning movements for the largest expected vehicle shall be provided to NCDOT for review and approval prior to the issuance of the driveway permit.

Traffic Data:
4 trips per day per crew member.
2 trips per day per onsite auxiliary staff.
36 members forming 12 crews.
10 auxiliary members for onsite staff.
164 total trips per day.
AM peak (6:15 AM to 7:15 AM) 62 vph
PM peak (2:30 PM to 3:30 PM) 55 vph

CONTRACTORS NOTES:
1. The contractor shall verify the location of all existing utilities prior to beginning construction. Locations of existing utilities shown on the plan are based on the best available information, but can only be considered approximate.
2. Orange County shall review and approve construction drawings prior to construction. Any conflicts should be reported to the project engineer immediately for review prior to beginning construction. It shall be the owner's responsibility to obtain all required approvals and permits from agencies governing this work prior to any construction.
3. It shall be the responsibility of the owner to obtain all applicable permits, complete testing and inspections, and obtain proper certification that the proposed construction was installed in accordance with the approved plans and specifications.
4. All underground utilities are to be installed and tested prior to the placement of any base course stone, concrete, or pavement.
5. Any fill material imported into or exported from the site shall originate from or be disposed of at a properly permitted location. All structural fill material and bearing soils shall be tested and certified by the project geotechnical engineer.
6. Waste materials from cleaning, limbs and trees shall be chipped, mulched or otherwise recycled on site. Stumps, and all other unusable material shall be landfilled. Burning on site is prohibited by Orange County.

RB-WOODED DUKE UNIVERSITY

RB-WOODED ORANGE COUNTY

RB-WOODED ORANGE COUNTY

RB-WOODED ORANGE COUNTY

ADJOINER PROPERTY LINE (typ. OCgis)

TOWN OF CHAPEL HILL (ownership)

EXISTING CULVERT:
An existing culvert, partially clogged shall be clean-ed out as part of this development. Additionall, a 40' x 20' paved approach (20) and departure (20) centered on this crossing provided as a reponse to technical review staff knowledge is shown hereon.

PROPERTY ACCESS POINT
Gravel Access to Millhouse Road
(to be improved* to two lanes)

Gated Entry with PIN Code & Knox Box

65' stream buffer

edge of gravel (typ.)

Gravel Area 152,000sf

FUEL AST

Office 50'x100' less than 40' tall

ramp 22'

caretaker 36'x36' less than 40' tall

14' wide

equipment staging

Service w/ Gates 50'x100' less than 40' tall

outdoor toilet (3)15'

20' wide min.

EXIST. Cell tower

wood storage area

6' Fence with Opaque screen

84' wide

20' wide min.

30' wide min.

R=20'min (typ.)

Concrete Apron Min. 50' paved stem (typ.)

Millhouse Road

SECONDARY ACCESS NOTES:
A condition of this project shall allow for a secondary and / or alternate southern acces as part of a future cllaborative effort with Orange County as shown hereon.

CHAPEL HILL ZONING - RT
ORANGE COUNTY

CALL BEFORE YOU DIG! ITS THE LAW
ULOCO North Carolina One Call Center
1-800-632-4949

0' 140' 280'
Graphic Scale
Scale: 1" = 70'

11-30-2023
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 24924 CHARLES D. RYLFINE
Charles D. Rylfine
C-1939

THE TREEIST
ZONING AND CONCEPT PLAN

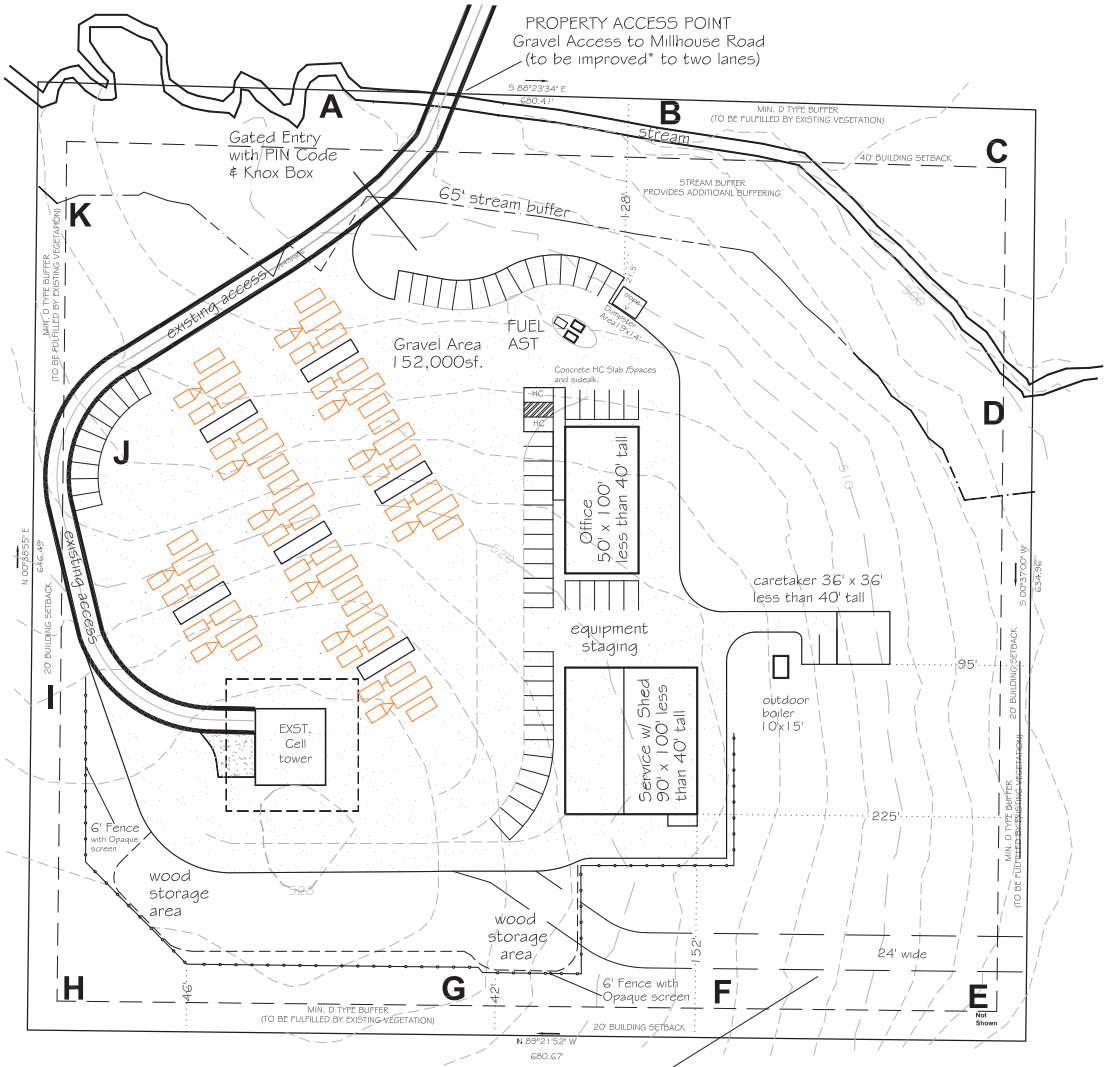
1-23-1024

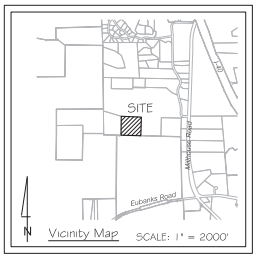
6-8-23
1" = 70'
CDH/WCH

3

THE L.E.A.D.S. GROUP, P.A.
Land Engineering And Development Services

THE TREEIST
PIN: 9871503254
PRJ#: 1-23-1024





Property Owner Information:
ACER LLC
1200 HATCH ROAD
CHAPEL HILL, NC 27516

A existing vegetation sample area designation letter (see sheet 1A for existing conditions)

Landscaping Notes:
1. Shrub requirements for perimeter type "D" buffers shall be met with low growing native shrubs of acceptable quality and spacing according to the type "D" landscaping requirement.
2. Existing Vegetation shall be used to fulfill all other portions of the type "D" buffer requirement.
3. A six foot fence with opaque screening shall be constructed in the location as shown hereon.

SECONDARY ACCESS NOTES:
A condition of this project shall allow for a secondary and / or alternate southern acces as part of a future collaborative effort with Orange County as shown hereon.

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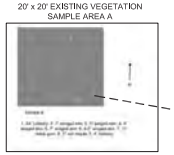
0' 80' 160'
Graphic Scale
Scale: 1" = 40'

Drawn by: CDH/WCH

4
6-8-23
1" = 40'
CDH/WCH
1-23-1024
LANDSCAPE CONCEPT PLAN
11-30-2023
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 24924 CHARLES D. RUFFME
Charles D. Ruffme
C-1939
THE TREEIST
THE L.E.A.D.S. GROUP, P.A.
Land Engineering And Development Services

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA A



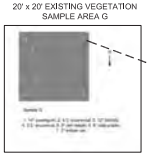
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA A

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA G



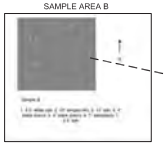
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA G

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA B



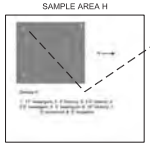
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA B

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA H



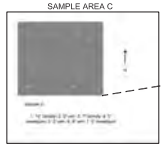
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA H

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA C



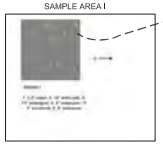
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA C

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA I



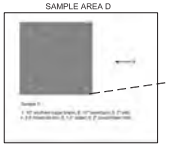
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA I

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA D



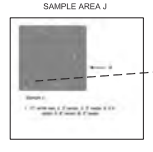
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA D

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA J



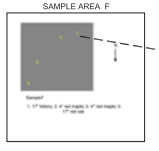
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA J

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA F



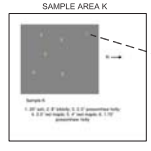
SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA F

PROPERTY BUFFER
20' x 20' EXISTING VEGETATION
SAMPLE AREA K



SCALE = NTS

*ALL MEASUREMENTS ARE APPROXIMATE DBH

COMMON REFERENCE POINT

PHOTO DEMONSTRATING EXISTING VEGETATION AT SAMPLE AREA K

SHEET
1A

DATE
6-8-23

SCALE
1" = 10'

DRAWN BY
CDH

REVISIONS

1-23-1024

Existing Conditions
Landscaping
Sample Areas

12-21-2023

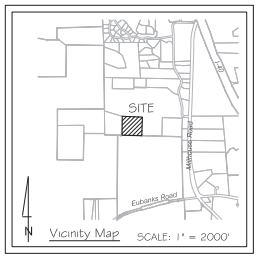
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 24924 CHARLES D. HUFFINE

Charles D. Huffine
C-1939

PROJECT
THE TREEIST

THE L.E.A.D.S. GROUP, P.A.
Land Engineering And Development Services

THE TREEIST
PIN: 9871503254
PRJ: 1-23-1024



Property Owner Information:
ACER LLC
1200 HATCH ROAD
CHAPEL HILL, NC 27516

SITE DATA
Existing Use: Vacant / Wooded / Communications Tower Site
Proposed Use: Professional Arborists Shop / Professional Tree Service
Maximum Building Height 45'
Front Setback: 40'
Side Setback: 20' when adjacent to RB use
Rear Setback: 20' when adjacent to RB use

Uses Proposed for Parcel 1 Shall conform to:
Floor Area: Parcel 1= 283,423 sf. (Provided 18,000 sf.)
Open Space: Parcel 1= 174,414 sf. (Provided 174,415 sf.)

WATERSHED NOTES:
This project is located within the Jordan Lake UNPROTECTED watershed. Stormwater Control for the site provides no net increase greater than 10 % in Peak flow post development to pre development conditions.

An access and maintenance easement will be required to serve any structural (SCM) stormwater control measures providing public access from the public right of way to any required SCM.

IMPERVIOUS AREA SUMMARY:
Existing Impervious Area: 16,000sf__PRE TOTAL
Proposed Impervious Area: 155,000sf__POST ADDED
Proposed Total Impervious Area: 171,000sf__TOTAL

All proposed impervious surfaces shall drain to any required stormwater control device. The outlet of such device shall pass the design storm discharging it at a non-erosive velocity.

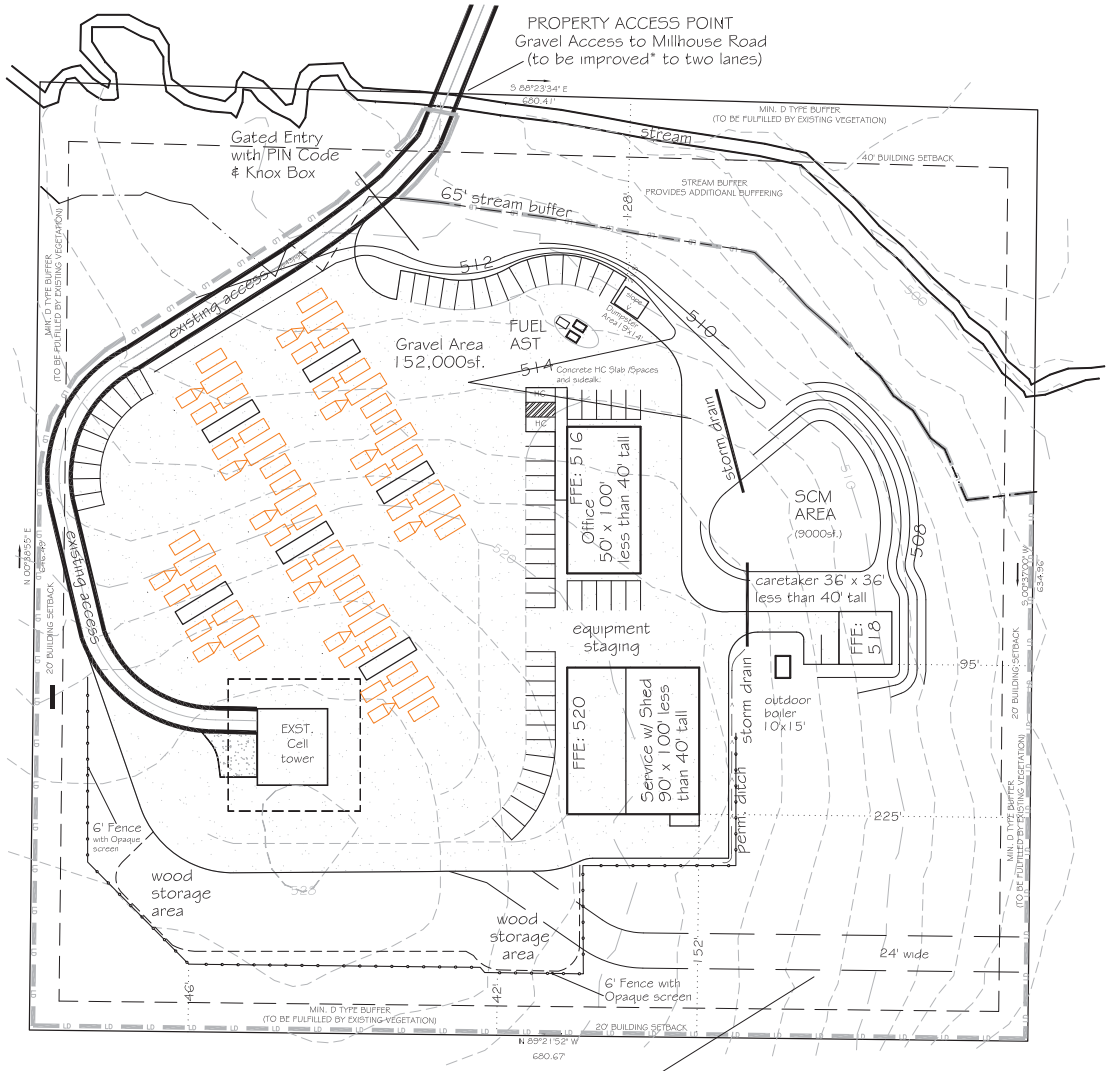
Any structural stormwater control measure will be designed in accordance with the Orange County Stormwater Ordinance and applicable state minimum design criteria as applicable.

LAND DISTURBANCE DATA:
This project conceptually proposes to disturb 7.9 Acres

An erosion and sedimentation control plan and permitting will be required for this disturbance. ORANGE COUNTY is the permitting authority for this project.

This line symbolizes the limits of disturbance proposed for this activity. LD

Drainage Area to Basin Area shown: 4.3 Acres
Disturbed Area to Basin Area shown: 4.3 Acres
Required Surface Area (Temporary Sediment Trap): 6,880 sf.
Provided Surface Area (Temporary Sediment Trap): 9,000 sf.



Project Development Thresholds:
A Land Disturbing Permit is required for this project if the proposed land disturbance is greater than 10,000 square feet. (Per Orange County UDO Section 2.18). An Erosion Control Plan is required for this project if the proposed land disturbance is greater than 20,000 square feet (Per Orange County UDO Section 2.19). This site proposes to disturb greater than 20,000 square feet of land area.

A Stormwater Management Plan is required for this project if more than 21,780 sf of land area is disturbed (Per Orange County UDO Section 6.14.5). This site proposes to disturb greater than 20,000 sf of land area.

SECONDARY ACCESS NOTES:
A condition of this project shall allow for a secondary and / or alternate southern acces as part of a future collaborative effort with Orange County as shown hereon.

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0' 80' 160'
Graphic Scale
Scale: 1" = 40'

5
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1" = 40'
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11-30-2023
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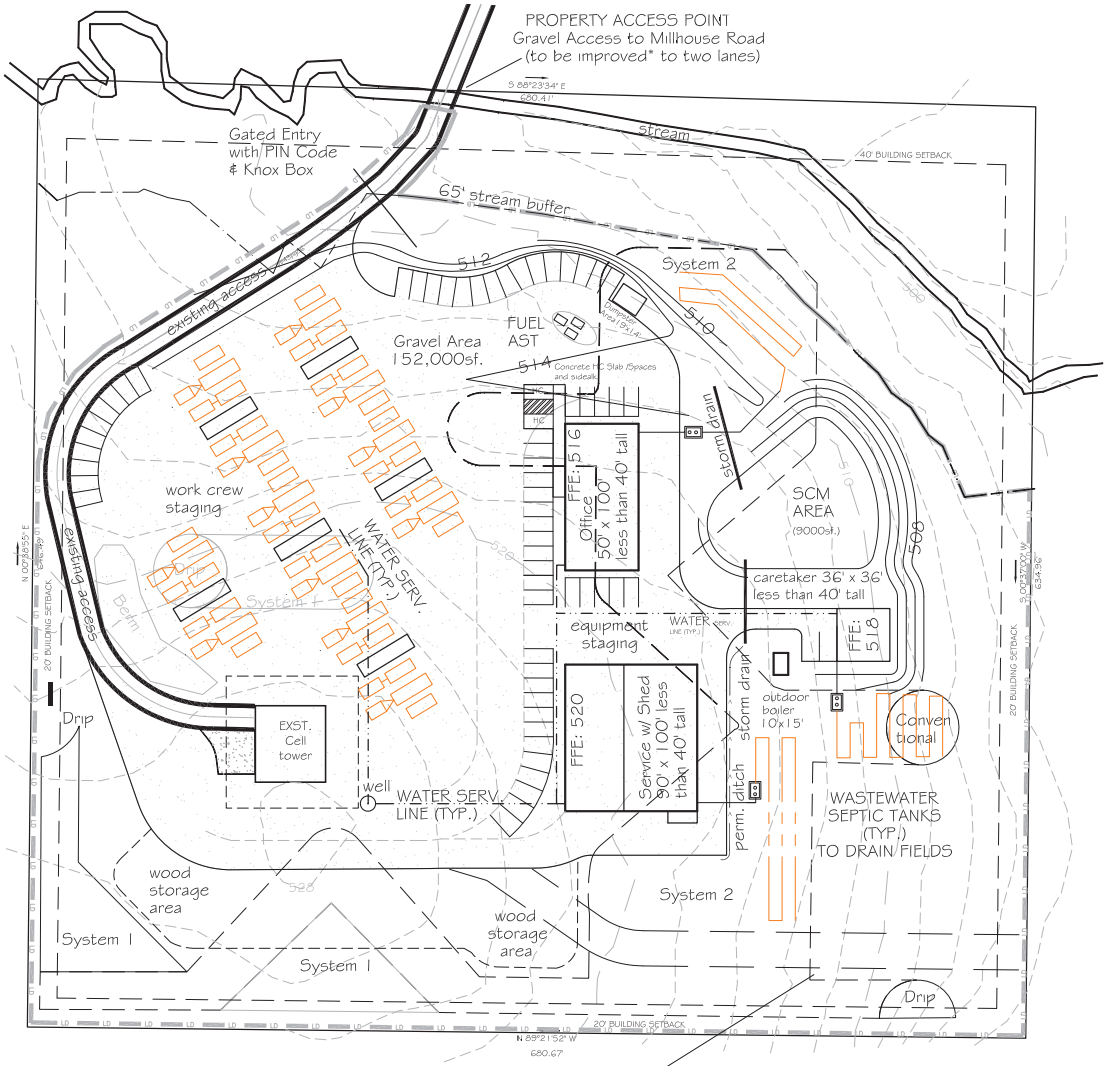
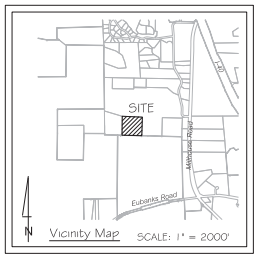
Charles D. Huffine
STORMWATER MANAGEMENT CONCEPT PLAN
THE TREEIST
THE L.E.A.D.S. GROUP, P.A.
Land Engineering And Development Services

Wastewater Data
25 gpd per employee (2T Rules)
12 employees - 300 gpd
Caretaker homesite @ 120 gpd/bdrm
2 bdrm - 240 gpd
Mechanics (2) @ 25 gpd / employee
2 mechanics - 50 gpd



THE TREEIST
PIN: 9871503254
PRJ: 1-23-1024



Property Owner Information:
ACER LLC
1200 HATCH ROAD
CHAPEL HILL, NC 27516

ORANGE COUNTY HEALTH DEPARTMENT WELL AND SEPTIC PERMITS WILL BE REQUIRED AS PART OF THIS DEVELOPMENT PLAN APPROVAL

SECONDARY ACCESS NOTES:
A condition of this project shall allow for a secondary and / or alternate southern acces as part of a future cllaborative effort with Orange County as shown hereon.

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0' 80' 160'
Graphic Scale
Scale: 1" = 40'

6
6-8-23
1" = 40'
CDH/WCH
1-23-1024
WATER
WASTEWATER
CONCEPT PLAN
11-30-2023
NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 24924 CHARLES D. RUFFNER
Charles D. Ruffner
C-1939
THE TREEIST
Orig. 7/28/23 (USER'S PRJ)
THE L.E.A.D.S. GROUP, P.A.
Land Engineering And Development Services

Summary of Proposed Utility Services

Utility services will be provided by area power (Piedmont Electric) and telecom providers. Water and sewer services are self-contained within the property. An on-site water supply and wastewater system consisting of well and septic facilities will be installed after proper permitting with the Orange County Environmental Health Department.

July 31, 2023

The Treeist

Reference: Estimate of Traffic Increase
Proposed Treeist Operations
Millhouse Road – Orange County - North Carolina
The L.E.A.D.S. Group, PA Project Number: 1-23-1024

To the User:

The L.E.A.D.S. Group, PA is working on the development plans for the Treeist's proposed base of operations off Millhouse Road. Based on the current concept plans and a review of ITE trip generation rates for similar uses as proposed, the following information is presented:

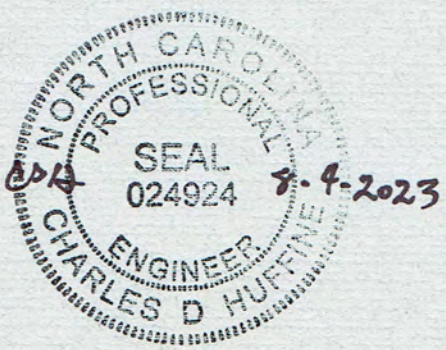
Based on a trip generation rate of 4 trips per employee per day, the proposed workforce of 62 total employees with the majority of these employees assembling to serve on an estimated work force of 15 tree service crews: A very conservative generation of traffic is estimated at 308 trips or less per day.

The proposed all weather surface connection between the property and Millhouse Road will provide an adequate outlet for the proposed operation in the area, provide for the required emergency vehicle access if needed and minimally affect the existing activities to the serve the communications tower on the property.

The L.E.A.D.S. Group, Pa appreciates the opportunity to provide our services to you on this project. Please feel free to contact us if you should have any questions regarding this information.

Very truly yours,
The L.E.A.D.S. Group, PA

Charles D. Huffine, PE
NC Reg. No. 24924



The Treeist

12-4-2023

Conditional Zoning – Proffered Conditions

1) Reduction of the 100’ setback from property lines for outdoor storage of wood chips, stumps and logs, branches and similar wood by-products resulting from tree cutting operations.

2) Provision for staff to review and approve technical changes to the plan specific to location and arrangement within the limits of disturbance and the “activity area” defined as the edge of gravel as shown on the provided conditional zoning plan set.

3) Provision for staff to review and approve technical changes to the proposed conditional zoning plan specific to outdoor pole lights not to exceed 14’ and not be located outside the proposed “activity area” as previously defined in proffered condition #2.

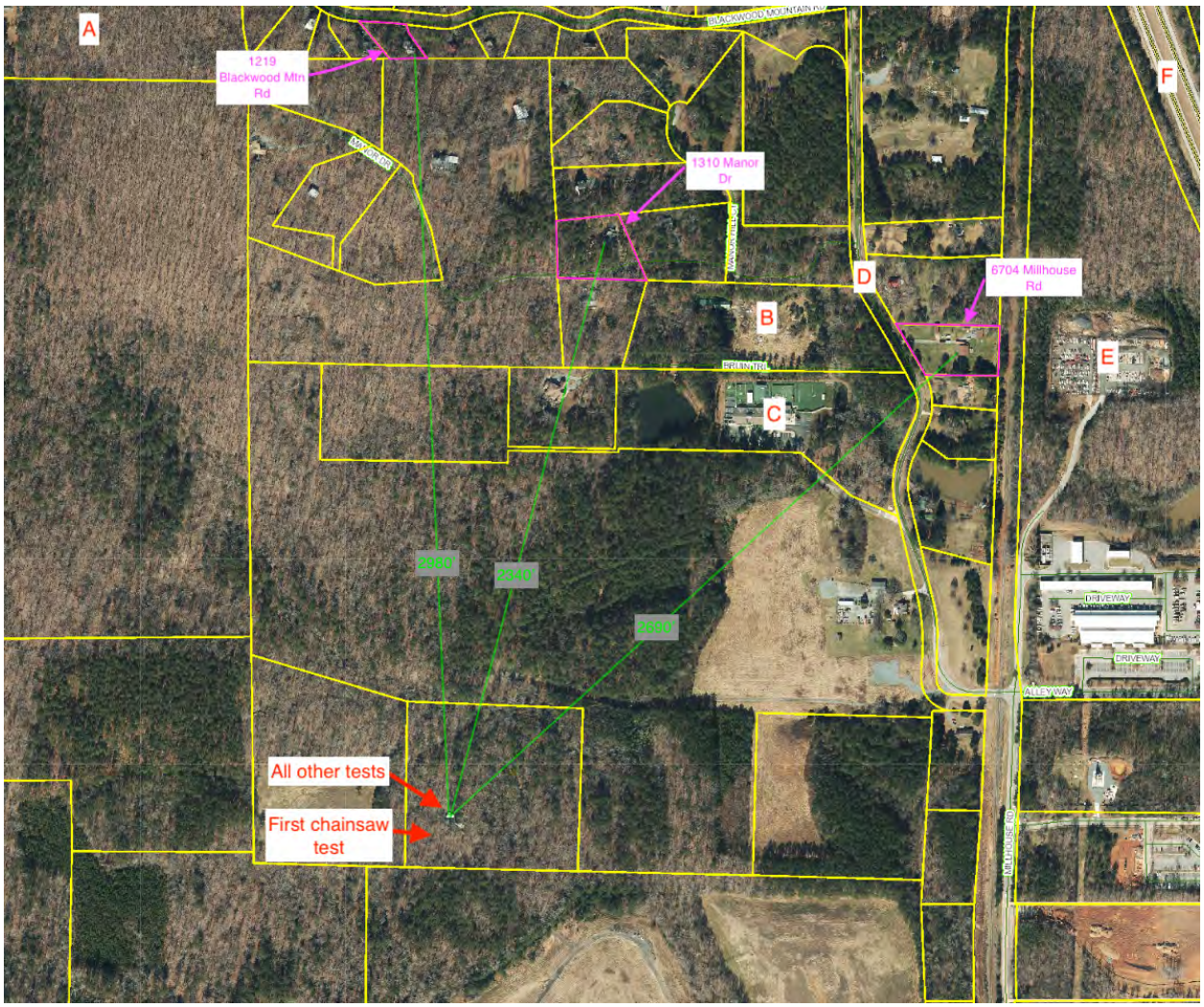
4) Commitment to keeping a viable option of alternative site access near the south east corner of the site in the approximate location shown on the proposed conditional zoning plans. The need for such alternate access may arise if, at some future date, the County determines that moving the current access easement is necessary for the recreational-use needs of the adjacent County parcels.

Addressing Noise Concerns

At our November 17th Neighborhood Information Meeting residents of the Heartwood Community asked whether machinery noises produced at our proposed location might be noticeable from within their community. At the time I was only able to show the distances from our lot to the Heartwood community. I can now offer additional information. I compare our proposed location to other noise sources that are likely to affect the residential parcels. I also discuss the results of our recent noise tests.

Note, for those that simply want to watch a short video from the sound test, click here.

The aerial image below will be referenced throughout the discussion.



Comparing other Noise Sources

Shown in the image are the approximate locations of six noise sources likely to affect nearby residential communities. As measured in decibels, gunfire is the loudest, followed by sirens. Dog barks, rooster crows, highway traffic noise, and diesel engine sounds are all reported to reach up to 100 decibels at 1 meter.[1]

A. Gunfire at the Shooting Range (~675' from a neighbor's house)
B. Roosters at Spence's Farm (~450' from a neighbor's house)
C. Dogs at the Pet Boarding House (~600' from a neighbor's house)
D. Sirens on Millhouse Rd
E. Diesel trucks and loaders at Town of Chapel Hill Public Works (~350' from a neighbor's house)
F. High speed vehicles on I-40

The most relevant comparison to our proposed project is the Chapel Hill Public Works lot. In 2005 the Town cleared about four acres of Rural Buffer to park vehicles and equipment and to stage and to load materials. Aerial images show about 130 parked vehicles, along with various trailers and equipment. Some Google Earth images show what appears to be a diesel loader for managing and loading the asphalt, stone, and gravel.

At this site the materials staging and loading area is approximately **350 feet** from the neighboring residential house. For comparison, the nearest residential house to our proposed materials staging area would be approximately **1,775 feet** away. This would be to the house at

[1] 9mm pistol at 1 meter is ~160 dB; Siren at 10 feet is ~122 dB. Barking dog or rooster at 1 meter is ~100 dB; diesel loader at 50 feet is ~80 dB. Highway traffic at 50 feet is ~80 dB. To convert these to decibel equivalents at 1 meter, an inverse square law sound calculator is used.

1550 Bruin Trail. We have previously met with the owners of this house, who also reside there. They had no objections to our plans for our property. The houses along Manor Drive are further away. The closest house in the Heartwood community is well over **3,000 feet** from our proposed materials staging area.

It is also worth noting the County's own requirements for minimum distances where its ordinances are maximally restrictive due to noise concerns. Consider outdoor shooting ranges. The County ordinances require that there be a minimum distance of 1,000 feet between an outdoor shooting range and the nearest occupied dwelling unit external to the property.[2] Our noisiest location would be our wood and debris staging area. It is over 2,000 feet from any neighbors who have expressed concerns about potential noise.

Sound Tests, Day One

On the evening of December 26th we tested the noises created by a honking truck horn and a large chainsaw. We operated the chainsaw at full throttle where we plan to locate our wood and debris staging area: the far side of the cell tower. For the truck horn blasts, we parked the truck on the near side of the cell tower. The first listening location was the street in front of 1219 Blackwood Mountain Road. The second location was the street in front of 1310 Manor Dr. Of the quasi-public locations within the two communities these locations appear to be the closest to our property at 6915-UT Millhouse Rd.

We found that neither the chainsaws nor the truck horn blasts were perceptible from the Heartwood Community or from Manor Dr.

While the horn blasts and the chainsaw were clearly heard through the cell phone, as soon as the cell phone at the operator's location was placed on mute, no sound from either the horn nor the chainsaw could be heard. Three non-hearing-impaired youth conducted the hearing test alongside me. Apart from nature noises (the occasional bird chirp), all we could hear was the near-constant noise of vehicle travel on the I-40. The traffic noise from I-40 was noticeable from both locations.

Sound Tests, Day Two

We returned on the morning of December 30th for additional tests with a louder chainsaw, a marine air horn, and a wood chipper, this time locating all of these on the near side of the cell phone tower. We directed the air horn and the chipper chute toward the listening location at Manor Dr.

During this second test we were able to hear some, but not all of the marine air horn blasts. We were not able to hear the chainsaw. The wood chipper was just audible, but not nearly as loud as barking dogs or rustling clothing.

[2] Orange County UDO 5.7.2 (B)(1)(ii)

We recorded videos of both sound tests. I recommend this video of the Day Two sound test Video of the Day One sound test at the Heartwood location is of poorer quality, but it is available here.

Final Thoughts

From the residential properties closest to us it is possible for someone to hear sounds produced from our parcel. For this to happen, the trees would likely have to be without leaves, the wind would need to be still, and the listener would need to be outdoors and attentive. We would need to be doing something like blowing a marine air horn in the listener's direction. For the noisiest activities we are likely to engage in–such as loading and unloading brush, wood chips, and logs, or occasionally instructing our employees in chainsaw safety–even the most attentive residential neighbor is unlikely to hear us.

Addressing Traffic Concerns

During our November Neighborhood Information Meeting, some concern was expressed concerning the vehicle traffic that our proposed plan may generate.

Counting Trips-Per-Day

Some of the concern may be due to the brief traffic data note on our initial site plans. These overstated the trips-per-day by nearly a factor of two.[1] Although the traffic data note has been corrected in the latest site plans, the old figures continue to reappear (for example, on p. 72 and 85 of the agenda packet sent to the Planning Board in late December).

Some of the concern is likely due to the way that trips-per-day are counted. One trip to the grocery store gets counted as two vehicle trips since there is both the outbound trip for the groceries and a return trip with the groceries. Dropping your kid off at school and then later picking her up generates four trips. Trips-per-day quickly therefore accumulate. A classroom of twenty students is likely to generate 80 trips-per-day even before counting teachers, staff, and admin.

At our current maximum capacity, we generate approximately 64 trips per weekday.[2] If, in our most ambitious plans for this location, we manage to eventually increase the number of tree crews from four to twelve, we would add another 100 trips-per-day. Even this number, however, likely overestimates the trips-per-day, as it assumes that we are working with current levels of vehicle inefficiency, created by the logistical problem of handling wood waste. Since this is a problem that our new lot is intended to resolve, we anticipate that only two trucks will be needed per crew, reducing the number of trips per day by 24. More likely, we would be generating no more than 140 trips-per-day at maximum capacity. If, moreover, we limit ourselves to hiring no more than 10 to 15 new employees (as the Planning Department notes mentions), we would be generating far fewer than 140 trips-per-day.

Comparing Trips-Per-Day

One way to gain a perspective on trips-per-day counts is through comparison. The nearby Emerson Waldorf School is said to enroll approximately 260 students. If we don't count any traffic created by teachers, aids, administrators, and facility staff, but we assume that each

[1] I am at fault for not looking at the traffic data site plan note more carefully. When I was originally considering this question of traffic, I was most mindful of the 800 trips-per-day threshold that triggers a need for a Traffic Impact Analysis (UDO section 6.17). Knowing that whatever we did we would be far below this threshold, I did not take due care in counting how little traffic we actually would end up generating.

[2] Presently we have about eighteen employees who, on a week-day, arrive and leave from our company headquarters on a regular basis (other employees, such as consultants and some office staff typically work from home). Of these, only fourteen of these employees create two, instead of one, to-and-fro trips to our company headquarters per day. If we count arrival and departures as separate trips, we get a grand total of 64 trips-per-day.

student needs a separate ride to and from school, this generates **1040 trips-per-day**. Looking at only the Chapel Hill Public Works parking lot that is located in the Rural Buffer, I count what appears to be 125 employee vehicles. The staff represented by these 125 parked vehicles likely represents **500 trips-per-day**.[3] If Orange County fulfills its plan to build six lighted soccer fields in the adjacent parcels, we could expect **1,920 trips-per-day** for the soccer complex on a weekend game day.[4]

Peak Traffic Times

Traffic is mainly a problem when it leads to congestion. Congestion is created when lots of vehicles are trying to use the road at the same time. The traffic we create occurs almost entirely on weekdays between 6:30 a.m. and 7:30 a.m. This is when crew members are arriving for their 7am start time and then leave with their crew vehicles to work throughout the area during the day. Part of the benefit of starting this early is that our employees largely avoid morning traffic from school and commuter traffic. When we have occasionally delayed start times by an hour or two, we have found that employees arrive to work late due to traffic delays.[5]

At the end of the work day, the flow of our vehicles is more staggered with crews returning when their tasks are accomplished. Keeping an 8-hour work day, however, means that our employees have typically left our lot by 3pm. Again, this is earlier than most commuter traffic, and certainly earlier than high usage weekday hours of the anticipated soccer complex. County soccer fields generally only experience high usage during weekends or on weekdays well after school lets out.

It is rare for our tree crews to be working during evening and weekend hours. The exception is for tree-related emergencies, typically caused by extreme weather events.

Vehicle Routes

Direction of travel and high-use routes are also worth noting. We anticipate that the vast majority of our usage of Millhouse Road will be for the portion south of the residential locations. We

[3] I assume that Public Works employees park their personal vehicles and then, in a manner similar to our crew staff, will at some point during the day leave and then return to the lot in some Public Works truck or vehicle. I am not including the obvious service vehicles in the adjoining areas, nor the approximately 150 additional employee parking spaces south of the buildings, which is likely parking for staff who primarily work in offices.

[4] Assume that each soccer team has 12 players and 2 coaches. Each child and each coach arrives in a separate vehicle. Four of the parents simply drop their children off at the game, driving back to pick them up afterwards. Two grandparents arrive in separate vehicles to watch their grandchildren play. All told, this yields a total of 40 vehicle trips per team per game. Since there are two teams per game, there are 80 vehicle trips per soccer game. If there are six soccer fields this gives us 480 vehicle trips per game slot. If there are four game slots per game day, we have a total of 1,920 vehicle trips per Saturday during soccer season at the soccer complex.

[5] Posted online office/business hours confirm our on-the-ground experience. While our business hours are weekdays from 7am to 3pm, the posted hours of Emerson Waldorf's office is between 8am to 4pm during the school year and even later during the summer. Staff at the Public Works are typically available between 8am and 5pm.

would primarily be using the segment of Millhouse Rd between Eubanks Rd and the gravel road to our parcel. This portion of Millhouse Rd is flanked by commercial properties or properties owned by the Town or County. It contains no residentially used parcels.

If, moreover, on this stretch of Millhouse Rd we are encountering traffic associated with the Emerson Waldorf School, the Town's Public Works, or the businesses along Millhouse Rd, it will likely be our outbound traffic that is passing in opposite directions from everyone else's inbound traffic. This is due to our earlier business start time. In other words, if there is any overlap, it will be between our latest crews leaving our lot with their trucks and the earliest arrivals to the school, the Public Works facility, or the adjacent businesses.

The Broader Perspective

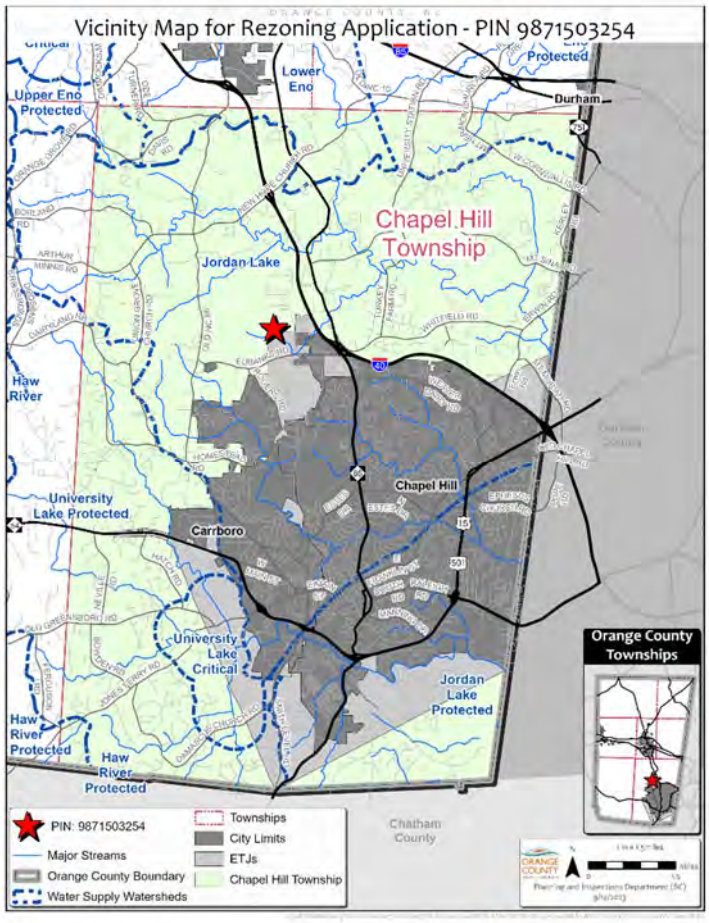
From a broader perspective, concerns about traffic problems put our proposed land usage in a favorable light. Preventing us from using our parcel as intended does nothing to reduce the amount of tree care services needed in this area. Instead of relying on a tree service located at the near edge of town, homeowners will be relying on tree services located in areas beyond the wide rural buffer, often in an adjacent county. Instead of averaging 10 minutes of drive time to a service location, we'd often be looking at 30-minute drive times. So, without reducing the trips-per-day of tree service vehicles, both the length and duration of each trip-per-day will on average dramatically increase. This ultimately means dramatic increases in both road usage and fuel consumption. It means adding to the growing problem of back-and-forth commuter traffic traversing the Rural Buffer.

Attachment 2

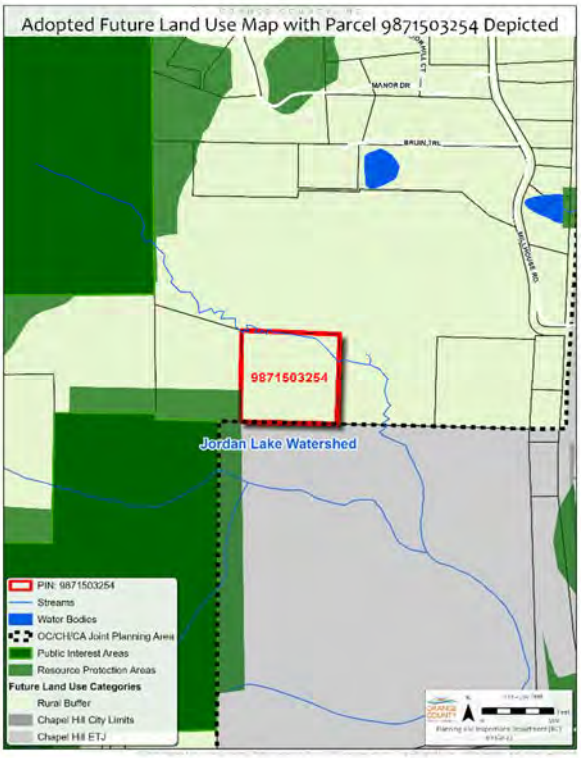
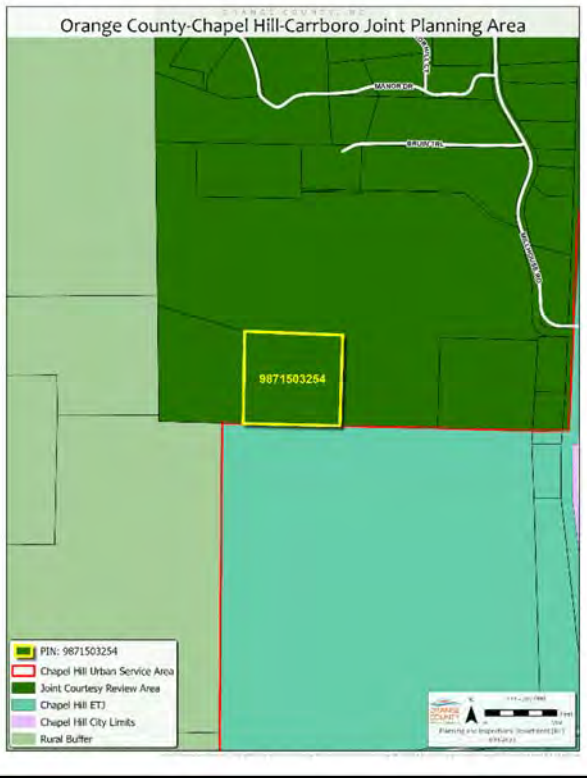
Staff Report

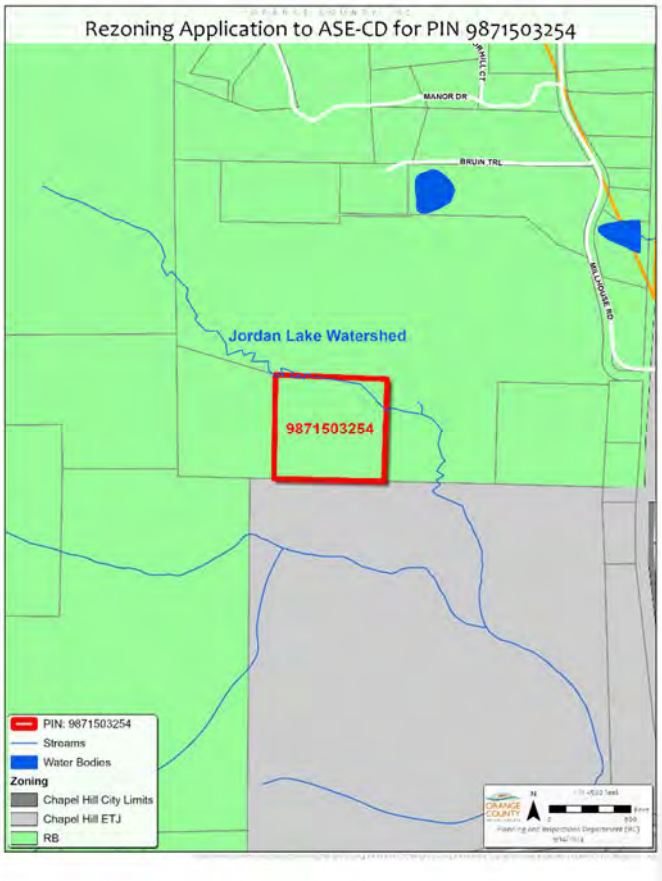
Zoning Atlas Amendment – Conditional District

Basic Information



Parcel Identification Number (PIN)	9871-50-3254
Applicant Name and Address	Craig Nishimoto (Acer, LLC) 1200 Hatch Road, Chapel Hill, NC 27156
Property Owner Name and Address (if different from Applicant)	N/A
Agent(s), if applicable	N/A

Parcel Size	+/-10.01 acres	
Future Land Use Map (FLUM) Designation	Rural Buffer	
FLUM Overlay(s)	N/A	
Growth Management System Designation	Rural Designated	
Definition of FLUM Designation (from Article 10 of UDO)	Designated lands in the Comprehensive Plan that are adjacent to an urban or transition area that is rural in character and which should remain rural and not require urban services.	
Interlocal Agreement Applicable (Y/N)	Yes	
Applicable ILA	Joint Planning Area (JPA)	
Future Land Use Classification	Rural Buffer	
Description	Only very low density residential, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses are appropriate in the Rural Buffer.	



Current Zoning District	RB (Rural Buffer)
Requested Zoning District	ASE-CD (Agricultural Support Enterprises Conditional District)
Requested Zoning District Consistent with Appendix F of 2030 Comprehensive Plan	Yes
Existing Zoning Overlay Districts	Jordan Lake Unprotected Watershed
Amendments Proposed for Overlay Districts (Y/N)	No

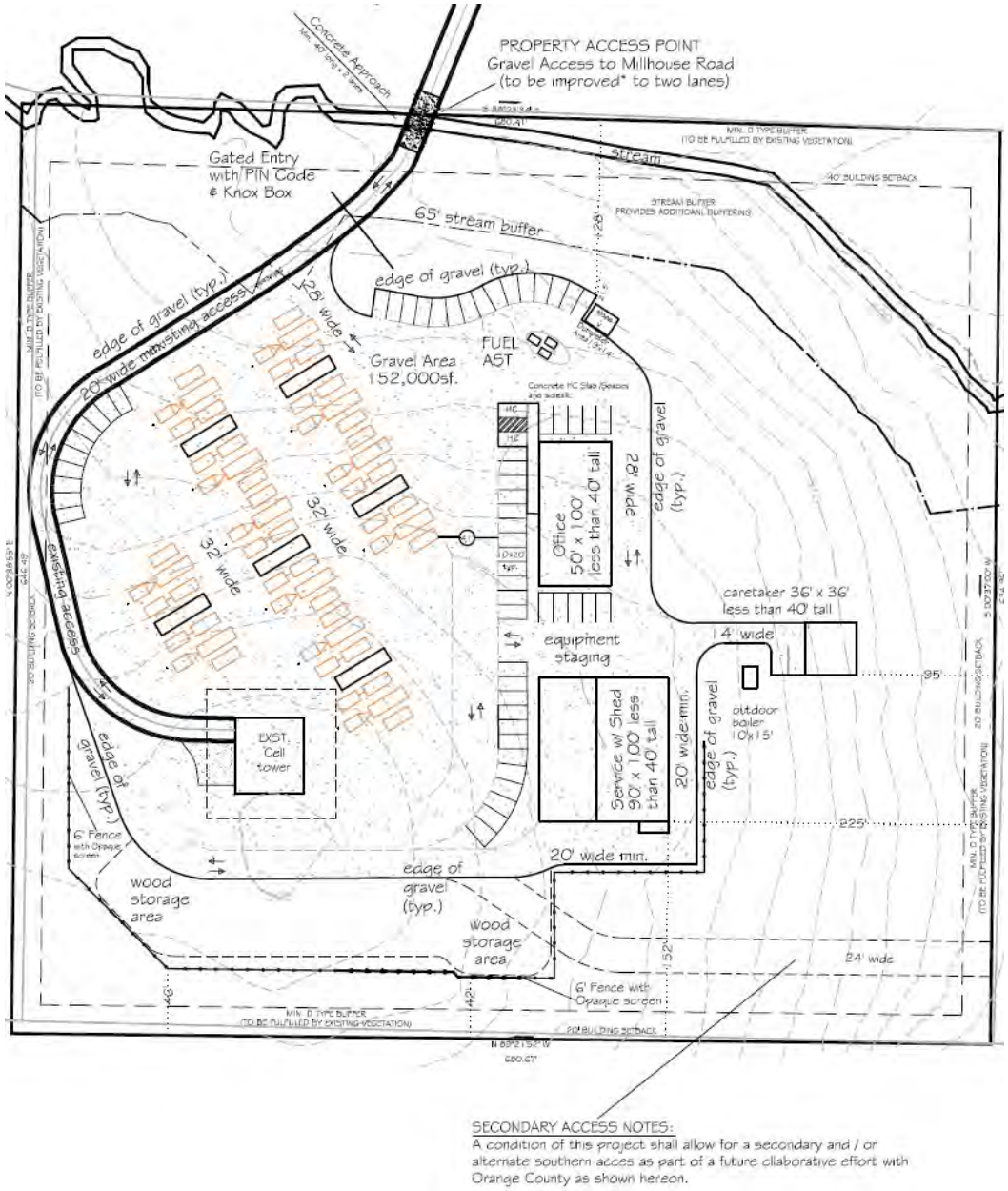
Surrounding Land Uses and Zoning	
North	RB (Rural Buffer), undeveloped
South	RB (Rural Buffer), undeveloped
East	RB (Rural Buffer), undeveloped
West	RB (Rural Buffer), undeveloped
Existing Roads	
North	Existing access easement connecting to Millhouse Road to the east
South	None
East	None
West	None

Existing Conditions/Physical Features
The site includes an existing 180 ft. telecommunication tower and 312 sq. ft. equipment building.
Public Water and Sewer
Private well and septic are proposed for the site.

Proposed Project

Proposed Development
The Orange County Unified Development Ordinance (UDO) Table of Permitted Uses (Article 5, Section 2) allows for “Agricultural Services Uses” to be permitted in the Agricultural Support Enterprises-Conditional District (ASE-CD) zoning district, subject to specific conditions including a site-specific plan, required by the Orange County Board of County Commissioners (BOCC). The applicant and property owner Craig Nishimoto, Acer, LLC, is requesting a rezoning of the +/-10.01 acres property to ASE-CD. The applicants have provided a site-specific plan featuring two office buildings, one residential structure, outdoor storage, and equipment staging. The site-specific plan features landscaping, interior roads, parking, water and sewer utilities, and stormwater control measures that conform to the Orange County UDO. The proposed well and septic system will require Orange County Environmental Health approval. A formal site plan is required to be submitted as part of an ASE-CD rezoning application. Approval of the site plan is a condition of the ASE-CD rezoning process. Any additional agreed-upon conditions are binding to the development footprint permitted for the zoning district. Staff has recommended the imposition of conditions, as featured in the Ordinance (Attachment 9).

Site Plan


PROPERTY ACCESS POINT
Gravel Access to Millhouse Road
(to be improved* to two lanes)
Concrete Approach
Gated Entry
with PIN Code
& Knox Box
stream
65' stream buffer
edge of gravel (typ.)
existing access
20' wide
25' wide
Gravel Area
152,000sf.
FUEL
AST
Office
50' x 100'
less than 40' tall
28' wide
edge of gravel
(typ.)
caretaker 36' x 36'
less than 40' tall
4' wide
equipment
staging
Service w/ Shed
90' x 100' less
than 40' tall
20' wide min.
outdoor
boiler
10'x15'
32' wide
EXST.
Cell
tower
6' Fence
with Opaque
screen
wood
storage
area
20' wide min.
24' wide
6' Fence with
Opaque screen
SECONDARY ACCESS NOTES:
A condition of this project shall allow for a secondary and / or
alternate southern acces as part of a future cllaborative effort with
Orange County as shown hereon.

Proposed Access and Transportation Network Improvements
The Project is proposing access via the existing access easement to Millhouse Road. Based on the application and total number of trips to be generated, a TIA was not required per Section 6.18.2 of the UDO. A Grant of Easement and Assignment of Lease for the existing access easement within the property was recorded in 2008 between the property owner at that time and Crown Castle. Attachment 5 includes a letter detailing the applicant's legal right to the access easement, which cannot be confirmed by staff at this time. Crown Castle has not provided comment on this application despite requests from both the applicant and County Planning staff. However, the county conducted deed and title research on this property in 2008, when it was a potential purchaser of the property. The county determined that Crown Castle retains a perpetual easement on the property for access to their tower that grants them explicit rights to construct and maintain their tower and first rights of refusal if all or a portion of the easement area is sold. The existing offsite access easement is located on property owned by Orange County. Due to the aforementioned access concerns, and in response to the proposed use of the existing easement as a commercial driveway to serve the applicant's use, the County, specifically the Department of Environment, Agriculture, Parks & Recreation (DEAPR), requested a condition of future access road construction through its property from the applicant. The negotiations yielded Conditions 5 and 6 associated with this zoning application. These conditions, effectively, allow for the continued use of the existing access drive, which must be improved to County standards, until Orange County develops its property for recreation purposes. When the county develops this property and constructs a new, norther access road, The Treeist shall have ten (10) days to begin using this new access, and with the consent of the on-site easement user, Crown Castle, who has first right of refusal for the shared use of the access easement on the subject property.

Summary of Transportation Information			
Existing Roadway Characteristics			
Affected Roadway	Millhouse Road		
Type of Roadway	Local – 2 lane undivided		
Current Roadway Capacity	10,000		
Latest Traffic Volume	Estimated 2,500		
Traffic Generation			
Number of Trips Expected to be Generated by Proposed Project		308 Total Daily 107 Total AM Peak 107 Total PM Peak	

Proposed Utilities
Water and wastewater services will be provided via a private well and septic system that meet Orange County Environmental Health standards.

Erosion Control/Stormwater Regulations

The applicant has indicated the project will conform to existing stormwater management (Section 6.14) and erosion and sedimentation control (Section 6.15) regulations of the UDO. (Attachment 5; Subject: Summary of Findings Regarding Conformance with Orange County UDO for Erosion and Sedimentation Control and Stormwater Management).

Land Use Buffers/Setbacks

North	40 feet building setbacks, Type D 50' Land Use Buffer
South	20 feet building setback, Type D 50' Land Use Buffer
East	20 feet building setback, Type D 50' Land Use Buffer
West	20 feet building setback, Type D 50' Land Use Buffer

Per Section 6.8.6 of the UDO, Type D Land Use Buffers are required along all parcel lines. The submitted site plan identifies access and outdoor storage areas encroaching in the required buffer area which is not in compliance with the UDO.

Environmental Assessment (EA)

The applicant has provided an Environmental Assessment (EA) application and supporting materials as required in Section 6.16 of the UDO with their submittal. These materials have been shared with various State agencies via the NC Department of Administration's State Clearinghouse. Planning and DEAPR Staff have jointly reviewed the materials and agree with a determination of "**Finding of No Significant Impact** (FONSI)" as required in Section 2.25.1(B)(5) of the UDO (Attachment 5). This determination eliminates a requirement from the applicant to provide a more detailed Environmental Impact Statement process as outlined in Sections 2.25.2 and 6.16.4 of the UDO.

Solid Waste

The applicant has indicated development within the project will conform to the Orange County Solid Waste Management Ordinance (Attachment 5).

Proposed Conditions

Per NCGS 160D-703, imposed conditions and site-specific standards are limited to those that address conformance of the development and use of the site to local government ordinances and adopted plans or the impacts reasonably expected to be generated by the development or use of the site.

Following the March 7 Planning Board, the applicant requested to vest their plan per Section 2.5.5 of the Unified Development Ordinance. This request was added as Condition #7, which was not reviewed by the Planning Board.

Following Planning Board recommendation, Orange County and the applicant negotiated the details included in Condition #5 and #6. Attachment 9 contains Attachment A referenced in Condition #5.

Per Section 2.9.1(F)(3) of the UDO, the following conditions are being proposed:

1. Project shall be completed as presented in approved site plan/application packet.

2. Allow for a reduction of the 100' setback from the southern property line for outdoor storage of wood chips, stumps and logs, branches and similar wood by-products resulting from tree cutting operations. Outdoor storage shall not be less than 40 feet from the southern property line.

3. Allow for Planning Director to review and approve minor changes to the approved plan, per Section 2.9.1(I) of the Orange County Unified Development Ordinance, specific to the location and arrangement of development within the limits of disturbance and the proposed “activity area”. The “activity area” shall be defined as the edge of gravel as shown on the provided conditional zoning plan set.

4. Allow for Planning Director to review and approve minor changes to the approved plan, per Section 2.9.1(I) of the Orange County Unified Development Ordinance, specific to outdoor pole lights. Pole lights shall not exceed 14 feet and shall not be located outside the proposed “activity area” The “activity area” shall be defined as the edge of gravel as shown on the provided conditional zoning plan set.

5. Initial access to the applicant’s property shall be through the current access easement held by Crown Castle, LLC and improved consistent with the County’s road improvement terms and standards.

   Orange County intends to develop the property on which the existing access easement is located into a park for recreational activities. When that development occurs, the County will construct and record a new access road running along the northern boundary of the property with a north/south connection to the applicant’s property. When that new access road is recorded, as conceptually shown in orange on the map as Attachment A, the County may demand that the applicant discontinue use of the initial access road and exclusively access applicant’s property using the new access road constructed by the County. The applicant agrees to comply with the County’s demand within ten business days.

6. The additional party to the current access easement, Crown Castle, LLC., shall be contacted and their written response should acknowledge their use of the new access road once constructed, and their abandonment of the current access easement.

7. Approval of this plan establishes a zoning vested right under NCGS 160D-108. Unless terminated at an earlier date, the zoning right shall be valid until March 19, 2029.Approval of this plan establishes a zoning vested right under NCGS 160D-108. Unless terminated at an earlier date, the zoning right shall be valid until March 19, 2029.

Review Milestones

Application Submittal Date	August 7, 2023
Development Advisory Committee (DAC) Review	September 21, 2023 October 19, 2023 December 21, 2023
Neighborhood Information Meeting (NIM)	November 17, 2023
Planning Board Recommendation	January 3, 2024
Note: the DAC is a staff/agency committee, established in Section 1.9 of the Unified Development Ordinance.	

Courtesy Review

Jurisdiction	Date Sent	Comments Received (Y/N)
Town of Carrboro	September 15, 2023	No
Town of Chapel Hill	September 15, 2023	Yes
State Clearing House	September 6, 2023	Yes
Orange County Agricultural Preservation Board	September 20, 2023	Yes

Analysis

Staff Analysis

As required under Section 2.8.5 of the UDO, the Planning Director shall cause an analysis to be made of the application. In analyzing this request, the Planning Director offers the following:

1. The application is complete in accordance with the requirements of the UDO. Staff review determined that the application is complete and all submitted materials are in compliance with the following applicable sections of the UDO:

   - Section 2.8, *Zoning Atlas and Unified Development Ordinance Amendments*
   - Section 2.9, *Conditional Districts*

   In accordance with Section 2.9.1(F), *Approval and Conditions,* the applicant has submitted conditions which are to be reviewed by the Board of County Commissioners for a determination as to whether such conditions will afford protection of the public health, safety, and general welfare.

   "Agricultural Services Uses" are defined as Use #3 in the Table of Permitted Uses and within Article 10, Definitions of the UDO as:

   > *"Commercial activities offering goods and services which support production of agricultural products or processing of those products to make them marketable. Examples include, but are not limited to, soil preparation, animal and farm management, landscaping and horticultural services, specialized commercial horticulture, specialized animal husbandry, biocide services, retail sales of farm/garden products, supplies and equipment, equipment rental and repair service, tack shop, farrier, blacksmith, welding shops, facilities for animal shows, animal sales and auctions, agriculture-based clubs/meeting halls, storage of agricultural supplies and products, and processing plants for agricultural products including wineries and canneries"*

   Section 5.2, Table of Permitted Uses of the UDO identifies Agricultural Services Uses as a permitted use within the ASE-CD zoning district. There are no additional use standards related to Agricultural Services Uses contained in the UDO. The proposed use does not include on-site grinding of materials. Furthermore, per Section 5.13.5, composting operations involving on-site grinding of materials shall not be permitted within the Rural Buffer land use classification, as designated by the adopted Comprehensive Plan, as part of a Conditional District application

   Staff Comment: The application is complete in accordance with Section 2.8 and Section 2.9 of the UDO. The applicant provided a Description of Proposed Use, Project Narrative, and Suitability of ASE-CD Zoning statement detailing future land use part of the application package (Attachment 1). In addition, the applicant provided a site plan which addresses access, parking, outdoor storage, lighting, and landscaping.

2. As currently presented, the Outdoor Storage feature on the site plan (Attachment 1) and detailed as "wood pile(s)" does not meet the required minimum 100' distance from residentially zoned property.

The applicant has submitted a condition to reflect this variance from the ordinance standard established in UDO Section 6.4.10.

3. Staff review of the application included considerations for how the request relates to the Orange County 2030 Comprehensive Plan. The following analysis outlines elements of the Plan which staff identified as application and relevant to the consideration of this request.

Chapter 2 – Planning Principles

1. Efficient and Fiscally Responsible Provision of Public Facilities and Services: Orange County's public facilities and services should be delivered in a manner that efficiently uses existing capacity. Expansions of facilities and services should be made only after careful consideration of the costs and benefits of expansion.

Staff Comment: Not applicable

2. Sustainable Growth and Development: Growth and development within the county should occur in a pattern, location, and density that is sustainable over the long-term.

Staff Comment: The proposed ASE-CD zoning district for an arborist and tree-processing center is consistent with the Rural Buffer Rural Land Use Classification (Appendix F, Relationships Between Land Use Classifications and Zoning Districts). The activity and impact of this use will be limited to the property, generating low volumes of traffic and not negatively impacting surrounding properties by its use. It is immediately outside the Town of Chapel Hill's ETJ, emphasizing its proximity to both municipal and county residents that can utilize this commercial service while not generating large vehicle miles traveled. Its proximity to municipal centers while being separated from the residential and commercial uses of those areas serves the mutual needs of the region without negatively affecting the surrounding properties. The proposed Agricultural Services Uses is permitted in the ASE-CD zoning district, complies with the UDO standards except as noted, and meets the standards of evaluations as reviewed by the Board of County Commissioners.

3.A. Encouragement of Energy Efficiency, Lower Energy Consumption and Use of Nonpolluting Renewable Energy Resources

3.B. Promotion of Both Air Quality Protection and the Development of an Effective Transportation System: Decreasing the use of non-renewable resources and lowering energy consumption are encouraged in both public and private activities. The county's transportation system should be enhanced to promote more energy efficient modes of travel and improve air quality.

Staff Comment: The applicant will introduce a wood processing and reuse facility within close proximity to municipal centers where arborist services and tree processing are most needed. The other options are to otherwise rely upon vendors who travel farther distances, redistribute by-products to non-local markets, and extract these resources from Orange County while only contributing immediate services and a higher carbon footprint. The proposed use supports a local enterprise that can immediately contribute to the reuse of the related materials and reduce traveled miles to support the business.

4. Natural Area Resource Preservation: Protection of the County's natural areas, including forests, wildlife habitat, and other important open spaces should be a priority. The County should work with regional and local organizations, the towns, and private landowners to promote and achieve preservation of the County's important natural resources.

Staff Comment: The applicant provided an Environmental Assessment as part of the application package. Staff has reviewed and determined no significant environmental impact is expected from this project based on existing conditions. The project site plan protects the existing stream on site with provided stream buffering and strives to maintain existing trees as part of the landscape buffer (Attachment 1).

5. Preservation of Rural Land Use Pattern: The County's rural areas are a cherished component of the County's character. Future development should preserve and enhance the county's rural landscape.

Staff Comment: The 2030 Comprehensive Plan, Appendix G, Land Use Classification and Overlay Locational Criteria, identifies Rural Buffer as land designated in the Comprehensive Plan as land adjacent to an urban or transition area which is rural in character and which should remain rural, contain very low-density residential uses, and not require urban services during the plan period. The resource-related activities with the use are consistent with the rural nature of the area and, as presented, will not disrupt that character, being on the perimeter of the Town of Chapel Hill's ETJ, surrounded by managed forests and County-owned lands that will not serve residential or commercial purposes.

6. Water Resources Preservation: The County has finite water resources to provide to future populations. The protection and management of the County's water resources should be a high priority.

Staff Comment: The proposed project will utilize groundwater to service the future land use, as permitted by the Orange County Division of Environmental Health (Attachment 5). In addition, the site plan provides for a 65-foot stream buffer to protect water quality downstream (Attachment 1).

7. Promotion of Economic Prosperity and Diversity: Development of a diversity of new businesses and expansion of existing businesses should occur in Orange County.

Staff Comment: The applicant will provide an underserved market with needed service, particularly for the nearby municipalities. The applicant is proposing to relocate an existing tree care and consulting company currently operating in Carrboro to this site. Relocation of this business to a rural setting will more appropriately allow for it to operate while continuing to serve the nearby municipal market than it can from its current placement in a municipality. The applicant estimates that approval could create 10 – 20 new jobs.

8. Preservation of Community Character: Future growth and development should occur in a manner that preserves and enhances the existing character of the County, its townships, and rural crossroads communities.

Staff Comment: This agricultural support enterprise will be appropriately placed within the Rural Buffer designated by both the 2030 Comprehensive Plan and the Orange County-Chapel Hill-Carrboro Joint Planning Agreement Land Use Plan. It shall be situated such that it is surrounded by an actively-managed forest, a former landfill, and a proposed recreation facility. There will be no disruption to residential quality of life, and the approval will introduce a new business to the area and to the county's business community. Placement of this business is in harmony with the immediately surrounding area on the edge of the Town of Chapel Hill's ETJ, and in the public interest, placing an arborist near

municipal centers while separating it from the residential and commercial activities of those areas for a more rural location surrounded by similar uses.

Chapter 5 – Land Use Element, Section 5.6 Goals
The proposal is consistent with the 2030 Comprehensive Plan, furthering the following goals:

- 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.*

  Staff Comment: The application proposes an Agricultural Support Enterprise for an arborist and wood-processing center within an area surrounded by public or quasi-public uses, including the actively-managed Duke Forest. The tree-related operations are consistent with both the rural character of this immediate area as well as the more intensive use to the south of the former county landfill, which is in the Town of Chapel Hill's ETJ. While, by the applicant's admission, the operations will generate noise pollution and some odors related to tree processing into wood byproducts, the use is consistent with the "low-intensity agricultural support" uses allowed in the Rural Buffer by the Orange County-Chapel Hill-Carrboro Joint Planning Agreement (JPA) Land Use Plan. The site plan and conditions committed to by the applicant will separate this use from the properties owned Orange County and proposed for a recreational facility featuring multiple soccer fields. The combination of the required screening and setbacks with the natural environmental features of this property and the adjacent ones will adequately minimize impacts to surrounding properties.

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

  Staff Comment: The proposed use meets all UDO standards for buffering and screening, as well as the applicable erosion control and stormwater regulations. It will utilize and improve an existing access road, creating no new stream crossings, and, in fact, improving the existing one to minimize runoff into the stream. The arborist will process natural wood products that can be reused locally for multiple purposes, reducing the need for area residents to rely upon imported products. The restrictions that exist on the uses of most of the surrounding properties should ensure that low-intensity agricultural production of the site will have minimal negative impacts upon natural resources or residents.

- Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*

  Staff Comment: The proposed arborist and tree processing facility will be placed within the Rural Buffer, away from residentially-used properties, and within the rural areas of the county. The neighboring Duke Forest property is, in fact, a site that may be actively timbered at its owners' discretion; and the southern, county-owned property is a former landfill that is limited in its redevelopment potential. These surrounding conditions will allow the use to be inherently buffered from neighbors and prevent negative impacts to them that might otherwise occur in a more densely-developed area. The use is consistent with the future land use classification allowed by the 2030 Comprehensive Plan, Appendix F; and is consistent with the land use allowances for the Rural Buffer in the JPA. The site will generate some new traffic, but the cumulative daily employee and business-related trips are under the County's threshold for further analysis or offsite improvement.

- Land Use Goal 6: *A land use planning process that is transparent, fair, open, efficient, and responsive.*

  Staff Comment: The Orange County staff has noticed the public regarding this application, as required by Sections 2.8.7, 2.9.1(D), and 2.9.2 of the UDO, including a required Neighborhood Information Meeting, mailings to neighboring property owners, posting of the property, and advertisement in the local newspapers. Additionally, staff have provided all application documents on the Active Development Projects webpage, responded to public inquiries, posted social media notices on the project, featured it in the weekly newsletter, communicated and made both the BOCC and Planning Board available for public emails concerning the application.

- Appendix F, Land Use Classification Description for Rural Buffer: *Only very low density residential, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses are appropriate in the Rural Buffer.*

  Staff Comment: The proposed arborist and tree-processing facility is a low-intensity agricultural support enterprise and is consistent with the allowable future land uses within the designated “Rural Buffer” land use classification of the 2030 Comprehensive Plan.

4. The requested zoning district, ASE-CD (Agricultural Support Enterprises - Conditional District), is consistent with the 2030 Comprehensive Plan, Appendix F, Relationships Between Land Use Classifications and Zoning Districts.
5. The 2030 Comprehensive Plan, Appendix G, Land Use Classification and Overlay Locational Criteria, identifies Rural Buffer as land designated in the Comprehensive Plan as land adjacent to an urban or transition area which is rural in character and which should remain rural, contain very low-density residential uses, and not require urban services during the plan period.
6. The applicant has provided a basic environmental assessment as part of this submittal. Staff has reviewed and determined no significant environmental impact is expected from this project based on existing conditions.

The proposed development is consistent with existing/anticipated development within the area and the land use associated with the project is compatible with various 2030 Comprehensive Plan goals detailed above.

ORANGE COUNTY
NORTH CAROLINA
PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

February 28, 2024

NOTICE OF BOARD OF COUNTY COMMISSIONERS MEETING

To Whom It May Concern:

This notice is to inform you of the March 19, 2024, Board of County Commissioners meeting, at which an application to rezone a +/- 10.01 acres (PIN: 9871-50-3254) will be reviewed. The parcel's address is 6915-UT Millhouse Road, Chapel Hill, within Chapel Hill Township. This notification is occurring in accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO). **You are receiving this notice because you own property located within 1,000-feet of the parcels requested for rezoning.**

YOUR PROPERTY IS NOT PROPOSED FOR REZONING.

Property Information	
Parcel ID Numbers (PIN)	9871-50-3254
Owner	Acer LLC
Applicant	Craig Nishimoto
Location	6915-UT Millhouse Road
Acreage	+/- 10.01acres
Current Zoning	Rural Buffer (RB)
Proposed Zoning	Agricultural Support Enterprises Conditional District (ASE-CD)
Watershed Designation	Jordan Lake Unprotected

What is being proposed?
The applicant is requesting to rezone the parcel for future agricultural service uses in order to locate their tree care and consulting company. This use would include two office buildings, a residential building for a property caretaker, and service equipment storage area.

What is this meeting for?
The Orange County Board of Commissioners will hold a public hearing on the proposed rezoning. Interested persons are invited to address the County Commissioners with their comments regarding the rezoning application. The Orange County Planning Board, an advisory board comprised of appointed volunteers, reviewed this application at its January 3, 2024 regular meeting and voted to recommend approval of the rezoning request.

BOCC Meeting Information	
Date	March 19, 2024
Time	7:00 p.m.
Place	Southern Human Services Center
Address	2501 Homestead Road Chapel Hill, NC
Assigned Planner	Ashley Moncado, Planner III Email: amoncado@orangecountync.gov Phone: 919-245-2589

***

If you cannot attend the Public Hearing and the website does not answer your questions about the requested rezoning, you may call (919) 245-2575 during regular business hours and you will be directed to a staff person who can assist you. You may also submit written comments via email to ocbocc@orangecountync.gov (emails sent to this address are considered public records and are subject to public disclosure).

Sincerely,

Cy Stober

Additional information is available on the Orange County Planning Department's website: https://www.orangecountync.gov/3038/Active-Development-Projects or scan below:

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

CERTIFICATION OF MAILING
ZONING ATLAS AMENDMENT
ORANGE COUNTY, NORTH CAROLINA

I, Ashley Moncado, Planner III with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section 2.8.7 of the Orange County Unified Development Ordinance I have mailed, or have caused to be mailed, a Notice of the Public Hearing to be held regarding a rezoning application proposing to rezone one parcel located at 6915-UT Millhouse Road in Chapel Hill (PIN 9871-50-3254) on February 28, 2024.

The owners were identified according to the Tax Records, as required by Section 2.8.7 of the Orange County Unified Development Ordinance.

The mailed notices specified the date, time, place and subject of the Public Hearing.

WITNESS my hand, this 28th day of February 2024.

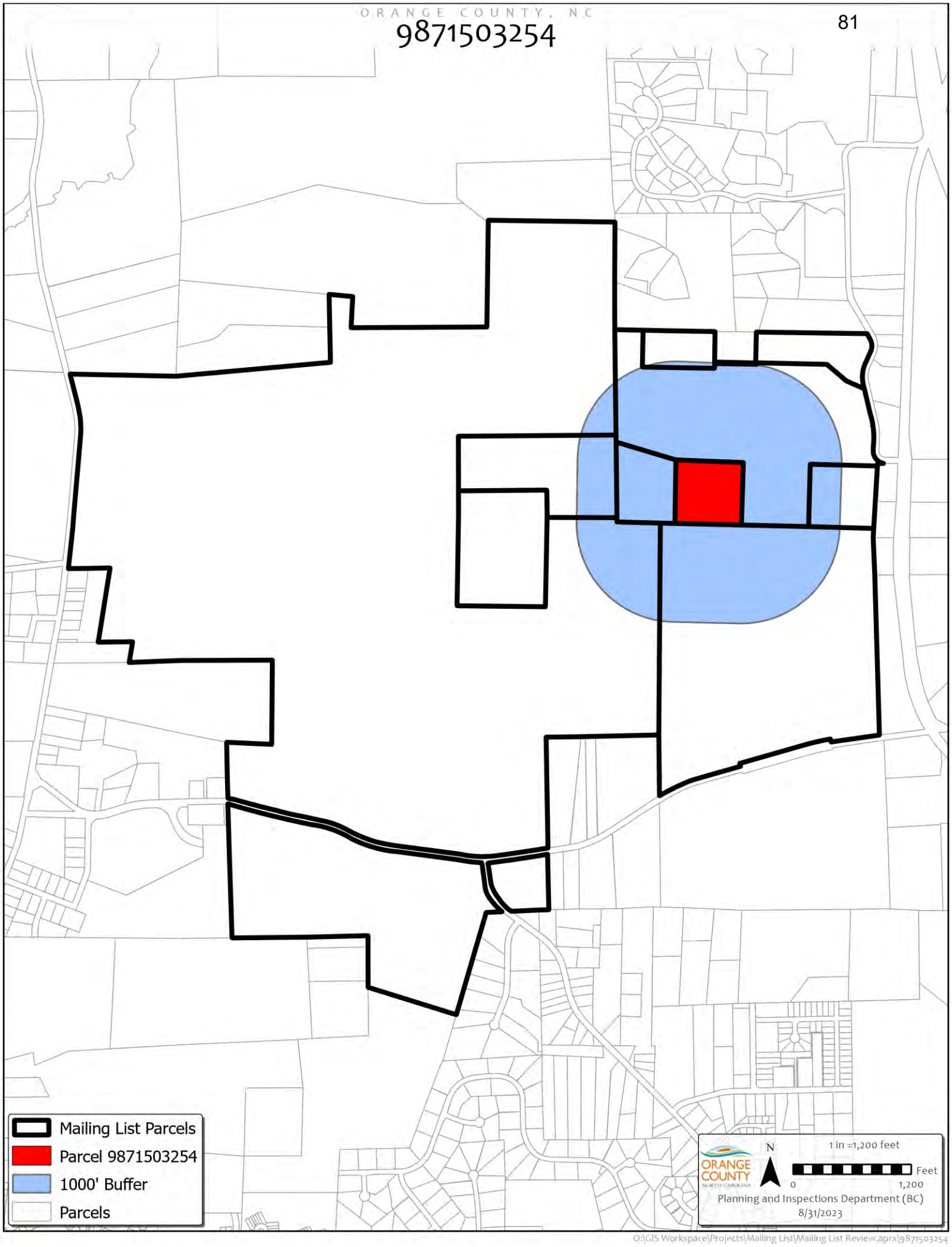
Ashley Moncado

Ashley Moncado, AICP
Planner III
Orange County Planning and Inspections Department

PIN	OWNER1_LAST	OWNER1_FIRST	OWNER2_LAST	OWNER2_FIRST	ADDRESS1	ADDRESS2	CITY	STATE	ZIPCODE
9871503254	ACER LLC	<Null>	<Null>	<Null>	1200 HATCH RD	<Null>	CHAPEL HILL	NC	27516
9870199380	DUKE UNIVERSITY SCHOOL OF	FORESTRY	<Null>	<Null>	324 BLACKWELL ST WASHINGTON BLDG STE 850	DUKE UNIV CORP TAX DEPT	DURHAM	NC	27701
9870680737	ORANGE	COUNTY	<Null>	<Null>	PO BOX 8181	<Null>	HILLSBOROUGH	NC	27278
9871402300	DUKE	UNIVERSITY	<Null>	<Null>	324 BLACKWELL ST STE 850	DUKE UNIV CORP TAX - WASHINGTON BLDG	DURHAM	NC	27701
9871406283	DUKE	UNIVERSITY	<Null>	<Null>	324 BLACKWELL ST STE 850	DUKE UNIV CORP TAX - WASHINGTON BLDG	DURHAM	NC	27701
9871519160	ORANGE	COUNTY			PO BOX 8181		HILLSBOROUGH	NC	27278
9871607301	ORANGE	COUNTY			PO BOX 8181		HILLSBOROUGH	NC	27278
9871615733	GBL PROPERTY LLC	<Null>	<Null>	<Null>	6805 MILLHOUSE RD	<Null>	CHAPEL HILL	NC	275164658

ORANGE COUNTY, NC

9871503254



O:\GIS Workspace\Projects\Mailing List\Mailing List Review.aprx\9871503254

Neighborhood Information Meeting Report Form

REPORT OF INFORMATION MEETING REQUIRED BY THE ORANGE COUNTY UNIFIED DEVELOPMENT ORDINANCE

To: Taylor Perschau, Orange County Current Planning and Zoning Supervisor

Project Name: MA23-0003 The Treeist Rezoning

Approximate Location (or Address): 6915-UT Millhouse Rd

Proposed Number Lots: 1 Residential (Y/N): N

The undersigned hereby certifies that the required sign(s) was posted on the property proposed for project, on each road frontage of said project on (date) 11/1/23. **A photo of the sign posted is recommended to be attached to this form.**

The meeting was held at the following time and place: Orange County Public Library Main ~~Room~~ Meeting Room

The persons in attendance at the meeting: **See attached Attendance sheet**

The following issues were discussed at the meeting (**Attach additional sheet(s) if needed**):
Traffic impact → how we will be staggered from typical peak
Noise → distance from concerned parties will minimize drastically any noise
Timeline for project → our best guess of when we will move in is hopefully within a year

As a result of the meeting, the following changes were made to the project proposal (**Attach additional sheet(s) if needed**): No changes made to poject proposal. Notes made as to citizens main concerns with intent to specifically address these concerns at any following discussions.

Date: 11/17/23
Applicant: The Treeist
By: Amanda Whitton

Please submit this Report to the Orange County Planning Department located at 131 W. Margaret Ln or mail it to Taylor Perschau, at 131 W. Margaret Ln. Hillsborough NC, 27278. If you have any questions, please contact the assigned staff planner.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT
Neighborhood Information Meeting Sign-In Sheet

Project/Plan: The Treeist - MAZ3-0003
Date & Time: 11/17/23 @ 4pm - 5:30

Name	Address	Telephone Number	Email Address
David Kennedy	6301 Pathway Ct Chapel Hill NC 27516	919 302 0738	
ELLEN & JIM LIBERMAN	1118 Blackwood Mt. Rd 27516	617-645-1568	Liberman@yahoo.com

MEETING NOTES 11.17.23 -

4.17 pm

Brief overview of why we're glad to have this land

TRAFFIC (how do we plan to handle that?)

- Peak points:
    - Right before 7 am with employees coming in
    - Around 7.30/8 am, trucks leaving to the job sites
    - Petering in/out around 2.30 pm/ 4 pm

COMPANY MAKEUP

- 25 ish people
- Consultants (2) - not at the site
- Office Staff (2) - stay at site
- Tree Crews (15ish) - will be arriving/leaving twice (personal and then in trucks)

INTENT OF LOT

- CN mentioned that we planned to use it as a staging area (concern was about weight/noise of operations)
- Operations at the site is minimal, because we aren't clearing operations, we're residential (detail) work

4.31 pm

TIMELINE FOR DEVELOPMENT

- Jan 3rd Planning board meeting,
- Earliest BOCC in Feb
- Ideal to move into a semi-usable space this time next year.

NOISE CREATION AT SITE

- Training employees with chainsaw during day
- Machinery moving logs/brush piles from staging area
- NO saw mill or logging operations
- The distance between our new site and the concerned parties is enough to minimize the noise (the firing range and dump run larger machines with higher noise thresholds)

TRUCK

- Worried about poor driving making grinding gears/blocking traffic

WOOD CHIPS

- What do we do with them? Sell to landscapers?
- Discussed various ways that we could process them

LOGS

- While we are storing/stacking logs at the site, how often do we use big trucks to haul them away?

4:58 pm

POTENTIAL SOCCER FIELDS

- Would they be wanting us to build any sort of barrier between us and the fields?
- There are regulations re: noise/visual barriers, but we aren't planning to build large scale/expansive fencing
- Trespassers are indeed an issue

5.12 pm

RURAL BUFFER

- Disseminating the purpose of the rural buffer and thinking through how our operations continue to help/aid

Neighborhood Information Meeting
Z
CASE: RZ25-0008
DATE: Fri Nov 14 2025
TIME: 11:00am
PLACE: Hillsborough

ORANGE COUNTY ZONING NOTICE
Neighborhood Information Meeting
CASE: MA23-0003
DATE: 10 Nov 17, 2023
TIME: 6:00pm
PLACE: Mills Park
MORE INFO:

ORANGE COUNTY ZONING NOTICE
Neighborhood Information Meeting
CASE: MA23-0003
DATE: Fri. Nov. 17, 2023
TIME: 4:00 pm
PLACE: Hillsborough
MORE INFO:

ORANGE COUNTY
NORTH CAROLINA
PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

December 22, 2023

Treeist Rezoning Application
Case #: MA23-0003
PIN: 9871-50-3254
6915-UT Millhouse Road, Chapel Hill

Re: Development Advisory Committee Report (UDO, Article 1, Section 1.9.5)

The Orange County Development Advisory Committee met on December 21, 2023 for a final review and discussion of the conditional rezoning application from Acer LLC for PIN 9871-50-3254 (Case #: MA23-0003).

The Orange County Development Advisory Committee has no objections to the approval of the zoning atlas amendment so long as the items in the attached departmental memos are addressed. The application package features an abstract and staff report that provide the foundations for my recommendation regarding this application and request.

Sincerely,

Cy Stober
Planning & Inspections Director

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

Development Advisory Committee (DAC) Comments

DAC review comments and recommendations **do not** constitute plan or permit approval for this application and/or replace any other plans and permits that may be required by other County departments and State agencies.

Project:	MA23-0003 The Treeist ASE-CD Map Amendment
Location/PIN:	9871-50-3254
Applicant:	Acer, LLC
Staff Planner:	Ashley Moncado, Planner III
DAC Meeting Date:	10/19/2023

	Addressing and Land Records	**Date:**		**Staff:**	

1. No comments

	Attorney's Office	**Date:**		**Staff:**	

1. No comments

	Building Inspections	**Date:**	10/16/23	**Staff:**	Michael Rettie mrettie@orangecountync.gov 919-245-2604

1. No new comments

	DEAPR	**Date:**		**Staff:**	

1. No comments

	Environmental Health	**Date:**		**Staff:**	

1. No comments

	Erosion Control	**Date:**	10/17/23	**Staff:**	Nathan Jacobsen Njacobsen@orangecountync.gov 515-745-5894

1. Both a Land Disturbing Permit and a Stormwater Management Plan appear to be required for the proposed scope of work. NOTED
2. Land Disturbance thresholds provided below for Jordan Lake Unprotected Watershed:
    a. 20,000 sq. ft. for erosion control plan
    b. 21,780 sq. ft. for stormwater management plan NOTED

	Fire and Life Safety	Date:		Staff:	

1. No comments

	NCDOT	Date:		Staff:	

1. No comments

	Planning	Date:	10/16/2023	Staff:	Ashley Moncado amoncado@orangecountync.gov 919-245-2589

1. Proposed outdoor storage shall be located a minimum of 100 feet from the parcel lines and meet all standards contained in Section 6.4.10. THESE ARE PILES OF WOOD - CONDITION REQUESTED
2. Any proposed outdoor lighting shall comply with Section 6.11. Based on Section 6.11.5, a lighting plan shall be submitted for review. POLE LIGHTS NOT PROPOSED BUT PLAN NOTE AND CONDITION ADDED
3. Provide documentation from Crown Castle and Orange County DEAPR (owner of adjacent lot) indicating no objections to utilizing the existing access easement and drive for the proposed use.
4. Remove parking calculations referencing one space per employee on the shift of max employment. DONE
5. Based on staff review, it appears there are 61 parking spaces (including 2 handicap parking spaces) identified on the site plan, however, the site plan references 62 parking space. Please review and confirm the total number of provided parking spaces on the site plan. DONE
6. Please note, the revised site plan materials submitted on October 6 did not include an Existing Conditions page. This may have been left out since it did not require revisions. If the applicant is no longer including that page in the site plan packet, please incorporate Solid Waste noted on the Concept Site Plan page. EXISTING CONDITIONS PLAN INCLUDED
7. Based on preliminary comments from the Orange County Agricultural Preservation Board, staff recommends the narrative and description to be revised to identify and highlight if materials resulting from this use are utilized for agricultural purposes (i.e. composting, ground cover, etc.).
8. A Neighborhood Information Meeting (NIM) is required for the rezoning application based on Section 2.9.1(D) of the Unified Development Ordinance. Please refer to the August 15 email from Taylor Perschau, Current Planning & Zoning Supervisor, for additional information related to the NIM process.
9. Please see site plan for additional comments. DONE

	Solid Waste	Date:		Staff:	

1. No comments

	Stormwater Management	Date:		Staff:	

1. No comments

	Transportation Services	Date:		Staff:	

1. No comments

MEMORANDUM

TO: PATRICK MALLETT AND TAYLOR PERSCHAU

FROM: JOSH MOOSE, ORANGE COUNTY SOLID WASTE MANAGEMENT

SUBJECT: MA23-0003 (TREEIST) CONDITIONAL REZONING APPLICATION

DATE: NOVEMBER 21, 2023

Orange County Solid Waste Management has no comment on the most recent set of site plans submitted. Consider this approval from Orange County Solid Waste Management.

ORANGE COUNTY

Department *of* Environment, Agriculture, Parks & Recreation

MEMORANDUM

To: Brian Collie, *Planner II, Planning and Inspections Department*

From: Christian Hirni, *Land Conservation Manager, DEAPR*

Date: September 19, 2023

Re: Acer LLC "The Treeist"- Map Amendment Conditional Rezoning Proposal

Thank you for the opportunity to review and comment on the proposed Map Amendment – Conditional upon land listed under Acer LLC. The map amendment would allow for rezoning the tract, currently under Rural Buffer designation, to Non-Residential Commercial District for use as an operations site for "The Treeist", a certified arboriculture and tree company. The site is approximately 10.01 acres located west of Milhouse Road, north of Eubanks Road, and is abutted to County property on three sides with Duke Forest on the western border. The subject property is one parcel (PIN 9871-50-3254) and is within the Neuse River/Jordan Lake Watershed.

The property contains approximately 520 linear feet of Old Field Creek, which drains directly into New Hope Creek around 3 miles east of the property boundary.

DEAPR comments on development projects are generally intended to a) address any concerns with respect to potential impacts on important natural or cultural resources, and b) identify any areas that might be desirable for possible dedication to the County for public recreation/open space pursuant to Section 7.11.5 of the Unified Development Ordinance.

Natural Resources Review Comments:
The plan calls for developing just over two-thirds of the property as center of operations and staging for "The Treeist" business, setting aside around one quarter of the property to protect the riparian buffers of Old Field Creek as delineated within the site plan.

Referencing the State Natural Heritage Program Inventory and the dataset of the Biodiversity and Wildlife Corridor Assessment confirms Old Field Creek and associated forested corridor (approximately 100-150 feet from centerline), to be of medium-high conservation value (Score 7/10). This section of Old Field Creek headwaters at a spring just 1,500 feet north of the tract, on lands owned by Duke Forest and listed by the County and State Natural Heritage Area Inventory (Blackwood Mountain Natural Area). As such, Old Field Creek is recognized by the Eno New Hope Landscape Conservation Plan as the "Highest" category of Conservation Priority as a Habitat Patch and Wildlife Connectivity Corridor. Any such use of the areas around the creek should allow it to remain in its natural and wooded state. The improvement of the existing roadbed to modern standards, including culverts and/or bridging, should be done with care to limit the disturbance of the stream bed and walls. All other uses or potential improvements associated with the development of the tract should be located outside of this area.

As the entirety of the tract is forested, apart from the already developed portion for a cell tower, the remainder is categorized as low conservation priority per the Biodiversity and Wildlife Corridor Assessment and moderate conservation value per the Eno New Hope Landscape Conservation Plan. Any

additional area available to be left in its natural and wooded state would only add benefit to the conservation of valuable wildlife habitat and corridor.

There are no additional natural resource areas of high significance (e.g., natural heritage sites, proposed wildlife corridors, threatened or endangered species) located on this property that would warrant further potential DEAPR recommendations for open space.

Cultural Resources Review Comments: There are no previously identified historic properties or resources located on the subject parcel.

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

If you have questions please contact Christian Hirni at 245-2514 or Peter Sandbeck at 245-2517.

ORANGE COUNTY HEALTH DEPARTMENT
Improving health. Inspiring change.

MEMORANDUM

TO: Cy Stober, AICP – Director, Planning & Inspections Department

FROM: Victoria Hudson – Orange County Environmental Health Division

CC: Patrick Mallett – Deputy Director Development Services

DATE: November 27, 2023

CASE: MA23-0003

PIN: 9871503254

WATERSHED: Jordan Lake

PROJECT: 10.01 acre property currently zoned Rural Buffer. Application is to re-zone the property to NR-CD for the purpose of the "Treeist" tree care and consulting company.

SUBJECT: Summary of Plan Review by Orange County Environmental Health Division

---

This memo summarizes the summarizes the findings of an Orange County Environmental Health plan review of the application for a NR-CD Conditional District, submitted as the “Eden View” project (hereafter, the “project”). The project is located within 10.01 acres of property at 6915-UT Millhouse Road. The request proposes development consisting of:

- Application is proposing to re-zone the property to ASE-CD to allow for "Agricultural Services Uses".

The Staff comments contained herein are based upon the submittal of a required Site Plan, dated October 31, 2023. These findings should not be interpreted as the Division’s final analysis/approval of the proposed development. Soil and site evaluations have not been conducted by the Orange County Health Department,

Environmental Health Division. The Health Department's role in the Amendment is one involving preliminary determination of soil suitability for septic systems.

Environmental Health Conditions

X	**At this time, no application(s) have been received. Application(s) and fees required.**
X	**Improvement Permit(s) shall only be issued upon presentation of the exact structure to be constructed.**
X	**Permit(s) must be issued by the Orange County Health Department prior to any alteration of the lot(s).**
X	**Permit conditions may apply.**
	Existing EH records are attached.
	Existing well and/or septic systems will be impacted.
	Contact Public Water Supply for on-site water supply.
	Other:

Conclusion:

EH has no objections to the approval of the zoning request so long as a the above list is addressed to the Orange County Health Department for processing, and issuance of Permits. This designation is not an Improvement Permit or Well Permit and not approval for a septic system or on-site water supply. Additional field observations and/or permitting by others may apply beyond the proposed development as shown with this request. Please direct any questions or requests for Laws, Rules, and policy to ehapplications@orangecountync.gov.

Victoria Hudson

Victoria Hudson, MPA, REHS
Or designee

11-27-2023
Date

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

MEMORANDUM

TO: Cy Stober, AICP – Director, Planning & Inspections Department

FROM: Patrick Mallett, Deputy Director Development Services

CC: Christopher Sandt, PE – County Engineer, Planning & Inspections; and Steve Kaltenbach, Erosion Control and Stormwater Supervisor

DATE: September 29, 2023

CASE: MA23-0003

PIN: 9871-50-3254

WATERSHED: Jordan Lake Unprotected

PROJECT: The Treeist

SUBJECT: Summary of Findings Regarding Conformance with Orange County Unified Development Ordinance (UDO) for Erosion & Sedimentation Control and Stormwater Management

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This memo summarizes the Development Services Erosion Control and Stormwater Management Division's (hereafter, the "Division's") assessment of the submitted application for a Conditional District, submitted as "The Treeist" project (hereafter, the "project"). The project is located within 10 acres of property at 6915-UT Millhouse Road.

The request proposes mixed-use development consisting of:

- A residential unit, office and service shed

The Staff comments contained herein are based upon a required Conditional Zoning Plan, sealed on August 21, 2023. These findings should not be interpreted as the Division's final analysis/approval of the proposed development. Upon zoning approval, the proposed development would then be required to submit a Land Disturbing Permit (LDP) which would formally review and approve development activity consistent with the Conditional Zoning Plan.

Erosion and Sedimentation Control:

According to current Orange County GIS imagery of the project parcel, there is one mapped stream feature within the project parcel boundaries. Orange County enforces stream buffers along streams, rivers, water bodies, and other water features (e.g., wetlands) as outlined in Section 6.13 of the Orange County UDO. Based on the submitted materials for the proposed development, the project could meet the basic Erosion and

Sedimentation Control requirements as outlined in Section 6.15 of the Orange County UDO and could be developed as generally proposed.

Stormwater Management:

The submitted materials indicate a level of development that could meet current UDO requirements specific to stormwater management. The project has not yet submitted supporting stormwater management calculations; however, it is feasible that the project can meet water quantity requirements (i.e., post-development stormwater runoff attenuation). There are no water quality requirements (i.e. post-development nutrient attenuation) currently associated with the Watershed Overlay District within which the project is located. The project will need to meet applicable stormwater management requirements as outlined in Section 6.14 of the Orange County UDO and must be in general conformance with the North Carolina Stormwater Design Manual (i.e., Minimum Design Criteria).

Conclusion:

The Division has No Objections to the approval of the rezoning request so long as a complete LDP application and supporting plans and calculations are submitted to Orange County for review, processing and approval prior to commencement of on-site Land-Disturbing Activity. As the project progresses, additional field observations, and/or permitting by others (e.g. US Army Corps of Engineers, NC Department of Environmental Quality, NC Department of Transportation, etc.), additional buffers, setbacks, and/or additional Orange County review and permitting may apply beyond the proposed development as shown with this rezoning request.

Christopher Sandt, PE — 9/30/2023 Date

Steve Kaltenbach — 9/30/2023 Date

From: Edwards, Charles N
To: Ashley E. Moncado
Subject: RE: [External] FW: DAC Memo - MA23-0003 Conditional Rezoning Application (Acer, LLC.)
Date: Tuesday, December 12, 2023 3:52:48 PM
Attachments: image002.png

Ashley,
Apology for the delay in responding. I have reviewed the attached plan and have no additional comments. The applicant should submit directly to this office for the required NCDOT driveway permit at such time that he has received County approvals. I will also provide these comments for the 12/21 DAC.

C. N. Edwards Jr., PE (Chuck)
District Engineer
North Carolina Department of Transportation
Division of Highways
Division 7, District 1

336 570 6833
cnedwards@ncdot.gov

115 East Crescent Square Drive
P. O. Box 766
Graham, NC 27253

Public Records Law and may be disclosed to third parties.

Orange County
Emergency Services
A Prepared, Coordinated, and Integrated Emergency Services System
E-911 | Fire Marshal | EMS | Emergency Management

Fire & Life Safety Division

TO: Cy Stober, AICP – Director, Planning & Inspections

FROM: Elizabeth Farnan – Fire Marshal, Emergency Services

CC: Ashley Moncado - Planner III, Planning & Inspections

Date: December 21, 2023

CASE: MA23-0003

PIN: 9871503254

PROJECT: Conditional Rezoning (Acer,LLC.)

SUBJECT: Site Plan Review Regarding Conformance with Orange County Unified Development Ordinance (UDO) for Emergency Apparatus Access, Addressing, Gate Access, and Water Availability for Required Fire Flow

---

This memo is to show that the Fire & Life Safety Division has NO OBJECTIONS to the approval of the rezoning request. All requirements have been met for emergency apparatus access to the site, addressing, gate access, and water flow requirements.

Elizabeth Farnan

Elizabeth Farnan, FM

December 21, 2023

ORANGE COUNTY

Department *of* Environment,
Agriculture, Parks & Recreation

MEMORANDUM

To: Ashley Moncado, *Planner III, Planning and Inspections Department*

From: Peter Sandbeck, *Cultural Resources Coordinator, DEAPR*

Date: October 20, 2023

Re: MA23-0003 The Treeist Conditional Rezoning Application

Thank you for providing the Agricultural Preservation Board (APB) with the opportunity to review and comment on the proposal from Acer LLC to rezone 10.01 acres (PIN 9871503254) from the RB, Rural Buffer zoning district to ASE-CD, Agricultural Support Enterprises Conditional District for agricultural services uses. These comments are being provided according to the provisions of Section 2.8.5 of the Orange County Unified Development Ordinance, which stipulates that the application shall be provided to the Agricultural Preservation Board for review and comment.

Summary of APB Comments:

Vehicle activity: the application should accurately reflect a realistic estimate of the proposed vehicle activity, both for crew members individually going to and from work, and for the truck traffic, both crew trucks and timber carrying trucks.

Site plantings: members felt that it was going to be important to have adequate site plantings to properly screen the somewhat industrial nature of this operation.

Tree service: members wanted to be sure that a tree service operation qualifies under the general definition of agriculture, and thus that this does not set a precedent for any future such applications.

Mulch and chip production: members felt that this was a positive aspect, as this appears to be a byproduct of this business and that there is a good market for these byproducts and that seems to fall into the category of an agricultural enterprise.

In summary, APB members were generally comfortable with the application and didn't offer any other concerns. They expressed general agreement that this appears to be a viable use for this particular parcel, given the uses and ownership of the adjoining parcels.

Please contact me if you have any questions at 245-2517.

From: Corey Liles
To: Cy Stober; Taylor Perschau; Ashley E. Moncado; Patrick R. Mallett; Perdita Holtz
Cc: Britany Waddell
Subject: [EXTERNAL MAIL!] RE: Rural Buffer Rezoning Application Notification
Date: Monday, October 9, 2023 11:02:32 AM

Hi Cy and team,

Thank you for the opportunity to look over the rezoning application for Treeist. Our Current Development team came up with a few comments, which I've listed below. We do not have any significant concerns with the project moving forward – it seems like an appropriate development for the site and compatible with surrounding land uses. But we did want to note a few things that came to mind based on the proximity of the site to Chapel Hill's jurisdiction. Happy to talk through anything further if it's helpful.

1. Truck Traffic
    a. Improvements to the access road should minimize the deposit of dirt and grit onto Millhouse Rd. We recommend the access road be paved, at least on the approach to Millhouse Rd, to avoid trucks tracking too much debris out of the site
    b. We are interested in knowing more about the expected times for peak truck operations, given the proximity of the site to Town facilities. Is it possible that the times when many trucks will be entering and exiting the site will overlap with high-traffic times for Chapel Hill Transit or Chapel Hill Public Works? What can be done to minimize conflicts?
2. Stream Impacts
    a. Design and construction techniques for the road crossing of the stream should minimize disruption to the stream buffer and stream channel while adequately supporting truck weight. Paving the road may be advisable here as well to minimize dirt and debris going into the stream
    b. We recommend locating the dumpster farther from the stream buffer, given what appears to be a fairly flexible site layout. If relocation isn't possible, include proper measures to prevent pollutant discharge into the stream
    c. Same considerations for fuel tanks. Recommend relocation farther from the stream and/or appropriate measures to minimize the risks of spills
3. Public-Facing Activities
    a. The narrative describes on-site instruction and similar activities being offered. The nature of facilities proposed on-site, however, suggests possible safety concerns. We wondered if it was possible for the business to partner with Orange County to host these activities on the County-owned future park site, rather than on the subject property

Thanks,
Corey

Corey Liles, Planning Manager
Planning Department | Town of Chapel Hill
405 Martin Luther King Jr Blvd. | Chapel Hill NC 27514

direct: 919-969-5008 | cell: 919-949-4066
cliles@townofchapelhill.org
Planning main: 919-968-2728 | planning@townofchapelhill.org

From: Britany Waddell <bwaddell@townofchapelhill.org>
Sent: Monday, September 18, 2023 1:07 PM
To: Corey Liles <cliles@townofchapelhill.org>
Subject: FW: Rural Buffer Rezoning Application Notification

FYI

Britany J. Waddell, AICP, CZO
Director of Planning

From: Cy Stober <cstober@orangecountync.gov>
Sent: Friday, September 15, 2023 5:17 PM
To: Patricia McGuire (pmcguire@ci.carrboro.nc.us) <pmcguire@ci.carrboro.nc.us>; Martin Roupe <mroupe@carrboronc.gov>
Cc: Judy Johnson <jjohnson@townofchapelhill.org>; Taylor Perschau <tperschau@orangecountync.gov>; amoncado <amoncado@orangecountync.gov>; Patrick R. Mallett <pmallett@orangecountync.gov>; Perdita Holtz <pholtz@orangecountync.gov>; Britany Waddell <bwaddell@townofchapelhill.org>
Subject: RE: Rural Buffer Rezoning Application Notification

External email: Don't click links or attachments from unknown senders. To check or report click the Phish Alert Button

Tish & Marty,

My former email did not make it through your filter due to the attachment size. I am happy to provide with you access to all application materials, including the full plan set, if you like. In the meantime, please see the attached materials.

Regards,

Cy Stober
Planning & Inspections Director

ORANGE COUNTY
NORTH CAROLINA

(919) 245-2585 (Office)
(919) 245-2592 (Direct)
Fax: (919) 644-3022
E-mail: cstober@orangecountync.gov
Orange County Planning Website: https://orangecountync.gov/792/Planning-Inspections

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

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

From: Cy Stober
Sent: Friday, September 15, 2023 9:15 AM
To: Britany Waddell <bwaddell@townofchapelhill.org>; Patricia McGuire (pmcguire@ci.carrboro.nc.us) <pmcguire@ci.carrboro.nc.us>
Cc: Judy Johnson <jjohnson@townofchapelhill.org>; Martin Roupe <mroupe@carrboronc.gov>; Taylor Perschau <tperschau@orangecountync.gov>; Ashley E. Moncado <amoncado@orangecountync.gov>; Patrick R. Mallett <pmallett@orangecountync.gov>; Perdita Holtz <pholtz@orangecountync.gov>
Subject: Rural Buffer Rezoning Application Notification

Trish & Britany,

I hope you are both well. Please find the notification letter regarding a rezoning application for a property in the Rural Buffer and Courtesy Joint Review Area attached to this email. I am also providing the site plan, zoning report, application, and narrative. Please let me know if you would like the full application package.

Please let me know if you have any questions or concerns, including the potential need for a meeting to discuss this application.

Have a good weekend,

Cy Stober
Planning & Inspections Director

ORANGE COUNTY
NORTH CAROLINA

(919) 245-2585 (Office)
(919) 245-2592 (Direct)
Fax: (919) 644-3022
E-mail: cstober@orangecountync.gov
Orange County Planning Website: https://orangecountync.gov/792/Planning-Inspections

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

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

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary

NORTH CAROLINA
Environmental Quality

To: Kadisha Molyneaux
State Clearinghouse
NC Department of Administration

From: Lyn Biles
Division of Environmental Assistance and Customer Service
Washington Regional Office

Re: 24-0071
Scoping - Proposed project is for rezoning and special use permits. The property will be used to house the Treeist tree care and consulting company. The property will be home to two proposed office and workshop spaces, a residential unit for a property caretaker, with supporting tree service equipment nestled within a perimeter of wooded areas and buffers on the 10-acre property.
Orange County.

Date: October 5, 2023

The Department of Environment Quality has reviewed the proposal for the referenced project. Based on the information provided, several of our agencies have identified permits that may be required and offered some valuable guidance to help minimize impacts to aquatic, terrestrial wildlife, and natural resources located in and around the project site. The comments are attached for the applicant's review.

The Department will continue to be available to assist the applicant with any questions or concerns.

Thank you for the opportunity to respond.

Attachments

North Carolina Wildlife Resources Commission

Cameron Ingram, Executive Director

MEMORANDUM

TO: Lyn Biles, Environmental Assistance and SEPA Coordinator
NCDENR Division of Environmental Assistance and Customer Services

FROM: Olivia Munzer, Western Piedmont Coordinator
Habitat Conservation

DATE: 02 October 2023

SUBJECT: Scoping for Acer LLC – Treeist Tree Care in Chapel Hill, Orange County. DEQ Project No. 24-0071.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the subject information. Our comments are provided in accordance with provisions of the United States National Environmental Policy Act and Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The L.E.A.D.S. Group P.A., on behalf of Acer LLC, is requesting scoping for the proposed rezoning and special use permits for the Treeist Tree Care and Consulting Company to be located at 6915-UT Millhouse Road, Chapel Hill, Orange County, North Carolina. The proposed project entails the construction of two proposed office and workshop spaces, a residential unit, and supporting tree service equipment on 10.01 acres of forested area.

An unnamed tributary of Old Field Creek in the Cape Fear River basin flows along the northeast property boundary. The applicant proposes a 50-foot buffer along both sides of the intermittent stream. Downstream of the project, we have records of the state endangered Carolina creekshell (*Villosa vaughaniana*). We also have records of the state endangered and proposed federally endangered tricolored bat (*Perimyotis subflavus*) in Orange County. We recommend contacting the USFWS to ensure that any issues related to the tricolored bat are addressed. Duke Forest and Orange County Open Space (Millhouse Road Park) manage lands surrounding the proposed project.

We offer the following general recommendations to minimize impacts to aquatic and terrestrial wildlife resources:

1. We recommend not clearing the entire site, but rather maintaining the maximum amount of native vegetation as possible.
2. Native plants should be used for seeding disturbed areas. Specifically, avoid using Bermudagrass, redtop, tall fescue, and lespedeza, which are invasive and/or non-native. A list of alternatives to non-native species has been attached. Alternatively, use grains, such as oats, wheat, or rye for temporary cover and native seed mixes for permeant seeding. We recommend planting native, wildflower seed mixes that will create pollinator habitat within the project boundary. Planting native vegetation can reduce the cost of maintenance. Avoid using invasive, non-native plants in

Mailing Address: Habitat Conservation • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 707-0220 • **Fax:** (919) 707-0028

seed mixtures or landscaping plants, such as nandina or privet (http://www.ncwildflower.org/plant_galleries/invasives_list).

3. Minimize the clearing of living, dying, or dead mature trees, particularly if they are hardwoods, and avoid tree clearing activities during the activity period for tricolored bats (April 1 – November 14).
4. Sediment and erosion control measures should be installed prior to any land clearing or construction.
5. Erosion control matting made of plastic mesh or twine should not be used within the project area because it can injure or kill wildlife.

If an environmental document is prepared, it should include a detailed assessment of existing natural resources within the project area and should discuss the potential of mitigating impacts to wetlands, waters, and high-quality upland habitat. We encourage the applicant to consult the Department of Environmental Quality's *Guidance for Preparing SEPA Documents and Addressing Secondary and Cumulative Impacts* in preparing the environmental document. This document is available at https://deq.nc.gov/permits-regulations/sepa. To facilitate our review of proposed project impacts on aquatic and terrestrial wildlife resources, we request the following information is included in the environmental document. Although some of the information, requests and comments may not be applicable to this project, these should facilitate preparation of an environmental document that addresses impacts to aquatic and terrestrial wildlife resources.

1. Include descriptions of aquatic and terrestrial wildlife resources within the project area, and a listing of federally or state designated threatened, endangered or special concern species. A listing of designated species can be found on the N.C. Natural Heritage Program's website at http://www.ncnhp.org. Any protected species surveys should be conducted by biologists with both state and federal endangered species permits.
2. The project footprint should be surveyed for wetlands and streams to ensure there are no impacts to surface waters. In addition to providing wildlife habitat, wetland areas and streams aid in flood control and water quality protection. U.S. Army Corps of Engineers Section 404 Permits and NCDWR Section 401 Certifications are required for any impacts to jurisdictional streams or wetlands. Include descriptions of any streams or wetlands affected by the project.
3. Define the service area for the project, including any ETJs (extra-territorial jurisdiction), and provide a map of the service area.
4. Provide a description of project activities that will occur within wetlands and streams, such as fill or channel alteration. The amount of impacts by alternative project designs should be listed.
5. Provide a description and a cover type map showing acreage of upland wildlife habitat impacted by the project.
6. Discuss the extent to which the project will result in loss, degradation or fragmentation of wildlife habitat (wetlands and uplands).
7. Discuss any measures proposed to avoid or reduce impacts of the project or to mitigate unavoidable habitat losses.

Thank you for the opportunity to provide input in the early planning stages for this project. Please contact me at (336) 269-0074 or olivia.munzer@ncwildlife.org if there are any questions about these comments or for free technical guidance.

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
MICHAEL SCOTT
Director

NORTH CAROLINA
Environmental Quality

DATE: September 17, 2023

TO: Michael Scott, Division Director through Sharon Brinkley

FROM: Lee Hill, Environmental Senior Specialist - Solid Waste Section Field Operations Branch

RE: SEPA Project 24-0071 Orange County, NC
Rezoning and Special Use Permits for 6915-UT Millhouse Rd (PIN 9871503254)

The Solid Waste Section has reviewed the scoping documents submitted by Orange County for the proposed rezoning and special use permits for 6915-UT Millhouse Rd (PIN 9871503254). Five solid waste landfills and two other permitted solid waste facilities are located within one mile of the subject property. This property is adjacent to the closed Orange County MSW and construction and demolition landfills (6801-MSWLF-1982, 6801-CDLF-1993, 6801-MSWLF). Closed landfills have the potential to release contaminants into the environment and could affect groundwater. Additional information about these facilities can be found at the following links: 6801-CDLF-1993 6801-MSWLF-1982 6801-MSWLF 6801-MSWLF-1993 6804-CDLF-2005 6801-HHW-2003 6806-HHW-2018 Otherwise, the review has been completed and has found no adverse impact on the surrounding community and likewise knows of no situations in the community, which would affect this project from a solid waste perspective.

During the project, every feasible effort should be made to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. Any waste generated by this project that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility approved to manage the respective waste type. The Section strongly recommends that any contractors are required to provide proof of proper disposal for all waste generated as part of the project. A list of permitted solid waste management facilities is available on the Solid Waste Section portal site at: https://deq.nc.gov/about/divisions/waste-management/solid-waste-section/solid-waste-permitted-facility-information-and-guidance/solid-waste-facility-lists

Please contact Chuck Kirchner, Environmental Senior Specialist, for any questions regarding solid waste management for this project. Mr. Kirchner can be reached at (336) 776-9633 or by email at chuck.kirchner@deq.nc.gov.

Ec: Jason Watkins, Field Operations Branch Head
Chuck Kirchner, Environmental Senior Specialist

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
MICHAEL SCOTT
Director

NORTH CAROLINA
Environmental Quality

Date: September 8, 2023

To: Michael Scott, Director
Division of Waste Management

Through: Janet Macdonald
Inactive Hazardous Sites Branch

From: Katie C Tatum
Inactive Hazardous Sites Branch

Subject: SEPA Project # 24-0071 Orange County, Orange County, North Carolina

The Superfund Section has reviewed the proximity of sites under its jurisdiction to the Orange County project. Proposed project is for rezoning and special use permits. The property will be used to house the Treeist tree care and consulting company. The property will be home to two proposed office and workshop spaces, a residential unit for a property caretaker, with supporting tree service equipment nestled within a perimeter of wooded areas and buffers on the 10-acre property.

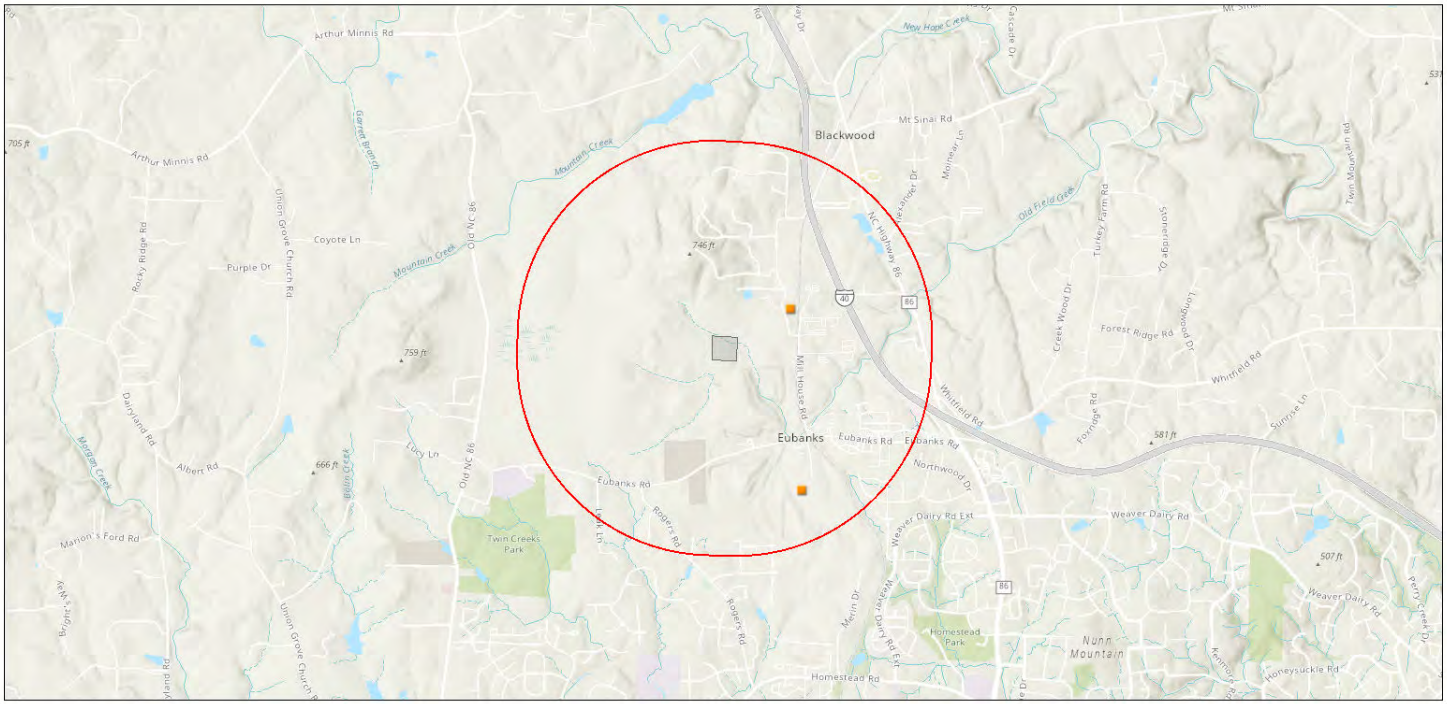
Two (2) Superfund Section sites and no (0) Brownfields Program Sites were identified within one mile of the project as shown on the attached report. The Superfund Section recommends that site files be reviewed to ensure that appropriate precautions are incorporated into any construction activities that encounter potentially contaminated soil or groundwater. Superfund Section files can be viewed at: http://deq.nc.gov/waste-management-laserfiche.

Please contact Janet Macdonald at 919.707.8349 if you have any questions concerning the Superfund Section review portion of this SEPA/NEPA inquiry.

Area of Interest (AOI) Information **Orange County** **SEPA project 24-0071**

Area : 2,340.37 acres

Sep 8 2023 11:47:31 Eastern Daylight Time



Summary

Name	Count	Area(acres)	Length(mi)
Certified DSCA Sites	0	N/A	N/A
Federal Remediation Branch Sites	0	N/A	N/A
Inactive Hazardous Sites	2	N/A	N/A
Pre-Regulatory Landfill Sites	0	N/A	N/A
Brownfields Program Sites	0	N/A	N/A

Inactive Hazardous Sites

#	EPAID	SITENAME	Count
1	NCN000410563	EUBANKS RD CONTAMINATED WELL	1
2	NONCD0001961	KIRSCHNER, GEORGE PROPERTY	1

State of North Carolina Department of Environmental Quality
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

111

Reviewing Regional Office: Raleigh
Project Number: 24-0071 Due Date: 10/02/2023
County: Orange

After review of this project, it has been determined that the DEQ permit(s) and/or approvals indicated may need to be obtained for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory time limit)
☐	Permit to construct & operate wastewater treatment facilities, non-standard sewer system extensions & sewer systems that do not discharge into state surface waters.	Application 90 days before begins construction or award of construction contracts. On-site inspection may be required. Post-application technical conference usual.	30 days (90 days)
☐	Permit to construct & operate, sewer extensions involving gravity sewers, pump stations and force mains discharging into a sewer collection system	Fast-Track Permitting program consists of the submittal of an application and an engineer's certification that the project meets all applicable State rules and Division Minimum Design Criteria.	30 days (N/A)
☐	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begins activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
☐	Water Use Permit	Pre-application technical conference usually necessary.	30 days (N/A)
☐	Well Construction Permit	Complete application must be received, and permit issued prior to the installation of a groundwater monitoring well located on property not owned by the applicant, and for a large capacity (>100,000 gallons per day) water supply well.	7 days (15 days)
☐	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
☐	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.O100 thru 2Q.0300)	Application must be submitted, and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.0113).	90 days
☒	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
☒	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950	Please Note - The Health Hazards Control Unit (HHCU) of the N.C. Department of Health and Human Services, must be notified of plans to demolish a building, including residences for commercial or industrial expansion, even if no asbestos is present in the building.	60 days (90 days)
☒	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres are to be disturbed. Plan must be filed with and approved by applicable Regional Office (Land Quality Section) at least 30 days before beginning activity. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. A fee of $100 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
☐	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		(30 days)
☐	Sedimentation and erosion control must be addressed in accordance with _____ Local Government's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		Based on Local Program
☐	Compliance with 15A NCAC 04B .0125 – Buffers Zones for Trout Waters shall have an undisturbed buffer zone 25 feet wide or of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, whichever is greater.		
☒	Compliance with 15A NCAC 2H .0126 - NPDES Stormwater Program which regulates three types of activities: Industrial, Municipal Separate Storm Sewer System & Construction activities that disturb ≥1 acre.		30-60 days (90 days)
☐	Compliance with 15A NCAC 2H 1000 -State Stormwater Permitting Programs regulate site development and post-construction stormwater runoff control. Areas subject to these permit programs include all 20 coastal counties, and various other counties and watersheds throughout the state.		45 days (90 days)

Reviewing Regional Office: Raleigh
Project Number: 24-0071 Due Date: 10/02/2023
County: Orange

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory time limit)
☐	Mining Permit	On-site inspection usual. Surety bond filed with DEQ Bond amount varies with type mine and number of acres of affected land. Affected area greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
☐	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to prepare plans, inspect construction, and certify construction is according to DEQ approved plans. May also require a permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of $200.00 must accompany the application. An additional processing fee based on a percentage, or the total project cost will be required upon completion.	30 days (60 days)
☐	Oil Refining Facilities	N/A	90-120 days (N/A)
☐	Permit to drill exploratory oil or gas well	File surety bond of $5,000 with DEQ running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DEQ rules and regulations.	10 days N/A
☐	Geophysical Exploration Permit	Application filed with DEQ at least 10 days prior to issue of permit. Application by letter. No standard application forms.	10 days N/A
☐	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property	15-20 days N/A
☐	401 Water Quality Certification	Compliance with the T15A 02H .0500 Certifications are required whenever construction or operation of facilities will result in a discharge into navigable water as described in 33 CFR part 323.	60 days (130 days)
☐	Compliance with Catawba, Goose Creek, Jordan Lake, Randleman, Tar Pamlico or Neuse Riparian Buffer Rules is required. Buffer requirements: http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-riparian-buffer-protection-program		
☐	Nutrient Offset: Loading requirements for nitrogen and phosphorus in the Neuse and Tar-Pamlico River basins, and in the Jordan and Falls Lake watersheds, as part of the nutrient-management strategies in these areas. DWR nutrient offset information: http://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information		
☐	CAMA Permit for MAJOR development	$250.00 - $475.00 fee must accompany application	75 days (150 days)
☐	CAMA Permit for MINOR development	$100.00 fee must accompany application	22 days (25 days)
☐	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
☒	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
☒	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq., Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
☒	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
☐	Plans and specifications for the construction, expansion, or alteration of the _____ water system must be approved through the _____ delegated plan approval authority. Please contact them at _____ for further information.		

Reviewing Regional Office: Raleigh
Project Number: 24-0071 Due Date: 10/02/2023
County: Orange

Other Comments (attach additional pages as necessary, being certain to comment authority)

Division	Initials	No comment	Comments	Date Review
DAQ	SH	☐	See checked boxes above. Also, I'd like to remind you per NC's open buring rules; you may not bring in debris from off-site to burn on your property.	9/14/2023
DWR-WQROS (Aquifer & Surface)	&	☐	&	/ /
DWR-PWS	SG	☐	See checked boxes above.	9/27/2023
DEMLR (LQ & SW)	CA	☐	See checked boxes above. The proposed project will cause at least 82,000 sqft (~1.9 acres) and therefore required permits for erosion and sediment control during land disturbance and a construction stormwater permit.	9/26/2023
DWM – UST	MRP	☐	See checked box above.	9/25/2023
Other Comments		☐		/ /

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

☐ **Asheville Regional Office**
2090 U.S. 70 Highway
Swannanoa, NC 28778-8211
Phone: 828-296-4500
Fax: 828-299-7043

☐ **Fayetteville Regional Office**
225 Green Street, Suite 714,
Fayetteville, NC 28301-5043
Phone: 910-433-3300
Fax: 910-486-0707

☐ **Mooresville Regional Office**
610 East Center Avenue, Suite 301,
Mooresville, NC 28115
Phone: 704-663-1699
Fax: 704-663-6040

☒ **Raleigh Regional Office**
3800 Barrett Drive,
Raleigh, NC 27609
Phone: 919-791-4200
Fax: 919-571-4718

☐ **Washington Regional Office**
943 Washington Square Mall,
Washington, NC 27889
Phone: 252-946-6481
Fax: 252-975-3716

☐ **Wilmington Regional Office**
127 Cardinal Drive Ext.,
Wilmington, NC 28405
Phone: 910-796-7215
Fax: 910-350-2004

☐ **Winston-Salem Regional Office**
450 Hanes Mill Road, Suite 300,
Winston-Salem, NC 27105
Phone: 336-776-9800
Fax: 336-776-9797

Department of Environmental Quality
Project Review

Project Number: 24-0071 **County: Orange** **Date Received: 9-6-2023**

Due Date: 10-2-2023

Project Description: *Scoping - Proposed project is for rezoning and special use permits. The property will be used to house the Treeist tree care and consulting company. The property will be home to two proposed office and workshop spaces, a residential unit for a property caretaker, with supporting tree service equipment nestled within a perimeter of wooded areas and buffers on the 10-acre property.*

This Project is being reviewed as indicated below:

Regional Office	Regional Office Area	In-House Review	
Asheville	Air	Air Quality	Coastal Management
Fayetteville	DWR	Waste Mgmt	Marine Fisheries
Mooresville	DWR - Public Water	Water Resources Mgmt (Public Water, Planning & Water Quality Program)	CC & PS Div. of Emergency Mgmt
Raleigh	DEMLR (LQ & SW)	DWR-Transportation Unit	DMF-Shellfish Sanitation
Washington	DWM		Wildlife Olivia
Wilmington			Wildlife/DOT
Winston Salem			

Manager Sign-Off/Region:	Date:	In-House Reviewer/Agency:
	10/2/23	Melodi Deaver, DWM Hazardous Waste

Response (check all applicable)

X

____ No objection to project as proposed. ____ No Comment

____ Insufficient information to complete review ____ Other (specify or attach comments)

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

December 19, 2023

Finding of No Significant Impact (FONSI)
Treeist Rezoning Application
MA23-0003
PIN: 9871-50-3254

A complete Environmental Assessment (EA) application for the Treeist Rezoning application, for the property located at 6915-UT Millhouse Road, Chapel Hill with PIN 9871-50-3254 (hereafter, the 'Project'), has been received and reviewed by the Orange County Planning and Inspections Department. The EA application, Rezoning application, and site plan were sent to local, state, and federal agencies for review.

On August 7, 2023, the applicant submitted an Environmental Assessment application as required within Section 6.16 of the Orange County Unified Development Ordinance. Staff did not identify any element of the Project requiring the completion/submittal of an Environmental Impact Statement (EIS). In addition, an EIS was not recommended by any local, state, or federal agency.

Based on the information contained within the EA application, Rezoning application, and site plan, Orange County Planning staff review, and comments received from local, state, and federal agencies, staff makes a Finding of No Significant Impact (FONSI) for the Project.

Sincerely,

Cy Stober
Planning & Inspections Director

Department *of* Environment,
Agriculture, Parks & Recreation

November 21, 2023

Craig Nishimoto
1200 Hatch Road
Chapel Hill, NC 27516

Mr. Nishimoto:

I am writing in follow-up to our prior conversation about your rezoning proposal for the property that abuts the County's Millhouse Road Park property. More specifically, I believe this application is referenced as *"MA23-0003, The Treeist, ASE-CD Map Amendment"* by the County Planning Department. The property is PIN number 9871-50-3254, and an aerial photo of the vicinity may be found as Attachment 1.

I thought it would be good to document the concerns we shared at that meeting as your application proceeds. Thank you for taking the time to meet with our staff regarding the existing access easement to the cellular tower on the lot that you have acquired.

In looking at the site plan that has been shared with us by Planning, there are concerns that we have regarding impacts of the proposal, namely making the current access easement across our property a commercial driveway for your operation.

As background, Orange County purchased 79 acres at 6823 Millhouse Road in 2005 (69 acres) and 2009 (10 acres) for a future park. At the time of these purchases, and in subsequent Capital Investment Plans and other documents, this property has been identified as a future soccer center, perhaps in conjunction with the Town of Chapel Hill. The discussions and planning to date anticipate a complex of soccer fields and associated infrastructure on the site, with some other ancillary and buffer uses - such as trails and natural areas as they property abuts Duke Forest to the west.

As shown on Attachment 1, the property which you now own includes a cellular transmission tower that to our understanding is still owned by Crown Castle, Inc.

Since that property is landlocked, an access easement was recorded for the cell tower with the previous owner of the County's future park site, which now runs with the County's land. This easement has for the last 20 years consisted of a rudimentary unpaved path that runs east along and through the County's future park site to your 10-acre parcel with the cell tower.

As mentioned in our meeting, our concerns with transforming this rudimentary access easement into a commercial driveway with regular traffic poses significant problems for the County's future soccer center site. I should note that these concerns come from the County as impacted adjacent landowner, and are not part of any comments on the impacts of the rezoning proposal on natural and cultural resources that our Department of Environment, Agriculture, Parks and Recreation (DEAPR) makes as part of the normal development review process:

1. The current unpaved access easement, if improved, would sever access to 20 acres of the 79-acre future park site that lies south of the existing access easement. To date, the few trips per year by Crown Castle to visit the cellular tower and the fact that the future park has not yet been constructed has not posed an issue for this separation of the property. However, if a commercial driveway were constructed on top of this easement in its current location, this would change things substantially.
2. The creation of a commercial driveway with a projected 300 trips per day in this location will create safety and access problems for the Millhouse Road Park site. It is likely that parking and soccer fields would be located across this driveway, with parents and children crossing back and forth across it to access vehicles or other fields. We have serious concerns about the safety of future users of the facility, especially small children, if such a driveway separated the facility.
3. The change to a commercial driveway in this easement location would impair the County's ability to use its property for its intended purpose.

Having said this, as we discussed in our meeting, the County would be amenable to relocating the access easement to minimize the severing of any of the future soccer complex by a potential future driveway. The current adopted Capital Investment Plan for construction of the Millhouse Road facility would find design and engineering in FY 2027-28 and construction of the facility (with the Town of Chapel Hill) in FY 2028-29.

In our previous discussion, you mentioned the potential for allowing the current access easement to serve as your commercial driveway in this proposal, with relocation of the driveway and access to a new location timed to occur with the construction of the Millhouse Road Park facility.

If this proposed rezoning were approved, the County as landowner of the future park site that contains the access easement would request that the applicant be required to work with the County and the tower owner to re-route the access easement / new commercial driveway, to minimize the isolation of sections of the future park and the resultant safety issues that would exist if the current location were kept.

Given the fact that the construction of the facility is planned to be less than five years away, we would not be inclined to pursue the interim solution you offered using the current access location. We believe that all would be best served by addressing the needed relocation of the access sooner rather than later.

I hope this information is helpful, and we do plan to share this with the Planning Department as adjacent landowner feedback.

Please feel free to contact me if you have any questions.

Sincerely,

P. David Stancil, AICP
DEAPR Director

Attachments

Copies: Travis Myren, Deputy County Manager
Cy Stober, AICP, Planning and Inspections Director
James Bryan, Staff Attorney

The Treeist
1200 Hatch Rd
Chapel Hill, NC 27516
www.treeist.com

Dear Mr. Stancil (and all others concerned about conflicts with the anticipated soccer complex),

I received your letter dated November 21, 2023 about our easement to Millhouse Rd and the anticipated soccer complex. Your thoughtful articulation of the concerns allows us to plan in a way that accommodates your aspirations for a future Millhouse Road Park. As neighbors, I foresee a cooperative relationship between the Treeist and County that will benefit local residents whom we both serve.

Your primary concern, as I understand it, is for the safety of those who would use the County's anticipated soccer complex. You are also concerned about the potential limitations that the access road, as currently located, might place upon future designs for the soccer complex. You ask that the County require us to "work with the County and the tower owner to re-route the access easement." You suggest that this re-routing should be done "sooner rather than later."

Acknowledging the importance of concerns you raise, we are happy to work with the County by limiting and adjusting our own development plans. We have done this by dedicating a portion of our own land to accommodate the possibility that the County may one day wish to relocate our access easement to the opposite corner of our parcel. By incorporating this limitation into our site plans we have permanently constrained our own development options in order to increase those of the County.

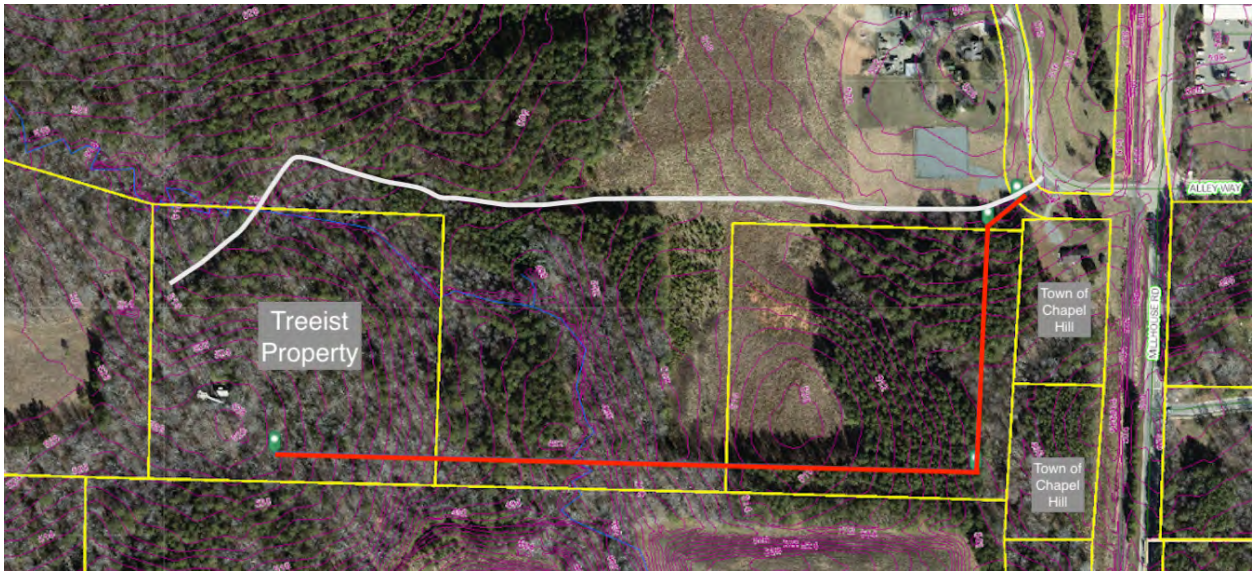
Our request is that the County avoid imposing further constraints or costs that go beyond the accommodations which we have made. In particular, we would object to the County requiring us at our own expense to construct an entirely new roadway to Millhouse Road in the prospect that this may one day aid the County's own development plans. In the remainder of this letter I argue why such an imposition would be unwarranted and why our development plans are not at odds with the County's.

(Note to the reader: I apologize for this letter's length; if, with our site plan accommodation, our plans strike you as harmonious with those of the County, you needn't read any further.)

Background

The aerial map below shows our current access road in white. This is a gravel road that runs alongside the power lines to our property. The red line represents the approximate location of the alternative access route that I believe David Stancil is suggesting. As shown, it would be approximately 2,300 feet in length, which is nearly a half of a mile. The land it runs through is currently heavily wooded. Both the white line and the red line cross Old Field Creek and its

stream buffer. Where the red line crosses the creek, the terrain is more difficult. This is shown by the compressed topographical lines.



Our current access road, which is visible in the earliest available aerial imagery dating back 73 years,[1] is shown as a 60-foot wide access easement in a 1979 Plat (Book 30, page 135) and is described in the 1978 Deed of Easement (Record Book 311 Page 84). Only modest improvements would be needed to this road to accommodate our near-term needs. Essentially we would need to widen the gravel in at least a few spots to allow for vehicles traveling in opposite directions to pass each other. If required to do so, we could also widen the entire length to the twenty-foot width as indicated in our site plans, but this is likely more than we presently need.

Cost One: Financial

The first problem of having to build an entirely new access road is that a road building project is not a trivial matter for a small business such as ours. A road building project would eat up our financial resources, likely leaving us with a new road to an under-developed parcel. We are counting on being able to use our current access road insofar as immediate costs for improving it would be relatively modest and future costs of additional improvements would be manageable insofar as costs would be spread over time, increasing proportionally with the growth of our company and to our corresponding ability to pay for the as-needed improvements.

Cost Two: Environmental

More impartially, building a new access road also has environmental costs. The new road would require the clearing and grading of heavily wooded areas. We would be clear cutting trees that might turn out to be important natural buffers to the old landfill, as well as to the Town of Chapel

[1] An aerial photo from 1950 is shown on page 150 of the 2018 Feasibility Report.

Hill parcels along Millhouse Rd for which there has been some discussion of development into storage facilities.[2] The new road would add some 55,000 square feet of impervious surface, creating another crossing over Old Field Creek and through its riparian buffer, through what has been identified as an important wildlife corridor.

Uncertain Value due to Uncertain Plans

These considerable costs, both financial and environmental, would be of value only if two yet-uncertain things come to pass: the County must bring about its yet-to-be designed development, and the location of the current access road must turn out to be problematic for that development. The value gained from the considerable road-building costs is therefore speculative.

The County has owned the bulk of the property since 2004, with the purchase of all of these neighboring parcels as part of its Lands Legacy Program. The purpose and mission of this program is to "protect and conserve the county's most important natural and cultural resource lands before they are damaged or destroyed." Under this program, these particular parcels were purchased in order to serve as a "Future park with farmstead and natural heritage area." Over the last twenty years, the County's plans for these lands have changed but the land remained undeveloped. By 2014, the County published its aims to develop the land into "lighted playing fields" and to possibly include an indoor recreation center (Parks and Recreation Master Plan, 3-22). In 2018, the County was looking into investigating its options for rezoning these parcels to Home Park Conditional Zoning (HP-CZ) to allow for a 34-unit mobile home park to expand affordable housing (see BOCC meetings here, and here, and the feasibility study here).[3] My understanding is that the County currently has aspirations to build as many of eight soccer fields,[4] ideally with artificial turf, lighting, parking and associated amenities.

The Special Use Permit for this project has yet to be obtained. By the County's own projected timelines we are still years away from seeing engineering and design proposals for the project. Should the County's plans materialize in the next five years as hoped for, it is yet further speculation that the soccer complex will be designed in such a way that our current access road would be an encumbrance.

It would be unreasonable for the County to require us to presently abandon our current access easement road and, at our own expense, construct a new one based on the speculation that this might later prove valuable for the County. The financial cost would be unfair to us and the

[2] From email correspondence with Katie Bowden, Economic Development Manager, Town of Chapel Hill, July 10, 2023.
[3] In 2019, the County had the opportunity to also obtain through donation the 10-acre parcel that I later purchased. At this time one of County's stated reasons for pursuing this donation was to provide itself with "greater authority to work with the cell tower company if changes become needed to the access easement." For reasons the County will not disclose, that transaction fell through, and when the parcel was put on sale in 2021 I can find no record of the County attempting to purchase it.
[4] I believe eight soccer fields was the number Mr. Stancil mentioned during our online meeting. My memory could be mistaken; possibly he mentioned only six fields.

environmental cost would contradict the mission of the very program through which the County originally purchased these parcels: “to protect and conserve the county’s most important natural and cultural resource lands before they are damaged or destroyed.”

“Severing Access”

I now turn to the specific concerns that David Stancil raises. This will also provide me with an opportunity to correct misrepresentations created by our brief notes on prior site plans.

Mr. Stancil writes, “The current unpaved access easement, if improved, would sever access to 20-acres of the 79-acre future park site that lies south of the existing access easement.” If the current access easement does not already sever access to the southern 20 acres, then it is hard to see how making it about eight feet wider would cause it to do so. Why, for that matter, should any such roadway be thought to sever access to the soccer fields or to anything else? If the proposed soccer complex is built, there will presumably need to be some roadway access improvement to it and its parking lots. When built, these roadways will likely be viewed not as severing access but as creating access. Rather than multiplying the number of roads, future site planners, hired by the County, may discover that the best design of the soccer complex might incorporate the current access road as shared infrastructure. This was a conclusion reached by prior engineers. In 2018 Civil Consultants offered two options for the soccer complex location in their feasibility study. The first option, shown on page 8, shows the current access road leading to the soccer complex’s parking lot located just north of what is now my ten-acre parcel.

If, on the other hand, the current access easement does sever access to the southern 20-acres, then the County’s problem will not be with us but with the tower owner, Crown Castle. Crown Castle holds a “perpetual right-of-way” to the existing easement both for vehicle access and for the utilities running parallel to the road (Record Book 4683, page 157). It is my impression that their service contractors and technicians use this road significantly more than just for a few trips per year.[5]

It is doubtful that the County would be able to get Crown Castle to agree to moving their access and utility easement. Crown Castle is a multi-billion dollar international entity with over 40,000 cell towers. As someone who owns land upon which a Crown Castle tower is located, I can attest to what it is like to interact with this faceless company. There is no one in Crown Castle who has both familiarity with the Millhouse road properties and the authority to make any legal decision about the access road. That authority rests with Crown Castle’s out-of-state lawyers who have no motivation to cooperate in a neighborly manner even if it costs them nothing to do so. Unless the County can find a way to legally require Crown Castle to surrender its current access easement, it is unlikely that such a petition will even be duly considered.

[5] I have visited the site on about twenty occasions in the last year. Twice I have encountered contractors at the cell tower and whenever I visit I notice signs of road usage. Due to the amount of discarded trash I find near the tower, I have considered setting out trash bins.

Since the County cannot count on Crown Castle's agreement to move its access road, any requirement imposed upon the Treeist to construct a second access road runs the risk of ending up with two roads traversing the Old Field Creek, the riparian buffer, and the wildlife corridor. Moreover, since neither of these two roads may be well positioned to satisfy access needs of the future soccer complex, a third access road may yet be needed. This outcome, with the land divided by multiple redundant roads, might prompt an ironic parsing of the name "Millhouse Road Park."

The Safety of Children

Up until now, the brief traffic data note in our site plan has overrepresented by nearly a factor of two the amount of traffic that we will create at this location.[6] At our present size, we would generate approximately 64 trips per day total.[7] As we gradually grow this total will also grow. Still, even at our most ambitious size, I project generating not more than 164 trips per day from the new location.[8]

Mr. Stancil foresees a possible future in which "parents and children crossing back and forth across [the access road] to access vehicles or other fields" and that our commercial use of the access road gives him "serious concerns about the safety of future users of the facility, especially small children."

It is easy to feel that no cost is too high when attempting to reduce hazards to young children. This, however, is a faulty approach to risk. It would prevent the soccer complex from being built in the first place.

For a small child, getting hit by a 3,500 pound Prius is not better than getting hit by a 20,000 pound chip truck. It is, moreover, far less likely for a chip truck to sneak up on you in the way that Prius will. The riskiest time and place for a child will be when none of our trucks are in sight. It will be during a busy Saturday in the crowded parking lot between the soccer games. The most dangerous driver for small children will not be the professional driver of our larger trucks who holds a commercial license subject to more stringent standards. The most dangerous driver

[6] I am at fault for not looking at the traffic data site plan note more carefully. When I was originally considering this question of traffic, I was most mindful of the 800 trips per day threshold that triggers a need for a Traffic Impact Analysis (UDO section 6.17). Knowing that whatever we did we would be far below this threshold, I did not take due care in counting how little traffic we actually would end up generating.

[7] Presently we have about eighteen employees who, on a week-day, arrive and leave from our company headquarters on a regular basis (other employees, such as consultants and some office staff typically work from home). Of these, only fourteen of these employees create two, instead of one, to-and-fro trips to our company headquarters per day. If we count arrival and departures as separate trips, we get a grand total of 64 trips per day.

[8] Long-term we may have as many as twelve 3-person crews. This is all that our site plan is designed to accommodate. This means that, at maximum, we may have 36 employees who make two to-and-fro trips to the company headquarters. Auxiliary support staff that also need to be at the company headquarters on a daily basis may add about nine more individuals, but these will typically make only one to-and-fro trip. While we will have additional employees, our consultants and some of our office staff will continue to typically work from their homes, as they do now.

will be a parent late for a game, distracted by young children in the back seat and scrambling to find an available space in a crowded parking lot.

For the safety of the children it is a good thing that our use of the access road is, as Mr. Stancil notes, commercial. It is because our traffic is business-related that we know that nearly all of our traffic will occur at times when children are not present. The traffic we create occurs almost entirely on weekdays between 6:30 a.m. and 7:30 a.m. (with crew members arriving from home in their personal vehicles and then leaving with their work trucks), and then again between 2:30 p.m. and 3:30 p.m. (with crew members returning with their work trucks and then leaving for home in their personal vehicles). You will not see school-aged children at County soccer fields during these hours. County soccer fields are generally only used by children during weekends or well after school lets out. This is precisely when you will typically not see our trucks.

To drive home the point, consider just how much traffic is created by eight soccer fields during soccer season on a Saturday. Assume that each soccer team has 12 players and 2 coaches. Each child and each coach arrives in a separate vehicle. Four of the parents simply drop their children off at the game, driving back to pick them up afterwards. Two grandparents arrive in separate vehicles to watch their grandchildren play. All told, this yields a total of 40 vehicle trips per team per game. Since there are two teams per game, there are 80 vehicle trips per soccer game. If there are eight soccer fields this gives us 640 vehicle trips per game slot. If there are four game slots per game day, we have a total of **2,560 vehicle trips** per Saturday during soccer season at the soccer complex.

Whatever we do at our parcel - however large we grow - our contribution towards vehicular risk to small children at these soccer fields will be as a raindrop in an ocean. This is true regardless of where our access road is located. Eliminating our traffic will do practically nothing to increase the safety of young children. Our vehicles generally aren't on the road during the field usage times. On the other hand, eliminating one soccer field would do a lot to decrease vehicular risk to small children. Eliminating one field would subtract 320 vehicle trips per Saturday in the height of soccer season. ***When compared to just one soccer field, our entire business at its maximum size would be creating half as many vehicle trips per day during times when no children would be at the soccer complex.*** I am not suggesting that the County should reduce the number of soccer fields. Despite all of the risks, I think building all eight soccer fields and another ten baseball fields would clearly be in the interests of young children. We are simply asking the County to think accurately about the relative risk that traffic from our business is likely to pose to young children at the imagined soccer complex.

My deep gratitude to you if you have read to this point and have weighed my arguments.

Sincerely,
Craig

Craig Nishimoto
Mobile: 984 - 215 - 8231
Email: craig@thetreeist.com

ISA Board Certified Master Arborist, Tree Risk Assessment Qualified
SO-7125B

To Whom it May Concern:

Orange County has asked Mr. Nishimoto to obtain a document in which Crown Castle confirms that it has no objection to Mr. Nishimoto's plans to improve and to use the access road to Millhouse Rd. Crown Castle, however, is not available to weigh in on this matter.[1] We therefore ask the County to accept this letter as a substitute. This letter directly addresses what we take to be the County's grounds for concern about potential conflict between Crown Castle's recorded rights to the access easement and Mr. Nishimoto's planned usage. You will additionally find a listing of the available documents related to the access road. You will also find a summary of Mr. Nishimoto's attempts to contact Crown Castle.

We understand that the County's concern arises over language in the 2008 Grant of Easement (Record Book 4683, page 157) in which Julia Blackwood, then owner of 6915-UT Millhouse Rd, granted to Crown Castle "an exclusive, perpetual right-of-way" to the existing access and utility easement from Millhouse Rd. The concern, we take it, is that Crown Castle's "exclusive" right to the access road may be thought to exclude Mr. Nishimoto, the present owner of 6915-UT Millhouse Rd, from using the same access road.

In relation to land access rights, this interpretation of "exclusive" was rejected by the NC Court of Appeals in Hundley v. Michael, 413 S.E.2d 296 (N.C. Ct. App. 1992). Since such an interpretation of "exclusive" would "produce an unusual and unjust result," the Court ruled "that the term 'exclusive'...cannot be interpreted so as to exclude the owner of the servient tenement from using the property within the easement consistent with the purpose of the easement." Even when another party has been given an "exclusive" right to use an easement, the Court has ruled that "[a]bsent explicit language to the contrary, the owner of land subject to an easement has the right to continue to use his land in any manner and for any purpose which is not inconsistent with the reasonable use and enjoyment of the easement."

Interpreting "exclusive" as excluding Mr. Nishimoto from using the access road to 6915-UT Millhouse Road yields an unusual and unjust result, one which would not be, in the language of the 1992 ruling, "consistent with reason and common sense." It would mean that Mr. Nishimoto can no longer access his land by foot or by vehicle, as the parcel would be landlocked. Such an interpretation would also conflict with the earlier 1978 deed of easement in which the access road is confirmed as "a perpetual right and easement…that is appurtenant to and runs with the land" (Deed Book 311, page 84).

When the owner of 6915-UT Millhouse gave Crown Castle the right to use the access road to 6915-UT Millhouse, the owner did not thereby forfeit the right to use that access road, regardless of the "exclusive" language that was used. As the original deed of easement puts it, the right and easement to the access road is perpetual and runs with the land, thereby

[1] More specifically, the Crown Castle representatives who can be reached do not have authority to make decisions on behalf of Crown Castle on these matters, nor have they been able to directly connect Mr. Nishimoto to anyone who can make such a decision.

transferring that right and easement to Mr. Nishimoto, the current owner of 6915-UT Millhouse Rd.

There is no conflict between Crown Castle's claims to use the access road and Mr. Nishimoto's plans to improve and to use the same road. Mr. Nishimoto's rezoning application should therefore not be made to depend on Crown Castle's availability to weigh in on the matter.

History of the Access Road

- 1950: This access road is visible in this earliest available aerial photography.
- 1978: When all of the surrounding land was owned by Eugene and Julia Blackwood, the access road is confirmed as "a perpetual right and easement…that is appurtenant to and runs with the land" (Deed Book 311, page 84).
- 1979: A 60-foot wide right of way from Millhouse Road to what is now 6915-UT Millhouse Rd is represented on a plat (Deed Book 30, page 135).
- 1986: what is now 6915-UT Millhouse Rd is shown as "Tract 3", along with the R/W and Farm Road (Book 43, page 86).
- 1987: In an agreement with Piedmont Electric, the access road is described as a "60 foot R/W and known as Farm Road Easement" that goes to "property line of Tract 3 and 4" (Book 658, page 162).
- 2008: Julia Blackwood grants to Crown Castle "an exclusive, perpetual right-of-way" to the existing access and utility easement from Millhouse Rd. (Record Book 4683, page 157)

Summary of Mr. Nishimoto's attempts to contact Crown Castle

Mr. Nishimoto has documented the following efforts to communicate with Crown Castle about this matter since September 2023:

- multiple emails to Crown Castle's Landowner's Help Desk (LOHD)
- multiple voicemails left at LOHD;
- On eight separate occasions Mr. Nishimoto has spoken with LOHD representatives
- Through the LOHD, representatives agreed to send emails, marked "high priority," to the following parties: Crown Castle's real estate legal team, a Crown Castle real estate specialist, a supervisor to the real estate specialist, a Crown Castle construction manager, a Crown Castle field technician, Crown Castle managers for the site, and the supervisor of the LOHD agent.
- Multiple emails to Crown Castle's real estate specialist
- Multiple phone messages left for the real estate specialist
- Email to the real estate specialist's supervisor
- One phone conversation with the real estate specialist.
- One phone conversation with the Raleigh-based onsite manager for Crown Castle

APPROVED WITH AMENDMENT 2.7.24

MEETING MINUTES
ORANGE COUNTY PLANNING BOARD
JANUARY 3, 2024
REGULAR MEETING

MEMBERS PRESENT: Adam Beeman (Chair), Cedar Grove Township Representative; Lamar Proctor (Vice-Chair), Cheeks Township Representative; Delores Bailey, At-Large Representative; Beth Bronson, At-Large Representative; Marilyn Carter, At-Large Representative; Statler Gilfillen, Eno Township Representative; Chris Johnston, Hillsborough Township Representative; Liz Kalies, Chapel Hill Township Representative; Steve Kaufmann, Bingham Township Representative; Charity Kirk, At-Large Representative; Melissa Poole, Little River Township Representative; Whitney Watson, At-Large Representative.

MEMBERS ABSENT:

STAFF PRESENT: Cy Stober, Planning & Inspections Director; David Stancil, Environment, Agriculture, Parks & Recreation Director; Patrick Mallett, Deputy Director – Development Services; Taylor Perschau, Current Planning and Zoning Supervisor; Ashley Moncado, Planner III; Lauren Coffey, Planning Technician.

OTHERS PRESENT: Craig Nishimoto; David Ricks; Katya Perstova; Amanda Whitton.

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

The meeting began at 7:00 PM.

AGENDA ITEM 2: ELECTION OF CHAIR AND VICE-CHAIR FOR 2024

Nominees for Chair were Adam Beeman and Delores Bailey. Board members voted three in favor of Ms. Bailey (Liz Kalies, Marilyn Carter, and Delores Bailey) and nine in favor of Mr. Beeman (Lamar Proctor, Beth Bronson, Statler Gilfillen, Chris Johnston, Steve Kaufmann, Charity Kirk, Melissa Poole, Whitney Watson, and Adam Beeman).

Adam Beeman was elected Planning Board Chair for 2024.

Lamar Proctor was nominated for Vice-Chair, with a unanimous vote in favor.

AGENDA ITEM 3: APPROVAL OF MINUTES

December 6, 2023 Regular Meeting Minutes
December 6, 2023 Training Session Notes

MOTION BY Melissa Poole to approve the minutes. Seconded by Delores Bailey.

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

No additions.

AGENDA ITEM 5: PUBLIC CHARGE

INTRODUCTION TO THE PUBLIC CHARGE

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development law of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its citizens and businesses through efficient and responsive

process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

PUBLIC CHARGE

The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

AGENDA ITEM 6: CHAIR COMMENTS

None.

AGENDA ITEM 7: ZONING ATLAS AMENDMENT (CONDITIONAL DISTRICT) – To review and make a recommendation to the BOCC on an applicant-initiated zoning atlas amendment to rezone a 10.01 +/- acres parcel from RB (Rural Buffer) to ASE-CD (Agricultural Support Enterprises Conditional District).

The parcel's address is 6915-UT Millhouse Road, Chapel Hill, within the Chapel Hill Township (PIN 9871-50-3254). This item is scheduled for BOCC public hearing on March 7, 2024.

PRESENTER: Ashley Moncado, Planner III

Adam Beeman: We're going to review and make a recommendation to the Board of Commissioners on an application initiated Zoning Atlas Amendment to rezone on the 10.01-acre parcel from Rural Buffer to Agricultural Support Enterprises - Conditional District. The parcel's address is 6915-UT Millhouse Road, Chapel Hill within the Chapel Hill Township. This item is scheduled for a vote of County Commissioner public hearing on March 7th, 2024.

Cy Stober: Good evening, Mr. Chair. Well, you won't hear from me very long. Our Planner III, Ashley Moncado, will be presenting the findings by staff, but I did want to just remind you of the, just the kind of framework of Conditional Zoning. A Conditional Zoning case is a negotiation between the applicant and the County and requires a site plan. It requires conditions as appropriate be provided for review by both the Planning Board and the Commissioners. The site plan is site specific, so it is binding. Any major modifications to the site plan would have to come back to the Planning Board and the Commissioners for reapproval, essentially as a new zoning application. This allowance in Conditional Zoning is enabled by a general statute and is reflected in our Ordinance. The Conditional Zoning District before you tonight, Agricultural Support Enterprise, is an older Conditional District that the County has had, but frankly, this is the first time it's being utilized in the County's history. Some of that has to do with some of the liberalization of state law for farm uses, and some of that has to do with having quality applications to present to the County, but I'm very pleased to be bringing an Agricultural Support Enterprise - Conditional District zoning case to you. I'm happy to answer any questions, but we have gone, and especially for Ms. Carter, our newest member, if there are any specific questions, this is all covered in orientation. We we went through this at length with the Lawrence Road Conditional District case, but if there are questions about the Conditional Zoning process, which is significantly different from standard Conventional Zoning, which takes one piece of land from a menu of uses to a different

menu of uses, while this is site specific, use specific, and limited in its entitlement. I'm happy to answer them at this time. Otherwise, I'm very happy to turn the mic over to Ashley Moncado to present the findings by staff.

Ashley Moncado: Good evening. I am Ashley Moncado, Planner III with the Planning Department. Cy kind of already went ahead and introduced the item, so I'm just going to jump right into it. The parcel related to this rezoning request is located in the Chapel Hill Township approximately 1/4 mile from Millhouse Road. It's identified with the red star there on the screen in front of you. The parcel is approximately 10 acres in size. Currently, the parcel is zoned as Rural Buffer. The applicant is requesting to rezone to Agricultural Support Enterprises - Conditional District to allow for Agricultural Services which are a permitted use in this zoning district. The purpose of this is for them to locate their tree, care, and consulting service business on this site. Parcels to the north, east, and west are all zoned as Rural Buffer and located in Orange County's planning jurisdiction. The parcel to the south is located in Chapel Hill's planning jurisdiction and is zoned as Rural Transition. The Future Land Use Classification for this parcel is Rural Buffer. No amendments are being proposed to the Future Land Use Map related to this request before you tonight. As stated, part of the Conditional District Rezoning application requires submission of several documents in accordance with Section 2.9 of the UDO. The applicant has provided these documents, and they are contained in Attachment 1 of your packets. As part of their application process, they are required to submit a formal site plan. The applicants have provided a plan featuring two office buildings, which are labeled here in front of you, a residential structure for an onsite caretaker, parking, outdoor storage, and equipment staging area. The site plan documents also identified stream buffer, landscaping, and stormwater control measures. A Class B Special Use Permit was permitted for this site in 1994 for the existing telecommunication tower and equipment building that are also identified here on the site plan. The existing SUP does not prohibit the use of the property for other purposes provided both uses are addressed in the Conditional Zoning application process. One item, I'd like to note is more so regarding the southern portion of the site and the areas that are labeled as wood storage areas. Based on the Orange County Unified Development Ordinance, those are classified and would be defined as Outdoor Storage which are required to be a 100 feet setback from property lines. As you can see here, and it might be hard to see, the applicant is proposing to locate these areas about 42 to 46 feet away from the southern property line. They have submitted a condition requesting a decrease in that setback standard. I'd also like to note that their outdoor storage areas are proposed to be screened with a 6-foot fence. Access to the site is being proposed along an existing gravel access way located across Orange County-owned property. As you can see here, it will cross and then head east to connect to Millhouse Road. There are some minor improvements that they are proposing including paving at the stream crossing as well as paving at the entryway connecting to Millhouse Road. The applicant is providing for a second access on the southeastern portion of the site. The reasoning for this is based on a request from conversations with DEAPR and the concern that the existing access way may be lost or may need to be relocated in order to accommodate the future Millhouse Road park site. A grant of easement and assignment of lease for the existing access easement within the property was recorded in 2008 with the current owner at the time and Crown Castle. Attachment 5 in your packets includes a letter detailing the applicant's legal right to the access easement which cannot be confirmed by staff. Crown Castle has not provided comments on this application, and the existing offsite access easement is located on property owned by Orange County. In response to the proposed use of the existing easement as a commercial driveway to serve the applicant's use, DEAPR requested a condition of future access road construction through this property from the applicant, and the applicant has not agreed to this request. DEAPR's request and the applicant's response are also contained in Attachment 5. And just a follow up from what Cy was saying earlier, based on Section 2.91 of the UDO, mutually agreed upon conditions can be imposed as part of the Conditional Rezoning process, and agreed upon conditions are binding to the development permitted for the zoning district. As part of the process, the applicant did submit conditions. The proposed conditions were reviewed, and revisions were recommended by staff for clarity and consistency with the UDO. The applicant accepted the revisions, and these are what were contained in your Attachment 2 and Attachment 8 of the Ordinance and are provided on the slide here for you. We can go back to the slide and discuss when we to the recommendation and discussion part of this

evening, and you might have questions, and we also have other staff here to help answer with those. At this time, I'm going to hand it over to the applicant for them to do their presentation, and then I will come back up, and we will go over the staff analysis, recommendation, and answer any questions you all may have.

Statler Gilfillen: I am unclear of something that you just said about the access road in there.

Ashley Moncado: Yes.

Statler Gilfillen: Is there a conflict between this proposal and the County about the road? Did I hear that?

Ashley Moncado: We can answer that question now, but that might be to after the applicant speaks.

Statler Gilfillen: I'll put it on the table. You can answer it later.

Ashley Moncado: Yes. We have conditions, and we also have David Stancil, who is with Orange County DEAPR is also here to discuss and answer questions for you this evening.

Adam Beeman: Good evening. Just to let you know, we have a time limit for your presentation. Do you think that's possible?

Craig Nishimoto: Yes. Okay, I'm going to deviate from what I had planned. I, in my mind, envisioned more public, so, less experts, but I want to address it as much as possible to you guys now and give you time to pepper me with questions maybe later, because ultimately what I'd like you guys to leave with is feeling confident that you can write to the Board of County Commissioners. There's the cell tower from the road. That's where we're building the property. It's not along the road. It's quite far away. Most of my argument is in the documents. That's where you're going to find all the meat. It's not going to be in this presentation, but the detailed narrative is where I lay it all out, my case. It provides the fullest account of what we are doing and why. It argues that there's a strong alignment between our proposal and the County's 2030 Comprehensive Land Use Plan, which I understand is supposed to be guiding these decisions. That document shows that an advance would be made on 14 separate County goals and 34 separate County objectives, and the arguments for why, and then, possibly most importantly, it directly addresses the concerns related to the use or use of the Rural Buffer. My understanding is this is somewhat precedent setting for the Rural Buffer, and so we want to focus on making sure people are comfortable with that. You might be surprised the ASE-CD agricultural zoning, my argument for why this is appropriate is there. Another precedent setting thing.

Charity Kirk: Can rather than continuing to refer to the document, I strongly suggest you assume that we have skimmed the documents. We haven't fully read every single page. I would just make that assumption that not all Board members have done that, so you might want to elaborate your conversation a little bit with us.

Craig Nishimoto: Well, we can start here. Although I can imagine going in so many different ways now if we haven't done the background reading. If I want to focus, knowing that we have limited time, what is the most important? Are you concerned about ASE-CD zoning, or should we skip that?

Adam Beeman: Are you concerned about the agricultural designation? If you have an issue with agricultural designation, that's what he's going to discuss. If not, we can move on with, to the next part of his thing. So, at the end of the day, there was a discussion in the paperwork about whether or not the lumber work, lumber, the tree work that you do actually qualifies as agricultural or not. That was the potential discussion? Am I correct?

Craig Nishimoto: Yeah, and I would say through our concerns, two options. We can address it now or hey, there's a paper written on this.

Adam Beeman: So I guess that's the question is does anybody have any concerns about this being labeled as an agricultural district? If we don't have any discussions about that, then we can move forward with the presentation.

Statler Gilfillen: I will ask one question just to clarify, and it's minor here. The storage is strictly for the cut trees, lumber, and agricultural waste products that are stored on your site? It is not other possible retail uses or selling fruit or anything else from this site? We are strictly dealing with this as your company?

Craig Nishimoto: It is largely the byproducts of the tree work that we do in town, so that's wood chips, that's millable saw logs, and that's the little cut-in pieces where you can't do anything with. Maybe firewood is the best thing, these kind of things, but the big goal is all these mountains of wood chips and these logs that are otherwise going to waste.

Adam Beeman: I will say I have read the entire thing, and it is, it takes longer than a half an hour to go through it, so I guess if you can just give us a quick summary of what the biggest points you want to hit in that detailed summary, I understand it was detailed. Like I said, I read the whole thing. If you just, if you just want to give the Board some of your quick highlights of this is what we're doing. "We're a tree company. We're trying to eliminate having the equipment in the town area." Just those quick highlights, I think that'll help bring everybody on board, and then we can kind of get into a more detailed discussion 'cause, like I said, it took longer than half an hour to read through the whole packet.

Craig Nishimoto: Let me, let me just go through the bullets that I have at the top, and they kind of foreshadow everything that is there. The basic idea is that we're going to make advances on some important objectives for the County here in allowing us to do what we want. The town needs that we are addressing is the increasingly disruptive noise pollution caused by the industrial tree processing equipment in the town. We are trying to address that problem with this proposal. Countless tons of wasted natural resources from the tree maintenance and tree removal services, all these mountains of wood chips, and these logs that are getting cut up and not used, the rising cost of tree ownership compromising the goals of a flourishing and equitable canopy coverage. If you do nothing in Chapel Hill, or trees will grow. If you stop mowing, trees will grow, and then, so it's not just the really wealthy communities that have tree problems. It's everybody, or they get rid of them because they know that the cost of trees will be too expensive. We are trying to make tree work efficient and bring quality tree service to everybody. Then there's the challenge of attracting, training, and providing local jobs to highly-skilled arborists. We're good at this. We're good at making climbing exciting and a career option for people. Getting out of college, or even the most talented arborists from out of state, the west coast, are coming to work with us, and we think one of the best things we can do for the trees of this community is bring really talented arborists here. The need to increase tree and tree care literacy among local property owners. Every week, on average, we get 75 requests from people in this area to ask for a consultant to come talk to them about their trees. 80 or 85 percent of those things are free consultations, just free advice, and we have our arborists are, they're all arborists, they're all tree assessment qualified, and they're not on a commission. They're first and foremost giving good advice, and then if they need tree services, guess what? We can also help them with that. We have the emeritus professors of botany among our clients, so we can't tell them much, but we can tell them about some things about what would happen if that tree landed on your house and what we can do and how much it would cost. And we have people that just moved here and don't know anything about trees, but every time we go there, we move them from wherever they are to knowing a whole lot, a little bit more, and we think that's the best thing that we can do for the trees and the tree care in this community. And then there's the challenge of providing responsive emergency tree services to this area and the populations centers. We are first responders. If you go to the County and say, "what do you do if

there's an emergency?" Their emergency page, prominent, the biggest illustration is trees. Tree emergency is storms. They're all about tree problems here, and the County, the public will only help you out if it's on public property or on the wires. Everywhere else, and that's where most of the trees are, it's tree services you need, and when the storm comes, and we've been lucky in the last three years not, there hasn't been a major storm, but when there is, you're either dependent on outside companies—and we can tell you horror stories about what happens when that happens— or we're here. We need a central location to be able to handle this. We operate 24/7 all the time.

Charity Kirk: So, we make land use decisions, so can you just summarize why this property in particular and what your plans are for this property.

Craig Nishimoto: I think the best way to make this point is to think about a similar situation that the Town of Chapel Hill was in in the year 2000. In the year 2000, the Town of Chapel Hill had a big problem. They knew that their lease on the UNC's property for their public works was expiring, and the UNC did not want to renew it. They had to find another place for their public works. What is that? That's all their trucks, all their gravel storage areas, all their asphalt storage areas, all their employees to park. Really similar to what we're doing here. They had a big budget, $52 million to spend on this problem. They, I can only imagine, had a bunch of dedicated planners working on this problem. They had a lot of resources, other assets and holdings and they knew the area really well and they cared about the future of this decision and what it would do to the Rural Buffer, for example. It is telling where they chose to locate their Public Works of a something that's just quite a bit larger in scale than what we're doing, but largely the same. They put it in the Rural Buffer on Millhouse Road, but actually a whole lot, 5.7 times closer to residents than where we are. So, three years ago, we are running out of space. We know that where we're currently at, it's just a matter of time before somebody complains and shuts us down. We are desperate to find another location. Instead of watching Netflix, instead of doing anything, scrolling on Twitter, I am looking at real estate listings all the time. It is hard to find places. And then I came across something that said "10 acres for sale in Chapel Hill" for $100,000. I was sure it was a mistake, but I looked it up. It was mis-listed. It, the PIN wasn't right, but after a night of searching on this, I found out who was responsible, who I could contact about this, and they said "oh, yeah, yeah, here's where the property is." I got Katya, my wife, in the car. We ran out there. We looked at it. We said "oh, this is ideal." No neighbors. There's a dump, the old landfill. There is Duke Forest. County property. There's a cell tower here. Nobody wants this property, and no one's going to complain, so we called the guy. He says, "well, here's how it works. This is a bidding process, blind bidding, and it ends at noon tomorrow, tomorrow morning." So, I called David, my business partner, and I said, "hey, I've never seen something like this, a piece of property like this. This is perfect for us. This is what we need." So, we double the asking price, more than doubled the asking price and say no conditions, we'll take this property. I didn't think we'd see another property like this come and come around, and we got it. I didn't know about all this. This is something I learned, and luckily I think we have a good case for this. I've read that 530-page Comprehensive Plan. I've spent a lot of time with the UDO, 670-some-odd pages. I even read the Regional Hazard Mitigation Plan. That's 700-some pages. I respect what you guys do. You guys are volunteers. This is amazing. I didn't know anything about local government. I'm learning, but it's taken a lot longer than I thought, and it's more expensive and time consuming, but I think we have a good case.

Statler Gilfillen: Just so I can understand the business that you're doing. You can go to a site, groom, correct the trees, whether it's after or a storm or not. You will then haul that material that is rubbish at that point, or scrap, to your site. Some of it could be a 20-foot long oak tree. Now, do you do any milling on the site?

Craig Nishimoto: No.

Statler Gilfillen: Or all of that type of wood, which is an industrial use, is sent, if it's usable, will be sent to a mill, right?

Craig Nishimoto: Yes.

Statler Gilfillen: And you might store some of that on the site, but you don't do any work on it, right?

Craig Nishimoto: That's correct.

Statler Gilfillen: Okay. So you're limit is a place to take the natural products you're taking care of. You need a place to store them. Now, once you've stored them on your site, what do you do with them then?

Craig Nishimoto: Okay, so it depends on what it is. But saw logs, for example, we need to wait until we have sufficient quantity, and we need to stage them. This is pulp wood, this is high grade, white oak, Randall we'll use at Fireside Saw Mill, or these are pine logs that will go somewhere else, or these are veneer logs or something like this, but what we haven't been able to do is, because of these small loads and mixed loads of what we get here and there, is bring them to any good use, so we stage them temporarily. When there's enough white oak logs, for example, we can put those in the back of a truck and then take them to the highest possible use, typically very local.

Statler Gilfillen: If I understand what you've just said and what I've read, then you are, basically, that's staging recycling area where the products, the natural waste, at this point is brought to, and then distributed from this site?

Craig Nishimoto: Correct.

Statler Gilfillen: It's a recycling center in a sense for the natural?

Adam Beeman: If you call it recycling center, it might draw a lot of big alarms like we're –

Statler Gilfillen: It might be perceived as industrial. That's not –

Craig Nishimoto: Yeah. It's not, it's – We, we got some wood chips here.

Adam Beeman: So, I guess the question is, before we start questioning him, are you satisfied with your presentation? Do you want to wrap it up and open the floor to questions? Typically, I would like you to finish your presentation, then we'll open the floor, and we'll go around in an orderly fashion so we're not playing popcorn question or –

Craig Nishimoto: Let me go through what I think will be valuable, skipping a lot of stuff. When we had the Neighborhood Information Meeting, two things came up that were what seemed like this is valuable. One, we need to explain what we do and how we operate because there was like, "what is a tree service?" We're not a logging operation. We're not these big land clearing operations. That's an entirely different industry. And then the other concerns was the concerns about noise and traffic, so I wasn't prepared at the NIM, but I'm now prepared to answer those things, so that's what I have a further addressed. And then "what is the Treeist." Now, this I think I'm going to skip over because it's more storytelling that you guys are too serious to want to worry about.

Adam Beeman: I guess the biggest thing, if you just want to tack down your day, like you have a couple offices, the residence, what the residence is for, how many trucks you expect to roll in and out, just kind of a

day in the life of Treeist, and then we'll probably get the gist of what you're looking to do on the property from that.

Craig Nishimoto: So, what we imagine is there's a lot of trucks that need to be parked there, so that's one thing, but we also have a small office operation, the people that are there to take phone calls, to do the scheduling. It's not a big thing, but we need to have it, and we're working out of a little metal building right now, and it's hard to attract the top talent to work in here when they can take jobs anywhere else in nice, cushy offices. We need to do something about that. We also are really into training people, and we see this as a perfect industry to start an apprenticeship program, and for that we need a multipurpose room that can offer a classroom sort of setting, something indoors and we can give good lectures and presentations to. That is part of the day. We might even start the apprentices in there and then go out and join field and the crews. A lot of tree services are really hard on equipment, so we have a full-time mechanic who is always fixing a track on this machine, doing something, welding this or welding that, so there's a shop where he can take these things, work on a chipper or something like this. And these guys work really hard. This is one of the most physically laborious industries, and it's high adrenaline when they're working because they know they can get hurt anytime, so I always think that the most dangerous time for our guys and gals that are working on the tree crews is after they drive back to the shop, get in their personal vehicles, and then drive home. I, when I was doing it, it was just like, "this is where I get killed because I'm going to fall asleep here." I would love to just have a place for them to relax, lockers, shower, sharpen your chainsaws in this nice lighted area, and then hop in, maybe spend time in town before you drive home, and that also is to attract the best workers. Even Town of Chapel Hill Public Works, they have better than we have. I'd like to at least offer something like that to our guys. Questions about that?

Adam Beeman: No, I mean, like I said, once you're done, we're going to open up the questions, then we'll get more out of you as far as questioning.

Craig Nishimoto: I think what's critical is the noise and traffic issues. I mean, look at these aerial photos first.

Statler Gilfillen: I'm trying to draw a distinction here. I asked the question about would you sell anything on the site. Now, if you have a dozen oak trees, and you chip them up –

Adam Beeman: Hey, can we hold this off until he's done with his presentation?

Statler Gilfillen: – are you going to be selling some of that from there on a retail basis?

Adam Beeman: We'd like him to finish the presentation then we can ask the questions. Please wait.

Craig Nishimoto: Part of my slide that I wanted to impress upon everyone here is how big a need there is in this area. If you look at any aerial photos, I look at our neighborhoods that we work in, and we want the trees, we need houses, but we really want trees, and so what happens is this. You look just about anywhere. You see these neighborhoods. This was built in the '60s, and all the trees have grown up around the houses. It's not like grass where you can just mow it. You need people to climb up there and do work. In Ridgefield, there's this Long Leaf, Willow Drive, Emory neighborhood. A lot of these places, and when they built the houses, they just clear cut everything, but now you go back there, and it's what? You see Loblolly Pines and Sweet Gums everywhere, way too dense, and then there's going to be problems, so we're managing that. Even if you love trees, some of them, they're just too crowded together. It's just going to get worse. Lake Hogan Farms, this is really a recent development for trees, but they're Willow Oaks that were planted, and some of them are already this big. They grow super fast, and everywhere you look, this is just fairly random sampling of what it looks like from the air. What you notice is trees right up against houses everywhere.

That's everywhere. Carrboro, '90s and '70s, just enormous trees, and even if you didn't clear cut and you just had the houses, and you're trying to infill like some of these more historic areas, we're seeing huge problems of people killing the old trees from that, from construction and trying to build an accessory dwelling unit. We have 19 climbers. This is what you need because a lot of things you can't do. What people associate with tree work is these bucket trucks, but that's because you're going down the street and seeing them work on power lines. We're working in backyards, and we need to train these guys to climb. We have 19 of them. We're not using the big machines that are used for clearing site development that people see when they get upset. We have to get into people's backyards. We're using compact machinery like this. These are the wood chippers. They make a ton of racket and people's noises, and because we can't bring it, this wood anywhere, we have to process it all on site, and that is horrendous. You go down any neighborhood, you can just listen. "Well, there's some tree work going on." Our dump trucks are not huge. This is our dump truck because, again, we're getting into neighborhoods. All our work has to be compact. That as some of the concern of the neighbors. Like, "you're driving giant machines." We're not. Our biggest machines are really specialized like this type of crane that reaches out 112 feet and then grapples and cuts, and then a bucket truck, but they don't go out with every crew. You can learn more about us on the websites: Instagram, 12,000 posts plus; YouTube videos, David's putting a lot of drone footage; online reviews, great places. Every one of these places. If it's a star rating, we have five stars, never a negative review. Ask your neighbors. Ask the local tree savvy places, "who's tree savvy around here?" North Carolina Botanical Garden, New Hope Audubon Society. Ask anybody there, ask about us. Noise concerns, what we've done here is, we're really far away from people. But occasionally, let's say we're doing training for our new employees with chainsaws. We're gonna fire off these gas chainsaws. Chainsaws are loud. The neighbors might be rightfully concerned "is that gonna wake me up." I know they're concerned about the dogs that are already up there, so is this gonna cause them another problem? I didn't know at the Neighborhood Information Meeting whether that would be a concern, so we actually went out and tested it. One person at the location near the cell tower, where we would fire up the chainsaw and then another of us went to the listening places. We shot video of it. You can see it. You can compare it and listen in. You cannot hear. You cannot hear a chainsaw, even the loudest chainsaw that we have, 170 decibels, they say. Cannot be heard and we have, we put together a video on this. Town of Chapel Hill Public Works, what are we doing? We're staging stuff, so there's gonna be some loading and unloading of logs and stuff like that. Not as loud as unloading gravel or dumping gravel into a metal bed, but we are far away. You're not gonna be able to hear that. This is the Town of Chapel Hill Public Works, that Rural Buffer site. They are 350 feet. They're doing that and you can see from aerial photos, they have big diesel loaders out there. We are 5.7 times that distance away from the nearest residence that might complain. So, here's that video. The link is there. The proof is there. We, he's great at editing videos. I am pretty proud of this little video because it shows not only the chainsaw, but the Marine air horn and the woodchipper going at full blast. But let's, we, we can get back to that. Traffic concerns, again, there's a little misrepresentation in the packet that you got. It overcounts by a factor of two of how many trucks we'll have. Even in our biggest aspirations, we're probably at 140 trips per day. Trips per day is kind of misleading and I think it alarmed people because a trip to the grocery store is going to be two trips, not one, because it's the trip up to and the trip back. So, our crew, if they come in the morning with their personal vehicles, leave with company vehicle, come back with company, that's four trips per crew member. So, it adds up quickly. But what is helpful is comparing it to other usages. Emerson Waldorf School, you're looking at like over a 1,000 trips per day. Chapel Hill Public Works, if they have as many employee vehicles as it looks like in that aerial photo, from just that parking lot, you're looking at 500 trips a day. The Soccer Complex, you're looking at like a 1,000 trips per day on a game day. We are a drop in the bucket. And what's better is our peak traffic times are totally harmonious. We start at 7:00, which means our employees are getting between 6:30 and 7:30. That's when the traffic is coming. That's before Town of Public Works. That's before Emerson Waldorf. We are out, and even if on that far edge of our guys leaving at the latest and the earliest arrivers, we're going in different directions. This is awesome. And then later in the day, we're ending earlier because an 8-hour day for us ends at 3:00. And it's staggered at the end of the day. Our guys finish when the job gets done, not when the clock runs out, so it's staggered. Vehicle routes are harmonious. We're probably going south. When we turn

south, we're just going by nonresidential properties. This is all commercial properties or Town properties. In the broader perspective, if this doesn't happen, it doesn't mean there's a lack of tree service needs in the area. It just means that to fulfill those tree service needs, you're gonna be having to travel from a lot further away. Maybe same trips per day, but those trips will take three times as long and that means three times as much road use. More traffic intersecting back and forth through the Rural Buffer. Already a problem. This just adds more to that.

Adam Beeman: If you, if you want to give your summary, you've got two minutes left. If you want to give a wrap-up and a summary, we've got questions for you, so you're gonna have plenty of time to answer them. It's just your chance to say your last bit before we dive in here.

Craig Nishimoto provided a summary of his personal history and background.

Adam Beeman: So, I'm going to start the questions and work our way around.

Whitney Watson: I have three questions for you. One is about working with North Carolina Forestry. I know they offer some of the same tree literacy programs that you are, and so I'd been interested in how you work with them or how you might increase the way in which you work with those groups.

Craig Nishimoto: Whenever I present to a crowd like a public library or some, a gardening club, I point to North Carolina Forest Service as an offering. If you call the County Ranger, they will send someone out to look at your trees, and it's a pretty good deal because it's free and sometimes, during COVID, they were even sending two guys out, but it takes a long time. You might have to wait a month or two to get out there. This is what I hear from clients. Sometimes their write-ups are excellent. In fact, one time a client showed it to me and it looked like he copied the things that I was saying, telling the client. Other times they're not as good because they have a different skill set. If you became a registered forester or licensed forester, you would have to learn a lot of things that are totally irrelevant to the urban forest interface, you know, trees growing near houses. And what we get to see is trees on houses all the time. We're looking for particular trees and particular elements of this tree, not the health of this big Loblolly Pine tract. I think if everyone started calling them, they just wouldn't have the capacity to do 75 visits a week, for example.

Whitney Watson: Okay. So that sort of backs into the notion that you're going to have some kind of training program at your site? So, if you're not working with the local forest ranger, then it seems like there's a disconnect between what you do and what they do and the customer, the potential client is losing out, so you might consider about that educational aspect.

Craig Nishimoto: So, where I think the forest service is strong is on big, managing 20 acre properties or 10 acre properties, land management. That's where I think they have a lot to offer. When it's what particular tree and how to deal with its hazard, that's where they fall short, so even though there's something called urban forestry, they mainly just do standard forestry.

Whitney Watson: Next question, so there's a residential property or residential unit going to be on the property for a full-time caretaker or will they also be working during the day?

Craig Nishimoto: Yeah, so it's basically our security system needs to have someone there. I could imagine somebody, some eco-terrorist just doesn't like the fact that we cut down a tree coming to destroy all our machines. It's kind of way tucked away, so people could do that. But I got this guy that has worked with me for years and he's a young guy. He would love nothing more than to do the Henry David Thoreau thing. A little cabin out there with his dog and living the life, and that's what we'd like to build for him.

Whitney Watson: The last question which I think Cy intimated about was the access road issue. Can you elaborate on what you see as the best possible outcome for that?

Craig Nishimoto: We had a meeting earlier today about that, and Maribeth Carr came up with a wonderful solution to this problem. She found that there was a potential route north of the current road that would no matter what they did with the Soccer Complex, it should stay out of their way, and then drop down and we could potentially use the same stream crossing. Apparently, the stream crossing is a big deal as far as the regulatory system goes, so if we could use the same, she thought that would be a big win, and we're not going through as much rough terrain. So, the idea is that, well, we don't know when this plan is going to get concrete enough to say, “oh, we definitely want the road there instead of here,” but we think we can accommodate this. We think we can accommodate this in a really neighborly way, namely, let's spend minimal money on this current road. It almost, with a few small improvements, would serve our needs for the next two years maybe. Give the County time to develop its plan of where exactly they might decide “no, it doesn't work that way,” but give them time to decide on that, and whatever we would have put into our road improvements that we eventually would have to if they decide to do nothing, we can put to contributing to the development of the new road, and we're perfectly happy to do that. I'm also happy to chase down Crown Castle to get them on board. They've been the most difficult.

Cy Stober: Just an administrative point, you should all have before you a letter from Craig Nishimoto and Treeist regarding that condition. That basically provides the current status of the condition. It is still under negotiation. There's some details that need to be determined, but David Stancil and the Department of Agriculture, Parks and Recreation on behalf of the County have offered this condition to Treeist. Treeist is agreeable, but I do want to note that the negotiation is not finalized. There are some specifics that need to be determined, but in general, what the UDO requires and what State Law requires is that we have written consent from the applicant, which we do have for you today with regard to the general road layout and the shared use of that road.

Statler Gilfillen: A question then. If we approve this, can it be conditional based on the final resolution before the County Commissioners would approve it?

Cy Stober: Yes, so the now six conditions that the applicant agreed to, or is offering as part of their application, is the package that you have before you. Your options this evening are to vote to recommend as presented, which would include those six conditions, vote to recommend with additional conditions, vote to deny, or vote to continue the meeting to a date later for more time to make a recommendation to the Commissioners.

Chris Johnston: My question's actually probably closer to you. So, in regards to compelling the landowner to do something in the future, what is the limit on something like that? It sounds like the plans from the County could be years in advance, and it sounds like the applicant would have to hold on to some amount of funds in order to maintain a road or make changes that could potentially be in '28, '29. Are we allowed to make that kind of stipulation?

Cy Stober: Yeah, the law's written with the qualifier that it needs to be a reasonable accommodation and a reasonable condition that’s related directly to the land use, so providing safe access in harmony with the adjacent land use, I believe that the Attorney's Office and the County have found that to be a reasonable connection to this proposed use. We do not at this time have a timeline attached to that condition.

Chris Johnston: I mean, is that something that needs to be attached? It just sounds like that could be a plan that potentially moves on and moves on. The applicant mentioned how this particular plan for a soccer

field has been in development for a while now, and I'd hate for them to have to hold on to something for 10 plus years or whatever the case may be. Like, is there a plan to attach a timeline stipulation to it?

Cy Stober: So as I said, negotiations are still ongoing. What I can do is defer to David Stancil, the Director of DEAPR or to Craig Nishimoto regarding that point, and that could be a consideration that you all make in your motion on this matter.

Whitney Watson: And if I could go back, one more question. The condition we'll be voting on says that this is anticipated to generate significant noise and operate during evening hours in the Rural Buffer. Is that accurate?

Craig Nishimoto: The only time I foresee operating in the evening hours would be in the event of a storm or the direct aftermath of a storm. We start early, we end early. I imagine at some point wanting to have some crew working and available on call on the weekend at least, but we're pretty silent after 3:00. Now there may be one crew that gets back late, but it's not making a hurricane of noise. It's parking a truck, maybe dumping a truck, and leaving with personal vehicle.

Chris Johnston: If I could continue just, while we have the representative here, Mr. Stancil, regards to the plans moving forward, I guess I come back to just the discomfort I have on timelines and stipulating things that could happen far out in advance. In terms of the negotiations and that sort of thing, if we were to approve something like this, I'd like to have an idea or understanding of where that's headed in terms of requirements for the applicant.

David Stancil: Our current Capital Investment Plan envisions that we will begin master planning for this long-awaited soccer center for southern Orange County probably in the next year or so. We have a number of sketches that we've done to date. We've owned the property since 2005 and originally it was envisioned to be constructed as a joint project with the Town of Chapel Hill as primarily a soccer facility, but also some other recreational uses in the middle of the last decade, but there were redirection of resources so ultimately, it's been pushed back in the CIP, but we do currently have an adopted CIP that says we will begin engineering drawings, constructions drawings in 2027, construction underway in 2028. I can tell you that I have been in contact with the Town of Chapel Hill recently as well to make sure that this is still a priority project that's still in their Capital Investment Plan and it is. I can also tell you that we have been in contact with a large soccer organization in the last several months that is interested in jump-starting a few fields out there. That's a conversation that's ongoing. I don't know exactly what that would mean right now in terms of how many fields, how much parking would be needed and where the entry would be, but so I guess this is a long-winded way of saying that I believe the intention is that this project is something that's three to four years out. I certainly hope that it doesn't get pushed back another five to ten years because that's already happened once. Every year the Board of Commissioners looks at the Capital Investment Plan every spring, and there are changes made every year, so certainly, it could happen.

Beth Bronson: Just to clarify, those soccer fields, theoretical soccer fields, are they adjacent County parcels?

David Stancil: Yeah. I don't know if we have a map yet. If you look at the property to the north, and the property to the south of this site is the old landfill, and that's owned by Orange County, but it's not really usable for anything other than low-impact recreation, possibly someday. But we're talking here about the property in this map it would be the property that you see labeled as Orange County to the east, or the right, and then the property to the north. So, we own 79 acres in total. We bought it back in 2005 and the idea at that time – this was shortly after the 2001 bond referendum – was we have a soccer center, a soccer complex in Efland. We

need one in the Chapel Hill/Carrboro area. Chapel Hill and Orange County would like to jointly develop one. So that's the property we're talking about.

Beth Bronson: And the entrance to the east of those are privately owned, or there's a railroad track there?

David Stancil: I think the Town of Chapel Hill owns the property that's further to the right of the two Orange County labeled properties on this map, and then you're at Millhouse Road and the railroad tracks. But as you can see, the concern that we addressed, and I hope that we found a solution to, you can see on this map that the existing access road that was done years and years ago for Crown Castle to be able to access their tower severs 20 acres of our site from the rest of it, and I can count on my hands the number of times I've seen a Crown Castle truck go back to the cell tower. So, that's not really been an issue for us, but if that were to become something that was much more frequently used, and we had parking or soccer fields, for example, we don't want kids crossing a commercial driveway to go back and forth between future fields and parking. And so that was the concern that we expressed in our memo. We looked at the possibly of diving down to the southern boundary line adjacent to the grey area on this map. Not a great solution, but as mentioned earlier we had a meeting today. We did identify the fact that there is another access easement on the northern part of the property. This is the way in for the Crown Castle tower which is being proposed for use here. We had, in our letter, suggested diving down and not separating this 20-acre section from the rest of the park. But, as of today, I think we have a potential solution which will use this easement and wrap around the back side of the soccer fields and the future facility. We haven't done a master plan yet because it wasn't time to build the park. We've stopped doing those because we ran into situations where we had an adopted master plan and 10 years later, we were getting around to the construction, and things would change. So, we try to do master plans now closer to the point of construction, and that's why we envision doing that in the next year or two for this currently planned construction. But, what we have always envisioned is back here, backing up to Duke Forest, this part of the property has nice hard woods, and is much more like Duke Forest than the rest of the property. These areas in the front were former farm fields. This was the old Julia Blackwood farm. And so, what we would like to do, and what we have talked today, and I think is a possible solution, is come around the back side of the fields.

Beth Bronson: You don't anticipate development to the west?

David Stancil: No, this, I think, would be trails and hard wood buffer to Duke Forest. So, the anticipated area of development of this property is in this area here.

Beth Bronson: Duke Forest does not have anything that backs up to those properties?

David Stancil: Duke Forest has access, their area actually goes right off the map to the south and to the east.

Beth Bronson: They have separate access on that Orange County property?

David Stancil: No, they do not. There was originally a continuation of this easement that I've talked about already that goes to the Duke property, but I'm not, without getting into some legal territory that I should not get into, it's not clear to us whether this part of that easement continues to exist. But suffice to say, that Duke has the ability to access this property from a number of other directions. This is also, just so you know, this is a part of Duke Forest, the Blackwood Division of Duke Forest, that has the NASA research equipment on it, so it's not one of the areas that's active for recreational purposes. There are not a lot of trails here. In fact, they're kind of discouraged for that purpose because there is a lot of scientific research going on back in this part of the property, so there's not a lot of access need in that area.

Beth Bronson: Yeah, I just wanted to know if they had an easement with Orange County or not.

David Stancil: No, the only one that might exist would be the one that we've been talking about already, whether it continues past this property now. Making a long story short, we're very much familiar with this property as well. We looked at it when we purchased the property, and there are some maps in the final years of the many access easements that have been done that may seem to indicate that this part of the access easement no longer exists, but again, I'm getting into quasi legal territory, which I'm not –

Liz Kalies: I just want to say I appreciate the attention that you pay to diversity, equity inclusion, and justice issues in your application, and obviously in your business practices and related to land use. It was really nice to see. I was wondering if you could talk a little bit about educational opportunities that you would plan to be providing at this new site for the community.

Craig Nishimoto: David, you want to address some of that? David is my business partner, and he is all about the training and community involvement. He's got a lot of dreams, and a lot of big dreams for this, and he spent the last year doing quite a bit.

David Ricks: The educational opportunities that we are doing currently are Tree ID, Understanding Tree Risk. We teach chainsaw classes and hand saw classes for the community. So, we have folks that use our services or hear about us, and they say, “hey, I want to do some tree work,” and we'll show them how to use their tools safely, and we'll talk to them about their trees and help them decide whether that's something that can be done. For example, we have a chainsaw class this weekend that's from 9:00 a.m. to 2:00 p.m. I encourage you guys all to come if you're not confident running a chainsaw, and it's free for the public. We had 45 people sign up, but it's free, so when something's free, we might have 15 people there. But those have been going on very regularly. That's one of our most popular classes. Another class is tree climbing – that we give that's free. Craig and I, we came to this later in life, so we've had other careers and professions. And we choose to do this. Most of the people at The Treeist can do other things. They choose to work among the trees for the community being first responders. But climbing trees is intrinsically interesting, and we believe that it should be as ubiquitous as riding a bike here. I have a video encouraging people to sign up for our free classes because, if they have trees in their yard, they have extremely valuable recreational opportunities, and we want to show them how to do that safely because I'm sure all of you have climbed a tree back in the day without ropes or harnesses. And so that's one of the things that we want to bring to the community. The cost of a kayak, to go down the Eno River, for that cost you could build a tree-climbing kit for your entire family, and go out to your backyard and enjoy your trees, and so we need an opportunity to do that in a safe spot to save trees for folks. So, that class is on the 20th. That's the example of our next class that we have. So, we encourage you guys – it's free – to come to that one as well. We also have folks that – and this is really important and near and dear to our hearts because we're lucky to be alive with the lack of training we received early on in our career – next week, on the 10th, I'm training a gentleman from Johnston County to do tree work professionally. He started with his business partner there, and so we're having him out to our facility and showing him the best practices for our industry. And so, we offer that for the community as well. Most of the folks that take us up on that are tree-care professionals that have worked for the company that Craig described when he first started and was lucky to be alive. So, that one is an industry-only offer, but the educational opportunities, we want to expand on them. For example, since 2016 we've given Tree ID classes, we've given how mechanical advantage works for folks. We've given tree climbing. We have taught the folks that work at the UNC Botanical Garden how to access their trees. We have taught folks that work at the Arboretum how to access their trees to install equipment or to do minor tree work. And it's around that kind of thing. The gentleman that recently left, Sam, he is one of our consultants, and he gives presentations weekly that serve two purposes: they educate our team, but they also educate the community – they are on YouTube – on how

to spot issues with trees, but also how to understand the natural world. So, we really want to bring people in to be able to teach them that in a safe environment.

Craig Nishimoto: I also pulled up this picture. Those aren't actually all our climbers. I'm not going to say which companies they are from, but they're coming and we're teaching other companies in the area how to climb trees safer and with the health of the tree in mind. We have done training for NC State. We're getting asked by Elon University because there's not a lot of arborist companies. And fire fighters, aerial rescue training, how to rescue people in trees.

David Ricks: And one fun thing that we've been working really hard on is we are offering a tree climbing summer camp for kids with the Woods Charter School. They actually approached us from folks that have come to our free events and wanted to make this an offering to give the students there, or the kids who go there, K-12, a more challenging environment to connect with the natural world. So that's two to three weeks a summer. But we're excited to have a more robust facility for things like that. We're doing one class for 1 week for 6 to 9-year-olds, and then the next week is going to be from 10 to 14-year-olds.

Steve Kaufmann: I don't have any questions, but I really appreciate the package that you put together. You really did your research, so I appreciate it.

Melissa Poole: I don't really have any questions, just one. It's addressed, and I did read, but just for purpose. What's the nearest resident?

Craig Nishimoto: The nearest resident is the owner of Green Beagle Lodge. We met directly with him. Amanda and I met with him and told him what we're doing and asked if he had any concerns because even though he's about 1,800 feet away from where we would be doing the staging of the materials, he's still by far the closest residence. Everyone else is beyond 2,000 feet, and he was a thumbs up, good luck.

Lamar Proctor: Where are the majority of your clients? Are they in residential Chapel Hill or…?

Craig Nishimoto: I would say 90 percent of our clients are private, just homeowners, and I would say 90 percent are in Chapel Hill, but in Chapel Hill Township, I would say maybe 70 percent. There are some big trees in Durham, and for some historical accident, I started doing work up there, and the neighbor started talking, and we're doing a lot of work up there too in the big Willow Oaks and what not, and of course, Hillsborough and North Chatham County. There's just not a lot of people west in the real rural parts, but we do a lot of work out in the rural parts and work with climbers with big property, and we'll find a way to just give them discounts if they want to use their tractor as well.

Lamar Proctor: So the majority of the traffic from your side is gonna go south on Millhouse to Eubanks and either east or west depending on –

Craig Nishimoto: I mean worst case scenario, we have a client on Woodfield Road or Mount Sinai, and there's that intersection on 86 and Mount Sinai. If it's anywhere near school hours, that's just a log jam. So, even in that case, I would imagine we'd still turn south and get onto Eubanks Road and then go from there.

Lamar Proctor: I guess this is a question for you and Mr. Stancil. There's a great need for athletic fields in our county, and so I'm really kind of concerned about anything that's going to cross paths with that, because that's an ongoing issue. Do you think that your business would be interfering with athletic field use? Why or why not? And then I guess the secondary question to Mr. Stancil, do you think that this use can still accommodate athletic fields in the vicinity?

Craig Nishimoto: I think it's completely harmonious. One: because County athletic fields, when are they used? They're used on weekends or well after school lets out. We are not there. We're done unless it's a storm or an emergency when the soccer fields are probably not gonna be used anyways. So, you're just not going to see our trucks, or you might see our trucks, but they're not gonna be very many of them. So, I don't think this is a problem. I think there's plenty of land out there. There's 74 acres or whatever it is. I'm hoping they can build all six soccer fields and a bunch of baseball fields as well.

David Stancil: I have to be a bit careful in how I answer this. I should've said this at the beginning when I first got up here, but this is a very odd position for Orange County to be in because we are both the regulator, the Planning Department and staff. And you, the Planning Board, the County Commissioners, will be considering the regulatory matter of this rezoning. I'm here wearing the hat of Orange County's adjacent landowner, and an adjacent landowner that has plans for development of the property. So, there certainly is a great need for additional soccer fields and other playing fields in our community. We have already seen. I don't know how many of you go by Cedar Falls Park and Chapel Hill and see the one sole artificial turf field that is used all day long in almost any weather. So, it's heavily used. The demand is certainly there, and that is gonna continue to be the case, and the idea of having a soccer center for Southern Orange County has been a very high priority of ours and, I think, of the town Chapel Hills for some time now. But the nature of this rezoning request and what is being proposed, I really can't speak to the appropriateness of that, except to say that we do think that the northerly access route that we've come up with and talked about today is certainly far preferable to anything that would separate part of our property from the rest of it because the current access road is in a location, unfortunately, where it keeps some of the land that's gonna be used for the soccer center separated from the rest of it, and so something that gets us away from that is preferable to us. But in terms of, you know, the agricultural sport as it applies to zoning category in this particular request, I have to stand mute on that.

Beth Bronson: Can you describe one more time for us why the southern expansion was no longer considered preferable?

David Stancil: Well, it requires a stream crossing that is wider and further east. So, it would create more of an ecological concern by crossing the stream at that point than the way it is currently planned and the location that the applicant has planned for in this new arrangement is still gonna be the same place because we would wrap around and come in at the same point. That's the main reason.

Beth Bronson: I'm thinking that it would require therefore more further east, but if you were thinking about expanding into a complete new – like if you had plans for all the surrounding parcels, even though you don't have a master plan ready, would you not consider going in southern and making a larger more expansive entryway for a soccer pavilion location? I mean I'm just thinking about like the soccer.com fields. That's quite a driveway. And just why wouldn't you have a plan to do that with this one as well?

David Stancil: Again, my comment there was solely about access to this property. Yes, you're right. When we do a master plan for this facility, we will need to have a fairly significant ingress and egress for how that facility's gonna work, but we're not in a place right now to say it would be here on Millhouse Road or it would be to the north. The issue of the southern route, it's also longer. I didn't mention that as well, but it's a longer route as well, so that's the reason we think the northern approach that we've come up with today is preferable to us.

Adam Beeman: So, if you follow the north path and you come down, where you would come down in your potential, is that wooded or is that open field where you would come through? Because I'm understanding that the southern route is heavily forested, so there's a lot of trees to remove and all that. So, would you have all that going northern, or is that just gonna come through field and you're just cutting a driveway?

David Stancil: Yeah. A lot of it is going to go through Sweet Gum and Pine, that kind of succession forest that we see, a lot of that area is former farm fields that is now in succession and has Sweet Gum and Pine. So, it avoids the heavier, nicer hardwoods that are further to the west.

Cy Stober: Just because I feel that it's relevant to this point, any plans that the County would wish to do on that adjacent property would have to be reviewed by the Planning Department, conform with our Unified Development Ordinance, and be reviewed by the North Carolina Department of Transportation for a driveway permit to ensure safe ingress, egress. So, all of those details would be determined with submittal of a site plan and review by both our staff and state staff at the DOT. So, I just want to remind you all of that. We don't have any plans in hand today. We can't comment upon any of that, but when that day hopefully comes, we would be able to review that. But, again, we don't have anything in hand to review.

Statler Gilfillen: But this is something based on tonight, that is potential in the future, maybe, soccer fields are not there. Now, are we asking that he be involved in helping to finance the change of road later on and if maybe, and how do you handle that when you write a proposal?

Cy Stober: I believe there's reference to that in the Treeist letter, but we don't have a resolution on cost share for road provision as detailed in the condition offer by the Treeist this evening. So, as I stated before, negotiations are ongoing between the County and the applicant. That certainly can be something you consider in your vote.

Statler Gilfillen: So we can put in something to the effect that we could approve or disapprove this, or if we approve it, pending your organization and him reaching a final agreement.

Cy Stober: You may if it's reasonable and tied to the land use. I want to remind you that the Commissioners under state law do have powers regarding the public interest and reasonableness that the Planning Board does not. So, I want to make sure you're focused on the land use question. So, you may want to make comment on that, but please stay focused on the land use.

Adam Beeman: So, day in a life, you're sending out a dump truck and a chipper, or just a dump truck?

Craig Nishimoto: Oh, so the way the typical crews operate, the standard crew would have three people. One would drive a chip truck with a chipper behind it, one would drive a pickup truck towing a mini skid steer, and then if needed, depending on the job, there might be a dump truck going with them, a small dump truck.

Adam Beeman: So, you're chipping the debris, like small branches and debris, on site and bringing home large limbs and tree trunks. Is that what I'm understanding?

Craig Nishimoto: Almost all limbs get chipped because the chippers nowadays, they'll take big pieces. But when it's a big, ugly stump or something like that, it goes in the back of a truck.

Adam Beeman: But you're bringing the small stuff up in the neighborhood, or that's coming back to your business?

Craig Nishimoto: So, I described how we're working now. How we would like to work and what we're working on even now is getting rid of that pickup truck so it's only two vehicles going out per crew. You've probably seen these trash grapple trucks that they go by and pick up limbs for the Town of Chapel Hill like Carrboro. We would like to invest in those kind of machines. They would be rear mounted, but a similar size because we still have to get in to these communities. They would be tandem axle in the back, so if we load it

full of logs, it wouldn't break, but those things would go around and instead of sending dump trucks everywhere, they could pick up logs. They can even pick up brush. So, in some cases, we might even eliminate a chipper on site. That's a big thing in some areas of the country where they just get rid of chippers. It's not yet been done here, so we know that our streets won't be able to handle the biggest storm chaser trucks that you would see in Florida, but we do think that this is the way to go and what people are gonna want more and more as they realize your chippers are way too loud.

Adam Beeman: So, if you move down to the truck and load your debris, you're bringing it back to your site and shredding it, chipping it, at your site with the debris? I just want to make sure beacuse I understand the logs. I get you're gonna pull off good logs and stack them to sell them. I get all that. I'm more interested in what happens to the pile of wood chips because there's a house up here off of 86, logging company, that they've been dumping wood chips in the yard for probably a good 20 years, and they've raised a grade from where it was to 7 feet of wood chips. So, I see the pile, and if we give you the reduction in the buffer, I just don't want to envision a 60-foot-tall pile of wood chips because there's nowhere to go with them, and you just keep stacking them up. So that's why I'm asking. Like you're coming back to the shop. The guy's got a load of stuff, and someone's sitting there actually processing material, taking it off and shredding stuff, or you're not gonna be shredding on site? You're just more or less sorting?

Craig Nishimoto: Sorting is the key. So, you bring this truck back. Now, we can even do it without that truck, but let's imagine the big plan is to have these grapple trucks unload the debris. They're rear mounted, so you could take your logs over here, your brush over here, your trash wood over here, and then logs get sorted by a loader to wherever they belong. And then if you have brush, then you take a big pile of brush back in that and take it out to, for example, Coley Road where they have a green waste processing place.

Adam Beeman: So, you're not actually processing the material on site, maybe occasionally, but not –

Craig Nishimoto: Yeah, that's not the plan. I noticed that the Planning Department's write-up suggested that we would be processing. That's not part of our plan, but it might be a good idea to leave it open as a possibility rather than close it off because from these tests, if we put just a little berm, you would not be able to hear it anywhere from the residential properties, and the County cannot serve tree services right now. They can't take anything over 12 inches in diameter, and I asked those guys, "why don't you change this? You guys basically only help landscapers with shrubs. What do we do with this wood?" The only places that are operating are way out. They're 150 feet from residential place, and they're having these big horizontal grinders there. This is a big problem. It might be nice just to leave that open if we do work later and say, "let's set up a horizontal grinder in here." They're probably not as loud as the lightweight chippers that we bring and put in somebody's driveway, but then we could help, but that's not part of this plan right now. I would love to leave it open because I think it makes a lot of sense as a possibility, but these grinders might cost a million dollars too, and we're just not ready to do that. We have no plans to start a mulching operation, but we do things with this pile of wood chips. This is biofuel, if we can't do anything else with it. One, if we had a pile and a loader, we could give it away, but we'll saturate that market of just giving it away to homeowners or little farms and stuff like that. But ultimately, the way to get rid of it may be to put them in tractor trailers and take them up to Southern Virginia where they use them as an alternative to coal. It's biofuel.

Patrick Mallett: So, we just looked it up and that's expressly prohibited in ASE-CD and in the Rural Buffer. So, you can have the wood piles, and I understand the brainstorming pioneering thought.

Adam Beeman: So there's no processing allowed.

Patrick Mallett: It's black and white. You can stock pile wood chips. It's no grinding. And that's chipping.

Adam Beeman: We might have another meeting to change that. My other question, because I saw something about some hazardous sites not too far away at the dump below, what's your concern about your groundwater and how you're gonna go about that? I can get you can do some septic dealing, but drinking the water and your future potential, I'm just curious to know what your thought process is on that.

Craig Nishimoto: So, what the residents in this area do is frequent testing, and they do have some test sites there right at the perimeter of the landfill. So, we would always want to get information from their latest test, and then I talked to their engineers a while back, and they described to me the underground geology, that water apparently flows away from you, and I pressed him with that question. I was like, "I see water on top of the ground. You're talking about under the ground?" And they said yes. So, now, of course, I don't know for sure. It is, apparently, unlined. We don't know what they were dumping way back when, but it's not the end of the world. We're not putting the subdivision there. My little Walden guy, we can give him bottled water, which is what we're doing now.

Delores Bailey: You mentioned earlier, I want to make sure I heard this right, that your current site is too small?

Craig Nishimoto: Yes.

Delores Bailey: Is that because you want to expand or is that because you've already outgrown that site?

Craig Nishimoto: We have already outgrown the site. We're squeezed.

Delores Bailey: Okay. And so how much more land is this going to be for you than where you are right now?

Craig Nishimoto: Well, so, my current land is adjacent. We bought a small house, less than 1,000 square feet, on a 2-acre lot, and then we started as a home occupation there, and then we needed more land. So, I called the guy who owned just a wasteland of 3 and a half acres, and we bought that from him, and then the same guy owned a little 1-acre commercial property on Highway 54, and we bought that from him. We're so close, I have good relationships with all of my neighbors, but I just don't want to push them any more. Our operations are just too big for this area. For being right up against a bunch of residential houses.

Delores Bailey: Right now, you're about 6 acres, and you're going to…?

Craig Nishimoto: Yeah. But that 6 acres, it's not like this 6 acres. The 6 acres that we're now on has a little pond that's shared with a neighbor. It's not all commercial. We can't really use it. So, we've got basically 1 acre of commercial property, and then I'm using a lot of my personal property too. So, maybe we have, combined, maybe 3 acres of usable space there. We're going to a place with 10 acres that's wide open.

Delores Bailey: Have you imagined how long it will take you to outgrow that space?

Craig Nishimoto: That's the beauty of this place. I think we can, between what we have now, our current location would be great for tree healthcare. A division of our company. The planting of trees. The little raised beds where we're growing little seedlings, and tree healthcare, which doesn't require big trucks, and would be compatible with that location, and then if we had this just dedicated to core tree service, I don't think we would ever outgrow it. Why? Because I think we could put enough in there that we would saturate, geographically, the market.

Delores Bailey: But you'll continue to use both spots?

Craig Nishimoto: That's what I foresee. Yeah. There comes a point when you're traveling more than 30 minutes away to do tree work where you lose efficiency, and you better open up a satellite or just let somebody else have that work, and so we really think we are serving this local area.

Delores Bailey: And my second question was, I thought I heard you mention that you were close to the landfill. Do you have a picture of that? Can you locate that?

Craig Nishimoto: And then the landfill is this, and you can see it's a big hill that's been sealed and covered, and now it's just a hill of grass, but that's the first part. That's where they were first doing their landfilling activities, and now, if you go farther south of there, then you have the grinding operation, the Recycling Center, and if you go across Eubanks Road, that's a new part of their landfill that has recently shut down, I think.

Marilyn Carter: So, Dr. Nishimoto, your package was incredibly well done. I'm not an expert on the UDO nor the Comprehensive Plan. We have some other folks who are here, but it read extremely clearly. You addressed almost all of the questions I had. And so I just want to commend you on an excellent job in your packet. I do have a couple of questions. You mentioned, and you addressed this in your packet, the precedent of why the Rural Buffer. And this land use sets a precedent, but it's not a concerning precedent, and briefly can you briefly cover that?

Craig Nishimoto: This would be Section 9 of my detailed narrative. I'm glad you asked because I think this is the crux of the issue. This is why this is an issue. I would say there's about five related arguments, and they're very brief, and the first is that if we look at the Comprehensive Plan with a fine tooth comb there are three places where it talks about limiting development in the Rural Buffer. The first thing that we notice is that even if we took those three things as invaluable laws, like 10 Commandment-level laws, what we are doing is not in conflict with them. The wording does not prohibit them. Secondly, building on that point, it would have been very easy to have rewritten those so that it would have prohibited what we're doing by just making the language a little stronger. If it just changed a couple words, it would have prohibited what we have done. It looks intentionally meant to build in flexibility. Why? Because the Comprehensive Plan, it is known that not all of these goals and objectives are compatible with each other. They acknowledge there's going to be conflicts. There's going to have to be tradeoffs. There's built into these goals and objectives, room for judgment. So, then the third, the argument would be if it were the case that what we're trying to do is in conflict with these three sort of statements about the Rural Buffer, then many of the other things that are permitted would also be in conflict, or conversely, if some of the things that are expressly permitted are accepted, then ours should be as well. So, you can imagine why should a large facility solar array be allowed in the Rural Buffer if that violates the intensive non-residential uses? Well, that's permitted, but it's certainly not more intensive than anything that we are planning to do. One of the principles here about the Rural Buffer is to encourage a separation of urban and rural land uses. Well, then why should they allow these government facilities and office buildings like the Town of Chapel Hill Public Works, but it's not permissible for us to build an office space to accommodate our clerical staff? Then the third example is the objective in these principles is to maintain the rural low density land as Rural Buffer. Then why would it be permissible to build kennels, care facilities, recreational facilities, artificial turf and lights, artificial lights. Why is that consistent with rural land but not for us to create an indoor and outdoor facility to train future tree workers? And then fourth, there's a burden of proof problem here. We have, like I said, listed a lot of things that we are totally in alignment with. We are solving County problems, County needs, and these things don't prohibit us. You got to just not say that, "Oh, there's a little tension in between three of these things." You've listed dozens of things where you are helping the Comprehensive Plan or you're in line and you're advancing it's programs and its goals, but there's a little tension between three of these statements. Well, then show us how that problem overrides all of the positive things we're doing. I think it's a burden of proof problem. And then finally, and I think this is crux. If the Board of County Commissioners allows what we're doing, this does not, in any way, open the flood gates for more

incursions into the Rural Buffer. Anybody who wants to follow this is going to have to stand before the Planning Board and make similar arguments. They're going to have to argue like I did, and it's not going to be the case if you want to make a discount retail store in the Rural Buffer, that you're going to be able to produce the same kind of arguments that I've produced. I'm so glad that I'm not arguing for a Dollar Store.

Marilyn Carter: Well, thank you for that. I appreciate it. And second question is a hypothetical that we may be getting closer to, which is if the Planning Board were to ask you and Mr. Stancil to go back and write a condition that addresses the item that is currently under negotiation, would that put either of you in an untenable position? Or is that something that this Planning Board could ask you to do with a motion?

Craig Nishimoto: So, I think that's a good question. Where we're at, where DEAPR is at in this early stage of envisioning what they want to do, I think we've come to enough of agreement to where it's as much as we should come to before putting either of us in a straitjacket of what to do next or wasting money for something that may not be of any good use, like rerouting a road now. It may turn out that the current road is perfectly compatible with what they're planning to do. It's just now that you can imagine that they want to put a soccer field or a grouping of soccer fields to make the lighting more efficient. They want to put them exactly right where the current access roads goes. Then it is entirely reasonable for us to work together and reroute. That just seems like totally reasonable. In all interactions with DEAPR, they've struck me as reasonable neighbors. We can come to a solution on this. What would be a problem is if suddenly they were saying, "Craig, you've got to build a southern route on your own dime before we allow you to do anything." It would break us. We're already sticking our neck out far in this. We couldn't afford that, but I just don't see that as being a reasonable recommendation. I think I would rely on argument to fight against that, and I think we'd come up with a reasonable solution.

Marilyn Carter: And just to clarify, a southern route and having you, as you've described in your response to Mr. Stancil, having to foot the bill for a southern route would be something that you'd push back on but not necessarily on continuing the negotiations. To clarify, what would happen with that northern route?

Craig Nishimoto: Well, the northern route, not only is it less expensive to build, but because it is also useful for maintenance crews, for the County's own work, or just access to the trails, if they can find a way to also jointly use it, then they can argue that we can also jointly fund that road, and then we can put our resources together and cooperate on that road. That would be just a perfect solution, I would think. If it comes to that.

Statler Gilfillen: On Page 119, is the recommendation from the North Carolina Wildlife Resources Commission, and they are talking about native plants and how you will treat the land itself. I assume your intention is to try to coordinate and follow up with what they have said? Do you see any conflict in what they have suggested?

Craig Nishimoto: No. There's a big stream riparian area that we just aren't going to touch. There's some beautiful hardwoods in there that we'd like to try to preserve. I mean, even for our own interests, we want trees to climb on, and practice on, and train on. There's other areas that are Ash trees that are dying and whatnot.

Charity Kirk: So, Marilyn asked one of my Rural Buffer questions, but I was wondering, on Page 75, the staff comments, this is more for you, Ashley. The staff comment is, the proposed ASE-CD zoning district for an arborist and tree processing center is consistent with the Rural Buffer rural land use classification, then you mentioned Appendix F, relationships between land use classifications and zoning districts. I don't understand that appendix end table. Could you explain why it is consistent according to that table? Because that is the crux of the question to me is, how much does this differ from the Rural Buffer current zoning?

Ashley Moncado: Staff looks at the Future Land Use Classification, and this is kind of what we really rely on as planners, is this table. When they did first come to staff, I think that initial feedback was what would be supported, or would it be allowed in that Future Land Use Classification would be ASE-CD, and then also in NR-CD.

Charity Kirk: So, the reason why they can't just do what they want in the Rural Buffer is the commercial nature of it?

Ashley Moncado: Yes. The Agricultural Services use is not permitted in the Rural Buffer zoning district. That's what kind of started this. But that Agricultural Service use is permitted in the NR-CD and the ASE-CD district.

Charity Kirk: Are there currently any ASE-CD districts?

Ashley Moncado: No. This would be the first one within the county.

Charity Kirk: And it's already encouraged in the Comprehensive Plan to allow rezoning to it?

Ashley Moncado: Yes.

Charity Kirk: Then my other question is if this business goes out of business, we are then stuck with the current land use that is suggested here. Right? And if anything is going to change with the plans or how this land is– what buildings and the parking structures and everything, then someone has to come back here?

Cy Stober: That is 100 percent correct. With the exception of the Special Use Permit that prevails on the property and will be unaffected by this for the telecom tower. So, that permit persists in that the cell tower operator has the right to the property for that specific use under their Special Use Permit in perpetuity. If they want to modify that, they would have to go to the Board of Adjustment for the permit modification as well.

Charity Kirk: What would be a looser rezoning of this that would allow future changes? Just out of curiosity.

Cy Stober: Oh, sure. Any of the Conventional Districts. We would determine if it was a Commercial use or a Light Industrial use, or if it would be more intensive than the Agricultural Residential uses, so an AR or residential zoning district would not be appropriate, but we would have to get around the table with Treeist to determine if it's a commercial use or a Light Industrial use, and from there forward, we'd make a recommendation to both Planning Board and the Commissioners on that Conventional District. But you go back to the Table of Permitted Uses in that case, and you look at the menu of uses in that, say, Light Industrial or GC4 district, in any one of those uses could be allowed if somehow you could extend water and sewer. Under GC4, you could have fast food there.

Charity Kirk: Okay. This ASE-CD fits very nicely with the current Rural Buffer because the Comprehensive Plan is already pointing you to it, and it is very limiting in the other potentials of Commercial and Light Industrial. Like, it will not eventually be in the future get more removed from the Rural Buffer.

Cy Stober: No. What you have before you is a site-specific plan, and I believe Ashley's analysis also reflects that consistency with the Comprehensive Plan, the harmony of land use with the surrounding land uses, all but one of which, arguably two with the kennel, are publicly owned, and if there's any major

modifications to the proposed site plan, they'll have to come back before this board, they have to go back before the Commissioners for reapproval for any major modification.

Charity Kirk: So, with the road, how do we approve this? I mean, it is an easement, right? And it's not even on this property, and it's not a land use, per se. What do we do to say, "Please work with the County."

Cy Stober: Sure. That's an offsite commitment that is reasonably tied to the land use. So, let's go to a different case, and one that I think this body was frustrated by, the Lawrence Road case, and the impact to the surrounding road network that were going to be potentially created by the charter school that was going to go on that project, that ultimately was denied. If we were allowed to consider traffic commitments, the intersection improvements, or the turn lanes, or the widening of any of those roads, they're not on the property. They're off the property. They would be tied to the developer in that case would have been obligated to make some or all of those improvements based upon the decision of the Commissioners and the recommendation of the Planning Board. So, similar in this case, the access road, essentially a long driveway, through another property, owned by another party, in this case, the County, must be made through negotiation between those two parties in order to realize the use as proposed on the site plan that you have before you tonight. So, is it reasonably tied to this proposed use and, as the negotiations proceed, what does the Planning Board feel that its role in making recommendation on what they feel is reasonably tied to the proposal should be? Does that make sense?

Charity Kirk: Can we say, “we approve this as long as you work with the County to deal with the road within a 5 year limit?” How can we proceed with this road that's currently unsettled?

Cy Stober: I'll give you the answer I shouldn't, which is the direct answer, but perhaps one that steps on legal toes, which is yeah. That would be a reasonable request. When you start getting into the nickels and dimes of what that should be and exactly where on the road, in your lay opinion, Treeist obligation ends and the County's begins, that starts getting outside the bounds of reasonable, but that general statement, I think, is a reasonable recommendation as tied to the Treeist application.

Melissa Poole: But isn't that addressed in the letter we discussed?

Cy Stober: It is. It would be the new Condition 6 that's offered by the applicant.

Melissa Poole: If we were to make the recommendation to approve with the conditions outlined, it's already outlined.

Cy Stober: Yeah.

Patrick Mallett: I just want to throw in one crumb. Unlike almost everything you've ever seen, Orange County is also the adjacent property owner. So, the applicant is going through a zoning process, there's also negotiations with an adjacent property owner. That's an added layer to this. So, you can take that for what it's worth.

Adam Beeman: I would be inclined to leave the easement alone because we're only making a recommendation, and the Board of County Commissioners would make that final determination. So, I would say it's better suited to be dealt with by them or potentially the applicant gets it solved before he gets to the Commissioners, if we approve it. But other than that, I don't know about putting some sort of recommendation or condition on easements because, ultimately, at the end of the day, nothing has been settled other than what he has here.

Charity Kirk: Would you just say, “we approve the package including this letter?”

Adam Beeman: Yes. I just wouldn't try to create new easement conditions, I guess, is what I'm trying to say. I'm more than happy to move forward with this letter that he's submitted, where he's basically saying, "I'm willing to work with the County," but there's no definitive what that means, let them hash that out. I don't know that we need to stick our nose in that portion of the process. That's just my opinion.

Beth Bronson: I did have a few questions. On Hatch Road, are you not already in the Rural Buffer?

Craig Nishimoto: We are in the Rural Buffer. Yeah.

Beth Bronson: Okay. I mean, that's okay. I guess I just want to point out currently that the company operates within the Rural Buffer. Not that there's anything wrong with that.

Craig Nishimoto: Maybe I need to clarify. My house is Rural Buffer, zoned Rural Buffer. The 1-acre commercial lot is some sort of weird business Carrboro zoning.

Beth Bronson: So, it's already a Conditionally Zoned within the Rural Buffer probably because of grandfathering laws, as in it was a business before the Rural Buffer existed.

Craig Nishimoto: It was zoned business before. Yeah.

Beth Bronson: Which is why it would be grandfathered. And then I guess, I have another question of would you accept tree recycling and reuse from any other companies? Do you do that now, currently?

Craig Nishimoto: We don't do it now. We don't have the room for it, but I imagine if we get these grapple trucks, we would be really the only company with those grapple trucks. For example, if a company was offering it to me now to pick up the logs, and I didn't have to bring a dump truck to site, I would pay them a lot of money to do that, and I foresee being able to offer that to other local tree services. To pick up their logs, that way they don't have to cut them up into firewood and throw them into the back of the truck or dispose of them. We can grab them for them and then add them to our piles. That would probably be in everyone's interest, and we are great networkers with other tree companies.

Beth Bronson: Obviously. Okay. And then do you grade and sell the mill wood?

Craig Nishimoto: No. That's another industry all together. Randall Williams is the guy who I most look up to and admire in this. He would really be the guy to ask about this, but we basically send it to him or operators like him.

Beth Bronson: You subcontract that, or just be the liaison in between…?

Craig Nishimoto: We give it away or we sell it to–

Beth Bronson: I was gonna say give it away as well too. I'm very fascinated by the training you could offer and the education opportunities that you would have to work in the community. That would further enhance, this whole purpose of the development within the Rural Buffer and why something like this Conditional Zoning District would be beneficial for the area. As somebody who has grown up around tree service, I do know that dealing with the waste is a large problem, and I've seen plenty of houses, not just with wood chips, but with logs and logs and logs, and I do know that byproduct can become the worse problem. Then actually what to do with it. It's what to do with the decaying of debris. What does the turnover look like at your current establishment?

Craig Nishimoto: It's a mess. We try to get rid of it as quickly as possible, and we're next to Brockwell Trucking on Calvendar, but they're over capacity, and some winters they'll just say, "No more. We can't take any more." And then we take some to a place down by Jordan Lake where they bury the stuff, and then sometimes Gorilla Materials. If the guys are working up in Durham, but it's a mess.

Beth Bronson: Thank you. And then I may have missed this. I see four conditions in the packet, and then I see the roadway condition of which, I'm glad to hear that you're excited to work with, you're optimistic about working with the County to create a better entry point for a place of business, like around a municipal field, should the County decide to move forward with that. Ideally, it would be awesome if they had a master plan that incorporated your driveway and a new easement. That's obviously very complicated. Getting an easement for a cell tower versus a business, well, the easement is the same thing. It's two completely different pieces.

Craig Nishimoto: Yeah. There's also power lines running through there too. So, you can't really put power lines through your soccer field. Or maybe you can.

Beth Bronson: You definitely can't. I guess as an agricultural enterprise versus, as we were talking about, the restrictions on that agricultural, obviously we want your business as it stands applying for the application. Right? Versus having grappling trucks or what in 5 to 10 years. Because that may be a different thing. It may be a different evolved business by then. Right? You may want two or three buildings to add onto or something like that.

Craig Nishimoto: I don't know that we would be able to do that. This is–

Beth Bronson: No, I'm just– It is not up to us to speculate on how your growth is going to go.

Craig Nishimoto: No. No. What I mean is, I think we're locked into this site plan.

Beth Bronson: You absolutely are. Yes. I guess that's what I mean about these discussions about the roadways, easement, and things like that, as well as the site plan itself effecting future business. I think we were just getting very speculative about some of this. It's just that I'm thinking about it as what you have now moving into it, and huge component of the education and your opportunity to be more of a community leader in that area because there are a ton of arborists.

Craig Nishimoto: On that, on that recreational stuff, we think it's absurd that people are into rock climbing in Chapel Hill. Why? There's not rocks. There's a lot of trees. We think it's absurd that when you go into REI, there's a rock climbing section but no tree climbing section. We want everyone, when they go camping with their kids, to bring tree climbing gear. We can teach them to do that. So, that's kind of the vision. We're at the cutting edge.

Beth Bronson: For the 100 foot setback, the moving it to 40 feet, is this on the southern border?

Craig Nishimoto: Yes.

Beth Bronson: Okay, of the Superfund site?

Craig Nishimoto: There are no neighbors there.

Beth Bronson: No. It says it's zoned as residential.

Craig Nishimoto: Well, wait a minute. Let me correct that. Because if you look at the site plan, there's a place where it's probably within 100 feet on the Duke Forest side too. So yeah. You're right. The Duke Forest is zoned Rural Buffer, and we might be incurred within that 100 feet. It's just not residential. It never will be.

Ashley Moncado: I can pull the conditions up. Those were the five that were provided in your packet, and I'm not sure if we're looking at adding a sixth or we would be revising Condition Number 5?

Melissa Poole: The letter was the sixth.

Ashley Moncado: There was the potential to have the BOCC considering an addition of six or that the letter is a response to five.

Cy Stober: Correct. Ashley is correct. The letter would replace Number 5.

Melissa Poole: So, we've got five. This is a procedural question because when you throw all these at us, we get mixed up when we've got to make a motion. So, are we doing Attachment 6, the Statement of Consistency, do we have to do all these individually, or can we put them all together?

Cy Stober: In the statement?

Melissa Poole: In the motion.

Cy Stober: I think Ashley has it laid out for y'all.

Lamar Proctor: Can I make a comment real quick? I just wanted to thank you because this is exactly the kind of business that I've been hoping for since I've been on the Planning Board. Something that's organic, and by organic, I mean it evolved locally, it evolved from a local need, it provides a local service, it's unique, it's consistent with the land use. You're not Dollar Tree, or you're not a particular corporation from another local. So, I just want to commend you and I think we need more of that. I just want to say that.

Statler Gilfillen: Can we get a proposal then to approve this?

Adam Beeman: As long as no one else has any other questions. Then I look for a motion.

Marilyn Carter: May I just ask for clarification, and maybe that's part of the motion making, of the conditions? Because we're going one, two, three, four, and then five with the letter.

Adam Beeman: Correct. So, with the statement, we're going to have to specify that this letter supersedes Number 5 on the conditions.

Cy Stober: So, the actions before you are you can vote to recommend as presented, which would include the five conditions Ashley already showed you. You can vote to make a recommendation with new conditions, which would include a modification to the conditions before you. So, you could–

Melissa Poole: Hold it. I already got it. You answered my question. That's all I needed.

Cy Stober: And then we also need a recommendation on the Statement of Consistency or Inconsistency.

Melissa Poole: That's what I was asking before. Is that separate?

Cy Stober: And you don't have to read the entire statement. No.

Melissa Poole: I greatly appreciate that. Okay, I make the recommendation to approve the applicant's proposal as presented with the exception of Condition 5 being replaced with the conditional approval outlined in the letter that states there will be ongoing collaboration between the applicant and the County regarding the access road to the property. That's it. And then we're going to do Statement of Consistency separate.

Delores Bailey: You said, "I make the recommendation," are you making a motion?

Melissa Poole: I make the motion.

Cy Stober: You can make one motion that addresses both or you can separate them. Either way is fine.

APPROVED WITH AMENDMENT 2.7.24

MOTION BY Melissa Poole to recommend the approval as presented with the exception of replacing Condition 5 as outlined with the letter included this evening, and also including the Recommendation of Approval with the Statement of Consistency, Attachment 6. Seconded by Statler Gilfillen.

MOTION PASSED UNANIMOUSLY.

AGENDA ITEM 8: ADJOURNMENT

MOTION BY Melissa Poole to adjourn meeting. Seconded by Statler Gilfillen.

MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 9:23 PM.

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Adam Beeman, Chair

STATEMENT OF CONSISTENCY
OF A PROPOSED ZONING ATLAS MAP AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

An applicant-initiated amendment to the Zoning Atlas has been reviewed to rezone a parcel as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9871-50-3254	Chapel Hill	Acer LLC	▪ Rural Buffer (RB) ▪ Jordan Lake Unprotected Watershed	▪ Agricultural Support Enterprises Conditional District (ASE-CD) ▪ Jordan Lake Unprotected Watershed

The Planning Board hereby finds:

a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* and 2.9.1 *Conditional Districts* of the UDO have been reviewed and, due to the property being surrounded by use-restricted properties that are highly unlikely to be developed for residential purposes, the following standards deviations have been deemed acceptable:

- Placement of wood chips, stumps and logs, branches and similar wood by-products within 100 feet of the residentially-zoned property boundaries;

- Allowance for changes in the exact placement of features and structures within the limits of disturbance and designated "activity area" on the site plan, subject to staff review and approval;

- Allowance for lighting plan to be altered from what is submitted, provided that all outdoor pole lights not to exceed 14' and not be located outside the proposed "activity area" on the site plan, subject to staff review and approval; and,

b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning Board review and comment – Plan Consistency* and 160D-605(a) *Governing Board Statement – Plan Consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

c. The amendment is consistent with applicable plans because it supports the following:

- Planning Principle 2. Sustainable Growth and Development: *Growth and development within the county should occur in a pattern, location, and density that is sustainable*

over the long-term.

The proposed ASE-CD zoning district for an arborist and tree-processing center is consistent with the Rural Buffer Rural Land Use Classification (Appendix F Relationships Between Land Use Classifications and Zoning Districts). The activity and impact of this use will be limited to the property, generating low volumes of traffic and not negatively impacting surrounding properties by its use. It is immediately outside the Town of Chapel Hill's Extraterritorial Jurisdiction (ETJ), emphasizing its proximity to both municipal and county residents that can utilize this commercial service while not generating large vehicle miles traveled. Its proximity to municipal centers while being separated from the residential and commercial uses of those areas serves the mutual needs of the region without negatively affecting the surrounding properties. The proposed Agricultural Services Uses is permitted in the ASE-CD zoning district, complies with the UDO standards except as noted, and meets the standards of evaluations as reviewed by the Planning Board.

- Planning Principle 3A. Encouragement of Energy Efficiency, Lower Energy Consumption, and the Use of Non-Polluting Renewable Energy Resource: *Decreasing the use of non-renewable resources and lowering energy consumption are encouraged in both public and private activities. The county's transportation system should be enhanced to promote more energy efficient modes of travel and improve air quality.*

  The applicant will introduce a wood processing and reuse facility within close proximity to municipal centers where arborist services and tree processing are most needed. The other options are to otherwise rely upon vendors who travel farther distances, redistribute by-products to non-local markets, and extract these resources from Orange County while only contributing immediate services and a higher carbon footprint. The proposed use supports a local enterprise that can immediately contribute to the reuse of the related materials and reduce traveled miles to support the business.

- Planning Principle 4. Natural Area Resource Protection: *Protection of the County's natural areas, including forests, wildlife habitat, and other important open spaces should be a priority. The County should work with regional and local organizations, the towns, and private landowners to promote and achieve preservation of the County's important natural resources.*

  The applicant provided an Environmental Assessment as part of the application package. Staff has reviewed and determined no significant environmental impact is expected from this project based on existing conditions. The project site plan protects the existing stream on site with provided stream buffering and strives to maintain existing trees as part of the landscape buffer.

- Planning Principle 5. Preservation of Rural Land Use Pattern: *The County's rural areas are a cherished component of the County's character. Future development*

should preserve and enhance the county's rural landscape.

The 2030 Comprehensive Plan, Appendix G, Land Use Classification and Overlay Locational Criteria, identifies Rural Buffer as land designated in the Comprehensive Plan as land adjacent to an urban or transition area which is rural in character and which should remain rural, contain very low-density residential uses, and not require urban services during the plan period. The resource-related activities with the use are consistent with the rural nature of the area and, as presented, will not disrupt that character, being on the perimeter of the Town of Chapel Hill's ETJ, surrounded by managed forests and County-owned lands that will not serve residential or commercial purposes.

- Planning Principle 6. Water Resources Preservation: *The County has finite water resources to provide to future populations. The protection and management of the County's water resources should be a high priority.*

  The proposed project will utilize groundwater to service the future land use, as permitted by the Orange County Division of Environmental Health. In addition, the site plan provides for an 65-foot stream buffer to protect water quality downstream.

- Planning Principle 7. Promotion of Economic Prosperity and Diversity: *Development of a diversity of new businesses and expansion of existing businesses should occur in Orange County.*

  The applicant will provide an underserved market with needed services, particularly for the nearby municipalities. The applicant is proposing to relocate an existing tree care and consulting company currently operating in Carrboro to this site. Relocation of this business to a rural setting will more appropriately allow for it to operate while continuing to serve the nearby municipal market than it can from its current placement in a municipality. The applicant estimates that approval could create 10 – 20 new jobs.

- Planning Principle 8. Preservation of Community Character: *Future growth and development should occur in a manner that preserves and enhances the existing character of the County, its townships, and rural crossroads communities.*

  This agricultural support enterprise will be appropriately placed within the Rural Buffer designated by both the 2030 Comprehensive Plan and the Orange County-Chapel Hill-Carrboro Joint Planning Agreement Land Use Plan. It shall be situated such that it is surrounded by an actively managed forest, a former landfill, and a proposed recreation facility. There will be no disruption to residential quality of life, and the approval will introduce a new business to the area and to the county's business community. Placement of this business is in harmony with the immediately surrounding area on the edge of the Town of Chapel Hill's ETJ, and in the public interest so as to conveniently place an arborist near municipal centers while separating it from the residential and commercial activities of those areas for a more

rural location surrounded by similar uses.

- 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 application proposes an Agricultural Support Enterprise for an arborist and wood-processing center within an area surrounded by public or quasi-public uses, including the actively managed Duke Forest. The tree-related operations are consistent with both the rural character of this immediate area as well as the more intensive use to the south of the former county landfill, which is in the Town of Chapel Hill's ETJ. While, by the applicant's admission, the operations will generate noise pollution and some odors related to tree processing into wood byproducts, the use is consistent with the "low-intensity agricultural support" uses allowed in the Rural Buffer by the Orange County-Chapel Hill-Carrboro Joint Planning Agreement (JPA) Land Use Plan. The site plan and conditions committed to by the applicant will separate this use from the properties owned Orange County and proposed for a recreational facility featuring multiple soccer fields. The combination of the required screening and setbacks with the natural environmental features of this property and the adjacent ones will adequately minimize impacts to surrounding properties.

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

  The proposed use meets all UDO standards for buffering and screening, as well as the applicable erosion control and stormwater regulations. It will utilize and improve an existing access road, creating no new stream crossings, and, in fact, improving the existing one to minimize runoff into the stream. The arborist will process natural wood products that can be reused locally for multiple purposes, reducing the need for area residents to rely upon imported products. The restrictions that exist on the uses of most of the surrounding properties should ensure that low-intensity agricultural production of the site will have minimal negative impacts upon natural resources or residents.

- Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*

  The proposed arborist and tree processing facility will be placed within the Rural Buffer, away from residentially-used properties, and within the rural areas of the county. The neighboring Duke Forest property is, in fact, a site that may be actively timbered at its owners' discretion; and the southern, county-owned property is a former landfill that is limited in its redevelopment potential. These surrounding

conditions will allow the use to be inherently buffered from neighbors and prevent negative impacts to them that might otherwise occur in a more densely developed area. The use is consistent with the future land use classification allowed by the 2030 Comprehensive Plan, Appendix F; and is consistent with the land use allowances for the Rural Buffer in the JPA. The site will generate some new traffic, but the cumulative daily employee and business-related trips are under the County's threshold for further analysis or offsite improvement.

- Land Use Goal 6: *A land use planning process that is transparent, fair, open, efficient, and responsive.*

  The Orange County staff has noticed the public regarding this application, as required by Sections 2.8.7, 2.9.1(D), and 2.9.2 of the UDO, including a required Neighborhood Information Meeting, mailings to neighboring property owners, posting of the property, and advertisement in the local newspapers. Additionally, staff have provided all application documents on the Active Development Projects webpage, responded to public inquiries, posted social media notices on the project, featured it in the weekly newsletter, communicated and made both the BOCC and Planning Board available for public emails concerning the application.

- Appendix F, Land Use Classification Description for Rural Buffer: *Only very low density residential, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses are appropriate in the Rural Buffer.*

  The proposed arborist and tree-processing facility is a low-intensity Agricultural Support Enterprise and is consistent with the allowable future land uses within the designated "Rural Buffer" land use classification of the 2030 Comprehensive Plan.

a. The amendment is reasonable and in the public interest because it furthers the goals of the adopted Comprehensive Plan and is located in an area designated on the Future Land Use Map as "Rural Buffer."

The Planning Board hereby adopts this Statement of Consistency and the findings expressed herein and recommends the Board of County Commissioners consider adoption of the proposed Zoning Atlas Amendment.

Vote: 12 For, 0 Against

Adam Beeman

Adam Beeman, Chair

1-3-2024

Date

The Treeist
1200 Hatch Rd
Chapel Hill, NC 27516
www.treeist.com

Dear Mr. Stancil,

I appreciate the meeting today. To set out what we discussed in writing: I am happy to accommodate reasonable changes regarding the location of the access road to our parcel.

We discussed the possibility that the best site plan for the County's anticipated soccer complex may entail soccer fields where our current access road is located. If this or something similar turns out to be the case, I am open to working with the County in allowing our access easement to be shifted somewhere to the north, then dropping down to cross the stream in its current location. I understand that such a new road may also provide access options to the anticipated park for park users and maintenance staff.

I foresee being able to work with the County in potentially sharing costs for the construction and maintenance of the new road. In particular, Treeist funds that might have otherwise been used for the improvements and maintenance of the current access road might alternatively be directed to the construction and maintenance of the new road. Such funds are unlikely to cover all of the costs of building a new road, and they will be less if they must be used earlier for full or significant improvements of the existing road. To that end, we would hope to limit the amount of improvements we make to the existing road in order to give the County time and opportunity to develop definite plans for their parcels.

We look forward to neighborly cooperation!

Sincerely,
Craig

Craig Nishimoto
Mobile: 984 - 215 - 8231
Email: craig@thetreeist.com

ISA Board Certified Master Arborist, Tree Risk Assessment Qualified
SO-7125B

BOARD CERTIFIED
MASTER
ARBORIST
ISA
ISA
QUALIFICATIONS
TREE RISK ASSESSMENT

Attachment 7

STATEMENT OF CONSISTENCY
OF A PROPOSED ZONING ATLAS MAP AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN

An applicant-initiated amendment to the Zoning Atlas has been reviewed to rezone a parcel as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9871-50-3254	Chapel Hill	Acer LLC	▪ Rural Buffer (RB) ▪ Jordan Lake Unprotected Watershed	▪ Agricultural Support Enterprises Conditional District (ASE-CD) ▪ Jordan Lake Unprotected Watershed

The Board of County Commissioners hereby finds:

a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* and 2.9.1 *Conditional Districts* of the UDO have been reviewed and, due to the property being surrounded by use-restricted properties that are highly unlikely to be developed for residential purposes, the following standards deviations have been deemed acceptable:

- Placement of wood chips, stumps and logs, branches and similar wood by-products within 100 feet of the residentially-zoned property boundaries;

- Allowance for changes in the exact placement of features and structures within the limits of disturbance and designated “activity area” on the site plan, subject to staff review and approval;

- Allowance for lighting plan to be altered from what is submitted, provided that all outdoor pole lights not to exceed 14’ and not be located outside the proposed “activity area” on the site plan, subject to staff review and approval; and,

b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning Board review and comment – Plan Consistency* and 160D-605(a) *Governing Board Statement – Plan Consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.

c. The amendment is consistent with applicable plans because it supports the following:

- Planning Principle 2. Sustainable Growth and Development: *Growth and development*

within the county should occur in a pattern, location, and density that is sustainable over the long-term.

The proposed ASE-CD zoning district for an arborist and tree-processing center is consistent with the Rural Buffer Rural Land Use Classification (Appendix F, Relationships Between Land Use Classifications and Zoning Districts). The activity and impact of this use will be limited to the property, generating low volumes of traffic and not negatively impacting surrounding properties by its use. It is immediately outside the Town of Chapel Hill's Extraterritorial Jurisdiction (ETJ), emphasizing its proximity to both municipal and county residents that can utilize this commercial service while not generating large vehicle miles traveled. Its proximity to municipal centers while being separated from the residential and commercial uses of those areas serves the mutual needs of the region without negatively affecting the surrounding properties. The proposed Agricultural Services Uses is permitted in the ASE-CD zoning district, complies with the UDO standards except as noted, and meets the standards of evaluations as reviewed by the Planning Board.

- Planning Principle 3A. Encouragement of Energy Efficiency, Lower Energy Consumption, and the Use of Non-Polluting Renewable Energy Resource: *Decreasing the use of non-renewable resources and lowering energy consumption are encouraged in both public and private activities. The county's transportation system should be enhanced to promote more energy efficient modes of travel and improve air quality.*

  The applicant will introduce a wood processing and reuse facility within close proximity to municipal centers where arborist services and tree processing are most needed. The other options are to otherwise rely upon vendors who travel farther distances, redistribute by-products to non-local markets, and extract these resources from Orange County while only contributing immediate services and a higher carbon footprint. The proposed use supports a local enterprise that can immediately contribute to the reuse of the related materials and reduce traveled miles to support the business.

- Planning Principle 4. Natural Area Resource Protection: *Protection of the County's natural areas, including forests, wildlife habitat, and other important open spaces should be a priority. The County should work with regional and local organizations, the towns, and private landowners to promote and achieve preservation of the County's important natural resources.*

  The applicant provided an Environmental Assessment as part of the application package. Staff has reviewed and determined no significant environmental impact is expected from this project based on existing conditions. The project site plan protects the existing stream on site with provided stream buffering and strives to maintain existing trees as part of the landscape buffer.

- Planning Principle 5. Preservation of Rural Land Use Pattern: *The County's rural*

areas are a cherished component of the County's character. Future development should preserve and enhance the county's rural landscape.

The 2030 Comprehensive Plan, Appendix G, Land Use Classification and Overlay Locational Criteria, identifies Rural Buffer as land designated in the Comprehensive Plan as land adjacent to an urban or transition area which is rural in character and which should remain rural, contain very low-density residential uses, and not require urban services during the plan period. The resource-related activities with the use are consistent with the rural nature of the area and, as presented, will not disrupt that character, being on the perimeter of the Town of Chapel Hill's ETJ, surrounded by managed forests and County-owned lands that will not serve residential or commercial purposes.

- Planning Principle 6. Water Resources Preservation: *The County has finite water resources to provide to future populations. The protection and management of the County's water resources should be a high priority.*

  The proposed project will utilize groundwater to service the future land use, as permitted by the Orange County Division of Environmental Health. In addition, the site plan provides for a 65-foot stream buffer to protect water quality downstream.

- Planning Principle 7. Promotion of Economic Prosperity and Diversity: *Development of a diversity of new businesses and expansion of existing businesses should occur in Orange County.*

  The applicant will provide an underserved market with needed services, particularly for the nearby municipalities. The applicant is proposing to relocate an existing tree care and consulting company currently operating in Carrboro to this site. Relocation of this business to a rural setting will more appropriately allow for it to operate while continuing to serve the nearby municipal market than it can from its current placement in a municipality. The applicant estimates that approval could create 10 – 20 new jobs.

- Planning Principle 8. Preservation of Community Character: *Future growth and development should occur in a manner that preserves and enhances the existing character of the County, its townships, and rural crossroads communities.*

  This agricultural support enterprise will be appropriately placed within the Rural Buffer designated by both the 2030 Comprehensive Plan and the Orange County-Chapel Hill-Carrboro Joint Planning Agreement Land Use Plan. It shall be situated such that it is surrounded by an actively managed forest, a former landfill, and a proposed recreation facility. There will be no disruption to residential quality of life, and the approval will introduce a new business to the area and to the county's business community. Placement of this business is in harmony with the immediately surrounding area on the edge of the Town of Chapel Hill's ETJ, and in the public interest, placing an arborist near municipal centers while separating it from the

residential and commercial activities of those areas for a more rural location surrounded by similar uses.

- 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 application proposes an Agricultural Support Enterprise for an arborist and wood-processing center within an area surrounded by public or quasi-public uses, including the actively managed Duke Forest. The tree-related operations are consistent with both the rural character of this immediate area as well as the more intensive use to the south of the former county landfill, which is in the Town of Chapel Hill's ETJ. While, by the applicant's admission, the operations will generate noise pollution and some odors related to tree processing into wood byproducts, the use is consistent with the "low-intensity agricultural support" uses allowed in the Rural Buffer by the Orange County-Chapel Hill-Carrboro Joint Planning Agreement (JPA) Land Use Plan. The site plan and conditions committed to by the applicant will separate this use from the properties owned Orange County and proposed for a recreational facility featuring multiple soccer fields. The combination of the required screening and setbacks with the natural environmental features of this property and the adjacent ones will adequately minimize impacts to surrounding properties.

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

  The proposed use meets all UDO standards for buffering and screening, as well as the applicable erosion control and stormwater regulations. It will utilize and improve an existing access road, creating no new stream crossings, and, in fact, improving the existing one to minimize runoff into the stream. The arborist will process natural wood products that can be reused locally for multiple purposes, reducing the need for area residents to rely upon imported products. The restrictions that exist on the uses of most of the surrounding properties should ensure that low-intensity agricultural production of the site will have minimal negative impacts upon natural resources or residents.

- Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*

  The proposed arborist and tree processing facility will be placed within the Rural Buffer, away from residentially-used properties, and within the rural areas of the county. The neighboring Duke Forest property is, in fact, a site that may be actively timbered at its owners' discretion; and the southern, county-owned property is a former landfill that is limited in its redevelopment potential. These surrounding

conditions will allow the use to be inherently buffered from neighbors and prevent negative impacts to them that might otherwise occur in a more densely developed area. The use is consistent with the future land use classification allowed by the 2030 Comprehensive Plan, Appendix F; and is consistent with the land use allowances for the Rural Buffer in the JPA. The site will generate some new traffic, but the cumulative daily employee and business-related trips are under the County's threshold for further analysis or offsite improvement.

- Land Use Goal 6: *A land use planning process that is transparent, fair, open, efficient, and responsive.*

  The Orange County staff has noticed the public regarding this application, as required by Sections 2.8.7, 2.9.1(D), and 2.9.2 of the UDO, including a required Neighborhood Information Meeting, mailings to neighboring property owners, posting of the property, and advertisement in the local newspapers. Additionally, staff have provided all application documents on the Active Development Projects webpage, responded to public inquiries, posted social media notices on the project, featured it in the weekly newsletter, communicated and made both the BOCC and Planning Board available for public emails concerning the application.

- Appendix F, Land Use Classification Description for Rural Buffer: *Only very low density residential, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses are appropriate in the Rural Buffer.*

  The proposed arborist and tree-processing facility is a low-intensity Agricultural Support Enterprise and is consistent with the allowable future land uses within the designated "Rural Buffer" land use classification of the 2030 Comprehensive Plan.

a. The amendment is reasonable and in the public interest because it furthers the goals of the adopted Comprehensive Plan and is located in an area designated on the Future Land Use Map as "Rural Buffer."

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

Vote: ____ For, ____ Against

_____ _____

Jamezetta Bedford, Chair Date

**STATEMENT OF INCONSISTENCY
OF A PROPOSED ZONING ATLAS MAP AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN AND
OTHER APPLICABLE ADOPTED PLANS**

An applicant-initiated amendment (MA23-0003) to the Zoning Atlas has been reviewed to rezone a parcel as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9871-50-3254	Chapel Hill	Acer, LLC	• RB (Rural Buffer); • Jordan Lake Unprotected Watershed	• ASE-CD (Agricultural Support Enterprises – Conditional District); • Jordan Lake Unprotected Watershed

The Board of County Commissioners hereby finds:

a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO have been reviewed and determined to be unacceptable due to either the potential impacts upon surrounding properties or a lack of final conditions on the site plan, as required by Sections 2.5 and 2.9.1(C)(1)(a) of the Orange County UDO:

- Placement of wood chips, stumps and logs, branches and similar wood by-products within 100 feet of the residentially-zoned property boundaries;

- Allowance for changes in the exact placement of features and structures within the limits if disturbance and designated “activity area” on the site plan, subject to staff review and approval;

- Allowance for lighting plan to be altered from what is submitted, provided that all outdoor pole lights not to exceed 14’ and not be located outside the proposed “activity area” on the site plan, subject to staff review and approval; and,

b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning Board review and comment – Plan Consistency* and 160D-605(a) *Governing Board Statement – Plan Consistency* of the North Carolina General Statutes, the Board finds that the amendment **is inconsistent** with the “Rural Buffer” classification, as defined in the 2030 Comprehensive Plan: *Land adjacent to an urban or transition area which is rural in character and which should remain rural, contain very low-density residential uses, and not require urban services during the plan period.*

The applicant's proposed site is on land adjacent to the Town of Chapel Hill Extraterritorial Jurisdiction, but introduces a non-residential use that is anticipated to generate significant noise and operate during evening hours to the Rural Buffer; and,

The Board also finds that the amendment **is inconsistent** with the following 2030 Comprehensive Plan Principles and Objectives:

1) Planning Principle 2. Sustainable Growth and Development: *Growth and development within the county should occur in a pattern, location, and density that is sustainable over the long-term.*

2) Planning Principle 5. Preservation of Rural Land Use Pattern: *The County's rural areas are a cherished component of the County's character. Future development should preserve and enhance the county's rural landscape.*

3) Planning Principle 8. Preservation of Community Character: *Future growth and development should occur in a manner that preserves and enhances the existing character of the County, its townships, and rural crossroads communities.*

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

5) Land Use Goal 3: *A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.*

6) Appendix F, Land Use Classification Description for Rural Buffer: *Only very low density residential, agricultural uses exempt from zoning regulations, and low-intensity agricultural support uses are appropriate in the Rural Buffer.*

   The applicant proposes to introduce a non-residential use that is anticipated to generate significant noise and operate during evening hours to the designated Rural Buffer, greater than the intensity of most bona fide agricultural operations. The deviations from the County's setback and screening standards will further encroach upon the neighboring properties and disrupt the quiet and rural character of the area. Furthermore, the existing access road presents public health, safety, general welfare of potential users and employees at the county's parks and recreation facility; and

c. Pursuant to Articles V and VI of the Orange County-Chapel Hill-Carrboro Joint Planning Agreement (JPA) Land Use Plan, the Board finds that the amendment **is inconsistent** with the descriptions of the "Rural Buffer" for either the Joint Planning Operating Principles or the Future Land Use – Joint Planning Area, including the eight categories of land use identified for the "Rural Buffer": Resource Protection Areas, Public/Private Open Space Areas, New Hope Creek Corridor Open Space Areas, Agricultural Areas, University Lake Watershed Area, Rural Residential Retail Trade Areas, Extractive Uses.

   The applicant is an Agricultural Support Enterprise that is not within the supported new uses for "Agricultural Areas": "…very low-density [in] nature and will generally consist of farm dwellings and outbuildings;" it is a non-residential, light-intensity commercial use that is not a farm; and

d. Pursuant to Orange County UDO Section 2.9.1(F), the Board finds the amendment is inconsistent in addressing "…impacts reasonably expected to be generated by the proposed development," specifically with a lack of a support facility to replace the existing access road necessary for business operations with an alternate access road to be constructed by the applicant upon realization of the property by Orange County for a parks and recreation facility to minimize potential conflicts with those using the parks and recreation facility, including children, promoting the public health, safety, and general welfare of both property owners.

The Board of County Commissioners adopts this Statement of Inconsistency and the findings expressed herein.

Vote: ____ For, ____ Against

_____ _____

Jamezetta Bedford, Chair Date

Attachment 9

Ordinance #: ORD-2024-006

AN ORDINANCE AMENDING THE ORANGE COUNTY ZONING ATLAS

WHEREAS, Orange County has received and processed a petition submitted by Craig Nishimoto (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 +/- 10.01 acres (PIN: 9871-50-3254) from RB (Rural Buffer) to ASE-CD (Agricultural Support Enterprises Conditional District) for the purposes of agricultural services; and

WHEREAS, the petition has been submitted with a site plan in accordance with the provisions of Section 2.9.1(C) of the UDO; and

WHEREAS, the requirements of Section 2.8 and 2.9 of the UDO have been deemed complete; and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the Board has found the proposed zoning atlas amendment to be consistent with the adopted 2030 Comprehensive Plan and reasonable and in the public interest.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the aforementioned parcels to ASE-CD (Agricultural Support Enterprises Conditional District), as detailed within the submitted application.

BE IT FURTHER ORDAINED THAT in accordance with Section 2.9.1(F) of the UDO the approval of this Conditional Zoning application is subject to the following mutually agreed to conditions:

1. Project shall be completed as presented in approved site plan/application packet.

2. Allow for a reduction of the 100' setback from the southern property line for outdoor storage of wood chips, stumps and logs, branches and similar wood by-products resulting from tree cutting operations. Outdoor storage shall not be less than 40 feet from the southern property line.

3. Allow for Planning Director to review and approve minor changes to the approved plan, per Section 2.9.1(I) of the Orange County Unified Development Ordinance, specific to the location and arrangement of development within the limits of disturbance and the proposed "activity area". The "activity area" shall be defined as the edge of gravel as shown on the provided conditional zoning plan set.

4. Allow for Planning Director to review and approve minor changes to the approved plan, per Section 2.9.1(I) of the Orange County Unified Development Ordinance, specific to outdoor pole lights. Pole lights shall not exceed 14 feet and shall not be located outside the proposed "activity area" The "activity area" shall be defined as the edge of gravel as shown on the provided conditional zoning plan set.

5. Initial access to the applicant's property shall be through the current access easement held by Crown Castle, LLC, and improved consistent with the County's road improvement terms and standards.

   Orange County intends to develop the property on which the existing access easement is located into a park for recreational activities. When that development occurs, the County will construct and record a new access road running along the northern boundary of the property with a north/south

connection to the applicant's property. When that new access road is recorded, as conceptually shown in orange on the Attachment A map, the County may demand that the applicant discontinue use of the initial access road and exclusively access applicant's property using the new access road constructed by the County. The applicant agrees to comply with the County's demand within ten business days.

6. The additional party to the current access easement, Crown Castle, LLC, shall be contacted and their written response should acknowledge their use of the new access road once constructed, and their abandonment of the current access easement.

7. Approval of this plan establishes a zoning vested right under NCGS 160D-108. Unless terminated at an earlier date, the zoning right shall be valid until March 19, 2029.Approval of this plan establishes a zoning vested right under NCGS 160D-108. Unless terminated at an earlier date, the zoning right shall be valid until March 19, 2029.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

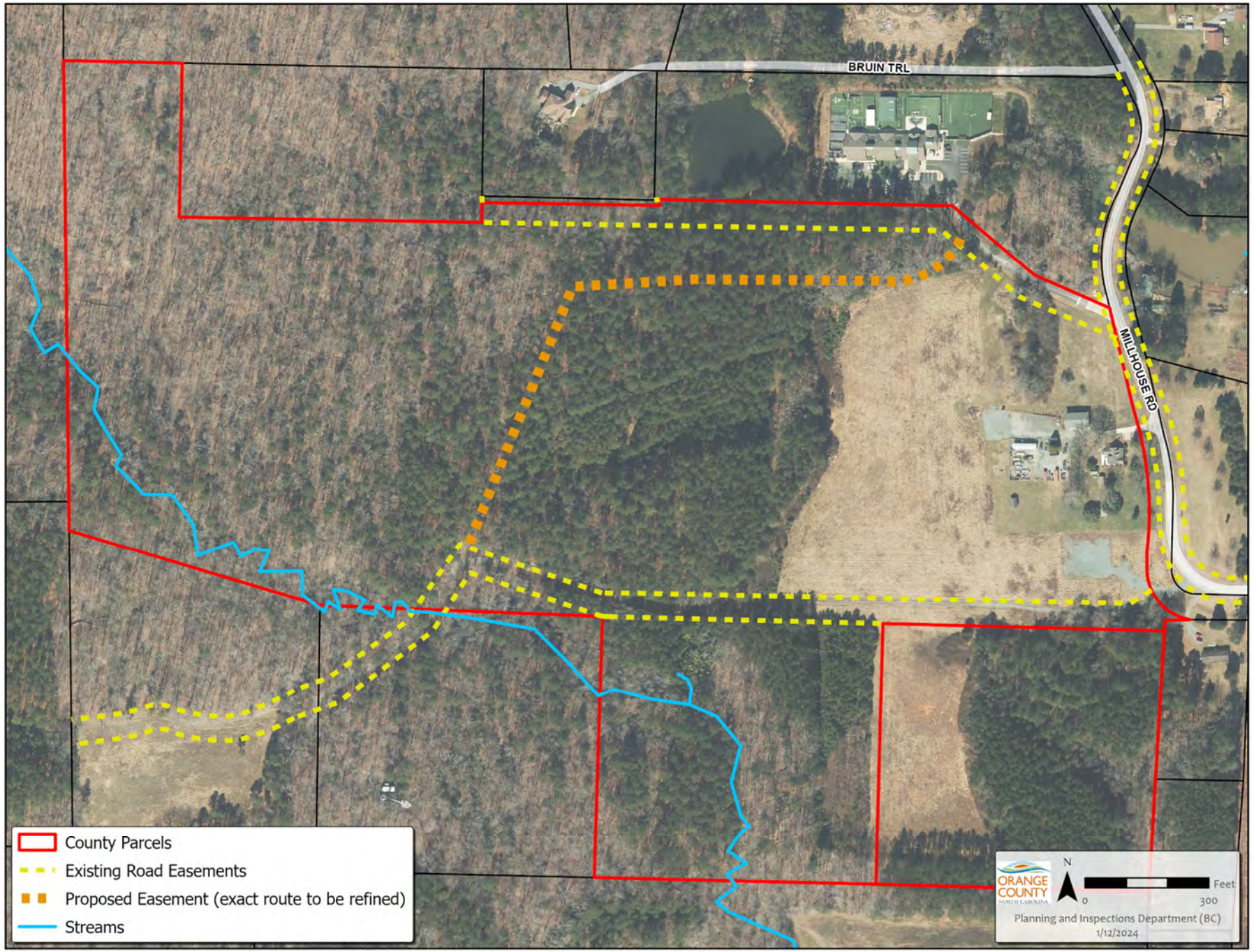
Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2024.

I, Laura Jensen, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2024 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 _____, 2024.

SEAL

_____
Clerk to the Board of Commissioners


BRUIN TRL
MILLHOUSE RD
County Parcels
Existing Road Easements
Proposed Easement (exact route to be refined)
Streams
ORANGE COUNTY
NORTH CAROLINA
N
0
300
Feet
Planning and Inspections Department (BC)
1/12/2024

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Return to: Enviroptek, 1111 Oberlin Rd., Raleigh, N. C. 27605

NORTH CAROLINA
ORANGE COUNTY

DRAFTED BY: Edward B. Kirk, Orange County Planning Department

COUNTY OF ORANGE

ORANGE COUNTY **NORTH CAROLINA**

SPECIAL USE PERMIT

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned G.T.E. Mobilnet, 1100 Perimeter Park Drive, Suite 101, Morrisville, North Carolina, 27560, having applied to Orange County for a Special Use Permit for the use and development of the property hereinafter described, the same was granted by Orange County on January 9, 1995, the terms of which are as follows:

NAME OF PROJECT:	G.T.E. Mobilnet, for the purpose of erecting a 180' cellular communications tower and a 312 square foot equipment building.
TYPE OF SPECIAL USE:	Class B Special Use Permit
NAME OF PROPERTY OWNER:	E. M. Blackwood and Julia Blackwood
NAME OF DEVELOPERS:	G.T.E. Mobilnet

DESCRIPTION OF PREMISES

LOCATION:	A private road approximately 1480 feet west of Mill House Road (SR 1725).
TAX MAP REFERENCE:	Chapel Hill Township, Tax Map 19, Lot 24F 9871-50-3254
DESCRIPTION OF PROPERTY:	All of the 10.01 acres indicated as Tract 3 shown on the plat and survey by Stephen E. Wilson, Registered Land Surveyor, entitled Property of Eugene Blackwood and Julia Blackwood and recorded on Plat Book 43, Page 86, of the Orange County Registry, hereinafter referred to as "the property".

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NORTH CAROLINA
ORANGE COUNTY

SPECIAL TERMS AND CONDITIONS

The Board of Adjustment of Orange County approved granting a CLASS B SPECIAL USE PERMIT on January 9, 1995 applicable to the property. The project subject to this SPECIAL USE PERMIT is described above and shown on the Site Plan by Envirotek dated December 15, 1994. G.T.E. Mobilnet will place a 180' cellular communications tower and a 312 square foot eqipment building on the property. The terms herein contained are binding on the present owners and lessees and their successors in title and in interest until the expiration of this permit and any extension of its expiration date, until such time as this permit is otherwise changed by government action.

The 180' cellular communications tower, the equipment building and all other site improvements shall be constructed in accordance with the Site Plan dated December 15, 1994 and all impact and safety commitments shall be as contained in the narrative statement of the project all of which are incorporated herein and made a part of this Special Use Permit. Copies of the final site plan and supporting documentation are on file in the Orange County Planning and Inspections Department. Except as detailed on the Site Plan, the property will remain and be maintained in its natural condition. The condition of approval is as follows:

1. Prior to obtaining a building permit, an application on form 7460-1 must be approved by the Federal Aviation Administration.

2. Existing vegetation shall be maintained as indicated on the site plan.

3. The height of the tower may not exceed 180 feet.

4. The 180 foot fall down radius, as indicated on the site plan must be located entirely within the 10.01 acre tract.

5. Per agreement of G.T.E. Mobilnet, G.T.E. Mobilnet shall provide and lease space on the tower permitted by this Special Use Permit to at least one other user, on a commercially reasonable basis, provided the other user(s) use of the tower does not unreasonably interfere with the operation of G.T.E. Mobilnet facility (tower). G.T.E. Mobilnet shall have the burden of establishing commercial unreasonability and unreasonable interference.

NORTH CAROLINA
ORANGE COUNTY

IN WITNESS WHEREOF, Orange County has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned being all of the property owners of the property above described, have executed this instrument in evidence of their acceptance of said Special Use Permit as a covenant running with the land.

ATTEST

(SEAL)

BEVERLY A. BLYTHE
CLERK TO THE BOARD OF
COMMISSIONERS

ORANGE COUNTY

JOHN M. LINK, COUNTY MANAGER

ACCEPTED AND APPROVED AS TO FORM:

CORPORATE SEAL

G.T.E. Mobilnet

[SEAL]
~~President~~/Vice President
G.T.E. Mobilnet

ATTEST:
Asst. Secretary

[SEAL]
E. M. Blackwood

[SEAL]
Julia Blackwood

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NORTH CAROLINA
ORANGE COUNTY

I, Kathleen C. Baker, a Notary Public in and for said County and State do hereby certify that John M. Link, Jr. County Manager of Orange County, and Beverly B. Blythe, Clerk to Board of Commissioners, personally appeared before me and duly sworn says each for himself that he knows the corporate seal of the County of Orange and that the seal of the County of Orange was affixed to the document by Beverly A. Blythe, Clerk to the Board of Commissioners and that they subscribed their names thereto; that the corporate seal of the County of Orange was affixed by virtue of a resolution of Board of County Commissioners, and that said instrument is the act and deed of the County of Orange.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the 24 day of January, 1995.

KATHLEEN C. BAKER NOTARY PUBLIC ORANGE COUNTY, N.C.

Kathleen C. Baker
Notary Public

My commission expires: 12/22/98

NORTH CAROLINA
ORANGE COUNTY

I, Sonya R. Dutton, Notary Public for said County and State, certify that Philip L. Forbes personally came before me this day and acknowledged that he is Assistant Secretary of G.T.E. Mobilnet, a corporation, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal, and attested by himself as its Assistant Secretary.

Witness my hand and official seal, this the 14th day of February, 1995.

SONYA R. DUTTON NOTARY PUBLIC DOUGLAS COUNTY, GA.

(Official Seal)

Sonya R. Dutton
Notary Public

Notary Public, Douglas County, Georgia
My Commission Expires June 25, 1995

My commission expires _____, 19___.

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NORTH CAROLINA
~~ORANGE~~ COUNTY
Durham

I, Cheryl H. Myers, a Notary Public in and for said County and State do hereby certify that E. M. Blackwood and Julia Blackwood personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 31st day of January, 1995.

Cheryl H. Myers
Notary Public

My commission expires: 5-14-96

State of North Carolina-Orange County
The foregoing certificate(s) of Kathleen C. Baker, Sonya R. Dutton & Cheryl H. Myers
~~A Notary~~ (Notaries) Public for the Designated Governmental units ~~is~~ (are) certified to be correct. See Filing certificate herein.
This the 17th day of February A.D. 19 95

Betty June Hayes
Register of Deeds

By: Linda C. Clayton
Assistant/Deputy
Register of Deeds

FILED
17 FEB 1995, at 10:42:12AM
Book 1327, Page 132 - 136
Betty June Hayes,
Register of Deeds,
Orange County, N. C.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-a

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

ATTACHMENT(S):
Draft Minutes (Under Separate Cover)

INFORMATION CONTACT:
Laura Jensen, Clerk to the Board, 919-245-2130

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

BACKGROUND: In accordance with 153A-42 of the General Statutes, the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

Attachment 1: February 6, 2024 Business Meeting
Attachment 2: February 15, 2024 Work Session

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

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

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

RECOMMENDATION(S): The Manager recommends the Board approve minutes as presented or as amended.

DRAFT

MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
BUSINESS MEETING
February 6, 2024
7:00 p.m.

The Orange County Board of Commissioners met for a Business Meeting on Tuesday, February 6, 2024, at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

COUNTY COMMISSIONERS PRESENT: Chair Jamezetta Bedford, Vice-Chair Sally Greene and Commissioners Amy Fowler, Jean Hamilton, Earl McKee, Phyllis Portie-Ascott, and Anna Richards
COUNTY COMMISSIONERS ABSENT: None.
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)

Chair Bedford called the meeting to order at 7:00 p.m. All commissioners were present.

1. Additions or Changes to the Agenda

Chair Bedford dispensed with reading the public charge.

2. Public Comments (Limited to One Hour)

a. Matters not on the Printed Agenda

Terri Buckner said in the information item from Orange County Planning staff, Chapel Hill's zoning and stormwater regulations as urban, and the County's as rural. She said that observation fails to recognize that the area under concern for WASMPBA extension is neither urban nor rural. She said there are both farms and suburban neighborhoods and it is a transition area without infrastructure and community services to support high density development. She said building out that infrastructure will not fall to Chapel Hill alone and Orange County and Carrboro will be forced to support that growth in one way or another. She said cost estimates to the county cannot be done until there is a plan in place so why open the area to sewer without the plan. She said bringing in water and sewer and opening the area to high density development without a plan is the antithesis of sustainable development. She said it conflicts with the county's own Climate Action Plan among other plans. She reminded the Board that the county has already had to buy out three homes in Heritage Hills due to nuisance flooding, which arises from past planning decisions that did not anticipate climate change by allowing construction in watersheds and floodplains. She said that further destruction of currently functional watershed, which is less than 10% impervious surface, will exacerbate the effects of the nuisance flooding events. She said two homes in Heritage Hills have experienced flooding within the past 30 days, forecasting the probability that more homes will need to be condemned down the line. She said a recent report from a group of UNC researchers claims that new housing construction in flood prone areas has contributed to increased risks across NC despite community and government efforts to reduce flood damage. She said the report further claims that due to climate change and development within watersheds and floodplains, the technical BMPs are not working. She said Chapel Hill has stated that WASMPBA must be changed before they can put zoning in place, OWASA said the zoning must be in place before they can accurately estimate the cost and design of the new sewer lines, and Orange County staff claims that University Lake won't be affected,

but residents are completely helpless to protect their homes and safety without the BOCC's resistance.

Catherine Vaughan thanked the Commissioners for their responses to an email she sent earlier in the week. She said she applauds the decision to have a crisis diversion facility in the community and reflects humanity and pragmatism. She said she is concerned that her neighborhood is being enclosed by development. She asked the Board to consider helping to preserve the residential character of the Waterstone at Harmony community by minimizing intrusion from development around the neighborhood. She said she would like for there to be sufficient setback, a substantial wooded buffer so that lights will not come into residential windows at night and would also like to see perimeter fencing.

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 McKee petitioned the Board to instruct staff or the Broadband Task Force to identify solutions that would extend broadband to the areas that have been identified and would not otherwise receive service in Lumos's current plans.

Commissioner Hamilton said she attended the Central Pines Regional Council Open House and board meeting. She said this council is an important regional governmental body that encourages collaboration between participating counties and helps tax dollars go further. She said Central Pines recently won a $3.9 million grant to study EV charging stations and help create a national standard to enhance reliability. She said she also attended an Alliance Health board meeting and encouraged residents to apply for vacancies on the board. Lastly, she said she attended the Durham Technical Community College Board of Trustees meeting and update and the Go Triangle Special Tax Board meeting.

Vice-Chair Greene said she attended the Orange County Democratic Party meeting at Carol Woods last Sunday which recognized Chapel Hill Town Council Member Theodore Nollert's efforts to organize the student vote for the fall election. She said she appreciates Commissioner McKee's petition and joined him and Commissioner Portie-Ascott at the Caldwell Community Center for another Lumos community presentation. She said on Saturday, she and Commissioner Richards represented the Board at the Orange County Extension and Community Association, which dates to the home demonstration groups of the early 20th century. She said the Association is a group of women who used to do canning and quilting, and they now raise money and give goods and services to nonprofits in the community. She shared that one member has been part of the group for 65 years.

Commissioner Fowler petitioned staff to bring forward an Ordinance that would preclude tobacco, vape, and hemp shops within 1000 feet of schools and parks. She said she would also like the county to serve as a resource to municipalities so they may adopt similar ordinances, which is vital for them to have any real impact. She said she has reached out to elected officials in Hillsborough, Carrboro, and Chapel Hill with this request. She said County Attorney John Roberts anticipated this issue and has been delineating a course of action. Further, she said this topic has been discussed by Health Director Quintana Stewart and the Board of Health Equity Committee, who agree it is worthwhile. She said surrounding counties and municipalities in Wake, Alamance, Durham, and Chatham have already or are looking into adopting similar ordinances. She shared some statistics regarding tobacco use and vaping, including that usage among NC high school students has increased over 1000% since 2011 and that NC has the second highest rate of youth vaping in the country. She shared that 4 local Orange County youth met with Senator Tillis to discuss substance use prevention. She said there are things that will have to be addressed by the state, but a county ordinance is something that can be done on a local level. Commissioner

Fowler also shared that she attended a DCHC MPO orientation, the Durham Tech Board of Trustees meeting, and the Board of Health and its Equity subcommittee meeting.

Commissioner Richards said in addition to Black History Month, February is also "Love Your Heart" month. She recognized the graduates of Phoenix Academy who held a graduation on January 26th. She also attended the Burlington-Graham MPO meeting, Partnership for Young Children meeting, and the ABC Board meeting. She encouraged residents to attend a Comprehensive Land Use Plan input session.

Commissioner Portie-Ascott said she attended the opening reception for First Fridays at the Eno Arts Mill. She said she was amazed by the number of people in attendance, especially young people. She said there were two artists that she was very impressed with and shared details of their work. She also mentioned that the Orange County Partnership to End Homelessness completed the Point-In-Time Count on January 31st, which allows them to submit data to HUD about people experiencing homelessness in Orange County. Finally, she said she attended the JCPC meeting, and the number of school-based complaints has decreased by more than 50% since May.

Chair Bedford said she represented the Board at the Eno River Association special meeting where they were doing some strategic planning and getting input from members on ideas to protect the Eno River. She said that every month there is a fifth Wednesday, there is a joint meeting with Wake County's MPO and they are already beginning the work for the MTP 2055. Chair Bedford said the Piedmont Food Processing Center Board met last Friday and it was a good meeting. She said she also attended an informal meeting with Senator Meyer about plans for the UNC coal plant should the railroad become available for another purpose in the future. Finally, she said she attended the Behavioral Health Task Force meeting on Monday, and they are working on trying to illustrate time saving and financial saving from the planned Crisis Diversion Facility.

4. Proclamations/ Resolutions/ Special Presentations

a. <u>Presentation of Annual Comprehensive Financial Report for FYE 6/30/2023</u>

The Board received the Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2023.

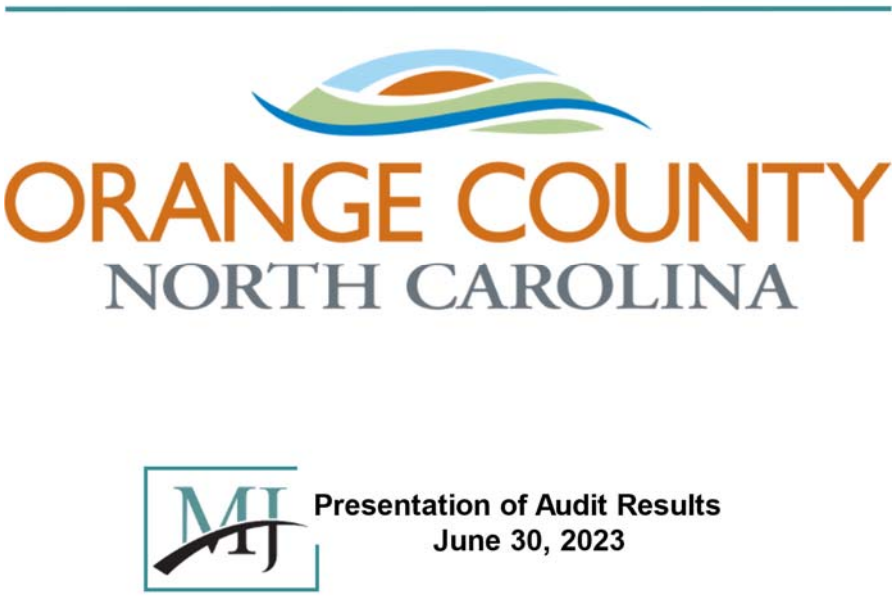
BACKGROUND: The ACFR reports on all financial activity of the County for the fiscal year July 1, 2022 through June 30, 2023. Mauldin and Jenkins, LLC, a firm of Certified Public Accountants, audited the financial statements. The financial statements and audit are required by Chapter 159-34 of the North Carolina General Statutes. The County prepares an Annual Comprehensive Financial Report (ACFR) that meets the standards set by the Government Finance Officers Association (GFOA). The ACFR is submitted to the GFOA in order to be awarded the Certificate of Achievement for Excellence in Financial Reporting. The financial report for the Orange County Sportsplex, as required under the management contract, is included in the County's ACFR.

The County received an unmodified (clean) audit opinion on the financial statements received from the audit. The financial audit results indicate compliance with County financial policies. The Chief Financial Officer and representatives of Mauldin and Jenkins, LLC will cover highlights of the Report and answer any questions.

Gary Donaldson, Chief Financial Officer, introduced Tim Lyons and Chad Jackson from Mauldin and Jenkins, LLC. In general, he said that the county continues to have very strong financial results.

Tim Lyons made the following presentation:

Slide #1



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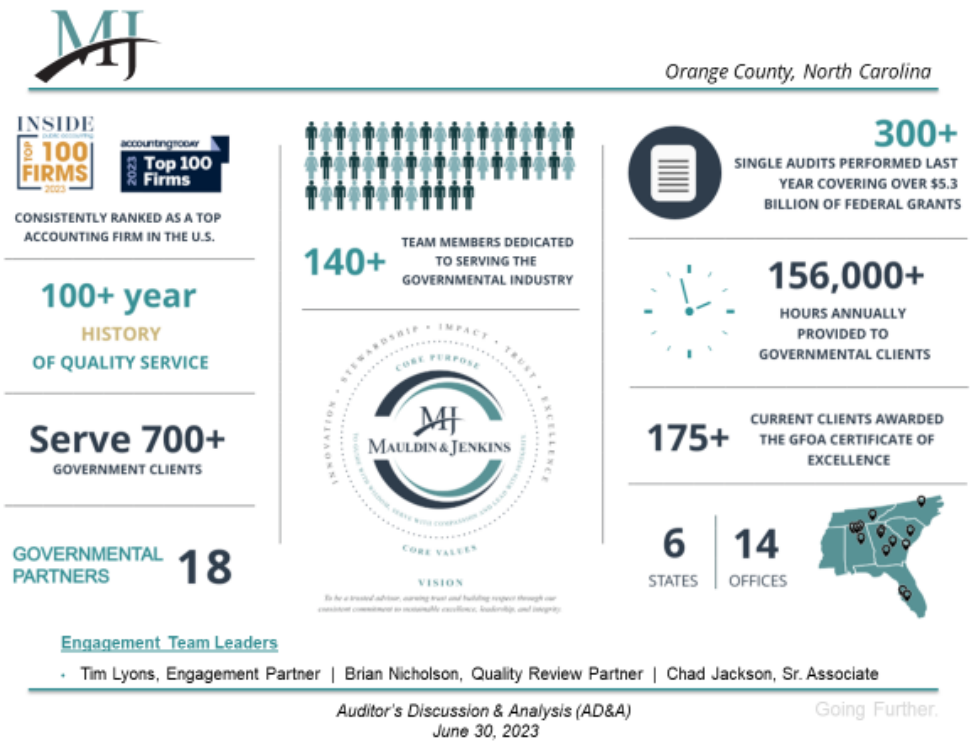
Slide #3



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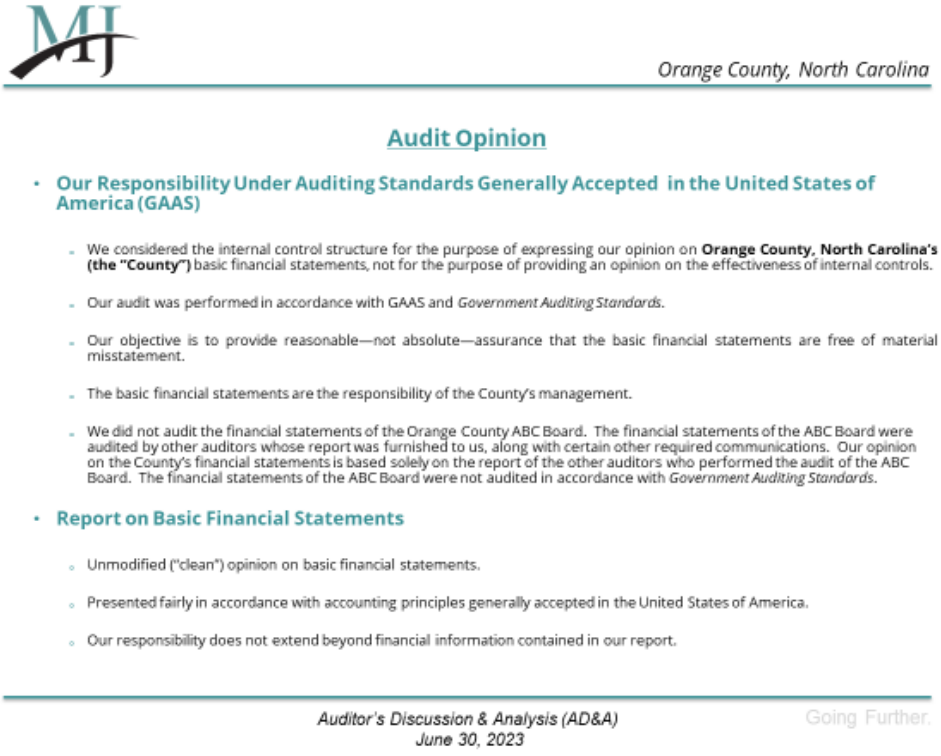


Slide #5

Orange County, North Carolina

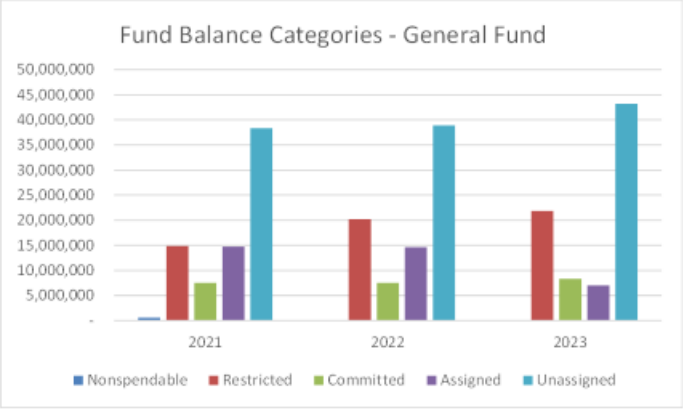
Compliance Report and Audit Scopes & Procedures

- ***Government Auditing Standards*** **("Yellow Book") Report**
  - The financial report package contains a report on our tests of the County's internal controls and compliance with laws, regulations, etc. The report is not intended to provide an opinion on internal controls nor is it intended to provide a legal determination on the County's compliance with applicable laws and regulations.
  - This report and the procedures performed are required by *Government Auditing Standards*.
- **Compliance Reports**
  - We were required to perform Single Audit procedures on six (6) major programs (4 Federal and 2 State of North Carolina programs).
  - We issued a report on the County's federal programs in accordance with the Uniform Guidance. That report contained an unmodified opinion on compliance.
  - We issued a report on the County's state programs in accordance with the State of North Carolina Single Audit Implementation Act. That report contained an unmodified opinion on compliance.

Slide #6

Orange County, North Carolina

Financial Trends – Composition of Fund Balance



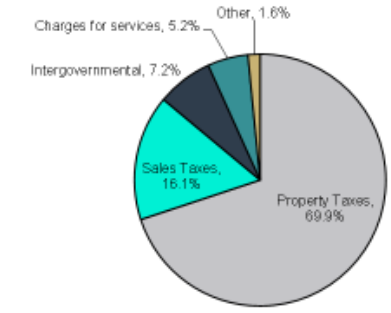
Trends from 2022 to 2023

- 2022 Fund Balance: $81.3M
- 2023 Fund Balance: $80.4M
- Increase to unassigned fund balance of approximately $4.4 million – mostly related to the decrease in assigned (appropriated in subsequent period).
- Increase to restricted fund balance of approximately $1.6M.
- Unassigned fund balance as of June 30, 2023, is 17.2% of General Fund + Debt Svc. Fund expenditures.

Slide #7

Orange County, North Carolina

Financial Trends – General Fund Revenue



	2023	2022	Diff
Property Taxes	188,249,567	181,453,366	6,796,201
Sales Taxes	43,396,780	37,996,379	5,400,401
Intergovernmental	19,363,115	20,573,198	(1,210,083)
Charges for services	14,035,772	13,755,859	279,913
Other	4,195,050	2,719,876	1,475,174
	269,240,284	256,498,678	12,741,606

Auditor's Discussion & Analysis (AD&A)
June 30, 2023

Going Further.

Tim Lyons said the decrease in Intergovernmental revenue category can be attributed to "COVID-funding" expiring.

Slide #8

Orange County, North Carolina

Financial Trends – General Fund Expenditures

	2023	2022	Diff	% age
Community services	14,595,312	13,205,403	1,389,909	6%
General government	13,103,299	10,770,606	2,332,693	5%
Public safety	33,434,999	27,822,848	5,612,151	13%
Human Services	38,758,538	39,736,328	(977,790)	15%
Education	97,969,758	94,916,033	3,053,725	39%
Support services	11,805,338	12,461,128	(655,790)	5%
Debt service (*)	41,750,825	43,304,765	(1,553,940)	17%
	251,418,069	242,217,111	9,200,958	100%

**** Debt service expenditures includes approximately $21.7 million of principal and interest payments on school-related debt for the fiscal year ended June 30, 2023. When the balance of those payments is added to non-debt service, total expenditures for education total approximately $119.7 million or 48% of total General Fund + Debt Service Fund expenditures.***

Auditor's Discussion & Analysis (AD&A)
June 30, 2023

Going Further.

Slide #9

Financial Trends – Proprietary Funds

Solid Waste Enterprise Fund

	2023	2022	Change
Operating revenues	$ 11,001,798	$ 11,337,901	$ (336,103)
Operating expenses	9,430,416	10,019,577	(589,161)
Operating income	1,571,382	1,318,324	253,058
Unrestricted net position	9,696,271	7,645,336	2,050,935
Operating cash flow	1,277,803	4,209,250	(2,931,447)
Overall cash flow	(502,536)	2,169,292	(2,671,828)

SportsPlex Enterprise Fund

	2023	2022	Change
Operating revenues	$ 4,769,351	$ 3,835,429	$ 933,922
Operating expenses	4,117,559	3,897,155	220,404
Operating income	651,792	(61,726)	713,518
Unrestricted net position	647,736	344,385	303,351
Operating cash flow	1,116,326	977,972	138,354
Interfund transfers	-	790,000	(790,000)
Overall cash flow	374,190	1,160,769	(786,579)

Slide #10

Required Communications

- **Significant Accounting Policies**
  - Management is responsible for the selection and use of appropriate accounting policies.
  - The significant accounting policies used by the County are described in Note 1 to the basic financial statements.
  - During the current year, the County implemented Governmental Accounting Standards Board (GASB) Statement No. 96, *Subscription-Based Information Technology Arrangements*.
  - The policies used by the County are in accordance with generally accepted accounting principles.
  - In considering the qualitative aspects of its policies, the County is not involved in any controversial or emerging issues for which guidance is not available.
- **Management Judgment/Accounting Estimates**
  - Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events.
  - The County uses various estimates as part of its financial reporting process – including actuarial assumptions.

Slide #11

Required Communications (Continued)

- **Relationship with Management**
  - We received full cooperation from the County's management and staff.
  - There were no disagreements with management on accounting issues or financial reporting matters.
- **Management Representation**
  - We requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us.
- **Consultation with Other Accountants**
  - To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.
- **Significant Issues Discussed with Management**
  - There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.

Slide #12

Required Communications (Continued)

- **Audit Adjustments**
  - Several adjustments were required during the conduct of the audit; these adjustments have been provided to management and they have provided us with representations that the adjustments have been posted to the County's general ledger.
  - We did not have any passed audit adjustments.
- **Financial Statement Disclosures**
  - The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part of our audit.
- **Information in Documents Containing Audited Financial Statements**
  - Our responsibility for other information in documents containing the County's basic financial statements and our report thereon does not extend beyond the information identified in our report. If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. You must also provide us with a copy of the final reproduced material for our approval before it is distributed.
- **Auditor Independence**
  - In accordance with AICPA professional standards, M&J is independent with regard to the County, its component unit, and its respective financial reporting processes.

Slide #13

Audit Finding

- **2023-001 Reporting of Employee Costs to NCDHHS**
  - In our testing of employee costs charged to the Medicaid and SNAP programs, we noted four (4) total instances (three (3) out of forty (40) for Medicaid and one (1) out of forty (40) for SNAP) where the employee's day sheet (where time is tracked by service code in 6-minute increments) included more time than the employee's approved timesheet for the week.
  - No questioned costs noted.

Management Points (Recommendations)

- **Capitalization Thresholds for Right-to-Use Assets**
  - Over the last two (2) fiscal periods, the County was required to implement the provisions of two (2) new accounting standards (GASB Statement No. 87, *Leases* and GASB Statement No. 96, *Subscription-based Information Technology Arrangements*) that have significantly changed the way local governments account for leasing activities and information technology (IT) contracts. These new standards have created a new class of asset that is recorded in the County's statement of net position known as a "right-to-use" asset. Similar to capital assets, these right-to-use assets are capitalized and amortized over the life of the underlying agreement(s) or underlying asset's useful life (whichever is shorter). We recommend the County adopt a capitalization threshold for recording right-to-use assets in the same way that the County has a capitalization threshold for recording tangible capital assets. Establishing a threshold will make it easier for the County to more efficiently evaluate agreements that could give rise to the recording of right-to-use assets and eliminate what could be time spent on items that are immaterial to the County's financial statements.

Slide #14

Management Points (Recommendations)

- **County Reimbursement for Sales Taxes Paid**
  - During our testing of the amounts received by the County from the North Carolina Department of Revenue (NCDOR) during the fiscal year ended June 30, 2023, we noted the County did not receive a reimbursement of sales taxes previously paid. Based on our discussion with management of the County, the NCDOR submittal is normally a part of year-end processing that has been delayed such that the County has not received these funds from NCDOR yet. Management is in the process of preparing the application for reimbursement that is required to be sent to NCDOR before the funds are released. Additionally, we have noted that management has implemented additional internal controls to ensure this is not overlooked during the annual closeout process in future fiscal years.

- **Accounting for Special Revenue Funds**
  - During our review of the County's financial statements, we noted the DSS Payee Fund did not have any revenue or expenditure activity for the fiscal year under audit. Based on our review of the general ledger activity, it appears the County is still accounting for this fund as if it was still a custodial fund of the County where all amounts are received as cash and offset with a corresponding liability. With the change in accounting standard that was brought about by GASB Statement No. 84, *Fiduciary Activities*, this fund was reclassified to a special revenue fund in previous years and should be reflecting the inflows it receives during the fiscal year as revenues and conversely, the outflows as expenditures. Due to the fact that the activity for the fiscal year ended June 30, 2023, was not material, an audit adjustment to reclassify the activity was not required. However, we recommend County staff implement additional internal controls or additional annual closeout procedures to the ensure the amounts are properly recorded in accordance with generally accepted accounting principles (GAAP).

Slide #15

New Accounting Pronouncements

- **New GASB Pronouncements for Future Years**
  - **Statement No. 101, *Compensated Absences*** was issued in June 2022 and is effective for fiscal years beginning after December 15, 2023, which means the County's fiscal year ended June 30, 2025.

- **Current / Pending Major GASB Projects**
  - **Re-Examination of the Financial Reporting Model.** GASB has added this project to its technical agenda to make improvements to the existing financial reporting model (established via GASB issued Statement No. 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability.
  - **Revenue and Expense Recognition** is another long-term project where the GASB is working to develop a comprehensive application model for recognition of revenues and expenses from non-exchange, exchange, and exchange-like transactions.
  - **Going Concern Uncertainties and Severe Financial Stress** is major project where the goal is to address issues related to disclosures regarding going concern uncertainties and severe financial stress. This technical topic is being examined by the GASB due to a wide diversity in practice regarding required presentation on the face of the financial statements, disclosures, etc.
  - **Disclosures Related to Capital Assets** is a project the GASB added to its agenda this year as a result of the new class of assets ("right-to-use" assets) from the new standards (GASB 87, 94 and 96). The exposure draft proposes new guidance regarding the disclosure of certain items related to capital assets.

Slide #16

Govt. Clients – Free Quarterly Continuing Education

- **Since March of 2009 – For Over 12 Years !!**
  - Mauldin & Jenkins provides free quarterly continuing education for all of our governmental clients. Topics are tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking and knowledge sharing among our governmental clients. We normally see approximately 180 people per quarter. Examples of subjects addressed in the past few quarters include:

- Accounting for Debt Issuances
- Achieving Excellence in Financial Reporting
- Best Budgeting Practices, Policies and Processes
- Budget Preparation
- ACFR Preparation (two (2) day hands-on course)
- Capital Asset Accounting Processes and Controls
- Collateralization of Deposits and Investments
- Component Units
- Cybersecurity Risk Management
- Evaluating Financial and Non-Financial Health of a Govt.
- Financial Report Card – Where Does Your Govt. Stand?
- Financial Reporting Model Improvements
- GASB Nos. 74 & 75, OPEB Standards
- GASB No. 77, Tax Abatement Disclosures
- GASB No. 84, Fiduciary Activities
- GASB Projects & Updates (ongoing & several sessions
- Human Capital Management
- Grant Accounting Processes and Controls
- Internal Controls Over Accounts Payable, Payroll and Cash Disbursements
- Internal Controls Over Receivables & the Revenue Cycle
- IRS Issues, Primarily Payroll Matters
- Legal Considerations for Debt Issuances & Disclosures
- Policies and Procedures Manuals
- Segregation of Duties
- Single Audits for Auditees
- Special Purpose Local Option Sales Tax (SPLOST)
- Accounting, Reporting & Compliance
- Uniform Grant Reporting Requirements and the New Single Audit

Slide #17

Slide #18

Commissioner Portie-Ascott asked what the consequence is for the audit finding.

Tim Lyons said NCDHHS may come to investigate the issue further, but as far as the audit is concerned, it does not rise to the level of a material weakness and would just continue to be a single audit finding if remained unchanged in the future.

Commissioner Fowler asked if money given to Sportsplex is being paid back to the county.

Bonnie Hammersley said yes and indicated that will be reflected in the current budget year.

Commissioner Hamilton asked about the unrestricted net position in the Solid Waste enterprise fund.

Tim Lyons said in enterprise funds there are assets, liabilities, and net positions. He said the net positions are what is leftover. In proprietary funds there are multiple classes of net position, and the one that is not shown there is net investment and capital assets, which is what is left over after deducting liabilities from assets, but some of what's left is tied up in capital assets and is not available for spending. He said unrestricted net position is what is left after considering those types of costs, so essentially current assets available to be spent on the operation.

Commissioner Hamilton said that is helpful to point out because there looks to be a negative cash flow in 2023, but in fact there is a higher unrestricted net position meaning there is capacity to deal with those changes and flows.

Tim Lyons explained that the negative cashflow has to do with change in pension and OPEB liabilities.

Chair Bedford asked about the $5,000 capitalization limit. She said it seems like a small dollar amount.

Tim Lyons said in a county Orange County's size, $5,000 does seem low for a tangible asset. He said it would be okay to leave it at that level, for tangible assets, but would recommend the threshold for leases and SBITAs to be higher because otherwise immaterial leases and SBITAs will have to be tracked and that is not helpful or useful information in the financial statements.

Chair Bedford thanked the auditors and the Finance Department for their work.

5. Public Hearings

None.

6. Regular Agenda

a. Approval of a Professional Services Contract with Thomas & Hutton Engineering to Provide Civil Design Services for a Greene Tract Master Plan and Approval of Budget Amendment #5-A

The Board received a historical perspective on activities related to the development of the Greene Tract; discussed and considered approving a new design services proposal to create a development Master Plan for the Greene Tract; and considered approving Budget Amendment #5-A to provide for the total cost of the project.

BACKGROUND: The Greene Tract is located east of the Rogers Road community within the Town of Chapel Hill's extra-territorial jurisdiction (ETJ). Of the 164-acre parcel, 104 acres is jointly owned by Orange County/Chapel Hill/Carrboro and 60 acres is owned by Orange County (Headwaters Preserve). Over the last 20+ years, the three jurisdictions have invested significant resources to identify and support the goals for the Greene Tract as a resource for the Rogers Road community and the residents of the two towns and Orange County, all of which can be found on the County's dedicated Greene Tract project page and dynamic StoryMap, but featuring the following:

- In 2006, the Town of Chapel Hill initiated and led a Rogers Road Small Area Plan Task Force with the Greene Tract partners, resulting in a final report in March 2009;
- In 2012, the Historic Rogers Road Neighborhood Task Force led its own small area planning efforts, resulting in a final report in September 2013;
- In July 2015, the Jackson Center co-led the Mapping Our Community's Future Report with the Historic Rogers Road Community, which was completed in May 2016;
- In June 2016, Orange County purchased 60 acres for preservation from the Solid Waste Enterprise Fund ("Headwaters Preserve");
- At the 2016 Assembly of Governments (AOG) Meeting, a suggestion was raised to ask the elected officials of the three jurisdictions to participate in discussions on the Greene Tract;
- In 2017, staff examined a potential reconfiguration of the jointly-owned tract and the County-owned tract for the purposes of environmental preservation, potential affordable housing development, and a possible school site;
- Between 2018 and 2019, the three jurisdictions considered multiple iterations of a joint resolution for the development of the Greene Tract and accompanying Conceptual Plan;
- Between 2019 and 2020, the three jurisdictions discussed and approved the Greene Tract Resolution for a Path Forward and Interlocal Agreement, identifying land use acreages for the Greene Tract, initiating staff to seek professional services to conduct an environmental assessment, and initiating the drafting of an Interlocal Agreement between the three jurisdictions to provide a decision-making process for the three jurisdictions moving forward;
- In April 2020, Orange County contracted with SynTerra to complete the Greene Tract Environmental Assessment, to be delivered in July 2020;
- In 2021, the Interlocal Agreement (ILA) between Orange County and the Towns of Carrboro and Chapel Hill Regarding the Current and Future Use of the Jointly Owned Greene Tract was executed by all three parties. Among other commitments, it directed staff from all three jurisdictions to work in good faith to "develop a work plan that includes, among other things, a decision point timeline regarding development" of the Greene Tract;
- In November 2021, the three local governments adopted a resolution approving a conceptual plan, which identified land uses and acreages to be used as schematic for future planning purposes, including the development of a Master Plan. The 45 acres with frontage on Purefoy Drive and Lizzie Lane were identified for "Development" and the 16 acres with frontage on Merin Road were identified as "Public School and Recreational Site"; and
- At its November 14, 2023 meeting, the Orange County Board of County Commissioners approved a contract for Gensler and VHB to provide community engagement services to support and realize the Greene Tract Master Plan, with the understanding that a second firm would partner with these consultants and the Greene Tract owners to provide the civil design services for this project.

In January 2023, a staff work group operating at the direction of the ILA identified the need to separate the master planning needs for the Greene Tract into professional design services and community engagement services, allowing trained professionals to focus on the respective deliverables and allowing the planning staffs to coordinate their efforts. This would allow the community engagement efforts to focus on a shared vision and mission for the design professionals to utilize in the delivery of a master plan that recommends development footprints, designs, and intensities for this acreage, as directed by the 2021 Greene Tract ILA.

Request For Qualifications (RFQ) Process of Evaluation

In July 2023, Orange County issued a RFQ to identify a qualified consultant to provide Design Services for the Greene Tract Master Plan on behalf of Orange County and the two Towns.

Six Statements of Qualifications were received and evaluated by the proposal review committee composed of Orange County, Town of Chapel Hill, and Town of Carrboro Planning staff. The committee evaluation was based on the following criteria:

1. Past performance of the lead consulting firm on similar planning projects of similar size and scope
2. Adequate and experienced staff and proposed team for the project
3. Current workload and firm capacity
4. Strategy for providing required services
5. Understanding of the area where the project is located and scope of services.

Based on the evaluation process, the review committee requested proposals from and interviewed two of the firms, and unanimously recommends Thomas & Hutton Engineering Co. (T&H), for contract award. T&H is a respected and established multidisciplinary firm in the southeast, with 15 locations in Georgia, South Carolina, Tennessee, and North Carolina, including the office in Research Triangle Park that houses the primary staff for this project. T&H merged with Coulter Jewell Thomas in 2022, bringing all principal staff featured in the proposal to T&H. The principal management staff for this project has done work in Orange County, the Town of Chapel Hill, and the Town of Carrboro, including the 2009 Rogers Road Small Area Plan for the Town of Chapel Hill, designing the Homestead Road Residential Community, and leading the engineering and design for the Morgan Creek Greenway Master Plan and Implementation Plans.

Summary of Project Scope and Approach

Orange County Planning staff negotiated the scope of services and budget with T&H, as reflected in the Letter Agreement of Services (Attachment 1). The T&H proposal is intended to assist Orange County, the Town of Carrboro, and the Town of Chapel Hill with civil design services to create a Greene Tract Master Plan. The intention of both the Greene Tract owners and T&H is to deliver a conceptual plan that can be utilized to define and directly inform a site plan for entitlement with the Town of Chapel Hill to develop the Greene Tract consistent with the terms established by the 2021 Interlocal Agreement including commitments to Public Engagement, Affordable and Mixed Income Housing and other uses, a School Site with Public Recreation, Connectivity, and a Development Agreement; and the 2021 Resolution that affirmed land use needs and goals to promote mixed-income housing opportunities; preserve environmental features; protect historical and cultural resources; promote cost-effective infrastructure; incorporate school and recreation sites; and earmark development areas for mixed income housing and mixed use potential.

The design services project features four primary services:

1) Project Coordination and Management, including all data collection and collaboration with the Community Engagement consultant, Gensler;

2) Master Planning – Housing, Recreation and Community support/service center, including the preparation of an executive summary and two (2) “Conceptual Master Plans” for presentation and feedback, that shall feature:

    a. Residential uses (focus on affordable housing and mixed income housing);
    b. Non-residential uses (focus on low intensity commercial and services uses);

c. Community support uses;
d. Open space and recreation;
e. Landscaping and buffering; and
f. Utilities;

3) Master Planning – School and Recreation Site, including an executive summary and an elementary/flex school site feasibility and suitability assessment for use by the Chapel Hill-Carrboro City Schools; and

4) Connectivity Framework, including an assessment of Prepare a transportation connectivity exhibit, a professional opinion of probable construction costs, and an estimation of likely impacts to the existing transportation network.

Both Gensler/VHB and T&H are obligated to work cooperatively on this project, and, while contracted to Orange County, understand that the commitment is to provide a Greene Tract Master Plan that is agreeable to the Town of Carrboro and the Town of Chapel Hill as well.

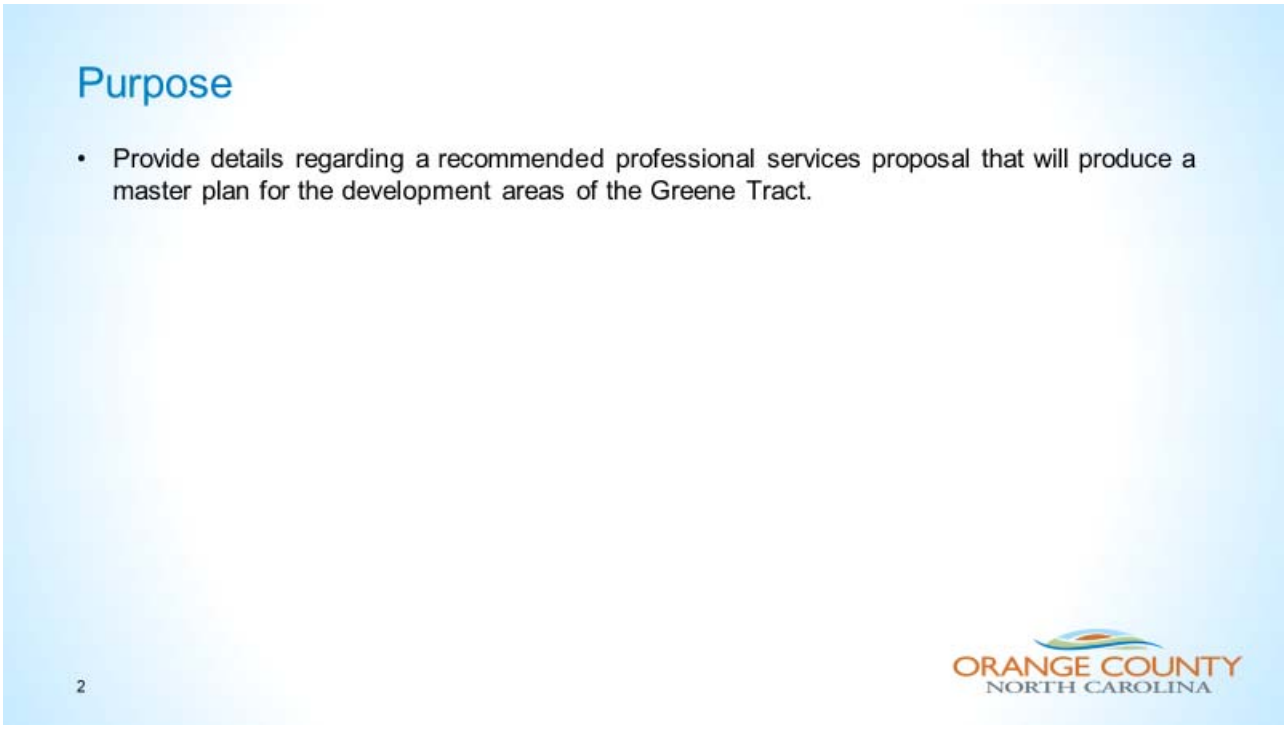
Project Presentation: The consultant will be required to provide biweekly updates to Orange County, participation at up to four meetings/workshops, and presentation at a joint meeting of the three owners and governing bodies, as well as other meetings Orange County directs it to attend. Other community stakeholders represented in both the 2021 Greene Tract ILA and on the Steering Committee may be invited to participate and comment at such meetings, at the discretion of the property owners.

T&H requested modifications to the standard allocation of risks within the contract. Planning & Inspections Director Cy Stober negotiated terms deemed acceptable, but the contract now utilizes the American Institute of Architects' professional standards for both ensuring expediency of services rendered and standards of care, specifies what products may be used by the County beyond the project's scope, and alters Orange County's indemnification protections. The County Attorney's Office has reviewed and authorized for the contract to move forward for Board consideration as proposed.

Cy Stober, Planning & Inspections Director, made the following presentation:

Slide #1

Slide #2



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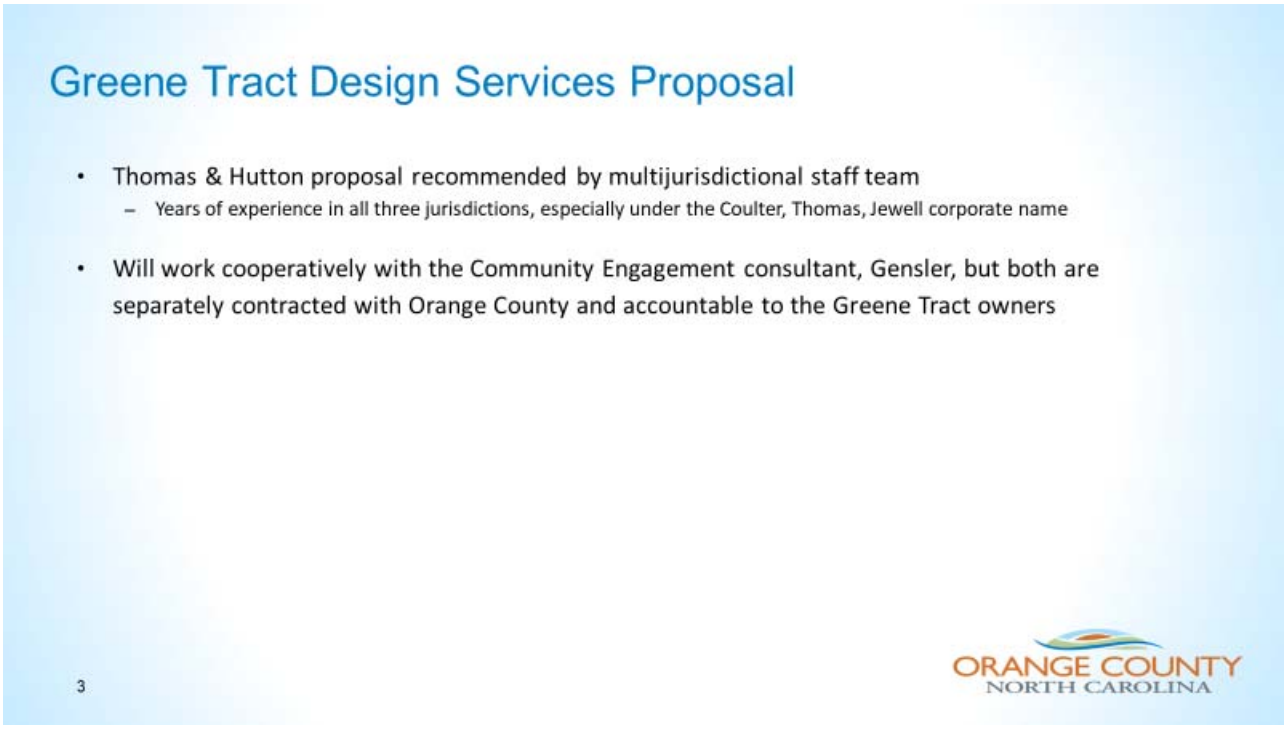


Slide #4

Slide #5

Cy Stober said there were 6 proposals and out of them all, Thomas & Hutton is the preferred vendor.

Slide #6

Slide #7

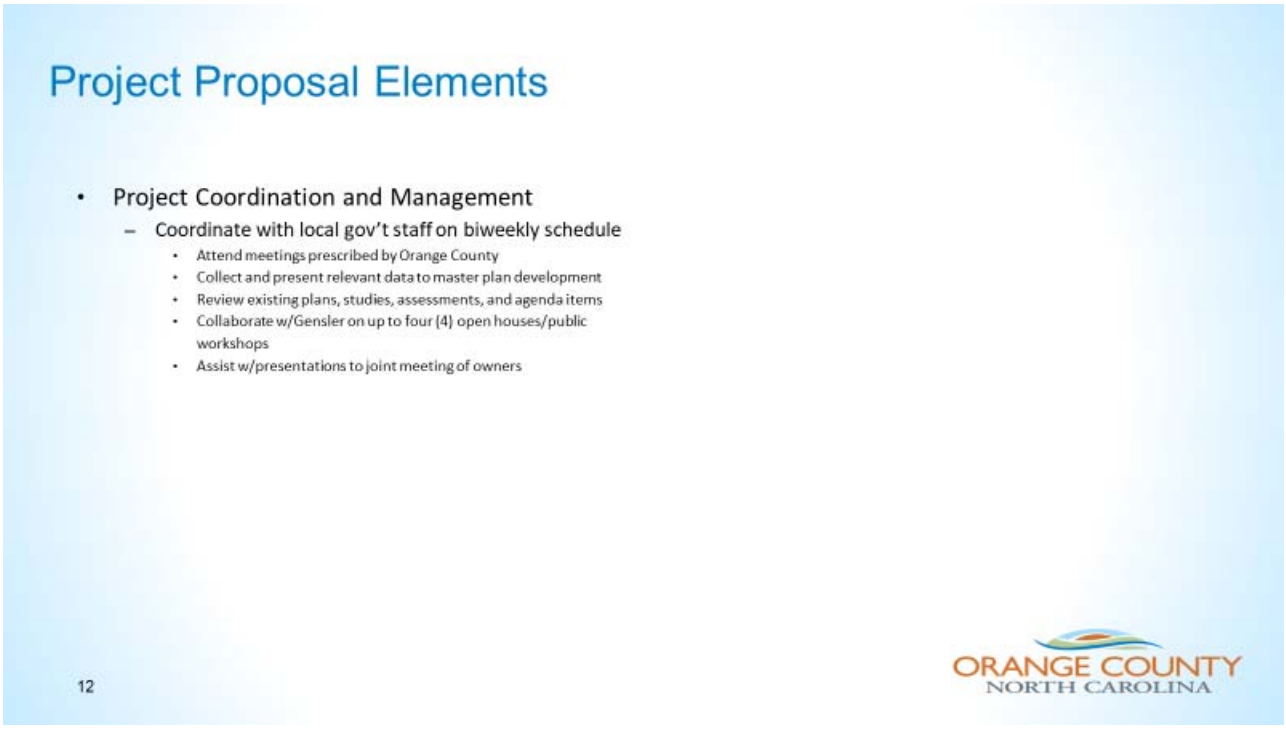
Slide #8

Slide #9

Slide #10

Slide #11

Slide #12



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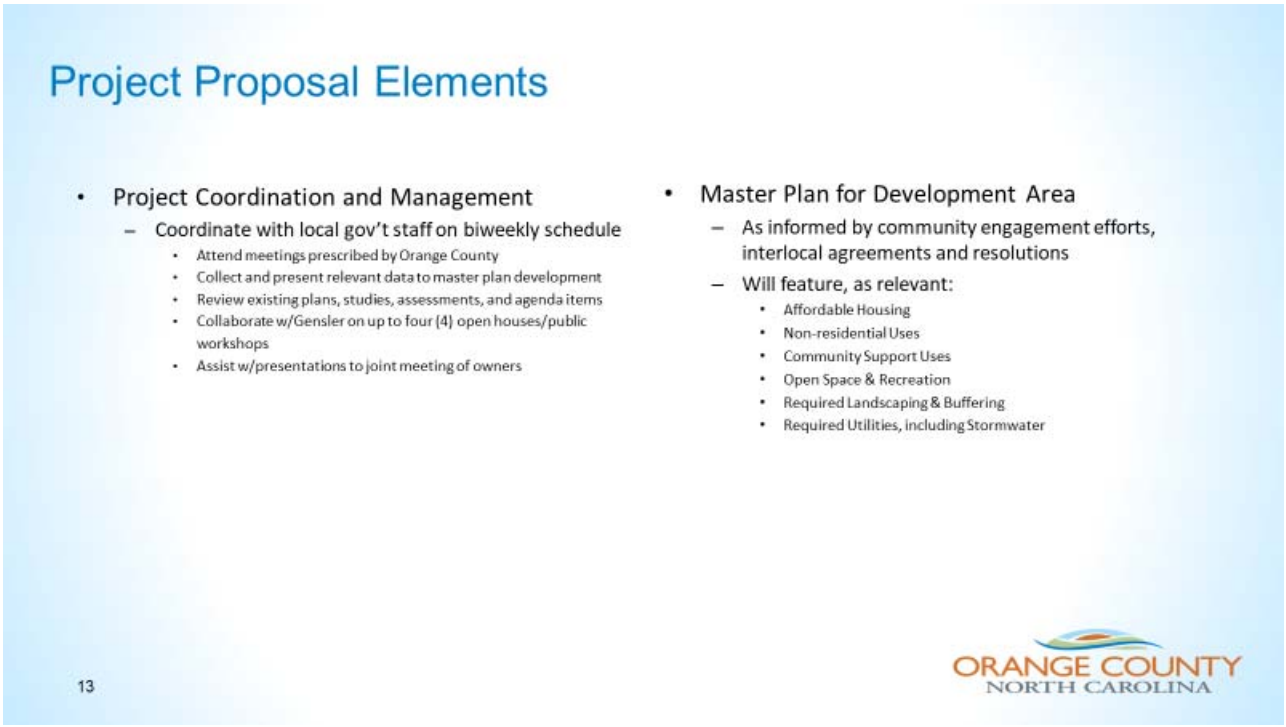
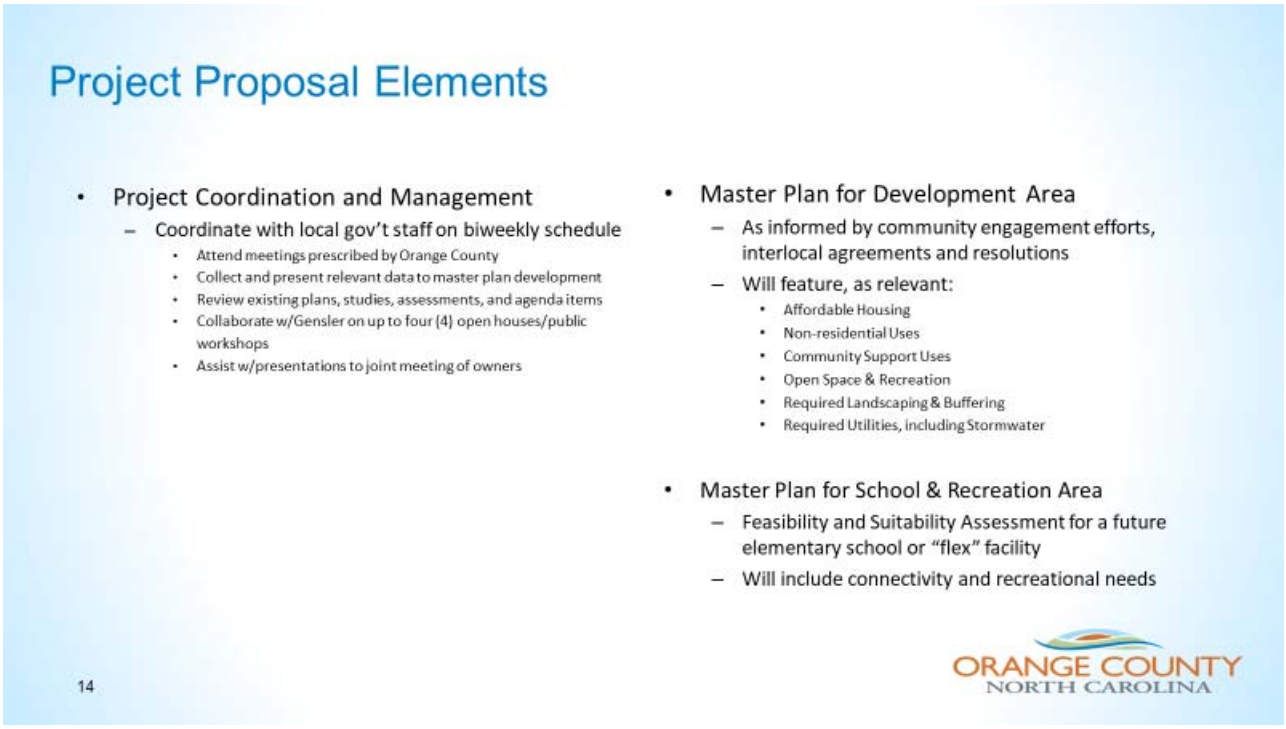


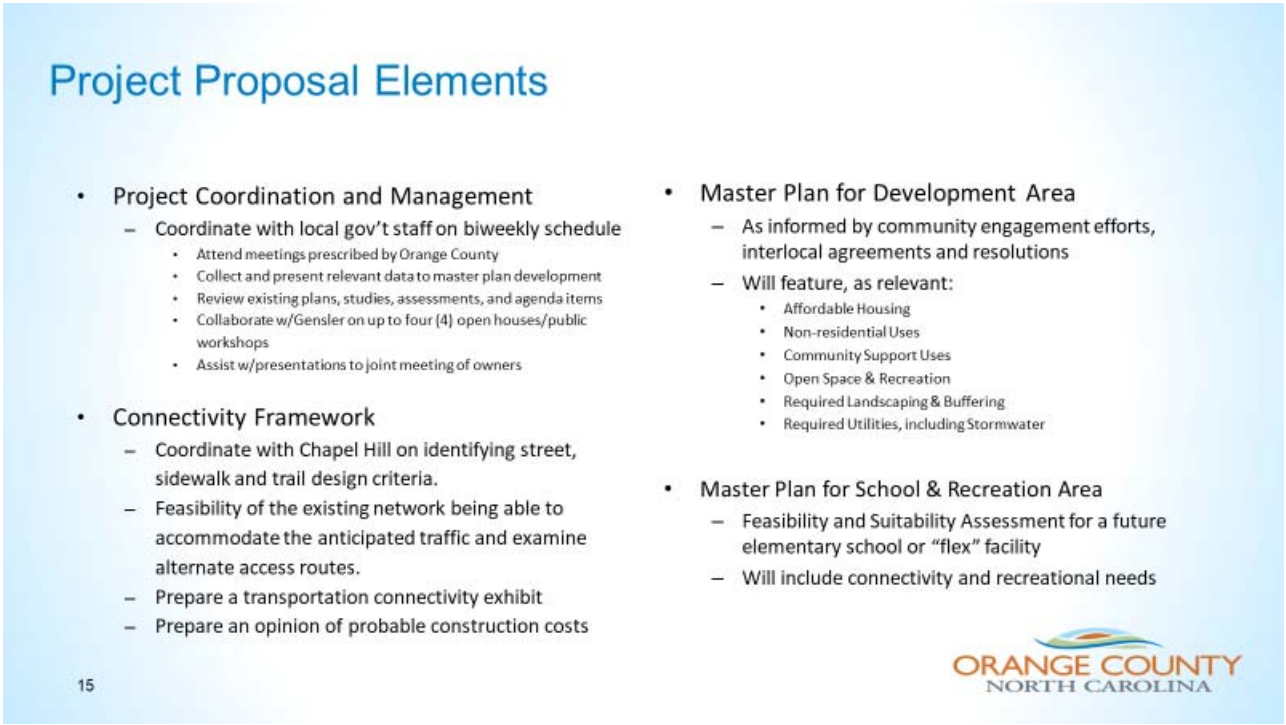
Cy Stober said they will not have a pre-engineered stormwater pond, but the areas will be included.

Slide #14



Cy Stober said that the Chapel Hill- Carrboro City Schools is a key stakeholder and there will be a master plan for school and recreation areas.

Slide #15



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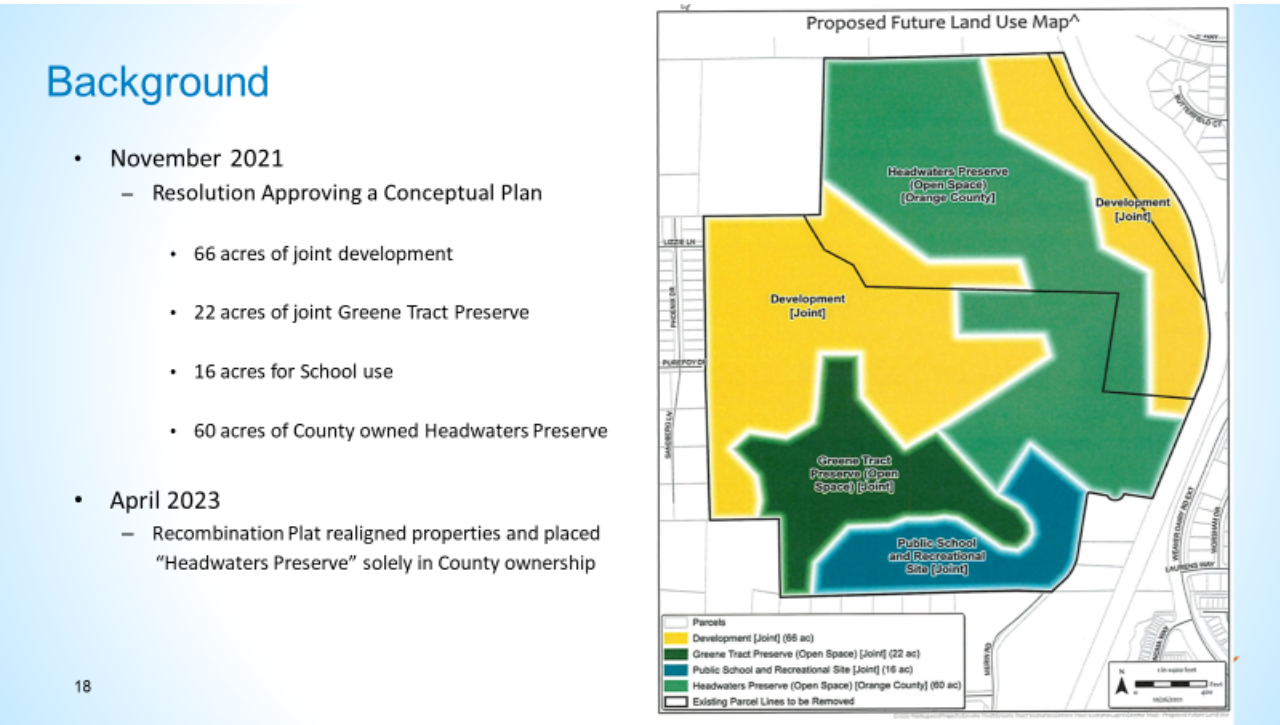
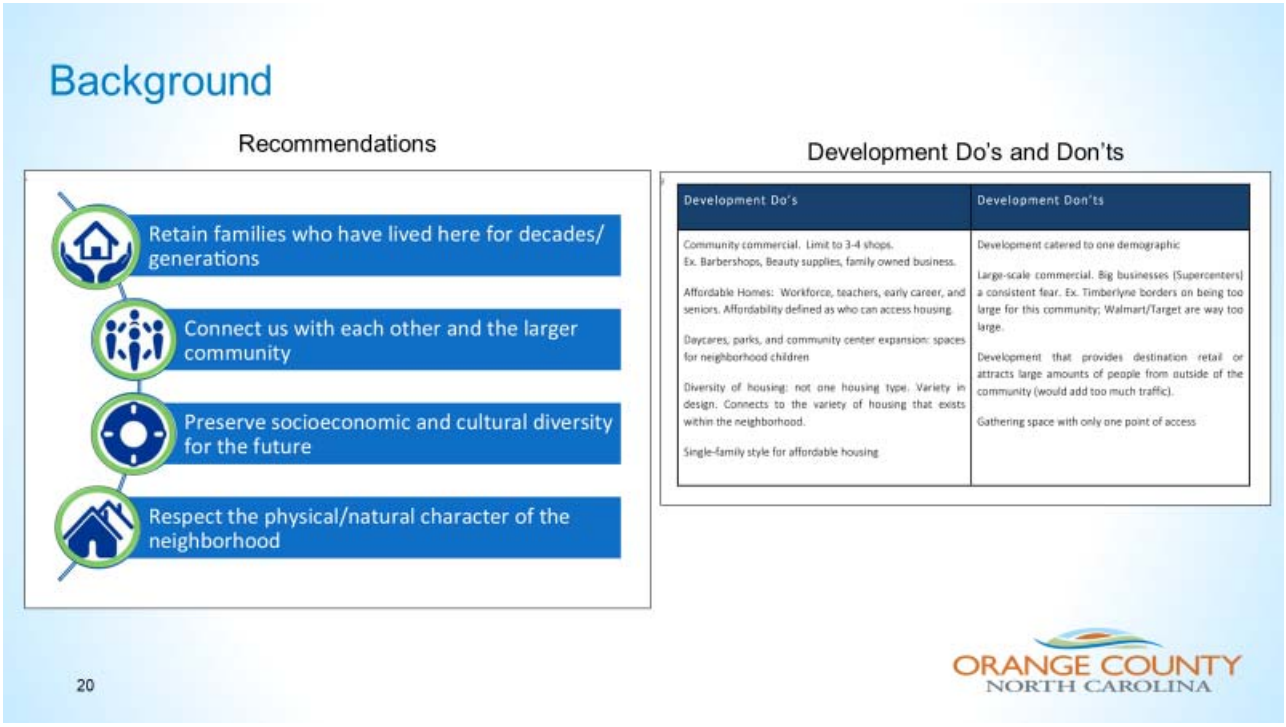


Cy Stober said the black lines are the old property lines and that the Headwaters Preserve is now fully in the county.

Slide #19

Cy Stober said that previous planning has been regional.

Slide #20



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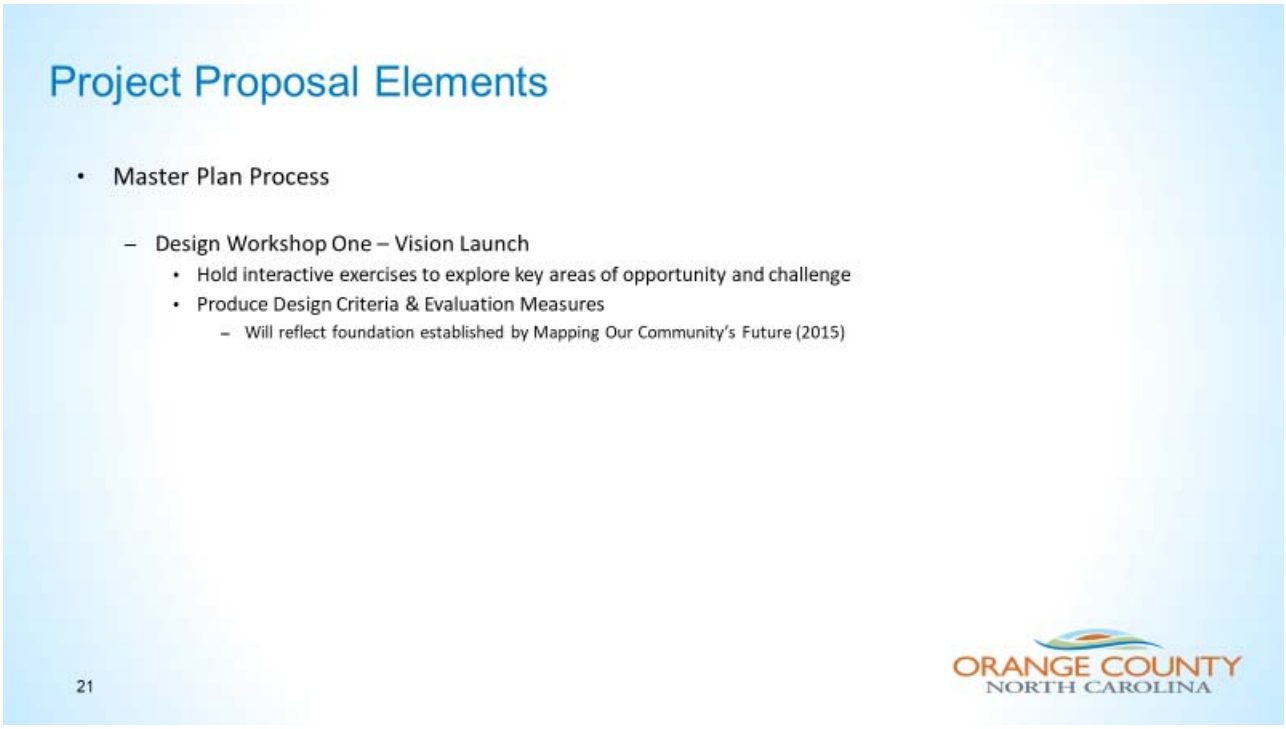

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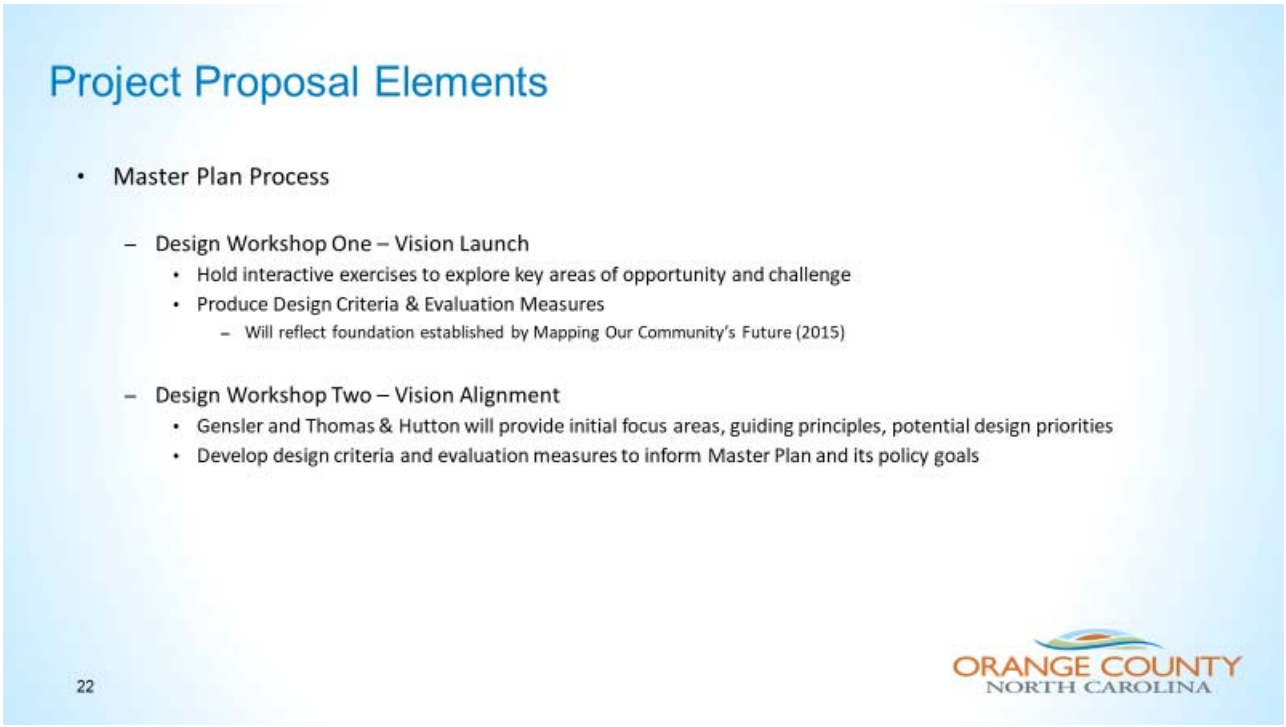

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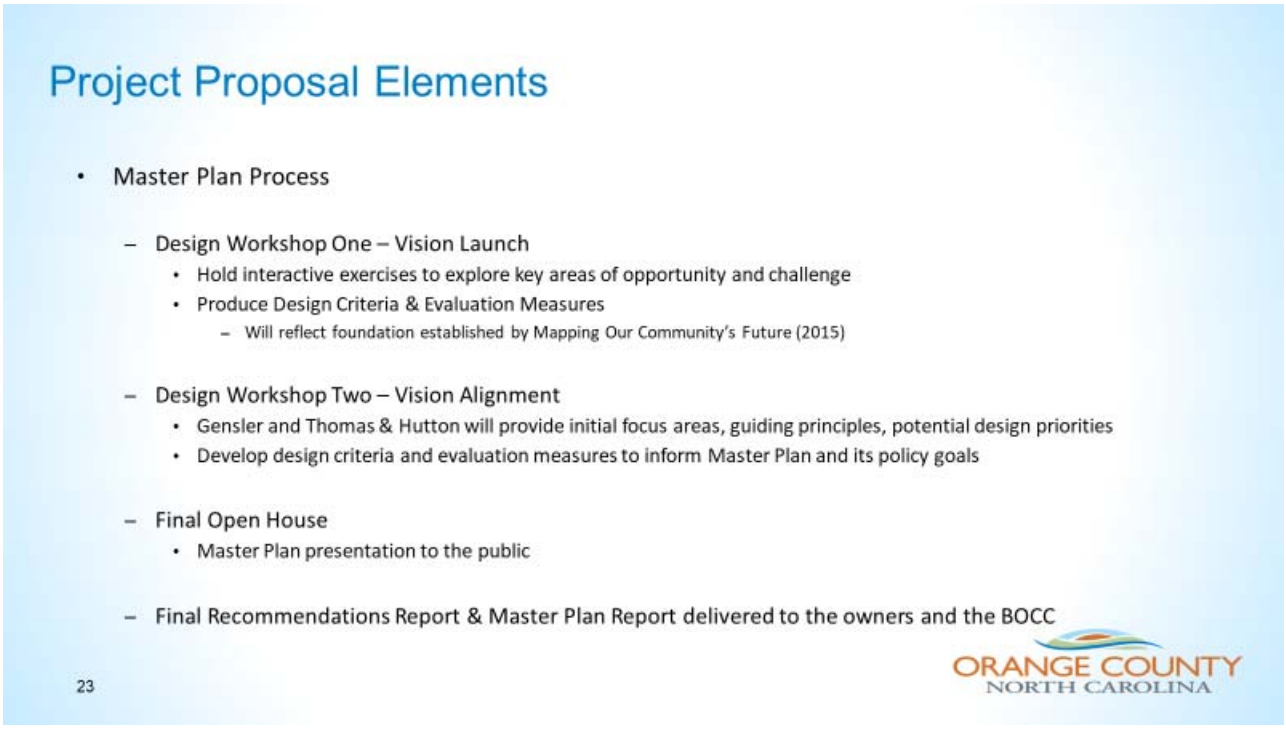

Slide #24

Slide #25

Recommended Scope & Cost

- Recommend Design Services Scope - $155,000
  - Project Coordination & Management
    - Attendance at Design Workshops/Open Houses
    - Presentation to the Greene Tract Owners
    - Biweekly Meetings with Staff
    - Coordination with Gensler
    - 10-month Project Timeline
  - Master Plan – Development Area
  - Master Plan – School & Recreation Site
  - Connectivity Framework

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ORANGE COUNTY NORTH CAROLINA

Slide #26

Recommended Scope & Cost

- Recommend Design Services Scope - $155,000
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- Cost Allocation
  - Orange County (43%) $66,650
  - Town of Chapel Hill (43%) $66,650
  - Town of Carrboro (14%) $21,700

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ORANGE COUNTY NORTH CAROLINA

Slide #27

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- Cost Allocation
  - Orange County (43%) $66,650
  - Town of Chapel Hill (43%) $66,650
  - Town of Carrboro (14%) $21,700
- FY24 Greene Tract Budget: $367,000
- Greene Tract Total Contract Services: $399,800
  - Gensler/VHB: $244,800
  - Thomas & Hutton: $155,000

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ORANGE COUNTY NORTH CAROLINA

Slide #28

Recommended Scope & Cost

- Recommend Design Services Scope - $155,000
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- Cost Allocation
  - Orange County (43%) $66,650
  - Town of Chapel Hill (43%) $66,650
  - Town of Carrboro (14%) $21,700
- FY24 Greene Tract Budget: $367,000
- Greene Tract Total Contract Services: $399,800
  - Gensler/VHB: $244,800
  - Thomas & Hutton: $155,000
- Budget Amendment 5A: $32,800
  - Orange County (43%) $14,104
  - Town of Chapel Hill (43%) $14,104
  - Town of Carrboro (14%) $4,592

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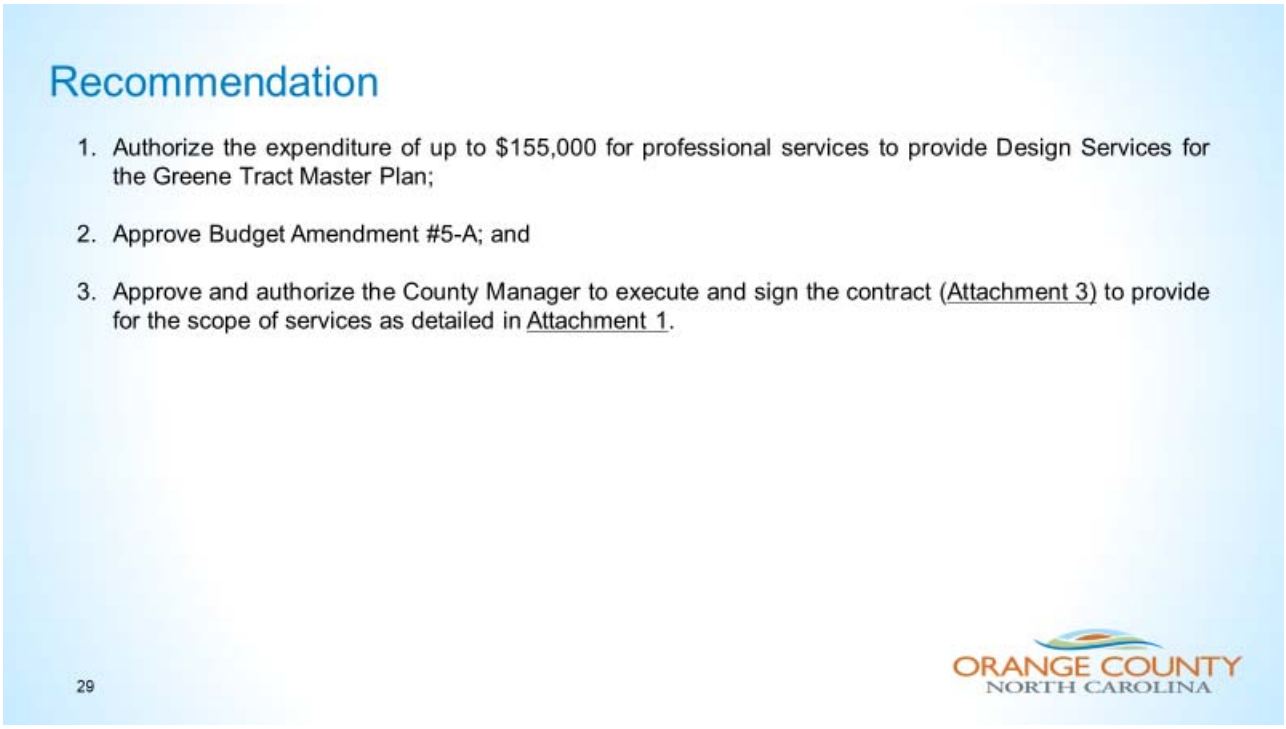
ORANGE COUNTY NORTH CAROLINA

Slide #29



Slide #30

Commissioner Richards asked if this is a regular step in a development process or if this is something that is taking a different direction. She asked about the need for this step.

Cy Stober said this is a required step for a concept plan for a development in Orange County. He said there is a question to be answered by the owners about the preferred path forward. He said that detail has not been defined, but this is a critical step to get to the next level.

Commissioner Hamilton asked what the timeline is for finishing this work.

Cy Stober says this will take 10 months.

Chair Bedford said we are a little behind but cautioned not to schedule things in July.

Vice-Chair Greene said she appreciates this proposal and that over the years there have been discussions about the potential for small scale commercial development in this area. She asked if this master plan leaves room for this to be revisited.

Chair Bedford asked what a pattern book is.

Dan Jewell said it is a collection of design elements and details that would be seen as aspirational for the community.

PUBLIC COMMENTS:

Reverend Robert Campbell said it is important for Thomas and Hutton to come on board. He said more conversation focused on what is actually possible to fit on the land is important. He said he has worked with consultants before, and some things can be implemented, and some cannot. He said they can look at other recent developments for guidance and ideas. He said there is another community engagement meeting this week on this topic.

Chair Bedford said she thinks the connectivity part is critical and fits in with what Reverend Campbell said. She said they need to address how to create a feeling of community in what is developed there.

A motion was made by Commissioner Hamilton, seconded by Commissioner Fowler, to authorize the expenditure of up to $155,000 for professional services to provide Design Services for the Greene Tract Master Plan; approve Budget Amendment #5-A; and approve and authorize the County Manager to execute and sign the contract (Attachment 3) to provide for the Letter Agreement of Services as detailed in Attachment 1.

Commissioner Fowler said she is glad to be moving forward on this. She asked if entrances and exits to a potential future school are being looked at as part of this.

Cy Stober said yes, as well as whether it will be interconnected with the development acreage.

VOTE: UNANIMOUS

7. Reports

a. Presentation of the Draft Solid Waste Master Plan

The Board received a presentation on the Draft Solid Waste Master Plan, consider the recommendations in the Plan, and provide direction to staff regarding which scenario presented in the Plan should be pursued.

BACKGROUND: Orange County issued a Request for Proposals on April 9, 2021 for development of a Solid Waste Master Plan that moves the County to “Zero Waste” by 2045. As approved by the Solid Waste Advisory Group, the overarching goals for the Solid Waste Master Plan and its development have been as follows:

Goal 1. Develop a comprehensive and easily understandable Solid Waste Master Plan, with identifiable action items and a plan summary;

Goal 2. Develop a comprehensive strategy that by 2045 will lead to “Zero Waste,” as defined by the County;

Goal 3. Integrate the Plan's efforts with the ongoing climate action plans of the County, the Municipalities, the University and the University Health Care system.;

Goal 4. Select a sustainable business model that incorporates the financial, social and environmental; including carbon footprint reduction impacts on our community;

Goal 5. Identify future programs, initiatives, facilities, and infrastructure to achieve the "Zero Waste" goal, as defined by the County, while ensuring the long-term financial stability of the County's solid waste and recycling program;

Goal 6. Identify strategies to increase public education and participation in waste reduction and waste diversion programs through awareness of reduction, reuse, recycling and composting; while addressing ordinance and enforcement requirements;

Goal 7. Develop and include an equitable comprehensive public engagement process that effectively includes input by the general public, including groups that historically have been marginalized, and key interest groups, including the municipal and university partners, and keeps the public informed and updated on the process; and

Goal 8. Ensure all proposed programs and policies are in regulatory compliance with local, state and federal requirements.

Six (6) firms responded to the request for proposals, and upon recommendation of staff, the Board awarded the contract to develop the plan to Gershman, Brickner & Bratton, Inc. (GBB).

GBB presented the draft plan to the Solid Waste Advisory Group (SWAG) in November 2023. SWAG recommended the County pursue Scenario Three set forth in the plan.

Robert Williams, Solid Waste Management Director, introduced Jennifer Porter and Chris Lund of Gershman, Brickner, and Bratton.

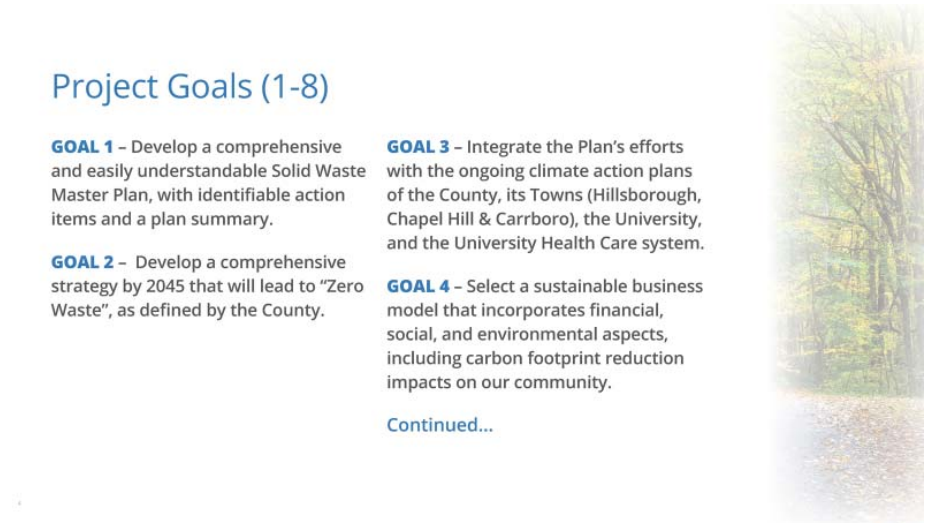
Jennifer Porter made the following presentation:

Slide #1

Slide #2

Slide #3

Slide #4



Slide #5

Project Goals (1-8)

GOAL 5 – Identify future programs, initiatives, facilities, and infrastructure to achieve the Zero Waste goal, as defined by the County, while ensuring the long-term financial stability of the County's solid waste and recycling program.

GOAL 6 – Identify strategies to increase public education and participation in waste reduction and waste diversion programs through awareness of reduction, reuse, recycling, and composting; while addressing ordinance and enforcement requirements.

GOAL 7 – Develop and include an equitable comprehensive public engagement process that effectively includes input by the general public, including groups that historically have been marginalized, and key interest groups, including municipal and university partners, and keeps the public informed and updated on the process.

GOAL 8 – Ensure all proposed programs and policies are in regulatory compliance with local, state, and federal requirements.

Slide #6

GBB Perspective: How to Get to Zero Waste

A *Road to Zero Waste Plan* is guided by the following questions:

- How to prevent, reduce, reuse?
- What to recycle / divert?
- How to collect and process?
- What to do with what is left?
- How to finance?

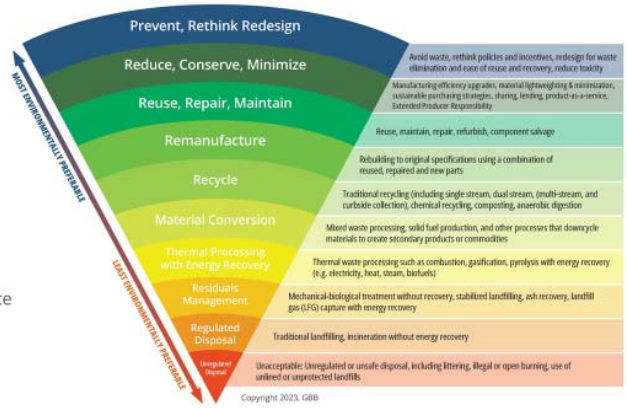
KEY PILLARS OF ZERO WASTE INCLUDE:

1. Reduction/reuse of materials, food capture & distribution, bulky material collection for reuse/donation, store promotion of refill/reuse packaging models
2. Increased recycling: current curbside materials, food scraps, mattresses, electronics, paint
3. Use of a sustainability lens for what is left

Slide #7

Sustainable Materials Management Hierarchy

The SMM Hierarchy tool helps establish preferred management practices for waste materials to prevent waste generation in the first place.



Slide #8

Advance the Circular Economy (CE)

- CE goals: design out waste and pollution, keep products and materials in use and regenerate natural systems.
- Using SMM Hierarchy and the CE Model serves the Road to Zero Waste.
  - Local example: Circular Triangle. An organization in the Triangle region of North Carolina that accelerates a just transition to a circular economy, whose initiatives include a Textile Incubator to encourage keeping clothing in local use. Learn more about the incubator at www.circulartriangle.org.

Slide #9

Zero Waste Plan Must Reflect Community Input

Orange County Public Engagement Activities in 2022

- Solid Waste Advisory Group
- Public Meetings
- Website/Social Media
- Free and Paid Ads (print) and TV Coverage
- Farmers Market Blitz
- Online survey (English, Spanish, Mandarin, Burmese)

Slide #10

Engaging Traditionally Marginalized Community Members

- **PUBLIC SURVEY IN 4 LANGUAGES:** English, Spanish, Burmese, Mandarin.
- **4 COMMUNITY LISTENING SESSIONS** 3 in-person sessions (1 hybrid), 1 virtual session; interpreters available.
- **SIGNAGE & INFORMATIONAL MATERIALS** To reach communities with limited internet access or exposure to news networks in places residents gather or access resources.
- **ADVERTISING SURVEY & PUBLIC MEETINGS** Local media outlets: newspapers, community-based radio, area newsletters and listservs.

Slide #11

Slide #12

Slide #13

Key Factors for a Zero Waste Future in Orange County

- **CHANGE -** We can't achieve zero waste without it.
- **POPULATION GROWTH -** Is projected to increase 18% between 2020 to 2040.
- **TRIANGLE J CONSORTIUM -** The County is collaborating with Triangle J on solid waste issues.
- **RECYCLING COLLECTION -** The County takes over urban recycling collection in July 2024.
- **C&D LANDFILL -** Has 20+ years of life remaining at current fill rate.
  - Diverting more recyclables from C&D material will extend the life of the landfill.
- **CONTROL -** The County currently does not control all aspects of solid waste collection.
  - MSW is currently only collected from WRCs (drop-off sites) and from select government buildings and schools.
  - Food Waste Collection sites are partially dependent upon the Farmers Markets remaining open in their current locations, otherwise they may have to move, which would have a negative impact to program usage.
  - The County can build upon the success of its current food waste collection at restaurants and bars.
- **EUBANKS ROAD DISPOSAL FACILITY -** Has significant limitations at present as well as adjacent community concerns.
  - Future facility investment is critical for County control of materials including MSW.

Slide #14

Current Solid Waste Collection in Orange County (Baseline)

	Tons Now Managed by Orange County	Tons Now Managed by the Towns	Total Tons Now Managed by Orange County & the Towns
MSW	6,816	16,006	22,822
Recycling	16,510	0	16,510
Yard & Food Waste	8,101	5,260	13,361
C&D	23,629	0	23,629
Total:	55,056	21,266	76,322

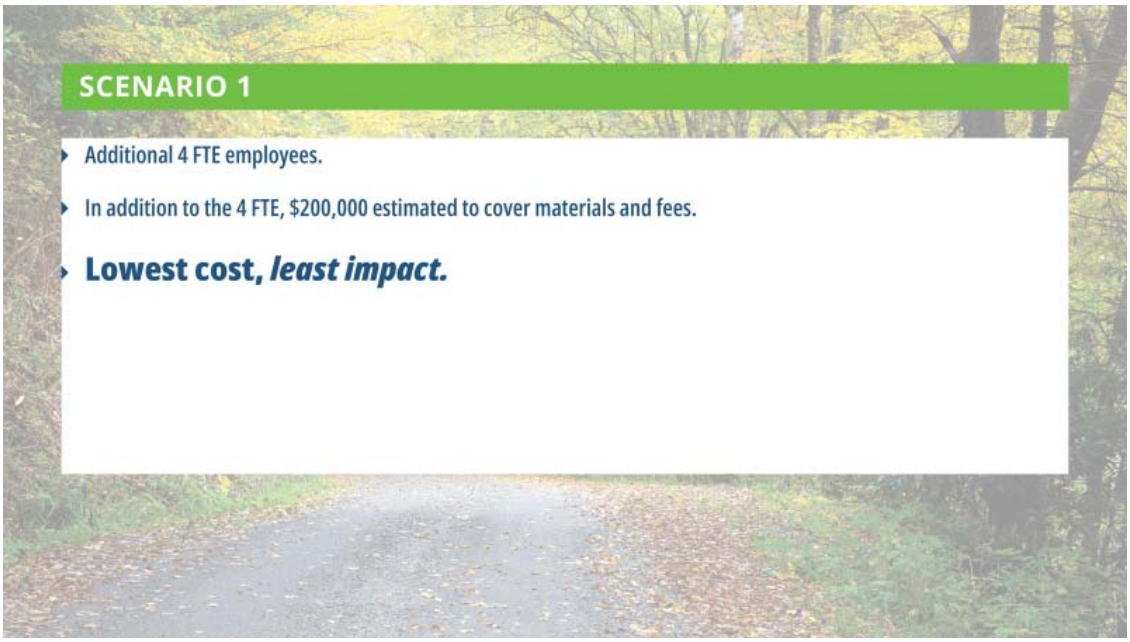
The impact of the *Road to Zero Waste Plan* focuses on increasing recycling plus diversion of yard and food waste tonnages.

KEY POINTS:

1. Based on population waste generation estimates, there should be more MSW attributable to Orange County and the Towns than is captured and processed by them presently because MSW collection is handled by the municipalities and/or under private waste collection and disposal.
   - Recognizing the present limited collection of MSW, the County has the most control over increasing and tracking the diversion of recyclables and yard/food waste.
2. County population growth is projected to be 18% from 2020 to 2040; this will increase waste materials and disposal in the region.
3. If the Road to Zero Waste actions are not undertaken, the 2045 Zero Waste goal will not be achievable.

Slide #15

Slide #16



Slide #17

SCENARIO 1

#	Focus Area	Recommendation	Public Input	Impact on Adjacent Systems	Equity Impact (RE: One Orange Equity Framework)	System Flexibility Over Time	Geographic Coverage Area	Timeline*	Lifecycle of the Project	Impacts all Businesses & Residences?
1	Marketing	Update imagery; Public education & social media; Expand app; Create rallying point	Need improved website/app; prioritize making recycling easy and accessible.	None	Meets	High	Whole County	Quick win	Annually	Yes
2	Marketing	Focus on all language speakers in signage/messaging.	Increased efforts are needed, but more importantly, to make recycling easy.	None	Meets	High	Whole County	Quick win	Annually	Yes
3	Waste Prevention	Raise awareness on reuse and waste prevention.	Desire to put maximum efforts toward preventing waste in the first place.	None	Meets	High	Whole County	Quick win	Annually	Yes
4	Policy	Advocate for more material bans and revise the solid waste ordinance.	Desire to reduce or ban some items in hospitals and schools.	None	Meets	Low	Whole County	Long	One-time	Yes
5	Policy	Create County-level commercial and multifamily recycling requirements.	Mandating commercial & multi-family recycling is a top choice.	None	Meets (w/ more universal-provided & subsidized services for MFB)	Low	Whole County	Medium	One-time	Focuses on Multifamily/ business
6	Partnerships	Innovation partnerships with UNC and UNC health system.	The current system works well but desires to be at the forefront of waste innovation.	None	Meets	High	Whole County	Ongoing	Annually	Yes
7	Waste Prevention	County purchasing for waste prevention and ag-related to food waste.	Prioritized waste prevention above all other activities.	None	N/A	High	Whole County	Short	One-time	Focuses on County business operations
8	Waste Prevention	Consider becoming part of a reuse marketplace.	Most important question: "How should waste be prevented, reduced, or reused?"	None	Meets	Medium	Whole County	Short	One-time	Yes

Environmental Benefits/ Air Quality
(see Appendix for tonnage projections)

Improved:
Low estimate based on EPA:
- Additional 15,000 tons of recycling
- Additional 6,000 tons of organics

Env. Benefits/GHG Avoided

Improved:
- 44,912 MTCO2E avoided
- Equivalent to 10,000 cars taken off the road

Impact on SWPF
(Residential tons only)

$9.66
- 6.8% increase over current $142/year

Slide #18

SCENARIO 2

Note: Scenario 2 assumes all recommendations from Scenario 1 are implemented.

- Includes New Recommendations
- Additional 2 FTE employees.
- Additional $500,000 estimated to cover materials and fees.
- **Medium cost, *bigger impact.***

Slide #19

SCENARIO 2

#	Focus Area	Recommendation	Public Input	Impact on Adjacent Systems	Equity Impact (RE: One Orange Equity Framework)	System Flexibility Over Time	Geographic Coverage Area	Timeline*	Lifecycle of the Project	Impacts all Businesses & Residences?
9	Facilities	Consistency across items accepted at WRCs (with exception of HHW)	Consistent schedule; curless; expanded services/access; additional materials.	Transportation /Energy: reduction in miles traveled	Meets	Low	Whole County	Short	One-time	Yes
10	Enforce-ment	Enforcement at WRCs (with staff and/or security cameras)	Necessary to enforce illegal dumping & cross-contamination with more focus.	None	Meets	Medium	Whole County	Short	One-time	Yes
11	Facilities	More accessible drop-off options/locations for multifamily buildings.	Mandating commercial/multi-family recycling is among the top 2 policies desired by respondents.	None	Meets	Medium	Whole County	Short	One-time	Focuses on Multifamily
12	Programs	Offer multiple cart sizes.	The current carts are too big/heavy.	None	Meets	Low	Whole County	Short	One-time	Yes
13	Programs	Create model programs across all schools for metal, paper, plastic, glass, food waste, etc.	Food waste collection at schools is among the top 2 public space focus wanted.	None	Meets	High	Whole County	Quick win	One-time	Focuses on K-12 population and staff
14	Waste Prevention	Implement deconstruction ordinance updates/facility audits/collect C&D recycling data.	Proactive C&D diversion among top 2 waste prevention areas of focus wanted.	None	Meets	Low	Whole County	Long	Annually	Yes

Environmental Benefits/ Air Quality
(see Appendix for tonnage projections)

Improved:
- Mid-point estimate based on EPA:
- Additional 31,000 tons of recycling over now (not cumulative)
- Additional 16,000 tons of organics over now (not cumulative)

Env. Benefits/ GHG Avoided

Improved:
- - 93,778 MTCO2 avoided
- Equivalent to 21,000 cars taken off the road

Impact on SWPF
(Residential tons only)

$19.89
- Cumulative 14% increase over current $142/year

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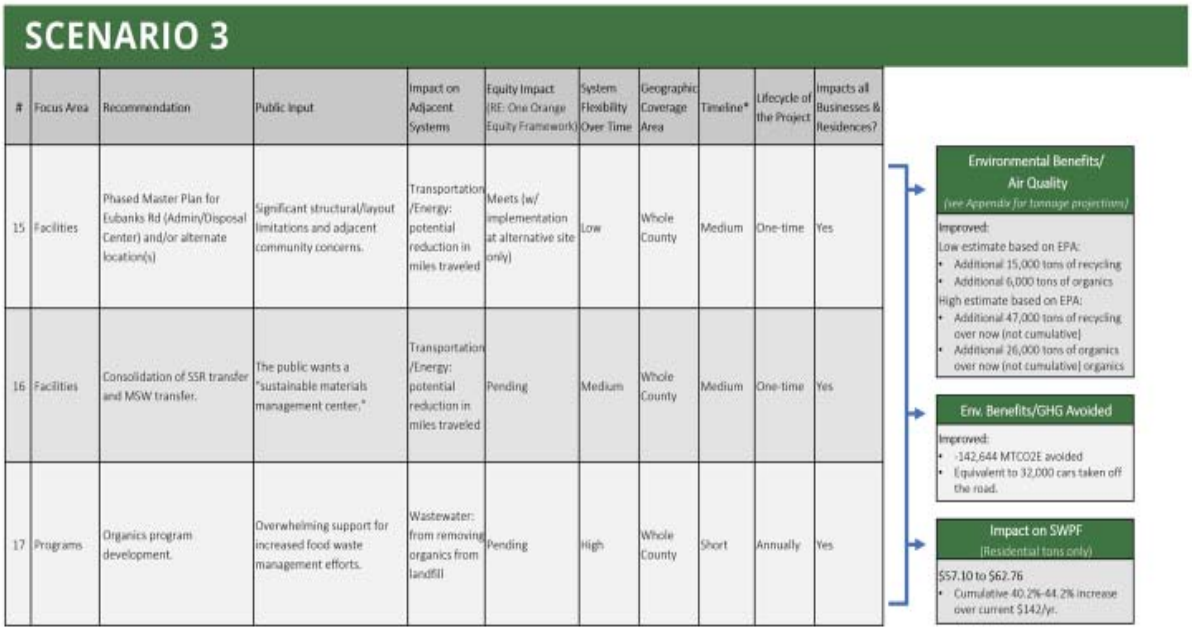
SCENARIO 2: RECOMMENDATION #9

Summary of Materials Accepted at all Orange County WRCs

WRC Name	Materials Types																			Material Types Accepted Now	Material Types to Add
	1. Trash/Garbage	2. Single-Stream Recycling	3. Yard Waste	4. Food Waste	5. Scrap Metal	6. Plastic Bags & Film	7. Clothing, Textiles, & Shoes	8. Large Rigid Plastics	9. Used Cooking Oil	10. Motor Oil & Oil Filters	11. Anti-Freeze	12. HHW	13. Batteries	14. Electronics	15. Appliances	16. Clean Wood	17. Tires	18. Glass	19. Styrofoam/EPS	20. #1 Berry boxes, clamshells		
Full-Service District Waste & Recycling Centers																					
Eubanks Road	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	18	2
Walnut Grove Church Road	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	18	2
Neighborhood Satellite Waste & Recycling Centers																					
Bradshaw Quarry Road	Y	Y	N	N	Y	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	12	8
Ferguson Road	Y	Y	Y	N	Y	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	13	7
High Rock Road	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	N	N	16	4

Slide #21

Slide #22



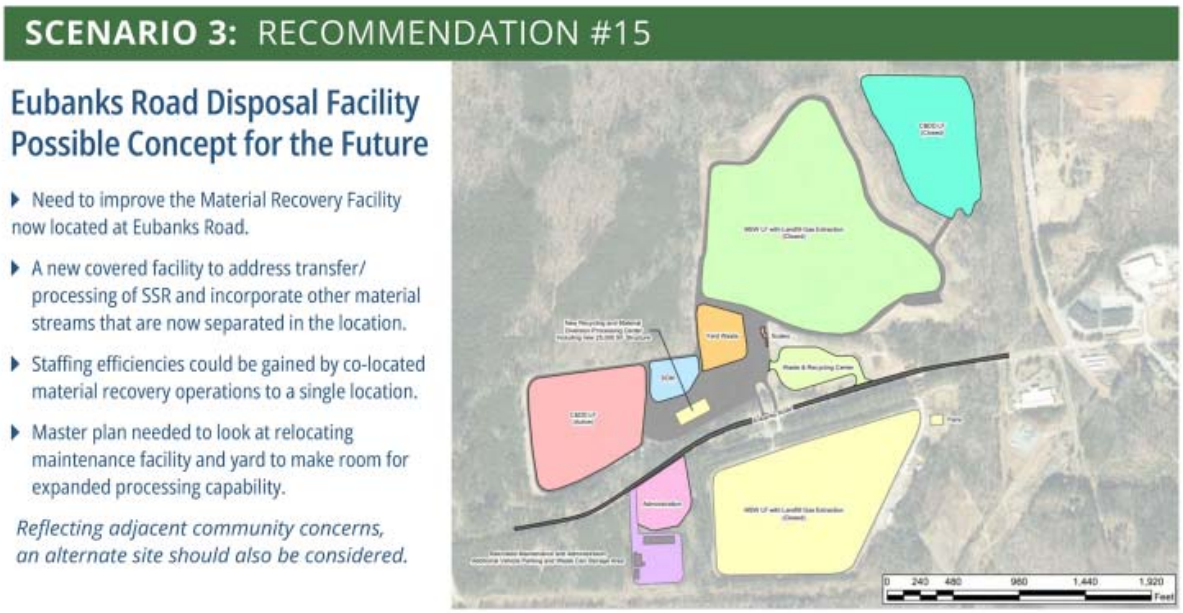
Commissioner Fowler said she felt like several members of SWAG landed on Scenario 2 rather than Scenario 3.

Robert Williams said there were discussions and SWAG raised their hand in support of 3 if some of the new fees were offset with new revenues.

Commissioner Fowler said it becomes more expensive as you move through the scenarios.

Slide #23

Slide #24



Slide #25

Slide #26

Commissioner McKee said the fee is an extreme concern for him because it is all predicated on if the county can offset it.

Jennifer Porter returned to the Scenario 3 detailed chart and said it would be looking at what the county is currently processing and reviewing what can be done at that site.

Commissioner McKee asked if this increase is in addition to the improvements at waste and recycling centers.

Robert Williams said the waste and recycling centers would have environmental improvements to allow additional uses at the facilities. He said the infrastructure as part of Scenario 3 could allow them to take MSW, so they do not have to be transferred outside of the county by the towns.

Commissioner McKee said that given the fact that they are already looking at costs for other competing needs, he does not see it getting to $10 million.

Commissioner Richards said there have been challenges with the community engagement piece. She asked what would be done differently to move forward on what has occurred previously.

Jennifer Porter said the idea is not additional new sites but reimagining how current sites are being used. She said that Scenario 3 is a phased master plan of Eubanks Rd. or an alternate site. She said that Eubanks is great because there is flexibility there for organics processing and MSW.

Commissioner Richards said that would still require community engagement for that process in an area where the county's legacy is not stellar. She asked how they envision meeting this challenge.

Jennifer Porter said they have this as a center question during the whole project. She said they will continue to meet with stakeholders.

Commissioner Richards asked where the waste is being taken and if it was being taken to a lower wealth county in the eastern part of the state.

Robert Williams said the waste is transported to Randolph County.

Chair Bedford said that Randolph County is not a minority low-wealth county.

Commissioner Richards said it is lower income than Orange County.

Commissioner Fowler said if the waste is being transferred that is not taking it to zero. She asked if any of the efforts to take it to zero would reduce the amount that is being used or if it would impact the need for a transfer station.

Chris Lund said the transfer of the waste will be needed for the growth over time and if they are going to increase diversion, they will need a facility to do that. He said that if it does not go to the landfill, it must go to other useful locations.

Commissioner Fowler asked if there is a place where the BOCC can have an impact on prevention.

Jennifer Porter said Scenario 1 has the direction for waste prevention policies and policy changes would be provided in the direction.

<u>PUBLIC COMMENTS</u>:

Susan Walser said currently there is disparity between the Town services and County services. She said that Option 3 has an increase of over $40 per household. She said many rural residents do their own composting and their own yard pick up. She said they do not use vendor services for trash pickup or county recycling, and they go directly to the convenience centers. She said that the fee would increase but they would not get the services they need. She said they should review private trash hauling in the rural county if they want to decrease vehicle miles. She said it would be good to look at rural services and in-town services and the appropriate fee structure. She said it would also be good to look at household fees in surrounding counties areas. She said Wake County has a $20 fee and they are looking at $200.

Marilee McTigue said she is pleased to see a Solid Waste plan. She said that recommendation 16 of Scenario 3 talks about two waste transfer stations. She said this is the costliest and contains little detail. She said that this has been highly controversial in the past. She said that she believes that the Centroid of waste production should be where waste is handled

and it should not be hauled off into the rural communities. She asked that they consider a fair fee structure and the rural community concerns related to the waste transfer stations.

Vice-Chair Greene said her understanding is that the Board should provide feedback on their preference of the plans that have been presented.

Jennifer Porter said they have brought the SWAG recommendation to the commissioners for them to discuss.

Bonnie Hammersley said that the recommendation was for the commissioners to provide direction to staff, not to approve one of the scenarios.

Vice-Chair Greene said she would like to hear public comment on Scenario 3. She said she is in favor of this option. She said that, in her own experience, this has been about getting Orange County as close as possible to zero waste and it has been a discussion for over 20 years. She said that Orange County will not have a landfill. She said she was impressed by the summary of public feedback. She read from *Cradle to Cradle* and said it is made of recyclable plastic. She read about the Styrofoam trash problem in China. She said she is excited to think about how close they can be to zero waste.

Commissioner Fowler said SWAG members were convinced to go to Scenario 3 with cost mitigation (like LHA program) and they started with scenario 2. She said that they thought of things like long-term homeowners' tax fund issue. She said this brings out the issue of who is using it and can the fee structure be written in a way that is more equitable. She asked if it can be done in such a way that people receiving the benefits are the ones paying for it rather than those out in the county.

Robert Williams said towns charge for the collection of waste and the use of waste and recycling centers are available to anyone in the county. He said if a rural customer does not want to bring that, they pay a private collector. He said that if volume increases in the county of the use of private collection, it will decrease the costs because it is by volume.

Commissioner Portie-Ascott asked if everyone will experience the increase of 44%.

Jennifer Porter said that would be the range if everyone paid it. She said there is an assistance program now that people have access to.

Commissioner Portie-Ascott asked if everyone paid that, would that be the $7-10 million dollars.

Jennifer Porter said yes.

Robert Williams said this is a 20-year process with staggered increases.

Chair Bedford directed the commissioners to Appendix C. She said she does not support Scenario 3 at this time. She said she thinks every neighborhood that is the site of a suggested transfer station will oppose it. She said the increase in the expenses for every household to pay is not worth that change. She said she prefers to start with number 1 and then work in number 2 to see how it is going. She said prevention is important.

Commissioner Hamilton asked how many responses they got from people who were non-English speakers.

Jennifer Porter said less than 100.

Commissioner Hamilton said the report talked about the Eubanks Road disposal facility limitations and asked about those.

Chris Lund said the limitations include the plastics area is sitting on top of the expansion area and has to be moved and relocated. He said that it tightens space at that location and there is less space to do that consolidation. He said that some will have to be moved to make room for the site to handle the future need of new materials.

Commissioner Hamilton asked if that is already in the plans to do some of that work.

Robert Williams said currently they relocate recyclable materials and if they do not make a change, they will not be able to use that. He said that metals, and bringing in MSW from the towns, help generate revenues and they have shifted the services over from where they are.

Commissioner Hamilton said that part of what makes this difficult is understanding how it works and asked if this change something that they have to do anyway.

Robert Williams said they have to do something, and they have received information that 40% of Orange County waste is organic materials. He said that if that is able to come out of the waste system they won't have to go to a landfill.

Commissioner Hamilton said so much needs to be done with clarity on recycling and zero waste. She said that she would rather see Scenario 2 done first because the county needs to do more for education around preventing waste. She said she needs more information on Scenario 3, but she is leaning towards Scenario 2.

Commissioner McKee said he has seen trash collection change over his lifetime in Orange County. He said he has private trash service, and the proposed increase is more than he pays for his service. He said it is a concern for him that people living in less expensive homes are paying their fees as a high percentage of their property taxes. He said from his perspective, he thinks the county can only afford Scenario 1, and possibly Scenario 2. He said he does not think it is possible to be zero waste by 2045.

Commissioner Richards asked if Eubanks has to be changed regardless of any scenario.

Robert Williams said yes.

Commissioner Richards said she is not able to support relying on Eubanks Rd. for the future. She said that the community and the county's legacy there is enough. She said Scenario 1 goes well with the Climate Action Plan, and parts of Scenario 2 are doable. She said there are 5-10 years needed of community engagement needed.

Vice-Chair Greene said Orange County is growing and what Commissioner Richards is saying is very true, but someday another site will be needed in Orange County. She said she would rather go ahead and get this information into the community and get input on where another site could go.

Commissioner Fowler said she agrees that they are never getting to zero with a transfer station, but asked if the county can ever get any of the efficiencies.

Jennifer Porter said there definitely are success stories across the country with strong organics programs.

Chris Lund said there are communities that have taken on the separation themselves and they decide how it is handled.

Commissioner Fowler asked if the facilities are covered but the fee or by the capital fee.

Bonnie Hammersley said any Solid Waste capital is paid for by the enterprise fund.

Commissioner Fowler said it seems there will be a need for a new facility and she thinks a master plan seems helpful. She said that she is not sure about organics because if waste was prevented, it would not have to be transported across town.

Commissioner Portie-Ascott said that Scenario 3 bothers her because of the impact on the Rogers Rd. community. She said that this would be too much to ask them to bear. She said even if there is community engagement with Rogers Road, historically communities of color do not always send constant emails or show up at meetings to express their opinions. She said that can give a false sense that everyone is ok with the idea. She said that to expect people to pay additional money is a lot. She said she likes the idea of starting with Scenario 1 and moving to Scenario 2, when possible.

Commissioner McKee said the county is morally bound to figure out how to handle its own waste and not ship it out to other places.

Vice-Chair Greene said she agrees with Commissioner Portie-Ascott's comments and would consider taking Eubanks off the table at this point. She said that zero waste is impossible but is aspirational.

Chair Bedford asked if any scenario tried to decrease the usage and delay the need for additional facilities.

Jennifer Porter says it starts in Scenario 1 but is in all three.

Bonnie Hammersley said as she reviewed the report, she sees Scenario 1 and 2 as standard operating procedures and does not see anything that requires Board approval. She said the constraints at Eubanks are design constraints. She said the question is, do you want to move forward with Scenario 3 and, if so, at what pace. She said as an operation, they do options 1 and 2 as standard operating procedures, but the question is what to do as the population grows and how to be more effective and efficient.

Chair Bedford summarized where board members landed.

Commissioner Fowler asked what is done with the C and D.

Robert Williams said some is reused for rocks, building roads, grind stumps for mulch, metals are recycled, and others like sheetrock and shingles goes into the landfill.

Commissioner Fowler asked about what Dollywood does to capture their waste and CO2.

Jennifer Porter said it is very expensive, but it could be reviewed at a later date.

Robert Williams said they have reduced waste, and it was reused as fuel but there is still research and things that have to happen.

Chair Bedford said a regional group was formed to look at a regional facility.

Robert Williams said he would like to revisit the consortium.

8. Consent Agenda

- Removal of Any Items from Consent Agenda
- Approval of Remaining Consent Agenda
- Discussion and Approval of the Items Removed from the Consent Agenda

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

VOTE: UNANIMOUS

a. Minutes

The Board approved the draft minutes from the December 4, 2023 and December 12, 2023 BOCC Meetings as amended.

b. Motor Vehicle Property Tax Releases/Refunds

The Board adopted a resolution to release motor vehicle property tax values for two (2) taxpayers with a total of two (2) bills that will result in a reduction of revenue.

c. Property Tax Releases/Refunds

The Board adopted a resolution to release property tax values for six (6) taxpayers with a total of seven (7) bills that will result in a reduction of revenue.

d. Late Applications for Property Tax Exemption/Exclusion

The Board approved eight (8) untimely applications for exemption/exclusion from ad valorem taxation for eight (8) bills for the 2023 tax year.

e. Orange County FY 2024 Annual Work Program Amendment #1 – FAST 2 Study Commitment

The Board approved Amendment #1 to the Orange County Fiscal Year 2024 Annual Work Program regarding the County's contribution to the NCDOT FAST (Freeway, Arterial, Street and Tactical) 2 Study.

f. Enhanced Voluntary and Voluntary Agricultural District Designation – Multiple Farms

The Board considered applications from two (2) landowners/farms to certify qualifying farmland within the Caldwell and High Rock/Efland Agricultural District Regions; and enroll the lands in the Orange County Farmland Preservation Program's Enhanced Voluntary Agricultural District or Voluntary Agricultural District program.

9. County Manager's Report

Bonnie Hammersley reviewed the agenda for the February 15th work session.

10. County Attorney's Report

John Roberts did not have a report for the Board.

11. *Appointments

None.

12. Information Items

- January 16, 2024 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under $100
- Memorandum – Water Supply Watershed and Stormwater Concerns Related to the Proposed Orange County Water And Sewer Management, Planning, and Boundary Agreement (WASMPBA) Amendment

13. Closed Session

A motion was made by Chair Bedford, seconded by Commissioner Fowler, to enter in to closed session pursuant to North Carolina General Statute § 143-318.11(a)(4) "to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body," and North Carolina General Statute § 143-318.11(a)(3) "to consult with an attorney retained by the Board in order to preserve the attorney-client privilege between the attorney and the Board including discussion of MDL No. 2804, Opiate Litigation," and to approve closed session minutes.

VOTE: UNANIMOUS

Reconvene into Regular Session

A motion was made by Commissioner Richards, seconded by Commissioner Hamilton, to reconvene into regular session at 10:21 p.m.

VOTE: UNANIMOUS

Adjournment

A motion was made by Commissioner Hamilton, seconded by Commissioner Richards, to adjourn the meeting at 10:22 p.m.

VOTE: UNANIMOUS

Jamezetta Bedford, Chair

Recorded by Tara May, Deputy Clerk to the Board

Submitted for approval by Laura Jensen, Clerk to the Board

DRAFT

MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
WORK SESSION
February 15, 2024
7:00 p.m.

The Orange County Board of Commissioners met for a Work Session on Thursday, February 15, 2024, at 7:00 p.m. at the Southern Human Services Center in Chapel Hill, NC.

COUNTY COMMISSIONERS PRESENT: Chair Jamezetta Bedford, Vice-Chair Sally Greene and Commissioners Jean Hamilton, Earl McKee, Phyllis Portie-Ascott, and Anna Richards
COUNTY COMMISSIONERS ABSENT: Commissioner Amy Fowler
COUNTY ATTORNEYS PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Bonnie Hammersley, Deputy County Manager Travis Myren, and Clerk to the Board Laura Jensen. (All other staff members will be identified appropriately below)

Chair Bedford called the meeting to order at 7:00 p.m. All commissioners were present, except for Commissioner Fowler.

1. Boards and Commissions – Annual Work Plan Summaries

The Board provided feedback and direction on the first group of boards and commissions' annual work plan summaries with their Chairs (or representatives) in attendance. A second group of boards and commissions' annual work plan summaries is scheduled for the Board's March 12, 2024 work session.

BACKGROUND: In the past, as part of the Board of Commissioners' annual planning and goal setting retreats, the Board requested and reviewed/provided feedback on annual plan summaries from the County's internal boards and commissions. This information provided the Board with a yearly overview of the boards and commissions and their projected goals for the upcoming year. This particular process ended in 2007. The Board decided at its April 13, 2010 meeting to reinstate this process independent of the Board's annual retreats.

Boards and Commissions Represented at this meeting:

Board Name	Representative(s) Presenting
Human Relations Commission	Lynn McGee
Orange County Parks and Recreation Council	Natalie Ziemba
Historic Preservation Commission	Art Menius
Agricultural Preservation Board	Kim Woods
Commission for the Environment	Regina Baratta
Advisory Board on Aging	Colin Austin
Adult Care Home and Nursing Home CAC	Jacqulyn Podger & Shade Little
Board of Health	Dr. Aparna Jonnal
Board of Social Services	Jane Garrett
Animal Services Advisory Board	Dr. Lee Pickett

Lynn McGee of the Human Relations Commission (HRC) invited the Board to attend the upcoming Pauli Murray Awards ceremony. She said there has been a lot of turnover on the HRC. She said that it means there are fresh eyes on initiatives. She said they have all completed fair housing training and the state HRC orientation. She said they would like to do more in the community. She said they would like to do more fair housing education in the community. She said they know what they want to do, but the big question is how. She said they recently had a retreat, and they want to focus on groups that are underserved and marginalized. She said they anticipate some issues in the community related to politics and the nationwide discourse. She said they would like the commissioners to consider creating a pressure release valve of sorts for community conflict resolution. She said this could be an emergency hotline or call center and maybe a conflict resolution professional or polling expert could be available. She said the second thing they would like to focus on is identifying roles and responsibilities. She recommended that the commissioners form a subcommittee to look at the advisory board policy and develop standard operating procedures because it would help boards run more efficiently.

Commissioner McKee said he was not aware of any political tension in the community.

Lynn McGee said it is not just political, it could be related to other issues.

Chair Bedford said the community is really enjoying the Pauli Murray mural on the side of the Sportsplex. She said there are emergency plans in place for any issues that may come up at polling locations.

Vice-Chair Greene said she has heard of safe space type places in other communities and thinks it is an interesting idea, but she is unsure that a government body should be the one to do it.

Commissioner Portie-Ascott asked if the HRC tracks where issues are and if it is mostly housing or are there other areas.

Lynn McGee said it is in communities and they have a subcommittee to deep dive to try to identify the needs. She said that housing is close to their heart, so they address those first and foremost. She said fair housing is a big part of their mission. She said that there may be other issues that come up and they are trying to identify if it is just housing or if there are others.

Commissioner Richards said she is interested in standard operating procedures. She said she thinks the turnover and the operating policy is important to focus on so that when new volunteers come on board, they will know what to expect.

Lynn McGee said it could be beneficial for everyone and she would be available to help if needed.

Natalie Ziemba, chair of the Orange County Parks and Recreation Council, said the primary purpose of the council is to be the main advisory board for the Department of Environmental, Agriculture, Parks, and Recreation. She said they also review outside funding requests for any program related to recreational programs offered by the county. She said they are co-sponsoring the Nature of Orange photography contest. She said 2023 was the Year of the Trail. She said the council sponsored hikes in recognition. She said they participated in the Perry Hills minipark design process and got involved with the community. She said members participated in the 2050 Land Use Planning for Orange County. She said they are in the process of reviewing the Master Plan and that is a mid-way review that will assess how we are doing. She said that post pandemic has changed how parks are used and how people gather. She said that they are also incorporating diversity equity and inclusion. She said that when the plan was adopted, there was interest in a community swimming pool, but key details are missing. She asked if it was an urgent request. She said that there was a lot of room for collaboration and partnership, so they are exploring ways to work with the towns to utilize recreational spaces. She said they are developing a disc golf course. She said there has been a huge increase in interest in pickleball and they are exploring a way to accommodate the interest and increase availability. She said they are considering partnering with the Friends of the Library to do a storybook trail through Orange County. She said that the Central Recreation center is doing a fabulous job with

what they have but cannot keep up with demand. She said the council supports looking at future growth of the recreation program, not just renovating Central Recreation center.

Vice-Chair Greene said she loved the pollinator garden plan. She said that the Master Gardener program with the Extension Agency would be a great partner.

Chair Bedford said that the CIP plan includes a new gym, not just a renovation, and that it might be a decade before it is implemented.

Art Menius of the Historic Preservation Commission said they completed getting the Ridge Road School on the National Register of Historic Places. He said getting it permanently dedicated as a landmark is a big step. He said Harvey's AME Church and cemetery are also on their list. He explained that the cemetery is out in the middle of the woods with no roads to it and the simple explanation is the reality of systemic racism. He said that in the 1920s governments took on the maintenance of roads and a road used mostly by Black communities would not have gotten the same maintenance attention. He said they are almost at the end of the architectural history book. He said the book will become a reality soon. He said that UNC Press will market and distribute the book. He said that they are looking at threatened and abandoned cemeteries and graves as part of their future projects. He said this is a problem countywide. He said that they will collaborate with the Planning staff to identify burial grounds in the development review process. He said that this is an area that does not have a lot of archeology scholarships around it. He said there is a very large burial ground for Hardscrabble Plantation and that there are 100s of grave sites. He said that land has been marked off to be permanently reserved and treated with respect. He said they are interested in a grant project to help preserve cemeteries like this as well as old log cabins and buildings, both of which are usually located on private property. He said it will be the 250th anniversary of the American Revolution and they are participating in statewide efforts. He said they are continuing to discuss the best approach for future historical markers. He said that digital markers could be a better use of resources.

Vice-Chair Greene said she is interested in the historical marker program. She has heard it described as an all-digital program and a marker program. She said that the markers are the number one priority.

Art Menius said that having the book done will help the commission focus on the historical marker program.

Commissioner McKee said he appreciated the comment about log buildings disappearing in the community. He said he had three log tobacco barns on his property that were built with pegs. He said they are difficult to maintain due to age.

Art Menius said if they can get a program together to help property owners maintain log buildings, it would be a step forward in maintaining the rural character of Orange County. He said a takeaway from the architectural survey is how poor Orange County was, outside of Chapel Hill.

Commissioner Hamilton said thank you for paying attention to Black burial grounds. She said she also supports getting outside funding, if possible, to help.

Kim Woods, Chair of the Agricultural Preservation Board (APB), said that in 2023 the APB reviewed and recommended approval for nine additional farms as Voluntary Agricultural District and Enhanced Voluntary Agricultural District farms and adding 262 acres to these programs after being approved by the BOCC. She said that this increased the total enrollment in both programs to 17,433 acres on 151 farms throughout the County (14,719 in VAD and 2,714 in EVAD). She said the comprehensive land use plan will give them an important opportunity to incorporate agricultural preservation goals. She said the APB hopes to see the BOCC make an active commitment to keep farming a viable way to make a living.

Commissioner Portie-Ascott asked what kinds of permanent protections they might recommend.

Kim Woods said they are still doing research on what other states have done and will report back to the Board.

Commissioner Portie-Ascott asked how the VAD program benefits farmers.

Kim Woods said it is a pride in agriculture program by showing a sign and people can see that. She said that it can also potentially protect the farm owner from nuisance issues in the future.

Regina Baratta of the Commission for the Environment reviewed some of their biggest accomplishments in the previous year:

- Provided ranking and comments to the BOCC for four cycles of the Climate Action Fund program.
- Reviewed and submitted recommendations for the two cycles of Climate Action Tax Grant application for Chapel Hill-Carrboro Schools
- Reviewed and provided recommendations for the Orange County Climate Action Plan
- Created a draft No Net Loss Canopy Policy for Orange County Government
- currently under staff review
- Reviewed and submitted recommendation for Piedmont Wildlife Center Outside Agency Funding Request Application

She said that they perform the following tasks:

- Co-sponsor “Nature of Orange” Photography Contest
- Liaison to Intergovernmental Parks Work Group
- Review and comment on environmental issues
- Identify priorities for the Lands Legacy Action Plan
- Conduct special studies pertaining to Orange County environment
- Conduct environmental education outreach

She said that they plan to do the following in the next year:

- Provide support to Climate Action Plan implementation
- The CFE will review and rank grant applications for the fifth cycle of the County Climate Action Grant
- Engage with the right of way task force
- Involvement with the development of the update Land Use Plan
- Progression on no net loss tree canopy retention
- Introduction of an Invasive Species Management Policy
- Advocate for the incorporation of the Eno-New Hope Landscape Connectivity Report in future county documents and plans
- Continue to support the Upper Neuse River Basin Association and their approach to solving water quality issues in the Falls Lake Watershed

The CFE will work with staff to develop a Greene Tract “Headwaters Preserve”

She said they would like to revisit the scoring criteria for the climate action plan grant. She said the commission would like to review and comment on county rezoning requests. She said they would like to monitor federal regulations and enforcement for PFAS. She said they would like to continue to address equity and inclusion across all plans. She said they will have several new members and they have created an orientation sheet to explain what the commission does. She said that may be helpful for other advisory boards.

Chair Bedford requested that Regina Baratta send the orientation sheet to Deputy Clerk to the Board Tara May.

Vice-Chair Greene said the state of the environment report should be updated in 2024. She said the update probably isn’t going to happen this year, but it’s a valuable document. She said that she hopes that the commission will update that in the future.

Regina Baratta said that the plan is to update the document in 2025 using data from the land use plan and climate action plan.

Commissioner Richards said that as the county adopts its strategic plan, it will be helpful for all advisory boards and commissions to align future activities with the objectives in the strategic plan.

Chair Bedford invited the commission to make suggestions for the scoring rubric and send it to the County Manager's Office.

Colin Austin of the Advisory Board on Aging said the board is continuing to work on the Master Aging Plan and he is interested in how their work will connect with and support the county's strategic plan. He said the work at the senior centers is amazing. He said that Project EngAGE recently completed its first session since the pandemic began. He said that many older adults are isolated in the community and the Advisory Board on Aging would like to improve transportation issues.

Chair Bedford said that at the next meeting the Board would have the opportunity to approve three new vans, and this will help in getting seniors directly from point A to point B. She said the county's Master Aging Plan was used as a model for what the commissioners wanted to see in the strategic plan.

Colin Austin said there is nothing else like it in the state.

Jacqulyn Podger and Shade Little of the Adult Care Home and Nursing Home CAC presented jointly to the Board.

Jacqulyn Podger said they are in their second quarter of the merged committees. She said that they have rich discussions and have come together as a group. She said that they hope to have as many as 14 members soon. She said they act as the eyes and ears by visiting the facilities.

Shade Little said they are the group that reaches out to the nursing homes and assisted living centers in the community. He said that they want to be more involved with the nursing homes, such as creating gardens and buying holiday gifts for seniors.

Commissioner Hamilton thanked them for their work. She asked if the training bottleneck at the state has been resolved.

Jacqulyn Podger said yes and that was another success of 2023.

Commissioner Hamilton asked if the reports they make are public.

Jacqulyn Podger said that they are.

Tara May said she would send that information to all of the commissioners.

Chair Bedford said that they are considering an amendment to the term requirements for the boards so that they can have some continuity in the committee.

Dr. Aparna Jonnal of the Board of Health said they accomplished several items in 2023. She said they adopted T21, which is legislation limiting tobacco to anyone under 21. She said that in September 2023 the NC Local Health Department Accreditation Board awarded the Orange County Board reaccreditation with honors. She said the Orange County Health Department was awarded the Child Health and Local Health Department award and the Dr. Sara Mayer Award for best Health Department of the year for the Gateway Village project. She said they received a joint grant to wo reduce inequities in modern maternity care. She said they are looking forward to the dispatch of the mobile dental clinic and completion of the community health assessment. She said that the expansion of Medicaid may result in needing more providers in the community. She said that one of her projects is looking into the data to determine what healthy screen usage is for kids because children's mental health is declining, and it is almost to the point of an epidemic.

Chair Bedford said that people do not have to have Medicaid or Medicare to use the public health department.

Commissioner Portie-Ascott asked how the Board of Health will get information about screen usage out to the community.

Aparna Jonnal said the first step is to understand what the data is telling us, and then to understand what is happening in Orange County, and then what means to start to establish healthy guidelines for schools and public places.

Jane Garrett of the Board of Social Services said they served an average of 5,933 families per month in food and nutrition services and 2186 per month in Medicaid. She said they are

working on a recruitment strategy to increase the number of licensed foster homes in Orange County. She said that in 2019 there were 83 licensed foster homes and in 2024 there are 53. She said that staff will continue to work on retention strategies to hire, train, and retain qualified staff. She said that Medicaid expansion has significantly impacted staff and they are making sure that everyone has the opportunity to apply for coverage.

Commissioner Portie-Ascott asked what she thinks is contributing to the drop in foster families.

Lindsey Shewmaker, Human Services Manager for DSS, said that the numbers dropped during COVID and did not come back when restrictions eased up. She said that many foster families "foster to adopt" and do not come back in the program.

Commissioner Portie-Ascott asked how Orange County compares to other counties.

Lindsey Shewmaker said she does not know exactly but she knows that there are difficulties in every county.

Commissioner Portie-Ascott asked what underserved community is lacking in getting signed up for Medicaid.

Lindsey Shewmaker said that the state has a dashboard that shows the demographics of who is signing up for Medicaid. She said there are age and racial demographics that they are tracking and would like to see those numbers after another month and then start target outreach where gaps are showing.

Commissioner Hamilton asked what kinds of targeted outreach they plan to do.

Lindsey Shewmaker said they are working with their community partners, and they can also map who is in the system and that allows them to see who they are serving and where. She said there are now 400 pending applications, and they can start to refocus on targeting gaps.

Commissioner Hamilton asked what kinds of tools they might use to reach those populations.

Lindsey Shewmaker said it depends on the community. She said they would explore ways to reach various communities as numbers show more.

Commissioner Hamilton said that Carrboro is having an event on February 24th.

Commissioner Richards gave Lindsey Shewmaker handouts from the recent NACo conference she attended.

Lee Pickett of the Animal Services Advisory Board noted an item from their report in the agenda packet about the Pat Sanford Grant. She said that the grant went to the Partnership to End Homelessness and to the street outreach harm reduction and deflection team. She said the funds went to pay for food and other needs for pets of homeless neighbors. She said that in the United States, 10-15% of the people who are homeless have a pet. She said that people who are homeless and have pets do better than people who do not. She said people who have pets are less likely to use alcohol or illegal drugs or engage in risky behaviors that might result in them being separated from their pet. She said that homeless youth with pets are three times less likely to be depressed. She said people who are homeless and have dogs are less likely to be assaulted. She said that the grant supports the needs of homeless people and their pets in a creative way. She thanked all of the Orange County volunteers who do so much for the community. She said that members of the Animal Services Advisory Board volunteer for the Animal Services Hearing Panel, do pro bono veterinary work, teach dog training techniques to shelter volunteers, assist in advertising animals who are available for adoption, and serve on the affordable housing task force.

Chair Bedford asked if Orange County experienced any dog flu issues the way Wake County recently did.

Lee Pickett said that the practices at the Orange County shelter likely contributed to avoiding the illness.

Sandra Strong, the Animal Services Director, echoed those comments and said that the newer age of the facility may have also contributed to avoiding a dog flu outbreak.

2. Consultant Briefing on Orange County Land Use Plan 2050

The Board received a briefing from Clarion Associates, LLC, on the Land Use Plan 2050 for discussion and feedback.

BACKGROUND: At its January 16, 2024 Business meeting, the BOCC received an information item with a short briefing from Planning staff and Clarion Associates. At the Board's last work session in November 2023, the consultant presented preliminary outcomes of the first community workshop; an overview of additional opportunities for the public to provide input during Community Engagement Window-1; progress on the technical analysis and Community Policy Profile; and next steps. Following is a link to the agenda materials from this meeting:
http://server3.co.orange.nc.us:8088/WebLink/0/doc/71190/Page1.aspx

The February 15, 2024 presentation will be the Board's second from Clarion and will include, among other items, a review of community engagement outcomes to date and project deliverables. Additional information is provided in Attachment A (referenced deliverables also attached for convenience).

Cy Stober, Planning and Inspections Director, introduced the item and the presenters Leigh Anne King, of Clarion Associates, and Antwain Goode and Andrea Goode of Tate Consulting. He also introduced Emily Gvino of Clarion Associates.

Leigh Anne King made the following the presentation:

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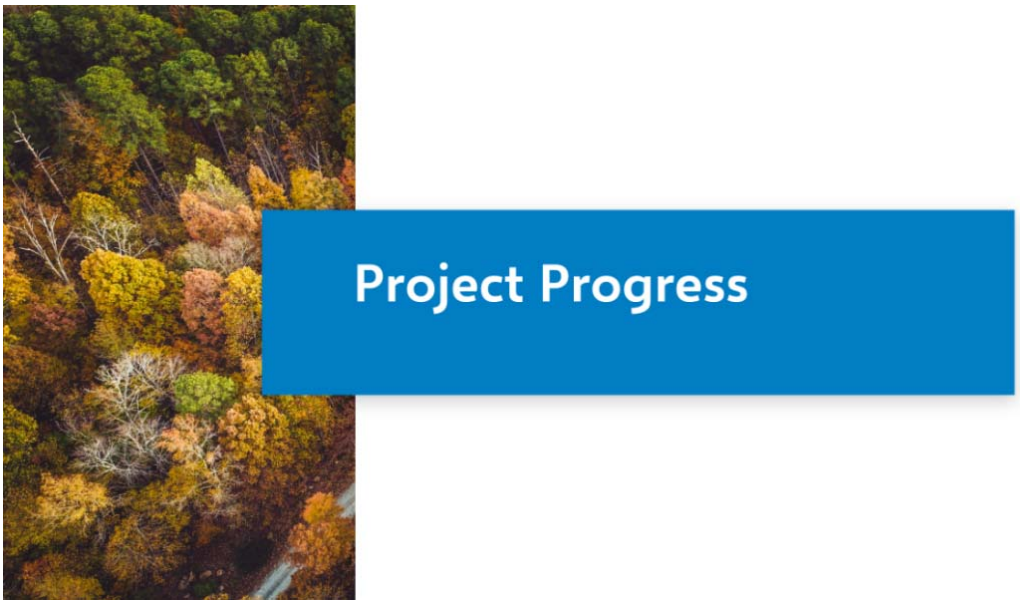
Slide #2

Slide #3



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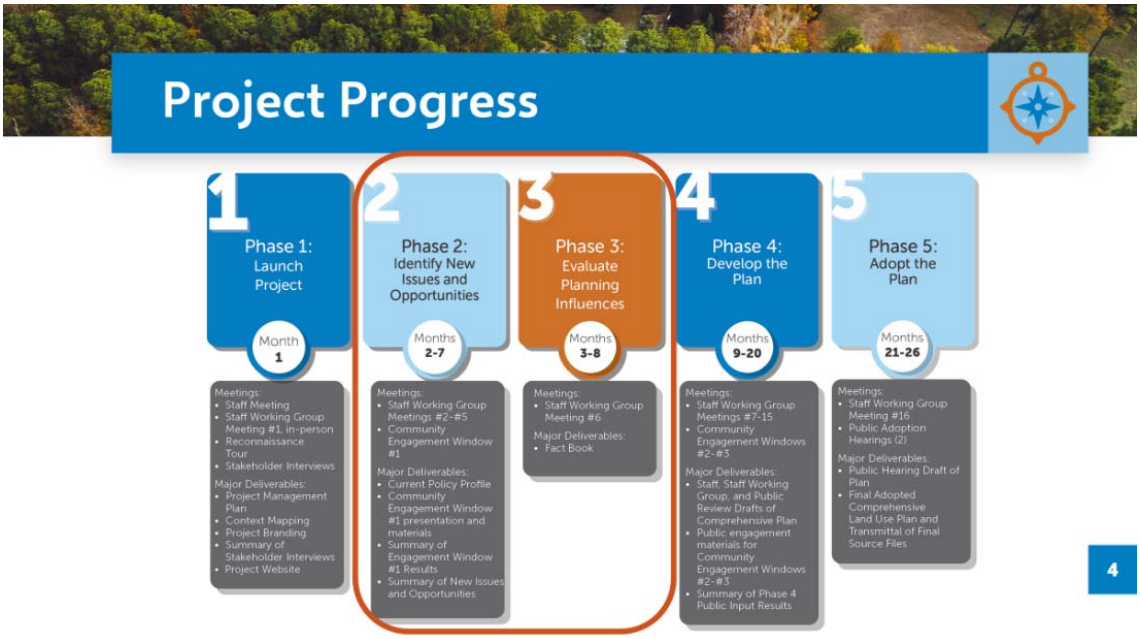

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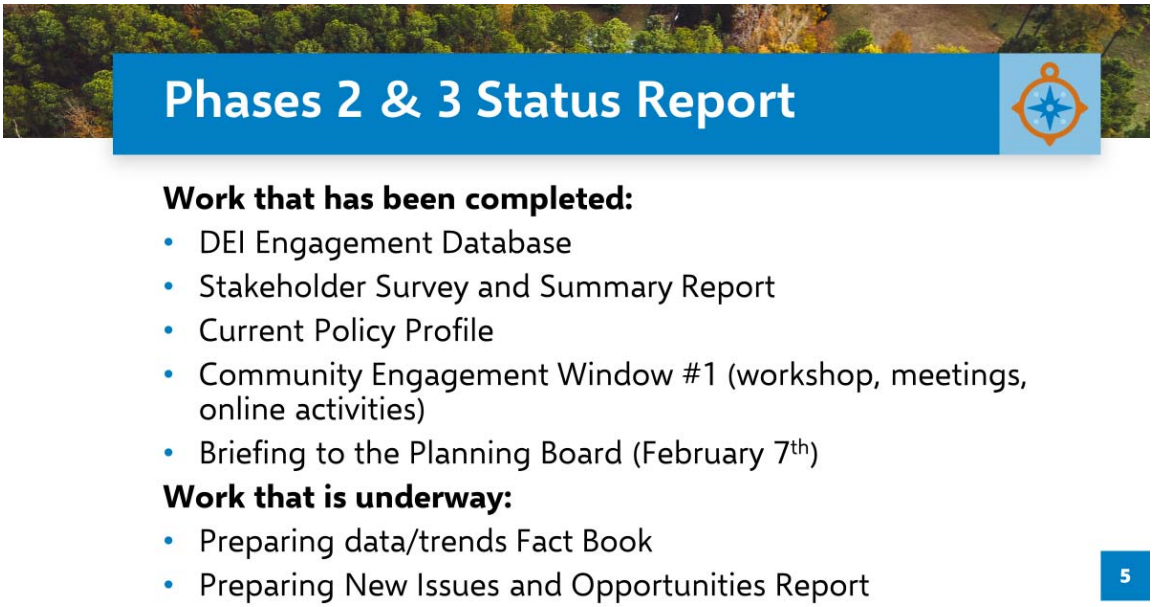

Emily Gvino continued the presentation:

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Slide #7

Andrea Goode continued the presentation:

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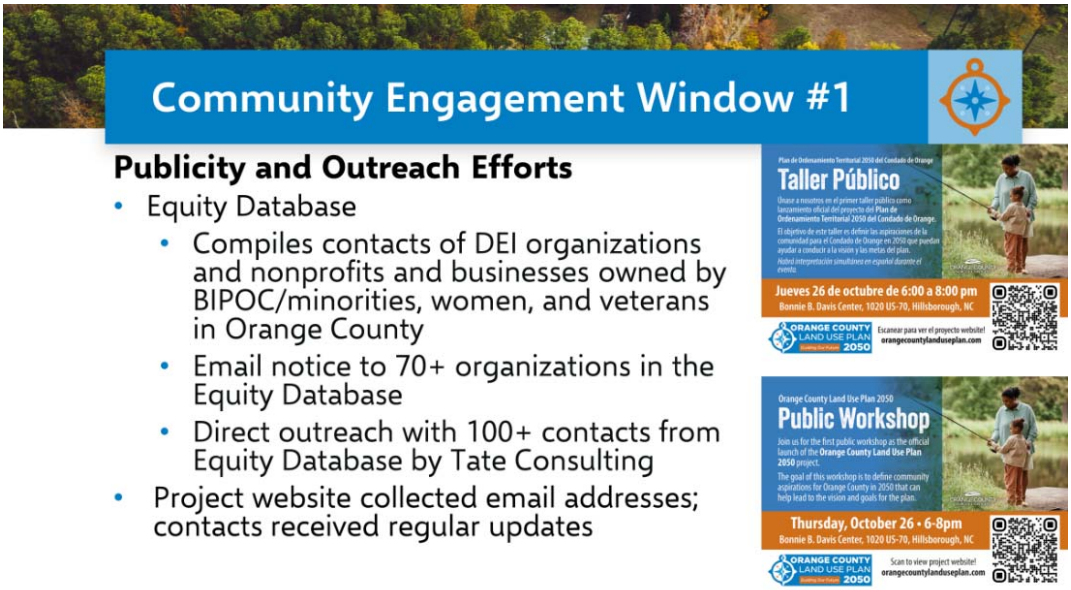

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Antwain Goode continued the presentation:

Slide #10

Slide #11

Emily Gvino resumed the presentation:

Slide #12

Community Engagement Window #1

- Total of **164 surveys received**
- At least 146 surveys were received at in-person meetings

Forum	Surveys Received	Approximate Number of Attendees
October 2023 Bonnie B. Davis	27	30+
January 19, 2024 Cedar Grove Community Center	67	70+
January 20, 2024 Southern Human Services Center	49	50+
January 31 and February 1, 2024 Orange County Road Show	3	40
Online surveys	14	--
Total	**164**	**190**

Slide #13

Engagement Objectives

The three objectives of Community Engagement Window #1 included:

1. Engagement Satisfaction
2. Representative Engagement
3. Increased Engagement

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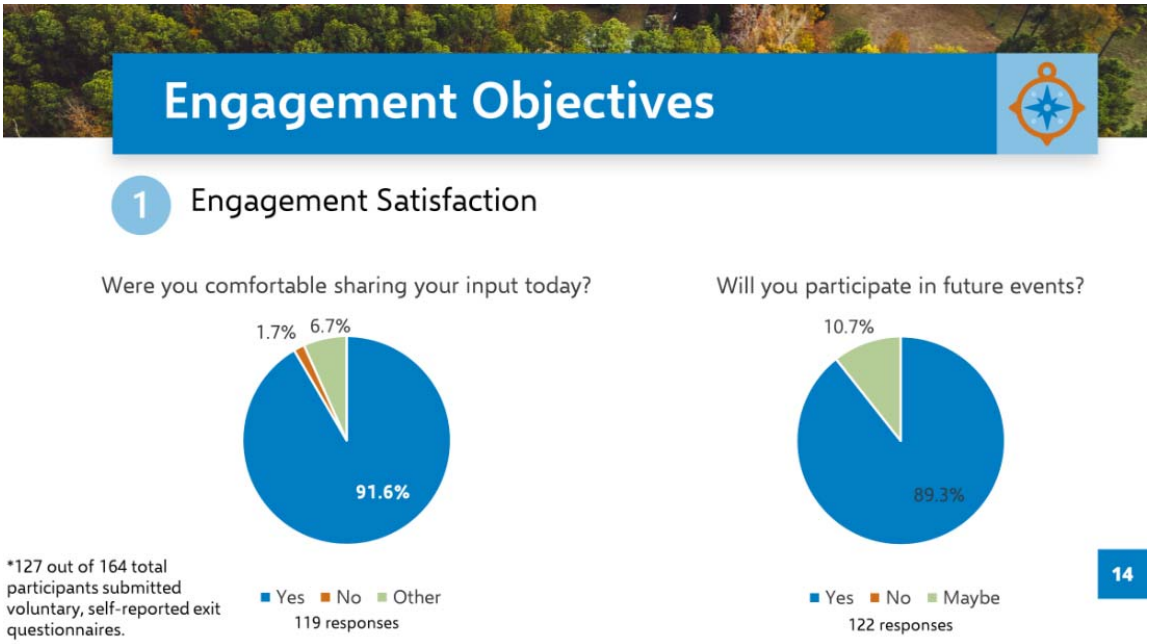
Slide #14



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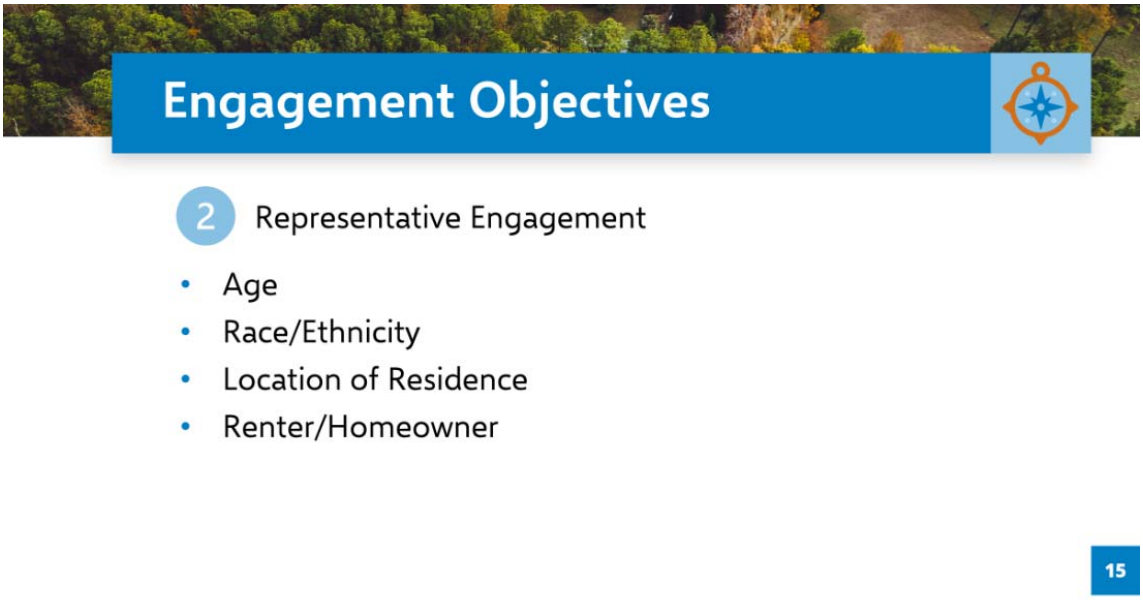

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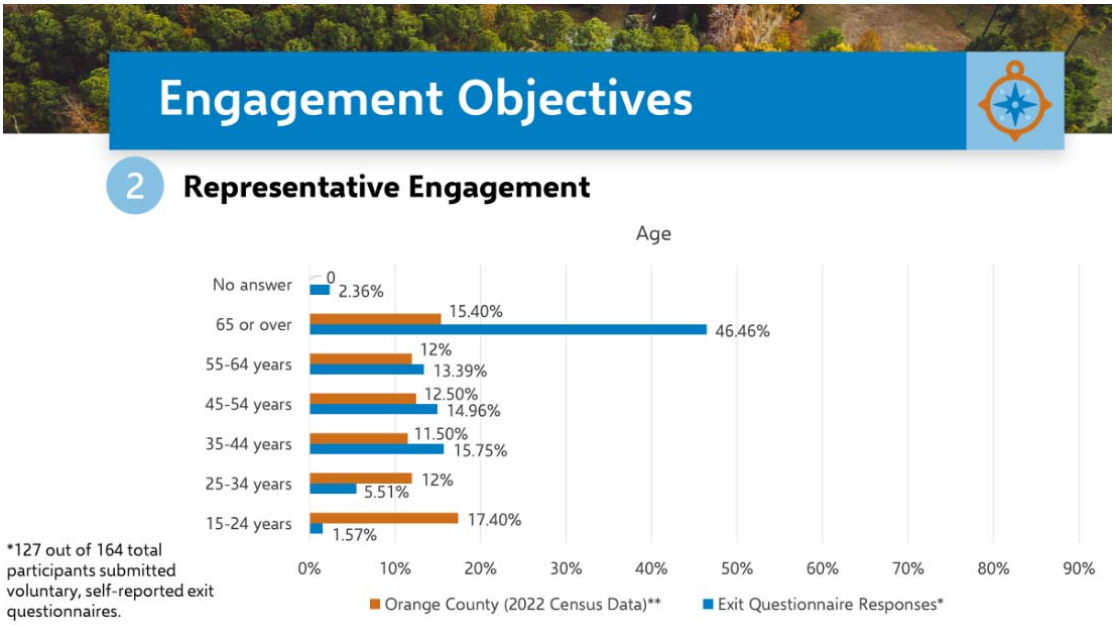

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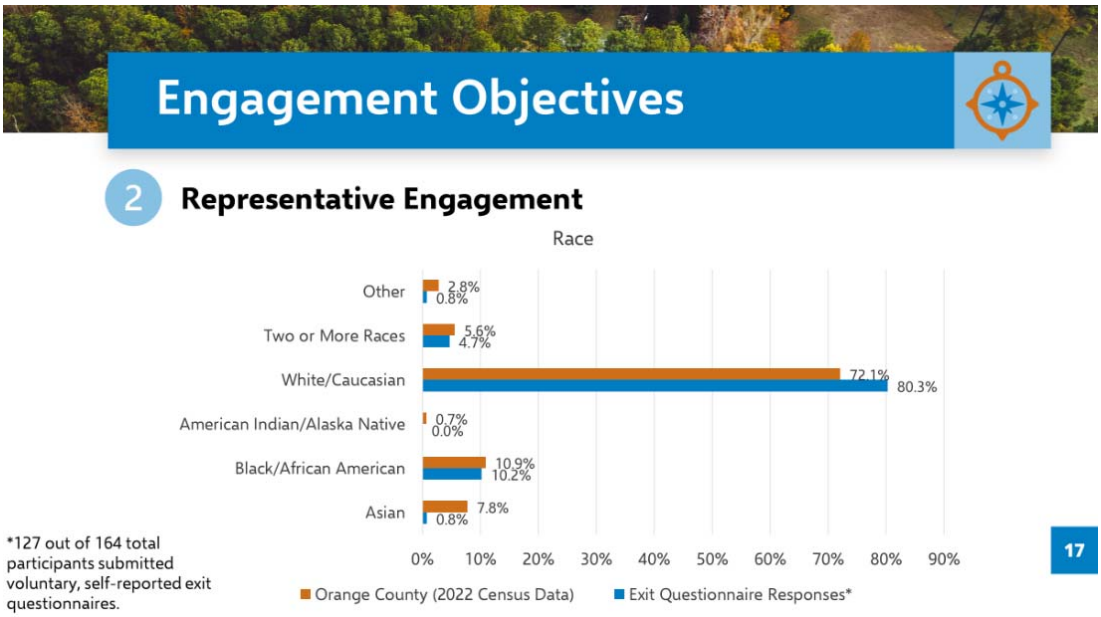

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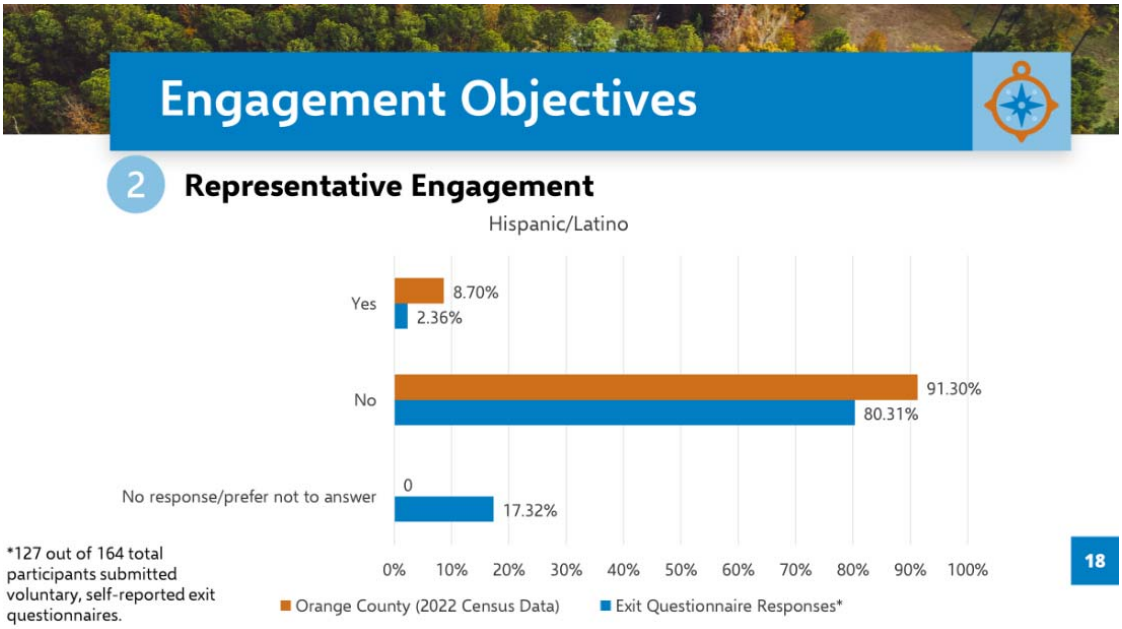

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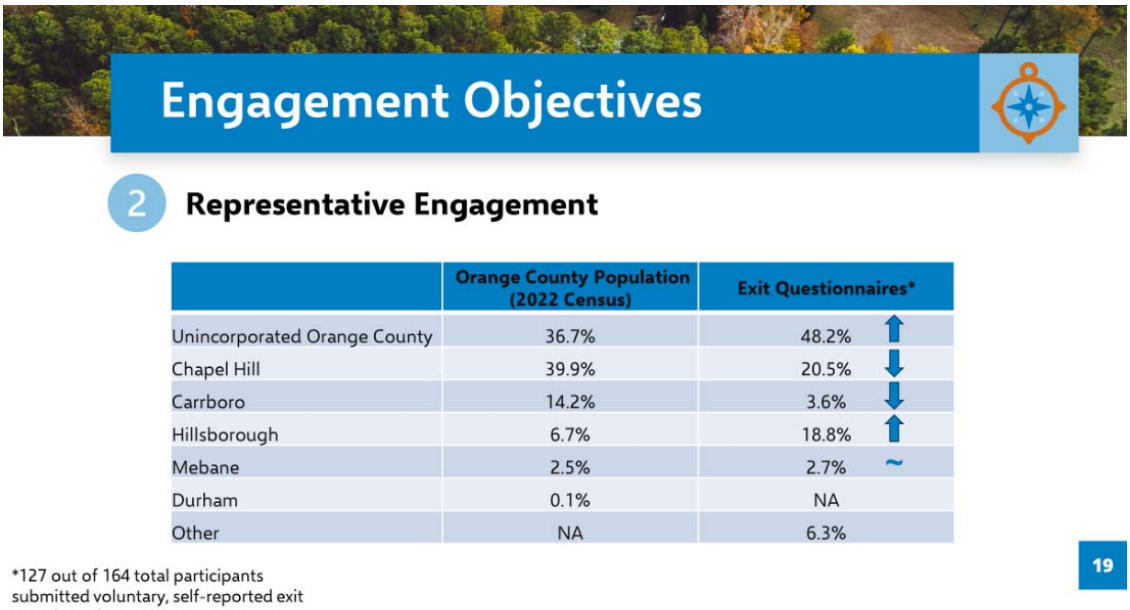

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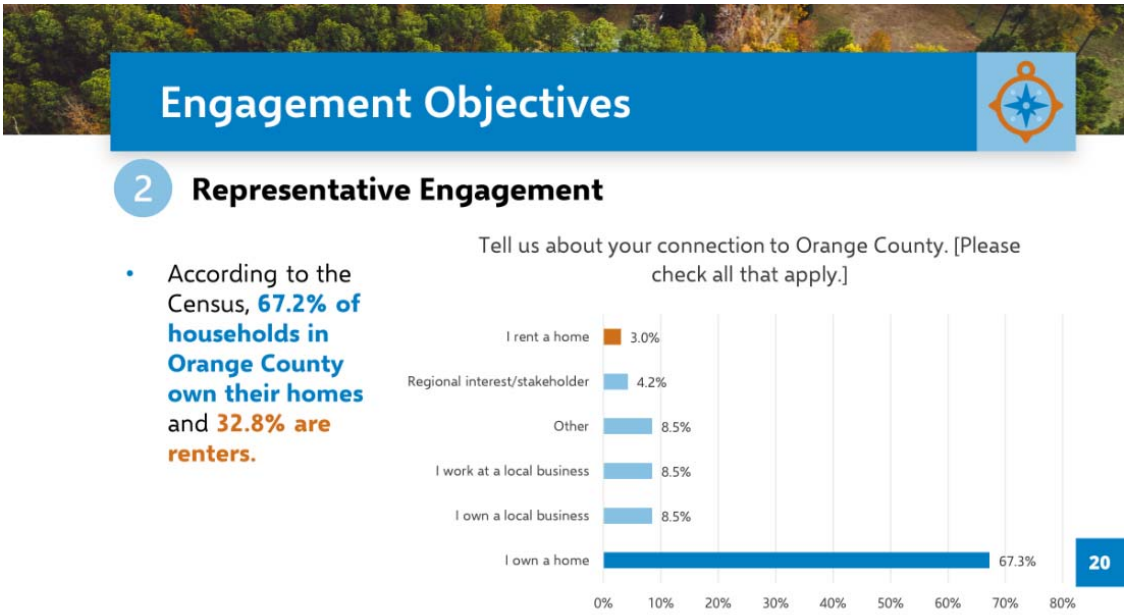

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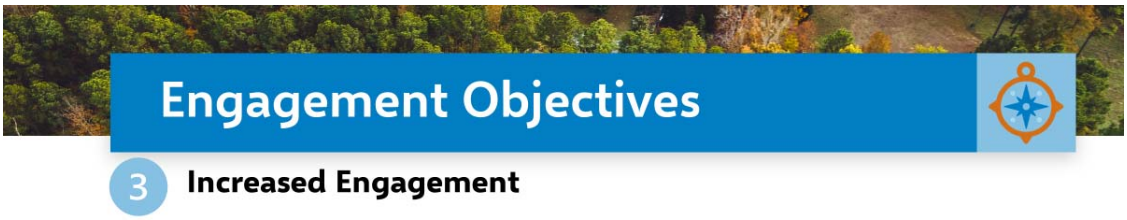

Benchmark: The Orange County Climate Action Plan

Activity	Climate Action Plan	LUP2050
Community Survey	**510** completed surveys	**164** complete surveys for **Community Engagement Window #1**
In Person/Live Engagement	Draft CAP Symposium: **12** attendees Online Focus Groups: **40** participants total	Stakeholder Interviews: **57** participants October Workshop: **27** attendees January 19 Cedar Grove Meeting: **70+** January 20 Southern Human Services Meeting: **50+** January 31 and February 1 Orange County Road Show: **40+**

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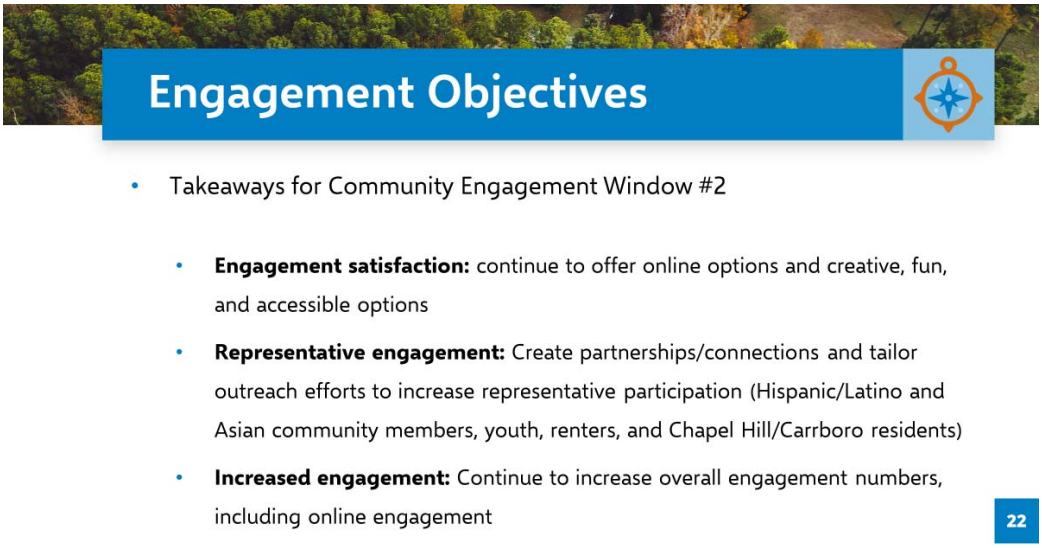

Vice-Chair Greene said that the time of the day that the community engagement session took place in Chapel Hill skewed the turnout of who could attend. She suggested having sessions at night when working people could attend.

Emily Gvino said that they have heard that feedback and will incorporate it into future sessions.

Commissioner Richards asked if Clarion Associates would increase the in-person opportunities since there has been more engagement during in-person activities.

Emily Gvino said they are trying to increase the online engagement to capture youth feedback.

Commissioner Richards asked if Clarion used TikTok, Instagram, and Twitter.

Emily Gvino said yes, and that they work with the county's Planning Department and Community Relations Department to get information out on the various social media platforms.

Vice-Chair Greene said the in-person meetings were a richer experience. Commissioner Portie-Ascott asked if there were attendees who went to both sessions, or if there are people who filled out surveys twice, or if there are people who went to an in-person session and filled out a survey online.

Emily Gvino said the last question was harder to answer because they did not have a way to determine that. She said they have a way to prevent people from filling out the online survey multiple times. She said there were probably a few people who went to more than one in-person meeting.

Commissioner Hamilton said someone in the community told her that they had gotten stuck filling out the online survey and had abandoned it. She asked Clarion to review their interface to see if there are any improvements they could make.

Emily Gvino said she would look into it. She explained how the online survey was structured.

Slide #23

Community Engagement Window #1 Outcomes

- Questions were organized into four categories:
  - Regional and Local Growth
  - Diverse People and Communities
  - Economy, Jobs, and Commuting
  - Natural Assets
- Online, four short surveys were offered to encourage participation as time and interest allowed

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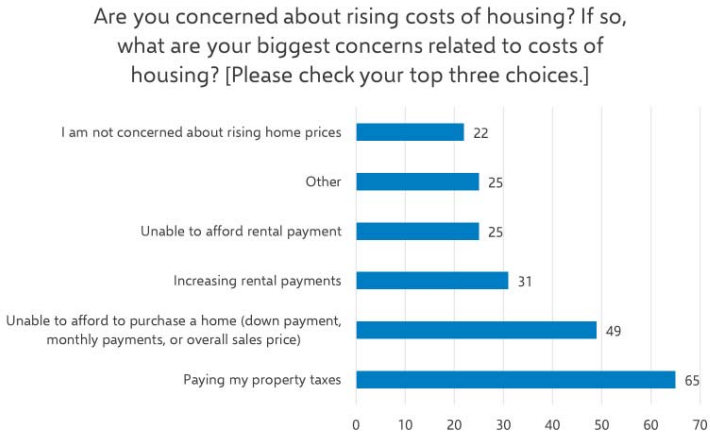
Slide #24

CEW#1 Outcomes:
Regional and Local Growth

- Responses emphasized concern about the rising costs of housing
  - The majority of "Other" responses noted that while the participant themselves could afford housing, they were worried about low-income residents being pushed out and critical workers who cannot afford to live in Orange County.



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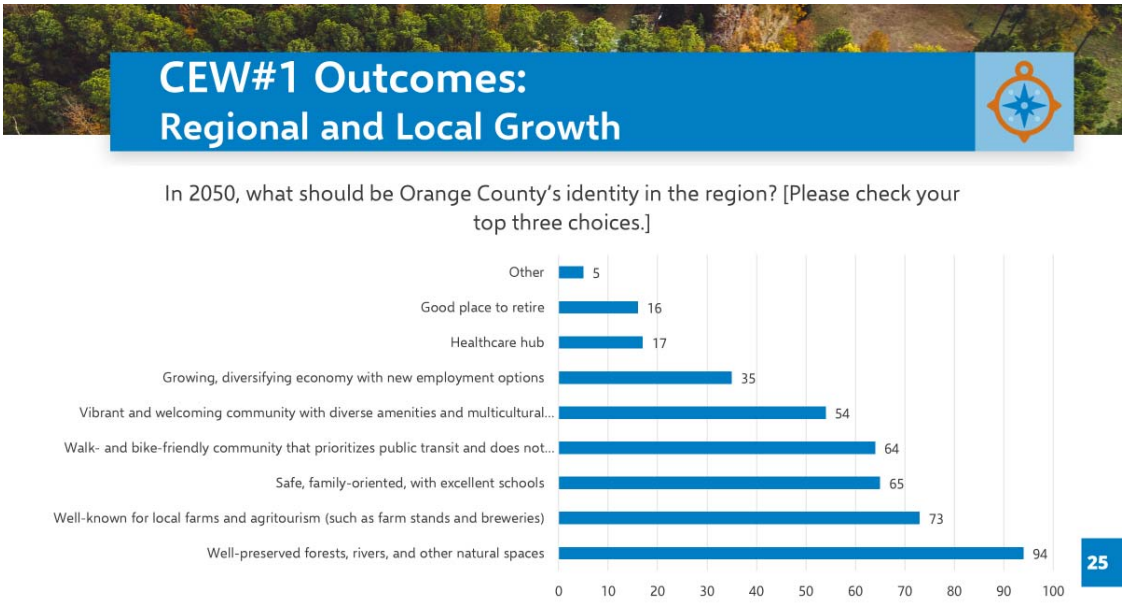

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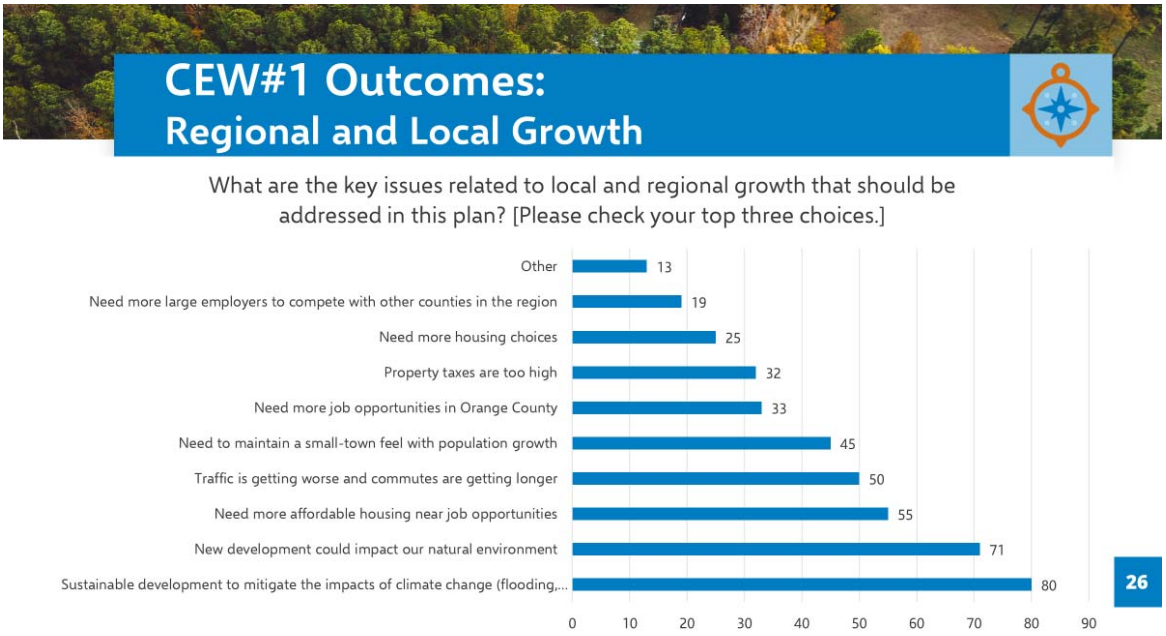

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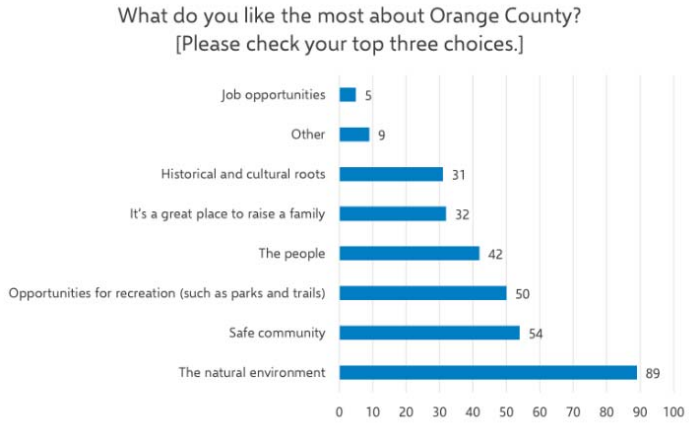
CEW#1 Outcomes:
Diverse People and Communities

- Responses emphasized how much the natural environment is valued in Orange County



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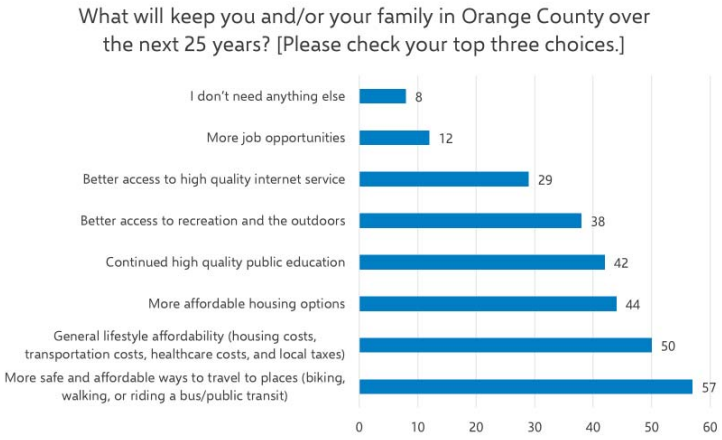
CEW#1 Outcomes:
Diverse People and Communities

- Participants noted that affordability is a key factor in staying in Orange County for the next 25 years
  (Housing, transportation, healthcare, etc.)



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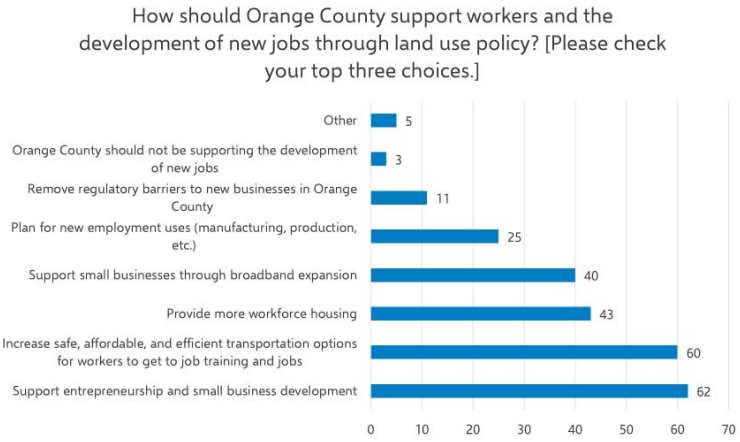
CEW#1 Outcomes:
Economy, Jobs, and Commuting

- Responses emphasized small business development and increasing transportation options for employment



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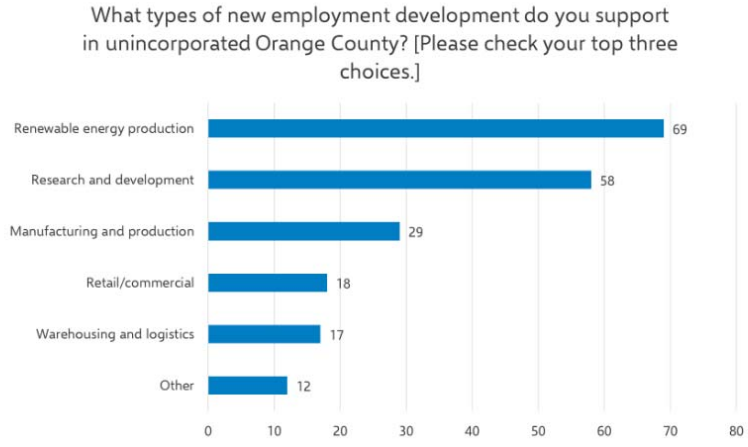
CEW#1 Outcomes:
Economy, Jobs, and Commuting



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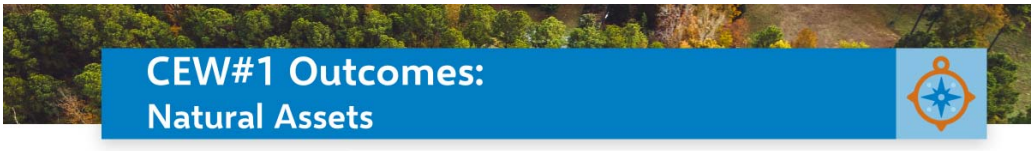
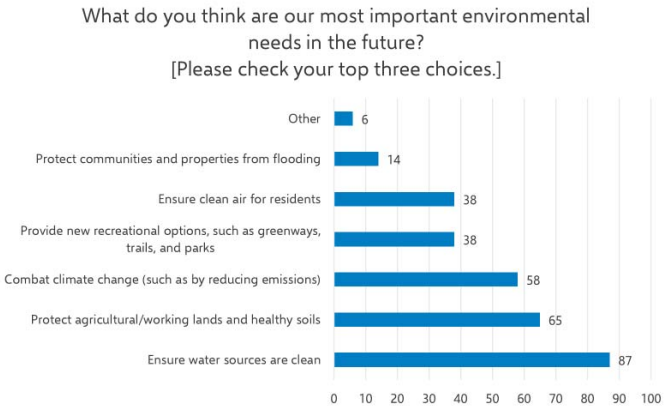


- Responses emphasized keeping a clean water supply, protecting agricultural/working lands and healthy soils, and combating climate change
- Participants expressed concern for all climate-related hazards, such as heat, drought, wildfire, flooding, storms, etc.



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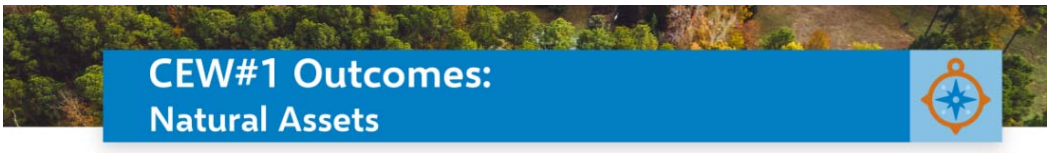

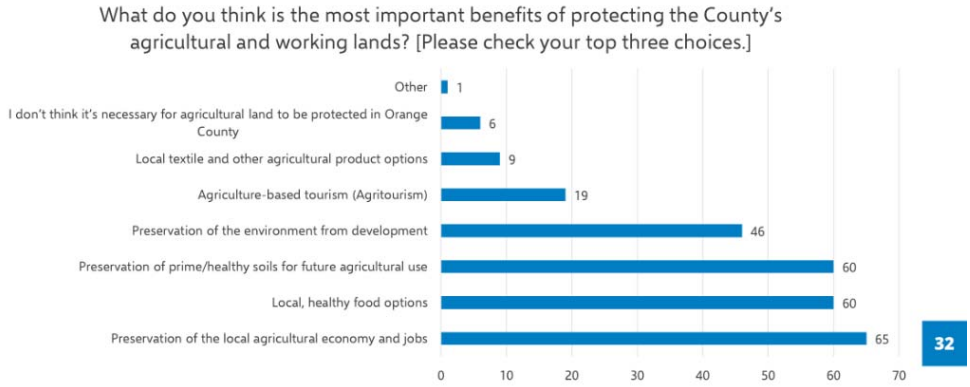

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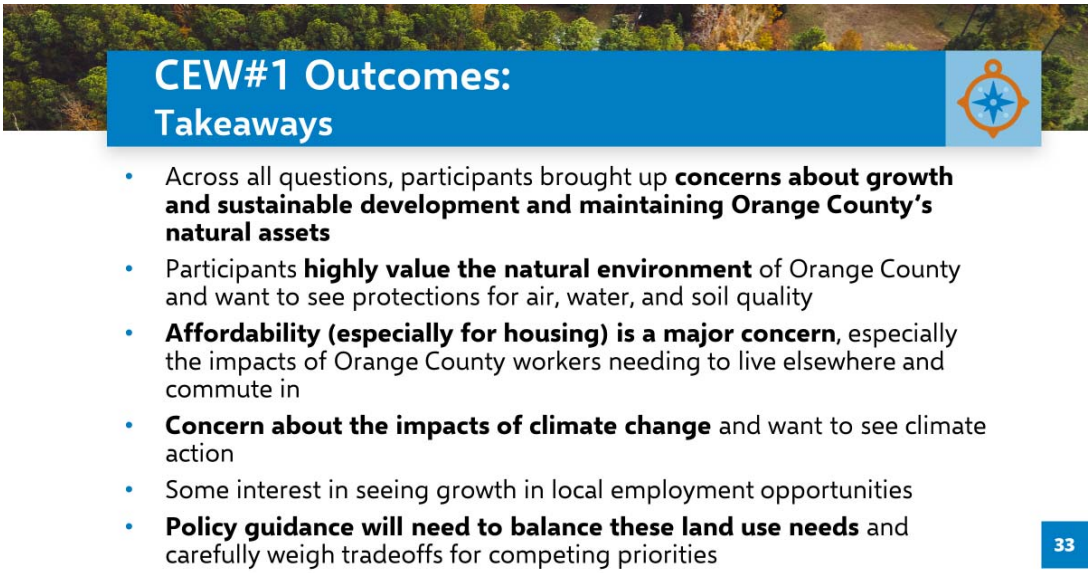

Leigh Anne King continued the presentation:

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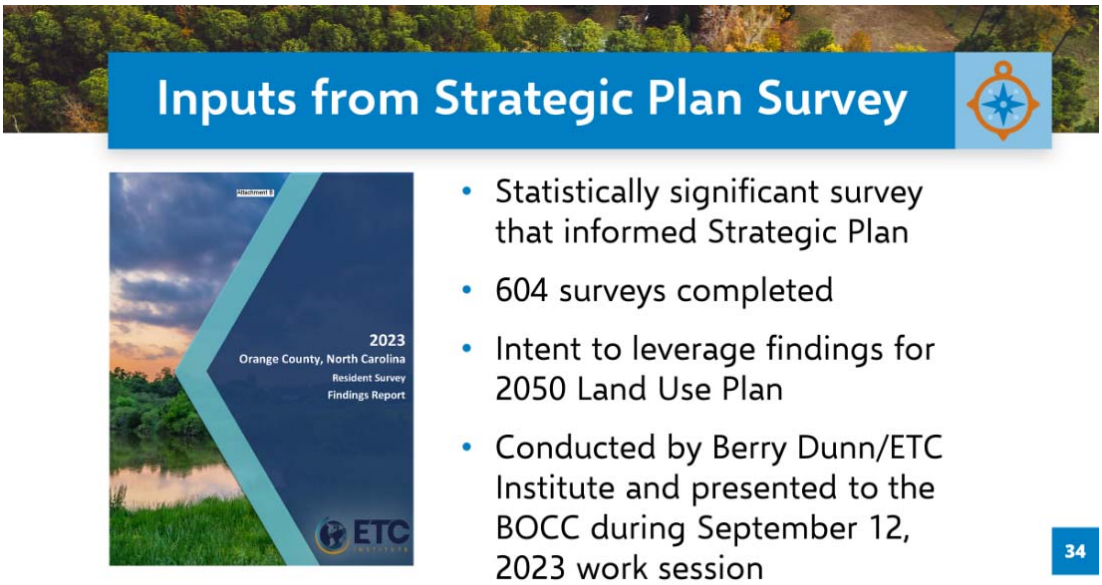

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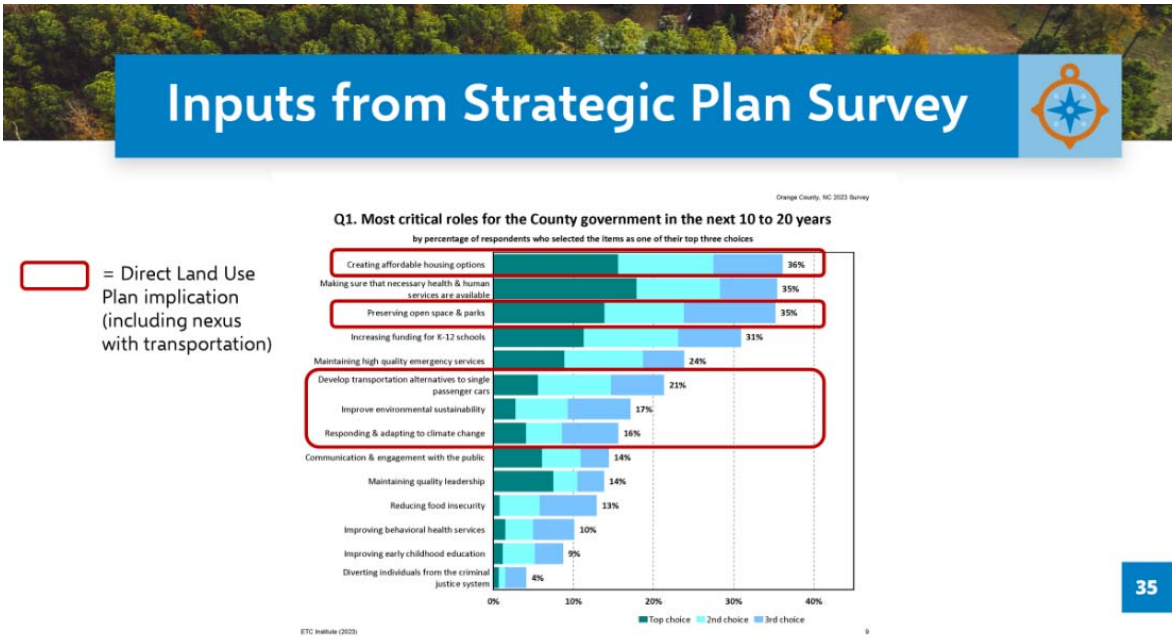

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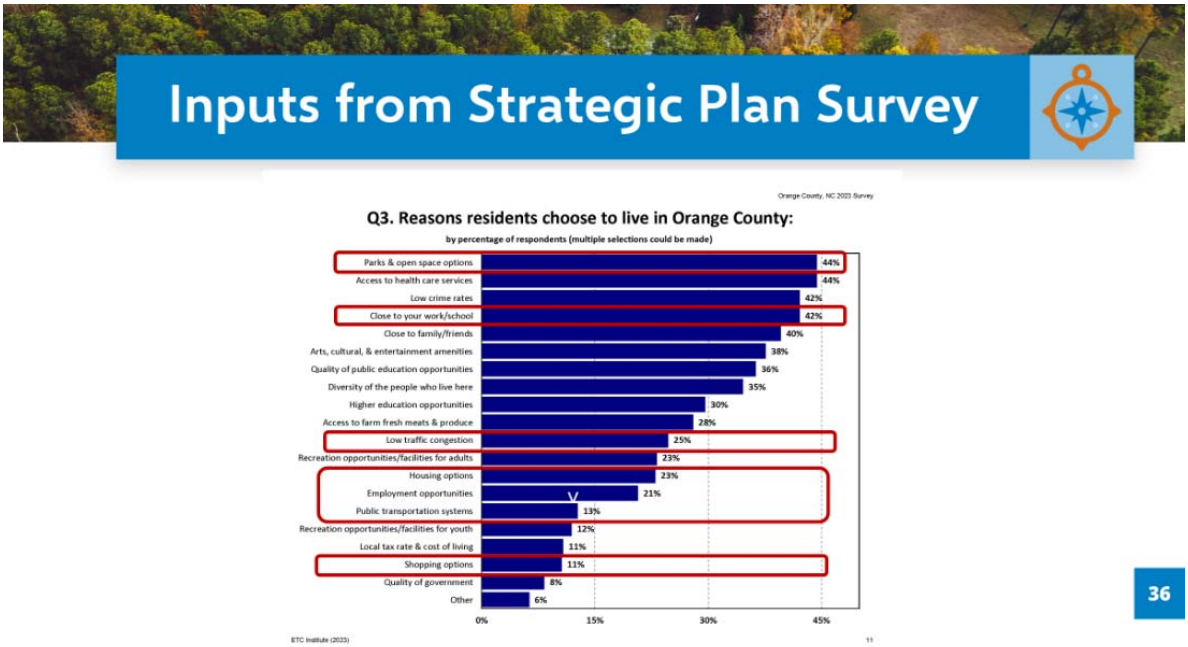

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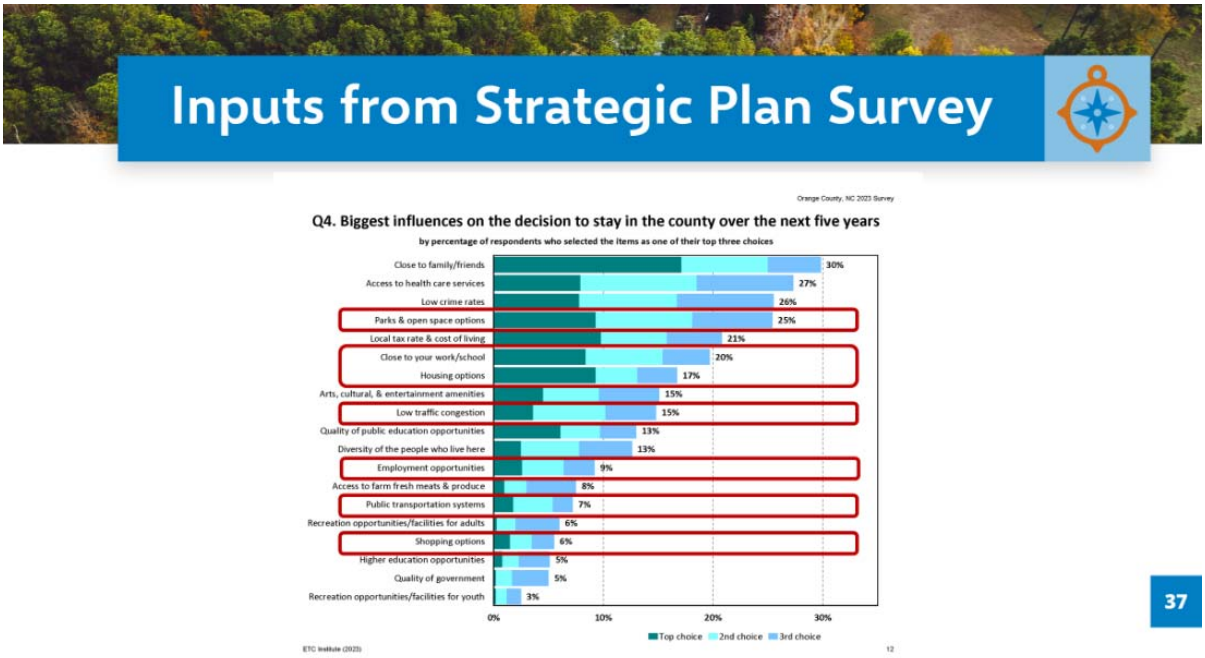

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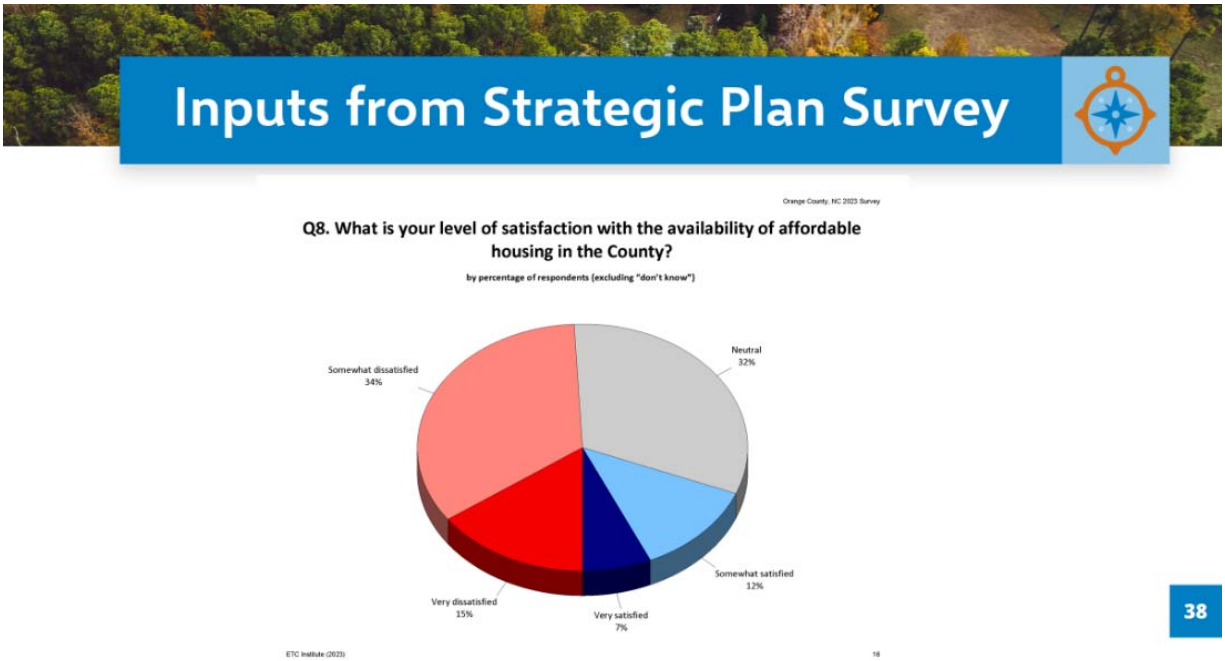

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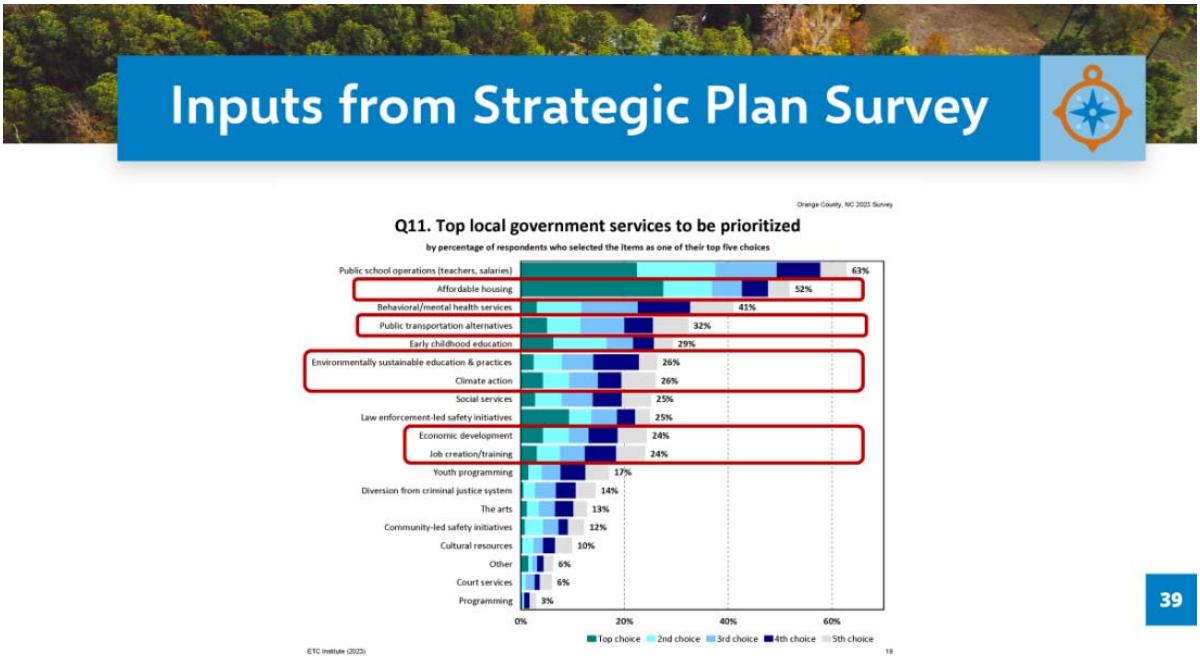

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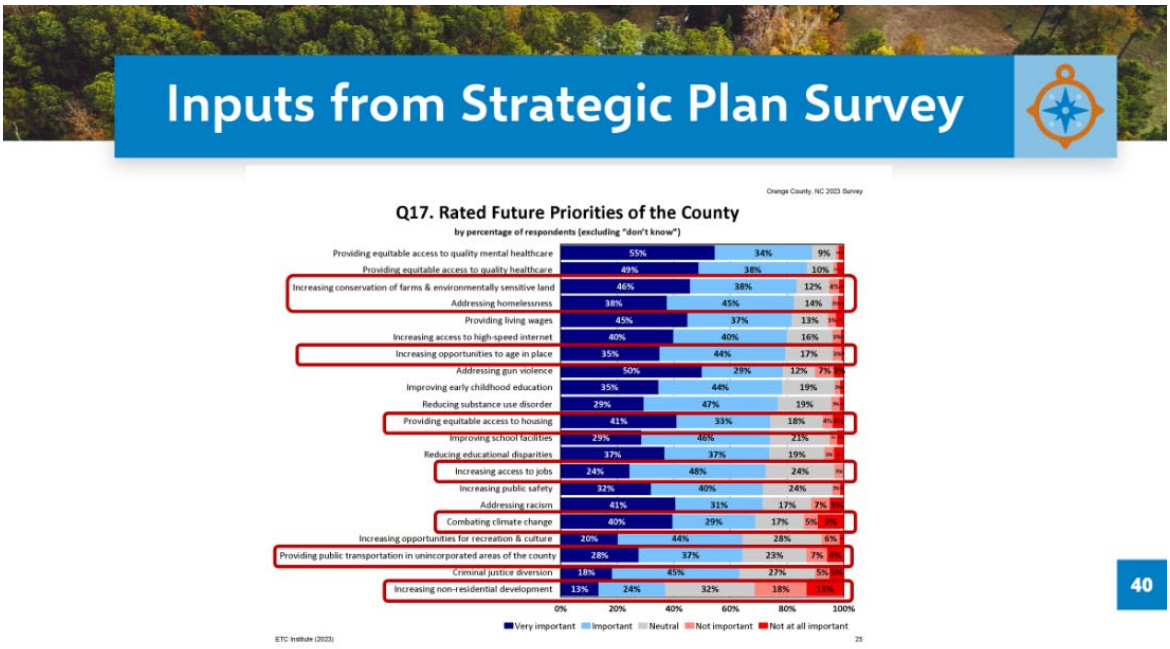

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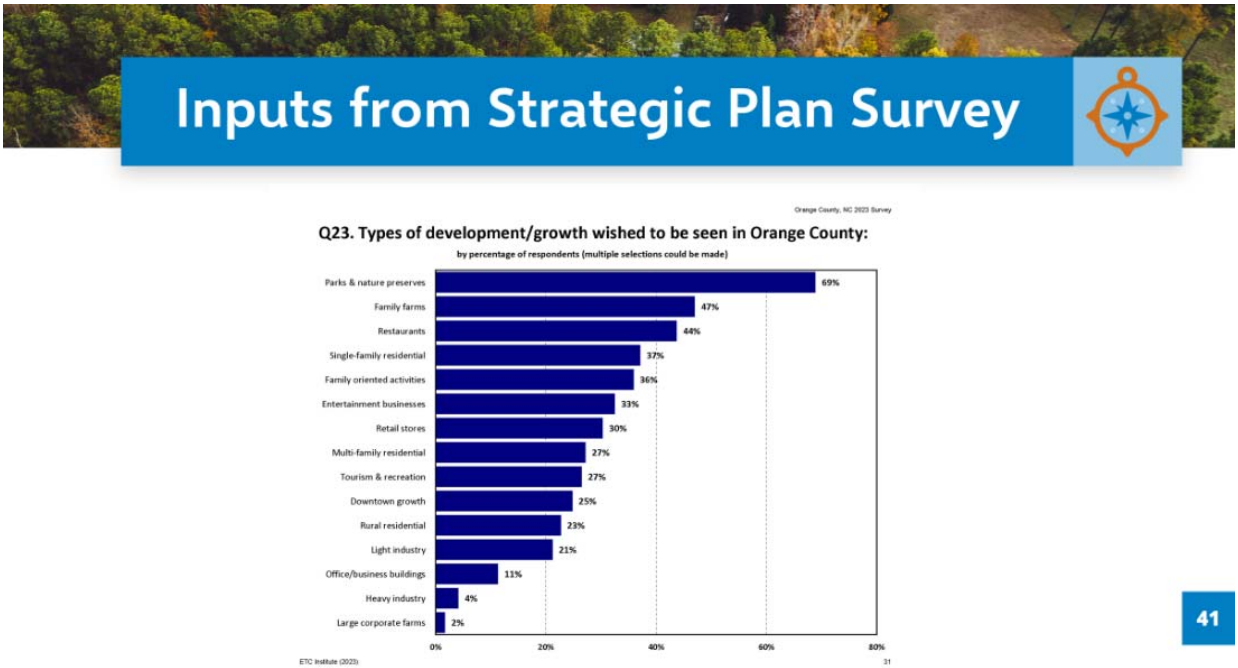

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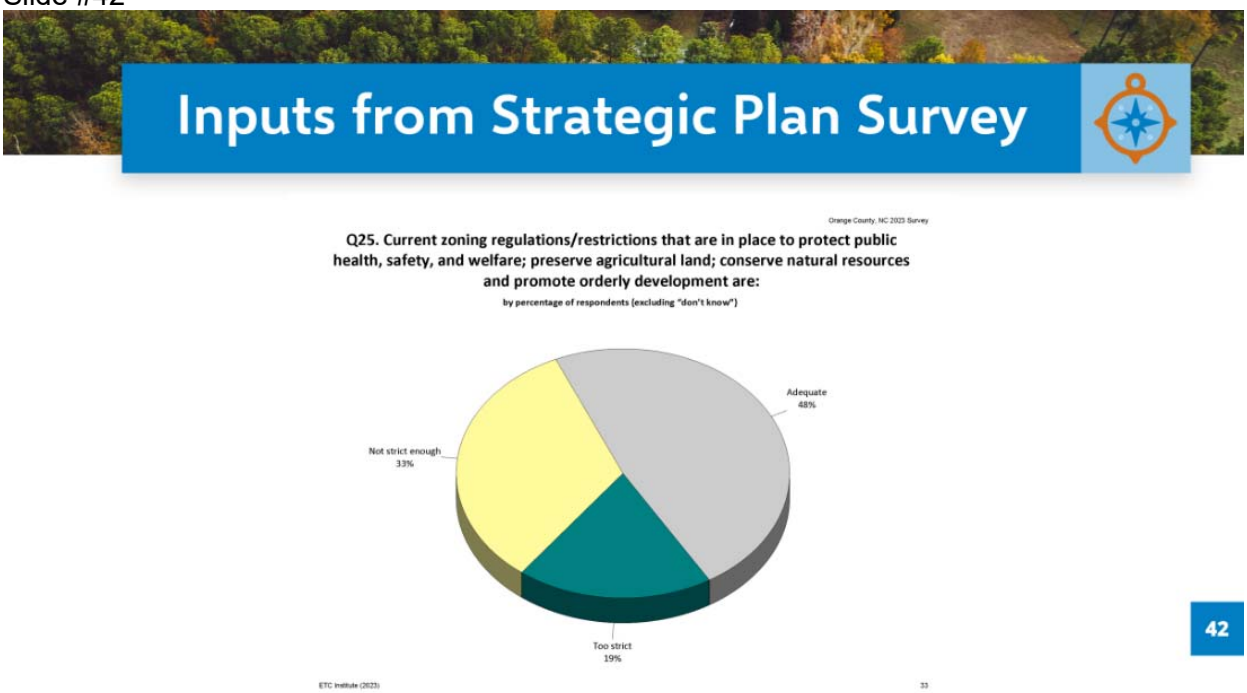

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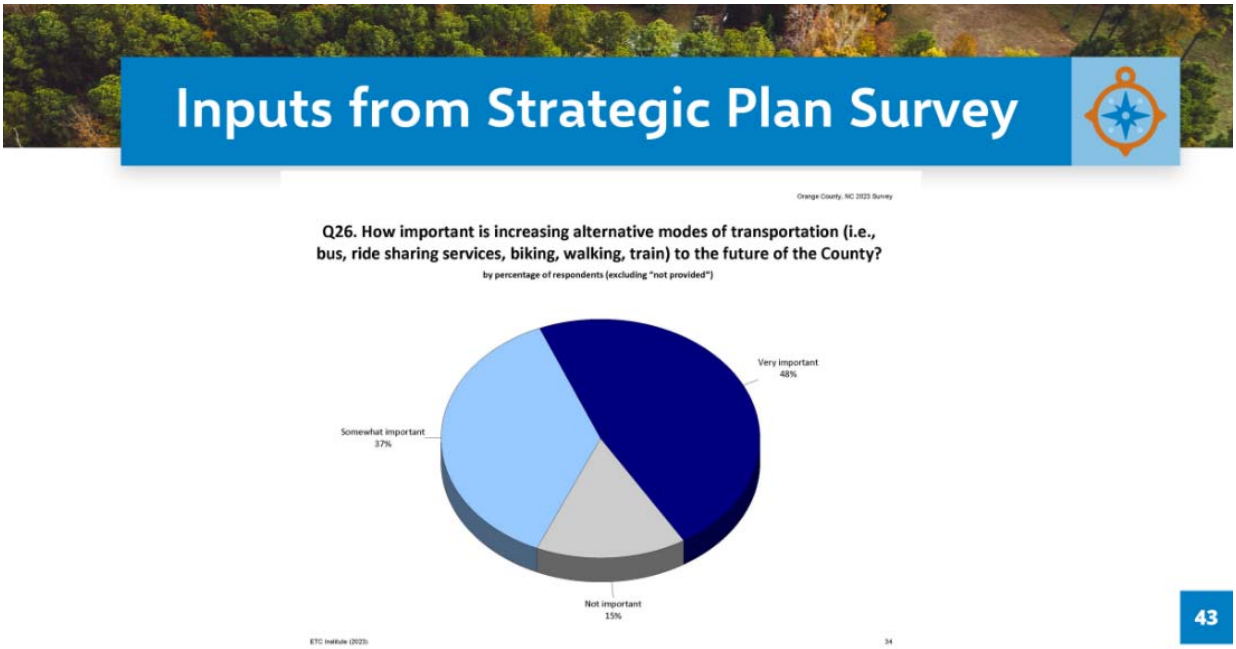

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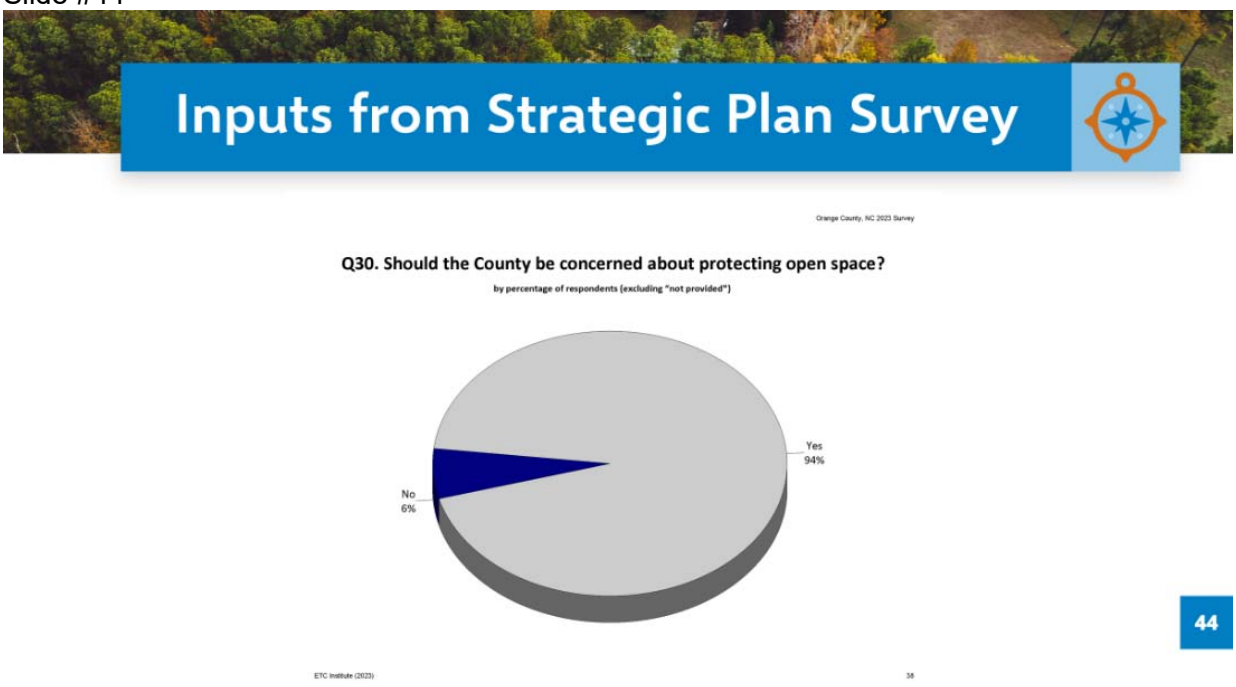
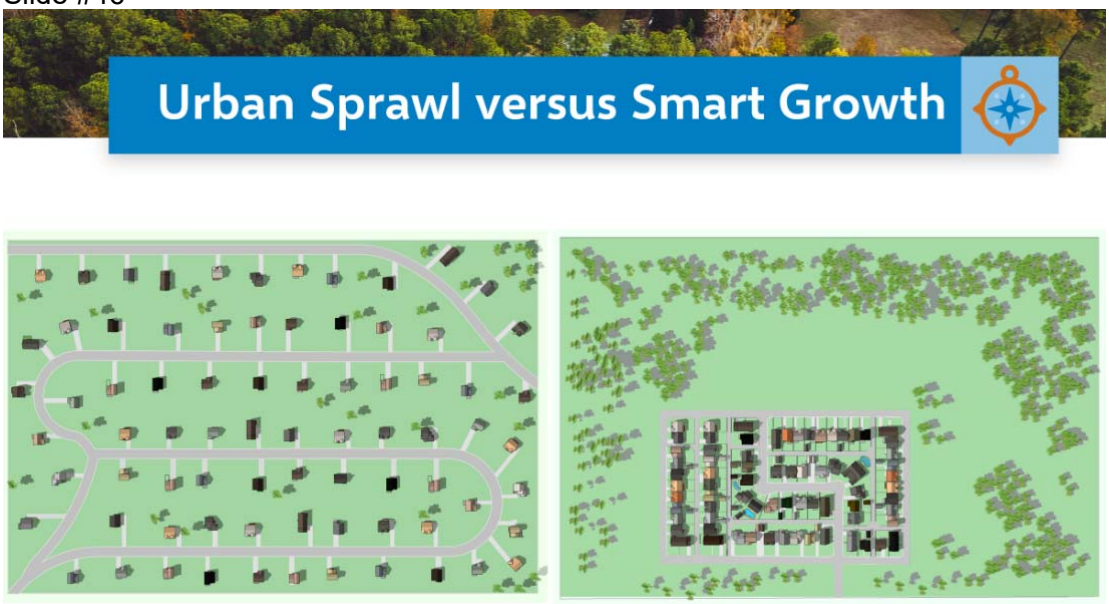


Slide #45

Commissioner Richards asked for clarification of slide #45.

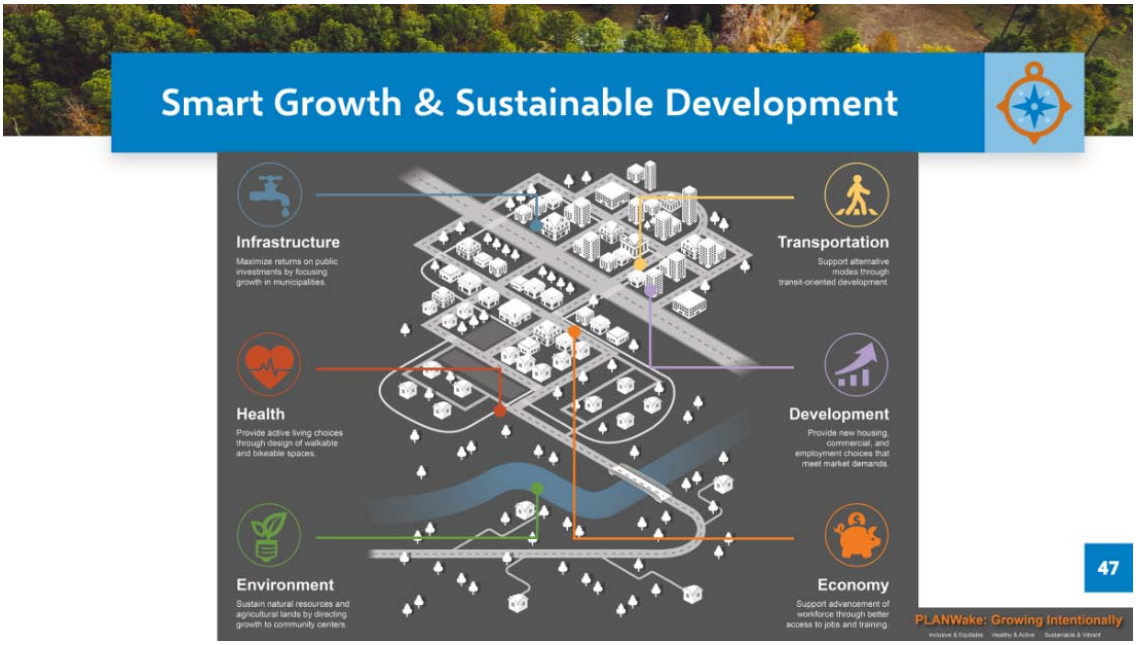
Leigh Anne King said that sustainable development is a three-legged stool. She said that the red Xs mark where things do not fit together easily. She said that they would work with the Board to decide trade-offs.

Slide #46

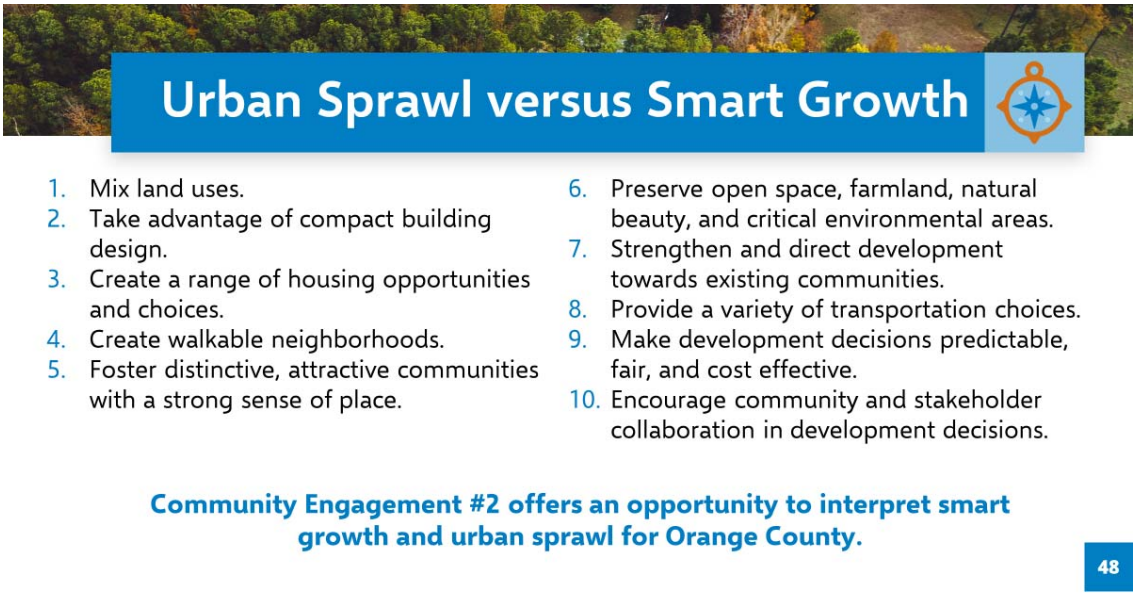


Leigh Anne King said that "urban sprawl" could be described differently by different communities. She showed pictures in slide #46 of what sprawl could look like.

Slide #47



Slide #48



Source: EPA, "About Smart Growth."
https://www.epa.gov/smartgrowth/about-smart-growth

Chair Bedford asked about the tradeoff when dealing with density and zoning regulations to protect farmland and environmental impacts. She asked if there are ways to measure the tradeoffs.

Leigh Anne King said that is something that they can investigate. She said that they will provide a scorecard for each scenario so that they can compare them.

Chair Bedford asked how planners have changed their definitions of sprawl and density in modern times.

Leigh Anne King said that smart growth and terms like that have been around since the 90's and are still used.

Commissioner Hamilton referred to slide #46, that showed a planned community that kept open space while achieving density. She said that there is a tension of being in an urban area that does not have open space. She said they also must keep in mind the diversity of people's preferences. She said it really makes the conversation about smart growth and urban sprawl very complex.

Cy Stober said that can be part of the comprehensive land use planning because they can add Orange County's definition of modern urban sprawl. He said that could be a critical part of the plan. He said it can be added by a deeper dive and be available in the spring and summer so the commissioners can discuss.

Vice-Chair Greene asked how they would get input from the municipalities.

Cy Stober said they have already surveyed the planning directors. He said that they could reach back out to the managers or the planning directors to have the conversation but if you look at the activity nodes in the county, they have not been developed. He said that most people are still coming to the urban centers because the land use plan has not been fulfilled.

Vice-Chair Greene said that all the commissioners were interviewed as stakeholders in the process. She said that municipal elected officials are also stakeholders and asked that they be included.

Commissioner Richards explained her confusion with the transitions between slides 45 and 46. She said that there is a challenge shown and then the next slide is straight to smart growth without dealing with the stuff the red x's were shown on. She said that the answers were given without a conversation about how to answer those challenges. She said they have competing needs which must be addressed. She said it is telling of the dichotomies. She asked how the nodes will be developed when people have moved to a location for the existing environment.

Commissioner McKee asked at what point the changes in current regulations come into this. He said that he has experienced a business in one of the nodes that was almost impossible to rebuild due to regulations. He said that it was no fault of the owner, but they had to rebuild or abandon, and the regulations made it almost impossible. He said that he understands the attractiveness but noted the denser developments would require sewer and water.

Vice-Chair Greene said she thought that smart growth would occur in municipalities and that this type of development would not occur in the rural areas.

Leigh Anne King said that it is the industry expectation.

Vice-Chair Greene said that she was not saying that this would be done in rural Orange County.

Commissioner McKee said that still creates a problem. He said that if you have a piece of property on any of the major thoroughfares or are close enough to get infrastructure it creates a two-tier property value system and that is an inequity in itself.

Vice-Chair Greene said that Orange County has demonstrated that they value preserving farmland.

Commissioner McKee said that his point is that there is always a cost. He said that one cost of the direction Orange County has been in a long time is that they are losing lower and moderate-income people, and he does not know how to address it. He wants to be careful not to price out lower and moderate-income people.

Slide #49

Slide #50

Slide #51

Community Policy Profile: Reports Reviewed

Special Topic Plans
One Orange County Racial Equity Plan
Orange County Climate Action Plan

Transportation
Orange County Transit Plan Update
Efland-Buckhorn-Mebane Access Management Plan
Orange Grove Road Access Management Plan

Environment, Conservation, and Hazard Mitigation
Eno-Haw Regional Hazard Mitigation Plan
State of the Environment
Strategic Growth and Resource Conservation Program Report
A Landscape Plan for Wildlife Habitat Connectivity in the Endo River and New Hope Creek Watersheds, North Carolina

Interlocal Agreements and Plans
Greene Tract Interlocal Agreement
Central Orange Coordinated Area Land Use Plan
Mebane-Orange County Utility Service Agreement
Hillsborough-Orange County Strategic Growth Plan
Water and Sewer Management, Planning and Boundary Agreement
Joint Planning Agreement
Joint Planning Land Use Plan

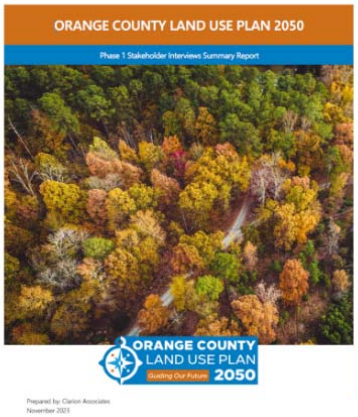
Land Use, Development, and Infrastructure
Master Telecommunications Plan Map
Buckhorn Area Study
Eno Economic Development District Water and Sewer System Project Master Plan Report
Orange County 2030 Comprehensive Plan
Eno Economic Development District Small Area Plan
NC Highway 57 Speedway Area Small Area Plan
Efland-Mebane Small Area Plan
Investigation of Ground-Water Availability and Quality in Orange County
Stoney Creek Basin Small Area Plan

Parks and Recreation
Blackwood Farm Park Master Plan
Little River Regional Park & Natural Area Master Plan
2030 Parks and Recreation Master Plan
Orange County Mountains-to-Sea Trail (MST) Route
New Hope Corridor Open Space Master Plan

Slide #52

Stakeholder Interview Summary Report

- Summarizes inputs collected from 57 stakeholders interviewed during Phase 1
- Used in the development of the Community Engagement Window #1 activities and polling questions
- Available on the website under Resources



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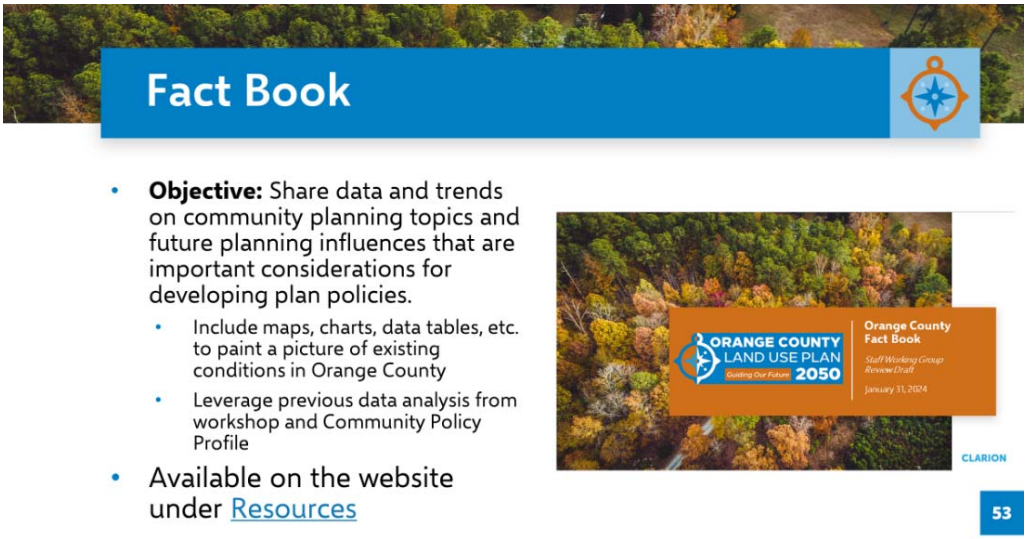
Slide #53



Slide #54

Commissioner McKee said he did not think there was any way to avoid changing and updating regulations.

Vice-Chair Greene said that the county had previously looked into transferable development rights, and it would take special legislation to allow that. She said that they would be able to pay a farmer a certain amount of money to exceed density regulation. She said that it would require special legislation, but she would like staff to research whether that is an option.

Slide #55

Chair Bedford asked if the consultants are assuming no changes with agreements and land use restrictions that are in place.

Cy Stober said that staff would have a retreat with Clarion in March where they would decide on assumptions for the plan.

Chair Bedford said it would be nice to know from OWASA if they have capacity for existing lines. She said that some lines exist where people can use it further out but not closer in. She said there is a WASMPBA decision coming to them in March and that she is concerned that if they grant the right to Chapel Hill, is there enough water to have water up and down Highways 86 or 54. She said she would like to hear if they have a concept of what their capacity is. She said that she needs some assurance on where they are.

Cy Stober said he will do some homework and bring that information back.

3. Agricultural Preservation Board – Appointments Discussion

The Board discussed appointments to the Agricultural Preservation Board.

BACKGROUND: The Agricultural Preservation Board is charged with promoting the economic and cultural importance of agriculture in the County, and to encourage voluntary preservation and protection of farmland for future production.

The Board of County Commissioners appoints all 15 members, including eight (8) At-Large members, and one (1) member from each of the seven (7) Agricultural Districts in the County.

The following individuals are presented for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Dr. Noah Ranells	At-Large	Partial Term	06/30/2025
Manley Palmer	At-Large	Partial Term	06/30/2024

If the individuals listed above are appointed, the following vacancies remain:

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
Schley/Eno Voluntary Agricultural District	06/30/2024	**Vacant since 02/24/2023**
White Cross Voluntary Agricultural District	09/30/2026	**Vacant since 09/30/2026**

Tara May introduced the item.
The Board agreed by consensus on the recommended applicants.
Commissioner McKee said he would assist in recruiting for the vacant positions.

4. Animal Services Advisory Board – Appointment Discussion

The Board discussed an appointment to the Animal Services Advisory Board.

BACKGROUND: The charge of the Animal Services Advisory Board is to advise the Board of County Commissioners on matters of concern regarding animal issues and animal services in Orange County, and to work with the Animal Services Director on various policy concerns and issues regarding County animal services.

The Board of County Commissioners appoints all thirteen (13) members with representation from various related fields and municipalities.

The following individual is recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Paula Kotarakos	At-Large	Partial Term	06/30/2025

If the individual listed above is appointed, no vacancies remain.

Tara May introduced the item.
The Board agreed by consensus on the recommended applicant.

5. Arts Commission – Appointment Discussion

The Board discussed an appointment to the Arts Commission.

BACKGROUND: The Arts Commission recommends strategies to promote the artistic and cultural growth of Orange County, advises the Board of Commissioners on matters involving the arts, and acts as the granting panel for funding programs available to individual artists and non-profit groups sponsoring arts projects in Orange County.

The Board of County Commissioners appoints all fifteen (15) At-Large members.

The following individual is recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Wendy Smith	At-Large	First Full Term	03/31/2027

If the individual listed above is appointed, the following vacancy remains:

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
At-Large	09/30/2026	**Vacant since 09/30/2023**

Tara May introduced the item.
The Board agreed by consensus on the recommended applicant.

6. Chapel Hill Orange County Visitors Bureau Advisory Board – Appointments Discussion
The Board discussed appointments to the Chapel Hill Orange County Visitors Bureau Advisory Board.

developing and coordinating visitor services in Orange County. It also implements marketing programs that will enhance economic activity and quality of life in the community.

The Board of County Commissioners appoints all seventeen (17) members, with representation from specific entities and fields.

The following individuals are recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Paris Miller-Foushee	Chapel Hill Town Council	Partial Term	12/31/2024
Randee Haven O'Donnell	Carrboro Town Council	Partial Term	12/31/2025
Matt Hughes	Hillsborough Board of Commissioners	Partial Term	12/31/2025
Stephen Peck	Alliance for Historic Hillsborough	Partial Term	12/31/2025
Donald Bryan	Chapel Hill-Carrboro Chamber of Commerce	First Full term	12/31/2026
Jeri Lynn Schulke	Chapel Hill Downtown Partnership Staff	First Full Term	06/30/2026
Wendy Smith	Orange County Arts Commission	First Full Term	12/30/2026

If the individuals listed above are appointed, no vacancies remain.

Tara May introduced the item.
The Board agreed by consensus on the recommended applicants.

7. Chapel Hill Planning Commission - Appointment Discussion
The Board discussed an appointment to the Chapel Hill Planning Commission.

BACKGROUND: The Chapel Hill Planning Commission develops a comprehensive plan for the orderly growth and development of Chapel Hill. It reviews all plans for buildings, projects and facilities to be located within the Town's jurisdiction. It also formulates and recommends the adoption and amendment of ordinances.

The Board of County Commissioners appoints one (1) resident representing the Chapel Hill Extraterritorial Jurisdiction (ETJ), as well as one (1) resident representing the Chapel Hill Extraterritorial Jurisdiction or the Joint Planning Area (JPA).

The following position is presented for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
BOCC Appointee	Chapel Hill ETJ or JPA	Partial Term	06/30/2025

If the position listed above is filled, no vacancies remain.

Tara May introduced the item. She said there was only one application for the vacant position.

Vice-Chair Greene said her preference is to hold the position open and look for more applicants.

Tara May said that the 90-day window has started, and there are about 60 days left before Chapel Hill appoints a person to the vacancy.

Commissioner Hamilton asked for clarification that if they do not receive other applications, they will approve the one applicant that they do have.

Chair Bedford said if they do not, Chapel Hill will appoint someone to the position.

Tara May said that was correct and it has happened before.

Commissioner Hamilton said she thought they should go ahead and appoint the only applicant for the vacancy.

The majority of the Board agreed by consensus to wait until closer to the end of the 90-day period to see if anyone else applies.

8. Commission for the Environment – Appointments Discussion
The Board discussed appointments to the Commission for the Environment.

BACKGROUND: The Commission for the Environment advises the Board of Commissioners on matters affecting the environment with particular emphasis on protection. It educates public and local officials on environmental issues and performs special studies and projects. It also recommends environmental initiatives and study changes in environmental science and local and federal regulations.

The Board of County Commissioners appoints all fifteen (15) At-Large members.

The following individuals are recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Dr. Kristie Mather	At-Large	Second Full Term	12/31/2026
Veronica Beattie	At-Large	Second Full Term	12/31/2026
Ian Morse	At-Large	First Full Term	12/31/2026
Matthew Ferguson	At-Large	Partial Term	12/31/2025
Lily Schacht	At-Large	First Full Term	12/31/2026
Patrick Fn'Piere	At-Large	Partial Term	12/31/2024
Dr. John Bucher	At-Large	First Full Term	12/31/2026
Nicholas Stover	At-Large	Partial Term	12/31/2024
Aimee Vandemark	At-Large	Partial Term	12/31/2024

If the individuals listed above are appointed, no vacancies remain.

Tara May introduced the item.
The Board agreed by consensus on the recommended applicants.

9. Hillsborough Planning Board – Appointment Discussion
The Board discussed an appointment to the Hillsborough Planning Board.

BACKGROUND: The Hillsborough Planning Board acquires and maintains information in order to understand past trends, prepare and amend the comprehensive plan for the development of the area, and prepare and recommend ordinances promoting orderly development.

The Board of County Commissioners appoints three (3) members who are all residents of the Hillsborough Extraterritorial Jurisdiction (ETJ).

The following individual is presented for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Jeanette Benjey	Hillsborough ETJ	Partial Term	10/31/2025

If the individual listed above is appointed the following vacancy remains:

POSITION DESCRIPTION	EXPIRATION DATE	VACANCY INFORMATION
Hillsborough ETJ	05/31/2026	**Vacant since 05/31/2023**

Tara May introduced the item.
The Board agreed by consensus on the recommended applicant.

10. Orange County Parks and Recreation Council – Appointment Discussion

The Board discussed an appointment to the Orange County Parks and Recreation Council.

BACKGROUND: The Orange County Parks and Recreation Council consults with and advises the Department of Environment, Agriculture, Parks and Recreation, and the Board of County Commissioners on matters affecting parks planning, development and operation; recreation facilities, policies and programs; and public trails and open space.

The Board of County Commissioners appoints all twelve (12) members with representatives from each of the county's townships plus its municipalities, as well as two (2) non-voting youth delegates.

The following individual is recommended for Board consideration:

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Casey Collins	Hillsborough Township	Partial Term	03/31/2025

If the individual listed above is appointed, the following vacancies remain:

POSITION DESIGNATION	EXPIRATION DATE	VACANCY INFORMATION
At-Large	03/31/2025	**Vacant since 12/12/2023**
Little River Township	03/31/2026	**Vacant since 08/18/2023**

Tara May introduced the item.

The Board agreed by consensus on the recommended applicant.

Adjournment

A motion was made by Commissioner Hamilton, seconded by Commissioner McKee, to adjourn the meeting at 9:52 p.m.

VOTE: UNANIMOUS

Jamezetta Bedford, Chair

Laura Jensen
Clerk to the Board

Submitted for approval by Laura Jensen, Clerk to the Board.

ORD-2024-007

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-b

SUBJECT: Fiscal Year 2023-24 Budget Amendment #7

DEPARTMENT: County Manager's Office

ATTACHMENT(S):
Attachment 1. Year-to-Date Budget Summary
Attachment 2. Health Department Fee Schedule Revisions
Attachment 3. White Cross Fire District Fund Balance Request

INFORMATION CONTACT:
Kirk Vaughn, (919) 245-2153

PURPOSE: To approve budget, grant, and capital project ordinance amendments for Fiscal Year 2023-24.

BACKGROUND:

Department of Environment, Agriculture, Parks and Recreation

1. The County is updating its internal process of recognizing grant awards for the Conservation Easement and the Lands Legacy projects within the Department of Environment, Agriculture, Parks and Recreation. In the past, the County anticipated 50% grant reimbursement in advance of specific projects being approved and awarded. To improve internal tracking, Grant Revenue Match Funding will be removed from the project and subsequently recorded when the match funding has been awarded. The department will continue to aggressively pursue grant funding to match County funding. This amendment reduces the appropriations for these projects by $2,584,609 within the County Capital Fund, outside of the General Fund.

Conservation Easements (-$2,084,609) - Project # 20006

Revenues for this project:

	Current FY 2023-24	FY 2023-24 Amendment	FY 2023-24 Revised
Grant Revenue	$3,403,280	($2,084,609)	$1,318,671
Donations	$1,020	$0	$1,020
Alternative Financing	$3,480,396	$0	$3,480,396
From General Fund	$696,521	$0	$696,521
Total Project Funding	**$7,581,217**	**($2,084,609)**	**$5,496,608**

Appropriated for this project:

	Current FY 2023-24	FY 2023-24 Amendment	FY 2023-24 Revised
Grant Expenditures	$7,581,217	($2,084,609)	$5,496,608
Total Costs	**$7,581,217**	**($2,084,609)**	**$5,496,608**

Lands Legacy (-$500,000) - Project # 20011

Revenues for this project:

	Current FY 2023-24	FY 2023-24 Amendment	FY 2023-24 Revised
Grant Revenue	$500,000	($500,000)	$0
Donations	$2,000	$0	$2,000
Alternative Financing	$2,469,708	$0	$2,469,708
From General Fund	$42,697	$0	$42,697
Appropriated Fund Balance	$9,337	$0	$9,337
Total Project Funding	**$3,023,742**	**($500,000)**	**$2,523,742**

Appropriated for this project:

	Current FY 2023-24	FY 2023-24 Amendment	FY 2023-24 Revised
Grant Expenditures	$3,023,742	($500,000)	$2,523,742
Total Costs	**$3,023,742**	**($500,000)**	**$2,523,742**

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

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

Economic Development

2. On May 24, 2022 the Board of County Commissioners adopted a resolution authorizing approval of a lease agreement and economic incentive agreement for the expansion of Well Dot, Inc.'s health care IT operations in Orange County, NC. The agreements provided for the leasing of the County's former Visitors Bureau building and adjacent space previously occupied by the Skills Development Center. Well Dot made a non-refundable, initial deposit of $250,000 and will make rent payments totaling $404,576.04 annually to the County for the first six (6) years of the lease. The performance agreement provides initial funding to upfit the space based on employment and wage targets. The agreement

offers up to $2 million for the company to use to offset facility development and remodeling costs. These funds will be borrowed with an average annual debt service payment of approximately $137,000. Proceeds from the lease will be used to pay the debt. The company agreed to create at least 360 new full time jobs.

This amendment appropriates $2,000,000 in the County Capital Fund for incentive payments through the following capital ordinance:

Well Dot ($2,000,000) - Project # 10088

Revenues for this project:

	Current FY 2023-24	FY 2023-24 Amendment	FY 2023-24 Revised
Alternative Financing	$0	$2,000,000	$2,000,000
Total Project Funding	**$0**	**$2,000,000**	**$2,000,000**

Appropriated for this project:

	Current FY 2023-24	FY 2023-24 Amendment	FY 2023-24 Revised
Project Expenditures	$0	$2,000,000	$2,000,000
Total Costs	**$0**	**$2,000,000**	**$2,000,000**

3. In order to recognize the rent and deposit revenue that will offset the debt service, this amendment appropriates $67,430 in the Debt Service Fund to recognize the lease revenue to be paid by Well Dot, Inc. in Fiscal Year 2023-24, and transfers the initial lease deposit of $250,000 from the County Capital Reserve fund to the Debt Service Fund.

4. The NC Department of Commerce has agreed to support the County's incentive agreement with ABB, Inc. The County has received $500,000 of pass-through funding from the State's Building Reuse Grant Program as ABB, Inc. has met the company's 2022 capital investment goal and has created 378 new jobs. These funds will be recognized in the Article 46 Sales Tax Fund outside of the General Fund, and will be provided directly to ABB, Inc.

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

   - **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
     The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Health Department

5. The Health Department requests to amend the County Fee Schedule to include the new fees detailed in Attachment 2. These changes to the fee schedule do not affect revenues budgeted for FY 2023-24. The proposed modifications are to more accurately reflect cost and to recognize new services for which a fee will be charged. The Respiratory Syncytial Virus (RSV) fees that are additions or increases are billed to private insurance in cases where patients have insurance, and in cases where patients are uninsured or

underinsured, they do not pay a fee. These fees were approved by the Board of Health in October 2023.

6. The Health Department has received an additional $3,250 from the North Carolina Department of Public Health in Breast and Cervical Cancer Control Program funds, which will be used to provide breast and cervical cancer x-rays for qualifying patients, with a service period from June 1, 2023 to May 31, 2024. This amendment provides for the receipt of these funds in the General Fund.

7. The Health Department has received $4,500 in grant funding from Delta Dental to support the oral health of children in Orange County. Funding will be used toward Valo Curing Lights in the Mobile Dental Clinic to assist with providing quick, effective, and child-friendly dental care. This amendment provides for the receipt of these funds in the following grant project ordinance, outside of the General Fund:

Delta Dental ($4,500) - Project # 71095

Revenues for this project:

	Current FY 2023-24	FY 2023-24 Amendment	FY 2023-24 Revised
Grant Revenue	$2,500	$4,500	$7,000
Total Project Funding	**$2,500**	**$4,500**	**$7,000**

Appropriated for this project:

	Current FY 2023-24	FY 2023-24 Amendment	FY 2023-24 Revised
Project Expenditures	$2,500	$4,500	$7,000
Total Costs	**$2,500**	**$4,500**	**$7,000**

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Department on Aging

8. The Department on Aging will utilize existing American Rescue Plan Act (ARPA) Senior Care grant funds to increase the full time equivalent (FTE) for the Human Services Coordinator from .75 to 1.0 through June 6, 2024 for the expansion of the Respite Program and Dementia Friendly Community Initiative. This additional expense will be funded by the existing ARPA Senior Care funds through Triangle J Council of Government approved in September 2022 through Budget Amendment #1. This amendment provides for .25 additional FTE to be covered in the Multi-Year Grant Fund

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Department of Social Services

9. The Department of Social Services has received $18,832 in additional administrative funds from the North Carolina Department of Health and Human Services (NCDHHS) Division of Social Services for the Low-Income Energy Program (LIEAP). The funds will be utilized to provide additional funding for the General Assistance program to provide clients with utility assistance.

10. The Department of Social Services has received additional funds of $20,296 from the North Carolina Department of Health and Human Services (NCDHHS) to create a pilot program called Department of Social Services Emergency Placement Fund. NCDHHS recognizes the current situation with locating the required residential treatment placement for children in the Department of Social Services' custody with complex behavioral health needs. As the Local Management Entity (LME) continues to build a network of providers to meet this need, the North Carolina Department of Social Services has allocated funds to create a pilot program called Departments of Social Services Emergency Placement Fund. These funds are intended to temporarily assist county departments of social services in addressing identified placements needs for children in the custody of the agencies who are awaiting a Medicaid leveled treatment placement.

    SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is applicable to this item:
    - **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
      The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Finance and Administrative Services

11. The Finance and Administrative Services Department requires an additional $15,000 in funds to support a payroll and payables audit, and accounting and audit support during year-end close. These expenses will be funded with a transfer from the County Capital reserves.

    SOCIAL JUSTICE IMPACT: There are no Orange County Social Justice Goals associated with this item.

Fire Districts

12. The White Cross Volunteer Fire Department requests to appropriate $7,000 of its fund balance to purchase an enclosed equipment trailer. The trailer will be used to house and transport the large animal rescue equipment in coordination with Orange County

Emergency Services. The County estimates that White Cross will retain $13,000 in fund balance after this allocation.

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

- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

Housing Department

13. The Housing Department has reviewed its Housing Choice Voucher (HCV) Fund balance at the end of FY 2023 and identified $80,000 in unspent HCV Administrative Funds due to better placement of vouchers. The funds must be utilized or the County will receive lower administrative funding going forward. Staff proposes the County appropriate $80,000 in Fund Balance in the HCV fund, then supplant $80,000 in General Fund support to the Housing Choice Voucher program to the HCV Fund to draw down the balance. This amendment reduces the General Fund authorization by $80,000 and increases the HCV Fund authorization by $80,000.

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

    - **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
      The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Cooperative Extension

14. Effective April 1, 2024, NC State University (NC State Extension) will hire an Area Extension Agent for Livestock, Forages, and General Agriculture. This position will be housed with Orange County Cooperative Extension and provide programs and technical support to county farmers. Fifty percent of the funding for the position will be paid by North Carolina State University. Durham County Government will pay Orange County Government annually for twenty percent of the position. The remaining portion will be paid with existing Orange County Cooperative Extension budget. The Area Agent will provide programming and educational livestock services for adults and youth in Durham County an average of 8 hours per week. This amendment provides for the receipt of $7,000 in compensation in FY 2023-24 from Durham County and increases the General Fund by $7,000.

    SOCIAL JUSTICE IMPACT: There are no Orange County Social Justice Goals associated with this item.

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts associated with these items other than as noted otherwise above.

FINANCIAL IMPACT: Financial impacts are included in the background information above. This budget amendment provides for the receipt of these additional funds in FY 2023-24 and decreases the General Fund by $15,622, and the County Capital Fund by $584,609, while increasing the Multi-Year Grant Fund by $4,500, the Fire Districts Fund by $7,000, the Housing Choice Voucher Fund by $80,000, the Debt Service Fund by $317,430, County Capital Reserve Fund by $265,000, and the Article 46 Sales Tax Fund by $500,000.

RECOMMENDATION(S): The Manager recommends the Board approve the budget, grant, and capital project ordinance amendments for Fiscal Year 2023-24.

Attachment 1

Year-To-Date Budget Summary

Fiscal Year 2023-24

Fund Budget Summary	General Fund	Grants Fund	Fire Districts Fund	Housing Choice Voucher Fund	County Capital	Debt Service Fund	County Capital Reserve	Article 46 Sales Tax Fund
Original Budget Revenue	$271,114,238	$357,000	$8,584,336	$6,858,632	$28,888,432	$2,771,674	$0	$5,494,058
Interfund Transfer Revenue	$1,391,290					$33,400,000		
Fund Balance Appropiation	$7,000,000		$20,000			$1,285,824	$1,038,010	
Total Original Budget	**$279,505,528**	**$357,000**	**$8,604,336**	**$6,858,632**	**$28,888,432**	**$37,457,498**	**$1,038,010**	**$5,494,058**
Additional Revenue Received Through Budget Amendment #7 (March 19, 2024)								
Grant Funds	$1,158,529	$372,219	$25,000	$146,254	-$2,584,609			
Non Grant Funds	$126,159	$5,000			$2,095,239	$67,430		$1,848,070
Additional Interfund Transfer Revenue	$109,442	$23,750				$250,000		
Additional Fund Balance Appropriation	$46,837		$7,000	$80,000			$413,192	
Total Amended Budget	**$280,946,495**	**$757,969**	**$8,636,336**	**$7,084,886**	**$28,399,062**	**$37,774,928**	**$1,451,202**	**$7,342,128**
Dollar Change in 2023-24 Approved Budget	$1,440,967	$400,969	$32,000	$226,254	($489,370)	$317,430	$413,192	$1,848,070
% Change in 2023-24 Approved Budget	0.53%	112.32%	0.37%	3.30%	-1.69%	11.45%	100.00%	33.64%

Authorized Full Time Equivalent Positions

Original Approved Full Time Equivalent Positions (includes Permanent and Time Limited)	1,001.800			5.850				3.000
Changes to Full Time Equivalent Positions	2.250							
Total Approved Full-Time-Equivalent Positions for Fiscal Year 2023-24	**1,004.050**	**0.000**	**0.000**	**5.850**	**0.000**	**0.000**	**0.000**	**3.000**

CPT Code	Description	Current Fee	Proposed Change	Last Revision	Notes
90678	ABRYSVO (Respiratory Syncytial Virus vaccine, preF, subunit, bivalent, for intramuscular use) 0.5 mL solution for intramuscular injection	N/A	$292.05	N/A	NEW
90380	RSV, monoclonal antibody, seasonal dose, 0.5 mL dosage for intramuscular – Beyfortus	$99.75	$485.10	2023	Revise to reflect increased cost
90381	RSV, monoclonal antibody, seasonal dose, 1.0 mL dosage for intramuscular – Beyfortus	$99.75	$485.10	2023	Revise to reflect increased cost

To: Gary Donaldson, CTP, MBA, MPA
Chief Financial Officer

From: Tony Blake
President
White Cross Volunteer Fire Department

Subject: Request from White Cross VFD unappropriated fund

Date: January 30, 2024

Mr. Donaldson,

White Cross Volunteer Fire Department would like to request $7000.00 from our unappropriated fund for a purchase of an enclosed equipment trailer. The trailer will be used to house and transport our county's large animal rescue equipment.

They was a joint endeavor with Orange County Emergency Management and White Cross Fire Department.

Thankyou for your time in this matter.

Respectfully,

Tony Blake

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-c

SUBJECT: World Water Day Proclamation

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

ATTACHMENT(S):
Proclamation

INFORMATION CONTACT:
David Stancil, 245-2522
Wesley Poole, 245-2513

PURPOSE: To approve a proclamation designating March 22, 2024 as World Water Day in Orange County.

BACKGROUND: In 1992, the United Nations (UN) General Assembly adopted a resolution to declare the 22nd of March each year as "World Day for Water." In observing World Water Day, governments are invited to devote the Day to the promotion of public awareness, focusing attention on the importance of freshwater and the sustainable management of freshwater resources.

This year, the theme for World Water Day is 'Water for Peace.' As stated on the World Water Day website, "**Water can create peace or spark conflict**. When water is scarce or polluted, or when people struggle for access, tensions can rise. By cooperating on water, we can balance everyone's water needs and help stabilize the world. **Prosperity and peace rely on water**. As nations manage climate change, mass migration and political unrest, they must put water cooperation at the heart of their plans. **Water can lead us out of crisis**. We can foster harmony between communities and countries by uniting around the fair and sustainable use of water – from United Nations conventions at the international level, to actions at the local level."

This year's campaign will urge people to realize that when everyone cooperates on water, we create a positive ripple effect – fostering harmony, generating prosperity, and building resilience to shared challenges (from https://www.un.org/en/observances/water-day).

Upcoming activities here in Orange County related to World Water Day include Orange County Creek Week that will be held March 16-23, 2024 (https://www.orangecountync.gov/2887/Creek-Week).

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

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
  The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

Safe and abundant water is a critical component to preserving and growing the County's economy.

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

Celebrating World Water Day helps to acknowledge the various ways that Orange County residents value water in cultural groups, industries, and domestic lives, leading to a more complete understanding of water's importance and the need to preserve equitable access to it.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **RESULTANT IMPACT ON NATURAL RESOURCES AND AIR QUALITY**
  Assess and where possible mitigate adverse impacts created to the natural resources of the site and adjoining area. Minimize production of greenhouse gases.

Celebrating World Water Day shows support for minimizing impacts on the water supply.

RECOMMENDATION(S): The Manager recommends that the Board approve the Proclamation and authorize the Chair to sign the Proclamation on behalf of the Board.

ORANGE COUNTY BOARD OF COMMISSIONERS

WORLD WATER DAY
PROCLAMATION

WHEREAS, the United Nations (UN) has declared March 22nd as World Water Day and has invited governments around the world to devote the Day to the promotion of public awareness of the importance of water and the sustainable management of water resources; and

WHEREAS, the theme for World Water Day 2024 is "Water for Peace," highlighting that water can create peace or spark conflict, prosperity and peace rely on water, and water can lead us out of crisis; and

WHEREAS, the intended goal of World Water Day 2024 is to realize that when we cooperate on water, we create a positive ripple effect – fostering harmony, generating prosperity and building resilience to shared challenges; and

WHEREAS, today, water around the world is under extreme threat from a growing population, increasing demands of agriculture and industry, and the worsening impacts of climate change; and

WHEREAS, according to UN estimates, 2.2 billion people around the world are living without access to safe water; and

WHEREAS, climate change is and will continue to strain the availability, quality, and quantity of water for the basic human needs of potentially billions of people; and

WHEREAS, the UN Sustainable Development Goals provide the clear goal of providing safe water and sanitation for all people by 2030; and

WHEREAS, the United States uses 82.3 billion gallons per day of groundwater for public supply, private supply, irrigation, livestock, manufacturing, mining, thermoelectric power, and other purposes, according to the U.S. Geological Survey, and 55% of the population of North Carolina depends on groundwater for drinking water; and

WHEREAS, water use has a direct link to overall monthly housing affordability when considering that ten percent of homes have leaks that waste 90 gallons or more per day, according to the U.S. Environmental Protection Agency; and

WHEREAS, Orange County recognizes that water and sanitation measures are key to poverty reduction, economic growth, and environmental sustainability; and

WHEREAS, people around the world and in Orange County value water for its cultural, religious and spiritual meanings; and

WHEREAS, Orange County serves as the headwaters for three of the major NC river systems – the Cape Fear, the Neuse and the Roanoke; and

WHEREAS, the County contains 15 different watersheds, 10 of which are used downstream for drinking water; and

WHEREAS, Orange County has been working for decades to monitor and preserve water quality and quantity for residents though programs such as the Groundwater Observation Well Network and policies such as the Critical Watershed Protection Overlay Districts; and

WHEREAS, Orange County residents are helping to protect water quality and quantity by practicing and supporting responsible agricultural practices, wetland protection and restoration, and innovative wastewater management and reuse programs;

NOW, THEREFORE, we, the Orange County Board of Commissioners, do proclaim March 22, 2024 as "World Water Day" in Orange County and challenge residents to celebrate the Day by sharing with each other the ways in which they value water.

THIS THE 19TH DAY OF MARCH, 2024.

_____
Jamezetta Bedford, Chair
Orange County Board of Commissioners

ATTEST:

_____
Laura Jensen
Clerk to the Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-d

SUBJECT: Resolution Retiring Canine Callie and Approval of Transfer to K9 Handler

DEPARTMENT: Sheriff's Office

ATTACHMENT(S):
Resolution

INFORMATION CONTACT:
Sheriff Charles S. Blackwood, 919.245.2900
Jennifer Galassi, Sheriff's Attorney, 919.245.2952

PURPOSE: To adopt and authorize the Chair to sign a Resolution retiring canine Callie and transferring her to K9 Lieutenant David Funk.

BACKGROUND: The Orange County Sheriff's Office acquired canine Callie in 2019. Callie was assigned to Lieutenant David Funk and has served for over four years as Funk's canine partner, detecting narcotics, tracking lost individuals and suspects, and conducting evidence searches. Due to the age of the canine (7 years old), the Sheriff's Office proposes to retire Callie from service and to transfer her to Lieutenant Funk. North Carolina General Statutes §§ 153A-176, 160A-265, 160A-266 authorize the County to dispose of any personal property belonging to it according to the procedures described in Chapter 160A, Article 12.

FINANCIAL IMPACT: There is no financial impact associated with this canine retirement and subsequent transfer.

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

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

RECOMMENDATION(S): The Manager recommends that the Board adopt and authorize the Chair to sign a Resolution retiring canine Callie and transferring her to K9 Lieutenant David Funk.

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION RETIRING CANINE CALLIE

AND TRANSFERRING HER TO K9 HANDLER LT DAVID FUNK

WHEREAS, the Orange County Sheriff's Office shall retire police canine Callie, a Dutch Sheperd previously used for detecting narcotics, tracking lost individuals and suspects, and conducting evidence searches, effective April 1, 2024; and

WHEREAS, Callie is personal property of the County and is no longer of use or value to Orange County and the Sheriff's Office from this date forth; and

WHEREAS, Lt. David Funk of the Orange County Sheriff's Office bonded with and worked with the canine from the time of her acquisition in September 2019; and

WHEREAS, Lt. David Funk is willing and able to provide immediate care for Callie; and

WHEREAS, Lt. David Funk will adopt and take full responsibility for Callie until such time as the canine is no longer living, relieving Orange County and the Orange County Sheriff's Office of all obligations and responsibilities of the canine in accordance with the provisions of this Resolution; and

WHEREAS, Lt. David Funk is not being coerced, forced, or inappropriately encouraged by Orange County or the Orange County Sheriff's Office to adopt this canine; and

WHEREAS, North Carolina General Statutes §§ 153A-176, 160A-265, 160A-266 authorize the County to dispose of any personal property belonging to it according to the procedures described in Chapter 160A, Article 12;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Lt. David Funk shall assume full care and responsibility of the canine, including but not limited to:
    a. Providing adequate food, water, and shelter to the canine for the duration of its life;
    b. Providing the canine with adequate health care, including but not limited to vaccinations, medication, and all other medical necessities as needed or as required by Orange County's animal control requirements; and
2. Lt. David Funk shall assume all liability that may result from the canine's actions, including but not limited to those actions and behaviors learned as a result of the canine's special training provided by the Orange County Sheriff's Office; and
3. Lt. David Funk shall not purposefully, negligently, or knowingly use the canine's special skill set developed as a result of its career as a police canine either for profit, personal gain, or in any capacity, whether this capacity would put others in danger or not; and
4. Lt. David Funk shall release Orange County and the Orange County Sheriff's Office from liability from any sickness or health deficiencies that resulted from the canine's work with the Orange County Sheriff's Office; and

5. Lt. David Funk shall not loan, lend, give away, or rid himself of the canine in any manner which would result in the canine being in the care of another person, business, or entity; and

6. Lt. David Funk shall be solely responsible for the actions of the canine while either in his personal care or otherwise; and

7. Any personal property equipment assigned specifically to Callie (collar, leashes) and any shelter previously constructed on Lt. David Funk's property becomes the property of Lt. David Funk. This does not include specialized police equipment (protective equipment, special police issued equipment).

Adopted this the 19th day of March, 2024.

Orange County Board of Commissioners

ATTEST: (SEAL)

By: _____
Jamezetta Bedford, Chair

_____
Laura Jensen, County Clerk

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-e

SUBJECT: Resolution to Allow for a 25' Right of Way for Type B Private Road "Roy Cooper Lane"

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):
1. Reference Map
2. Preliminary Plat
3. Sealed Engineer's Certification Regarding Road Conditions Conforming with UDO Standards
4. Legal Description of Private Access Easement
5. Resolution to Allow for a 25-foot Right of Way for the Type B Private Road "Roy Cooper Lane"

INFORMATION CONTACT:
Cy Stober, Director, 919-245-2592

PURPOSE: To adopt a resolution approving a 25-foot Right of Way (ROW) to serve the private road needs for Roy Cooper Lane, an existing private road that will provide access to five (5) lots.

BACKGROUND: The Wheelis Building Company applied for a Minor Subdivision of the unaddressed property with Property Identification Number (PIN) 9858-92-4952 on Roy Cooper Lane (Attachment 1), which is west of the intersection of NC 86 North and Carr Store Mill Road. The subdivision of this property requires conformance with all subdivision standards, including ensuring that Roy Cooper Lane's conditions meet the Type B Private Road Standards established by Section 7.8.5 of the Orange County Unified Development Ordinance (UDO). Both a Surveyor's Certification and an Engineer's Certification (Attachments 2 & 3) attest the conformance of the physical conditions of Roy Cooper Lane with one exception – the ROW width.

As established in Orange County Unified Development Ordinance (UDO) Section 7.8.5(D) and Table 7.8.5.D, Type B Private Roads must have a 50-foot ROW (Table below, with staff addition of highlight for emphasis). Roy Cooper Lane has an existing private access easement width of 25 feet that has been in place since the 1960s (Attachment 4). UDO Section 7.8.5(D)(12)(b) allows for applicants to propose ROWs narrower than 50 feet, with approval by the Board of County Commissioners, but "[*i*]n no case shall a [ROW] of less than 25-feet in width be approved."

TABLE 7.8.5.D BASIC STANDARDS AND SPECIFICATIONS FOR PRIVATE ROADS

	CLASS A	CLASS B		
Max. Number of Lots	12	2	3	5
Right-of-Way Width	50 ft.	50 ft.	50 ft.	**50 ft.**
Travel-Way Width	18 ft.	No Standard	12 ft.	12 ft.
Road Maintenance Agreement Required	Yes	Yes	Yes	Yes

TABLE 7.8.5.D BASIC STANDARDS AND SPECIFICATIONS FOR PRIVATE ROADS				
	CLASS A	CLASS B		
Maintenance Responsibility	Property Owners	Property Owners	Property Owners	Property Owners

The Orange County Development Advisory Committee, which includes the Planning staff and Fire Marshal, have reviewed the request, including an inspection of onsite conditions and have no objections to the proposed ROW width. The application has been reviewed for all criteria for allowance of a private road, including its purpose and intent, as set forth in UDO Sections 7.8.4 and 7.8.5(A), respectively. All Minor Subdivision Final Plat requirements will be met prior to signature and recordation.

FINANCIAL IMPACT: There is no direct financial impact to the County associated with this item. Roy Cooper Lane will be maintained by the adjacent property owners, per a Road Maintenance Agreement, and as required by UDO Section 7.8.5(D)(14).

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is associated with this item:

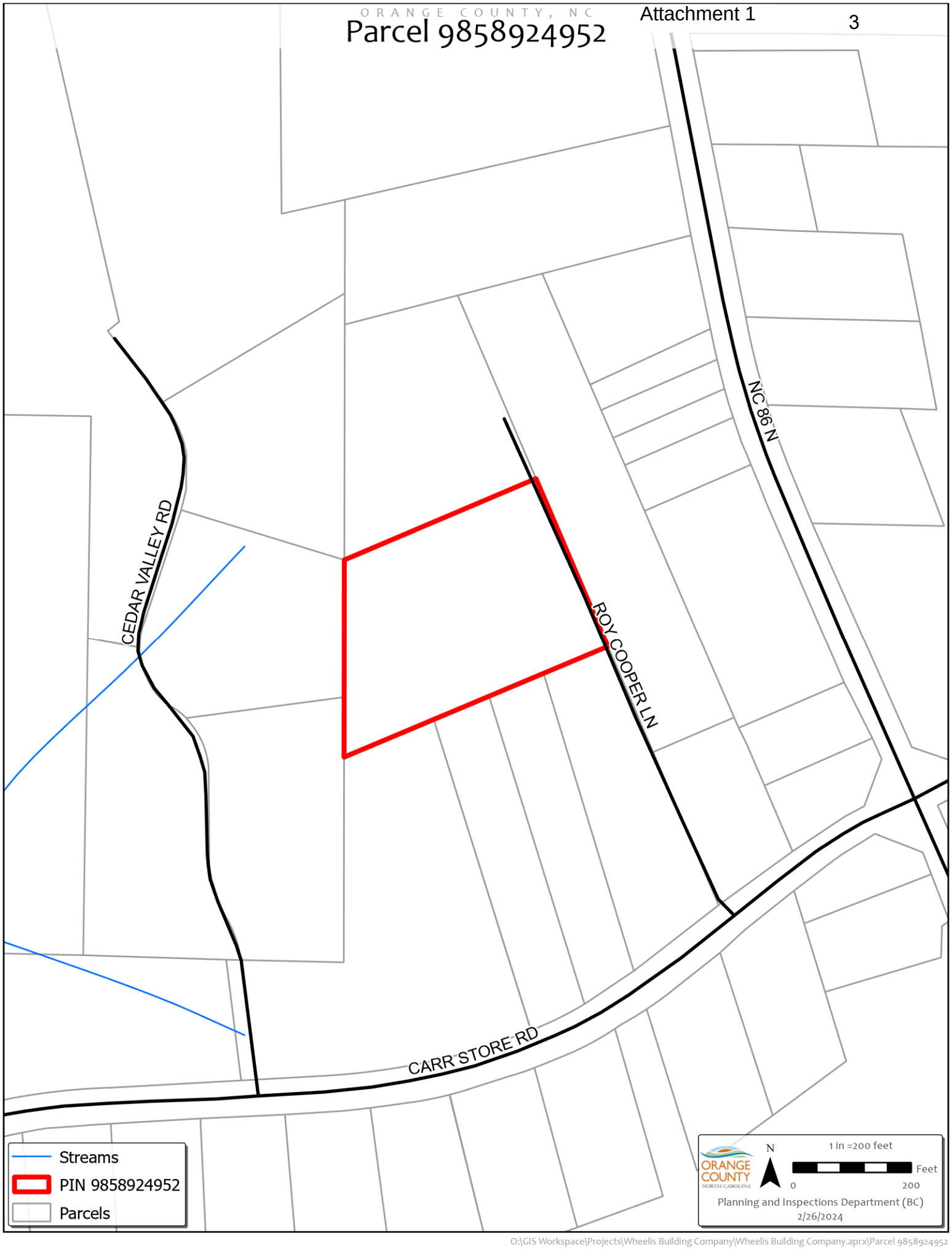
- **GOAL: CREATE A SAFE COMMUNITY**
  The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.

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

RECOMMENDATION(S): The Manager recommends that the Board adopt the attached resolution to approve the applicant's petition for a 25-foot right of way for Roy Cooper Lane to accompany recordation of the Minor Subdivision Plat for Wheelis Building Company.

ORANGE COUNTY, NC

Parcel 9858924952



O:\GIS Workspace\Projects\Wheelis Building Company\Wheelis Building Company.aprx\Parcel 9858924952

D:\2024 Survey\03\Wheelis\Roy Cooper Lot\WHEELIS_B.dwg, 2/20/2024 11:39:50 AM

NOTES:
1. Distances shown are horizontal ground distances in International Feet.
2. Only evidence of easements or structures thereto which are readily apparent from a casual above ground view of premises are shown.
3. The premises shown and described hereon are subject to any existing easements, right-of-ways, restrictions and setback lines whether or not shown on the plat hereon or whether or not recorded in the public records.
4. No title search was performed for this survey. The field survey is based upon plats and/or deeds.
5. The right-of-way of Carr Store Road was determined by scaling the right-of-way lines as shown in Plat Book 4, page 81. This 45 foot wide right-of-way was also corroborated in the legal description of the road easement in Deed Book 220, page 625, that states "...an existing steel spike located 22.5 feet from the center line of N.C. Secondary Road No. 1352..." (Carr Store Road).
6. There is no Special Flood Hazard Area(SFHA) located within boundary of the parcel shown hereon, per FEMA's Flood Insurance Rate Map(FIRM) No. 3710985800K, Revised Date 11/17/2017. Flood boundaries are subject to change based on periodic amendments to flood maps. Determination is based on current, best available data.
7. Where a Final Plat shows a private road, an instrument substantially in the form of the County's Standard Road Maintenance Agreement entitled, 'DECLARATION OF RESTRICTIONS AND PROVISIONS FOR PRIVATE ROAD MAINTENANCE', shall be recorded contemporaneously with the recordation of the approved Final Plat which guarantees: (a) right of access to any private road in the subdivision by all lots served by the road and by law enforcement and emergency vehicles, (b) right of access for the proposed private road to a State or municipally maintained road by way of direct access or other private roads, (c) perpetual maintenance for any private road serving the subdivision at the standards set for approval, and (d) provide record notice of the probability that future development dependent on the private roads for access will require upgrading of the roads to a higher private road standard or public dedication and upgrading of the road to North Carolina Department of Transportation standards. This instrument shall also note acceptance by the owner of all liability related to the use of the road, and agreement to hold both the County and State harmless from such liability, and acknowledge that some public services may not be provided due to the private nature of the road. The guarantees of right of access and maintenance of the subdivision roads shall run with the land and shall be disclosed to any prospective purchaser of land in the subdivision as provided in North Carolina General Statutes Chapter 136- 102.6. Upon recordation the Deed Book and Page Number of the recorded document shall be referenced on the Final Plat.
8. The existing ingress, egress and regress easement (D.B 220, pg. 625) will be replaced to conform to Orange County Standards.

REFERENCE:

Deed Book 6828, page 1467
Standing in the name of Sandra Wheelis

Plat Book 4, page 81

PARCEL DATA

PARENT PIN: 9858-92-4952
(TOTAL AREA)
131,794 Sq. Feet
3.026 Acres
(AREA IN PRIVATE ROAD R/W)
4,742 Sq. Feet
0.109 Acres
(NET AREA)
127,052 Sq. Feet
2.917 Acres
BY COMPUTER CALCULATIONS

CASWELL COUNTY | PERSON COUNTY | ORANGE COUNTY

VICINITY MAP
(NOT TO SCALE)

1	2
(NEW TOTAL AREA) 65,897 Sq. Feet 1.513 Acres	(NEW TOTAL AREA) 65,897 Sq. Feet 1.513 Acres
(AREA IN PRIVATE R/W) 3,344 Sq. Feet 0.077 Acres	(AREA IN PRIVATE R/W) 2,247 Sq. Feet 0.052 Acres
(NEW NET AREA) 62,553 Sq. Feet 1.436 Acres BY COMPUTER CALCULATIONS	(NEW NET AREA) 63,650 Sq. Feet 1.461 Acres BY COMPUTER CALCULATIONS

LEGEND

EIP	Existing Iron Pipe
IPS	Iron Pipe Set
EAX	Existing Axle
ERR	Existing Railroad Spike
IRS	Iron Rod Set
℄	Center Line
ENCR	Potential Encroachment
UP	Utility Pole
ANC	Anchor
EP	Edge of Pavement
R/W	Right-of-Way
RCP	Reinforced Concrete Pipe
TP	Telecommunication Pedestal
PIN	Property Index Number
-OU-	Overhead Utility Line

ZONING: AR

WATERSHED
Upper Eno (Protected)

YARD SETBACKS:
Front – 40'
Sides – 20'
Rear – 20'

ALLOWABLE IMPERVIOUS AREAS

(1) 7,908 Sq. Ft. (12%) (1152 Sq. Ft. (Road)) (6,756 Sq.Ft. Remaining)

(2) 7,908 Sq. Ft.(12%) (848 Sq. Ft. (Road)) (7,060 Sq. Ft. Remaining)

THIS IS A PRELIMINARY MAP FOR REVIEW PURPOSES ONLY. SURVEYOR'S CERTIFICATIONS AND SEAL HAVE BEEN PURPOSELY OMITTED.

NGS MONUMENT
DESIGNATION: "CEDAR"
PID: FY2195
NAD83(2001)
N: 883,755325
E: 1,959,857.24
NAVD88 (GEOID18)
ELEV: 694.24

PIN: 9858-93-4206
NOW OR FORMERLY
MATTHEW CRABTREE
D.B. 6637, PG. 225

PIN: 9858-93-1251
NOW OR FORMERLY
MATTHEW TAYLOR CRABTREE
D.B. 6637, PG. 479
P.B. 60, PG. 87

PIN: 9858-92-1800
NOW OR FORMERLY
HENRY L. BLACKWOOD
D.B. 601, PG. 767
P.B. 60, PG. 87

PIN: 9858-92-1546
NOW OR FORMERLY
JACQUELLE F. CURRIE
D.B. 1127, PG. 434
P.B. 60, PG. 87

PIN: 9858-92-3337
NOW OR FORMERLY
ANNE TERRELL HERS
19-E-309

PIN: 9858-92-5439
NOW OR FORMERLY
ANNE TERRELL HERS
19-E-309

PIN: 9858-92-6522
NOW OR FORMERLY
WENDELL J. JACOBS
D.B. 1629, PG. 482

PIN: 9858-92-7681
NOW OR FORMERLY
ADRIAN SHAWN BEASLEY
D.B. 6734, PG. 286

PIN: 9858-93-8429
NOW OR FORMERLY
VOLUE PHYLLIS YOUNG
D.B. 6827, PG. 1743

PIN: 9858-93-9814
NOW OR FORMERLY
PAMELA HIGHWAY
D.B. 6457, PG. 340

ROY COOPER LANE

CENTERLINE 25' PRIVATE ROAD RIGHT-OF-WAY

END OF EXISTING GRAVEL ROAD

PROPOSED 25' WIDE T TURNAROUND

PROPOSED GRAVEL ROAD

REFERENCE POINT "A"

N 71°30'00" E 347.71'

S 71°30'00" W 46.50'

N 70°10'56" E 425.22'
NEW PROPERTY LINE

S 18°30'00" E 166.17'

S 18°30'00" E 150.00'

S 18°30'00" E 164.17'

N 18°30'00" W 489.36'

N 18°30'00" W 360.17'

N 05°14'39" E 403.96'

N 05°14'39" E 192.21'

N 05°14'39" E 152.68'

S 05°14'39" W 331.92'

S 73°33'00" W 488.58'

N 80°32'00" E 187.36'

N 62°04'08" E 403.41'

S 67°16'56" W 289.31'

S 73°21'44" W 102.45'

CARR STORE ROAD (SR-1352)
(AKA: CEDAR GROVE ROAD)
(45' PUBLIC R/W PER M.B. 4, PG. 81 (SCALED))

Orange County hereby accepts, for the use of the general public, without maintenance responsibility, the offer of public dedication of all private rights-of-ways, private easements, private streets, and other private improvements shown on this plat.

County Manager Date

The undersigned owner hereby certifies that the land shown hereon is located within the subdivision-regulation jurisdiction of Orange County and hereby freely dedicates all right-of-way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or incorporated neighborhood or homeowners association or similar legal entity.

Owner Date

North Carolina, _____ County

I, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me and acknowledged the execution of the forgoing certificate. Witness my hand and seal this _____ day of _____, 2023 A.D..

Notary Public

My Commission expires _____

Soil and site evaluations have bee conducted by the Orange County Health Department, Environmental Health Division, and unless noted, an area has been tentatively designated for the installation and repair of a wastewater system. This certification is not an Improvement Permit or an approval for a septic system on any of the lots. Subsequent changes to the lots may affect the ability to obtain Improvement Permits and/or Construction Authorizations.

Environmental Health Specialist Date

I hereby certify that the lots shown on this plat have been approved by the Orange County School System for recordation in accordance with the Schools Adequate Public Facilities Ordinance.

Chair Date

Secretary Attest Date

I hereby certify that the subdivision plat shown hereon has been found to comply with the Orange County Subdivision Regulations, provided that this plat shall be recorded within ninety (90) days of final approval, approved by the Orange County Planning Department on _____ (Date)

Planning Director or Authorized Agent

State of North Carolina
County of Orange

I, _____, Review Officer of Orange County, certify that the map or plat to which this certificate is affixed, meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.

Review Officer Date
Orange County Land Records/GIS

0' 50' 100' 150'

MINOR SUBDIVISION
FOR
WHEELIS BUILDING COMPANY
CEDAR GROVE TOWNSHIP, ORANGE COUNTY, NORTH CAROLINA
SCALE: 1"= 50 ' DATE: 11/29,30/2023
12/04/2023

DONALD E. ROBINSON LAND SURVEYING
2132 Nocoe Road • Graham, NC 27253
Office (336) 229-5977 • FAX (336) 510-6172

OWNER'S ADDRESS:
4805 NC HWY 49 N
HILLSBOROUGH, NC 27278

PROJECT NO. 9858-92-4952-123
WHEELIS_B.DWG

Preliminary
02/20/2024 11:40:04 AM

For Review
02/20/2024 11:40:13 AM

PRELIMINARY PLAT
Not for Sales, Recordation or Conveyances

PRELIMINARY

EQUINOX
ENGINEERING, PLLC

M E M O R A N D U M

To: Orange County Planning

From: Ernest G. Dodson, PE; Equinox Engineering, PLLC in association with EarthCentric Engineering, Inc.

Subject: Roy Cooper Lane Engineer's Certification

Date: January 17, 2024
Firm License: P-1983

NORTH CAROLINA PROFESSIONAL SEAL 023472 ENGINEER ERNEST G DODSON
01/17/2024

On January 8 and January 10, 2024 I visited the site to inspect Roy Cooper Lane, an existing private gravel drive off on the north side of Carr Store Road just west of its intersection with NC Hwy 86. The purpose of the visits was to produce an Engineer's Certification of Construction of Private Road as requested by Orange County Planning (copy of the County form attached).

While all items mentioned on the form could not be completely verified because of it being an existing road, the form was used as a template for the items listed below.

Roy Cooper Lane

1. This is an existing gravel road. By probing along the sides covered by leaf litter, I found that the width of the travel-way was at least 12' and in some cases, more.
2. The stone thickness was measured by augering down through the stone. The stone depth was found to be at least 6" at which point the auger was refused. I suspect that the stone depth is closer to 8". The stone was well compacted.
3. The road has a typical cross-section and adequate shoulders within the 25' right-of-way.
4. The ditches are shallow but appear to be adequately conveying the small amount of runoff. There was no sign of erosion or other drainage problems.
5. No storm pipes were observed, however, there may be a small culvert at some point that I missed. There were no areas where a pipe appeared to be needed or required.
6. All areas along the length of the road are, and have been, well stabilized.
7. The road sign is in place, visible and properly installed.
8. A tee-type turnaround is proposed on the northernmost newly proposed lot.
9. No issues with clearance, horizontal or vertical were noted.
10. The sight distances in both directions at the intersection with Carr Store Road are more than adequate (pictures attached).

By signing and sealing this document, I certify that this existing driveway appears to be in accordance with the requirements of the applicable regulations.

If you have any questions or need any further information, please do not hesitate to call me at 919-616-3451 or email me at ernie.equinox@gmail.com.

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

ENGINEER'S CERTIFICATION OF CONSTRUCTION OF PRIVATE ROAD

This certification must be signed, stamped, and dated by a professional. The completed certification must be delivered to the Current Planning Division of the Orange County Planning Department before construction of the road can be approved.

NAME OF ROAD: _____

NAME OF SUBDIVISION: _____

I certify that with respect to the items listed below, this Private Road has been constructed to Class ___ standards as specified by the Orange County Private Road Standards.

1. Material used in the travel way: _____
   Thickness of travel way: _____
   Certification of 90% compaction: _____
2. Width of shoulders: _____ Type of cross section: _____
3. Ditches are located where necessary to provide adequate drainage in accordance with sound engineering practice.
4. Storm pipes are properly sized and located and energy dissipaters installed where necessary in accordance with sound engineering practice.
5. All disturbed areas are properly stabilized.
6. The road sign has been properly installed.
7. An adequate turn-around (Type: _____) is in place at the end of the road.
8. Required vertical and horizontal clearance is provided: (give dimensions)
   _____
9. Proper sight distance and construction at the intersection with a public road has been approved by NCDOT: (date of closing letter from NCDOT for the driveway)
   _____

_____ _____
SIGNATURE DATE

_____
PRINT NAME AND TITLE

STAMP

Roy Cooper Lane looking north

Roy Cooper Lane looking south

Sight distance at Carr Store Road looking west

Sight distance at Carr Store Road looking east

NOTES:
1. Distances shown are horizontal ground distances in International Feet.
2. Only evidence of easements or structures thereto which are readily apparent from a casual above ground view of premises are shown.
3. The premises shown and described hereon are subject to any existing easements, right-of-ways, restrictions and setback lines whether or not shown on the plat hereon or whether or not recorded in the public records.
4. No title search was performed for this survey. The field survey is based upon plats and/or deeds.
5. The right-of-way of Carr Store Road was determined by scaling the right-of-way lines as shown in Plat Book 4, page 81. This 45 foot wide right-of-way was also corroborated in the legal description of the road easement in Deed Book 220, page 625, that states "...an existing steel spike located 22.5 feet from the center line of N.C. Secondary Road No. 1352..." (Carr Store Road).
6. There is no Special Flood Hazard Area(SFHA) located within boundary of the parcel shown hereon, per FEMA's Flood Insurance Rate Map(FIRM) No. 3710985800K, Revised Date 11/17/2017. Flood boundaries are subject to change based on periodic amendments to flood maps. Determination is based on current, best available data.

PARCEL DATA

PARENT PIN: 9858-92-4952
(TOTAL AREA)
131,794 Sq. Feet
3.026 Acres
(AREA IN PRIVATE ROAD R/W)
4,742 Sq. Feet
0.109 Acres
(NET AREA)
127,052 Sq. Feet
2.917 Acres
BY COMPUTER CALCULATIONS

① (NEW TOTAL AREA) 65,897 Sq. Feet 1.513 Acres (AREA IN PRIVATE R/W) 2,758 Sq. Feet 0.063 Acres (NEW NET AREA) 63,139 Sq. Feet 1.449 Acres BY COMPUTER CALCULATIONS

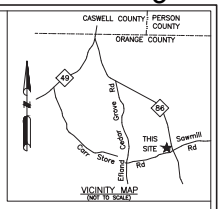
② (NEW TOTAL AREA) 65,897 Sq. Feet 1.513 Acres (AREA IN PRIVATE R/W) 1,983 Sq. Feet 0.046 Acres (NEW NET AREA) 63,914 Sq. Feet 1.467 Acres BY COMPUTER CALCULATIONS

ZONING: AR

WATERSHED
Upper Eno (Protected)

YARD SETBACKS:
Front – 40'
Sides – 20'
Rear – 20'

ALLOWABLE IMPERVIOUS AREAS
① 7,908 Sq. Ft. (12%)
② 7,908 Sq. Ft. (12%)

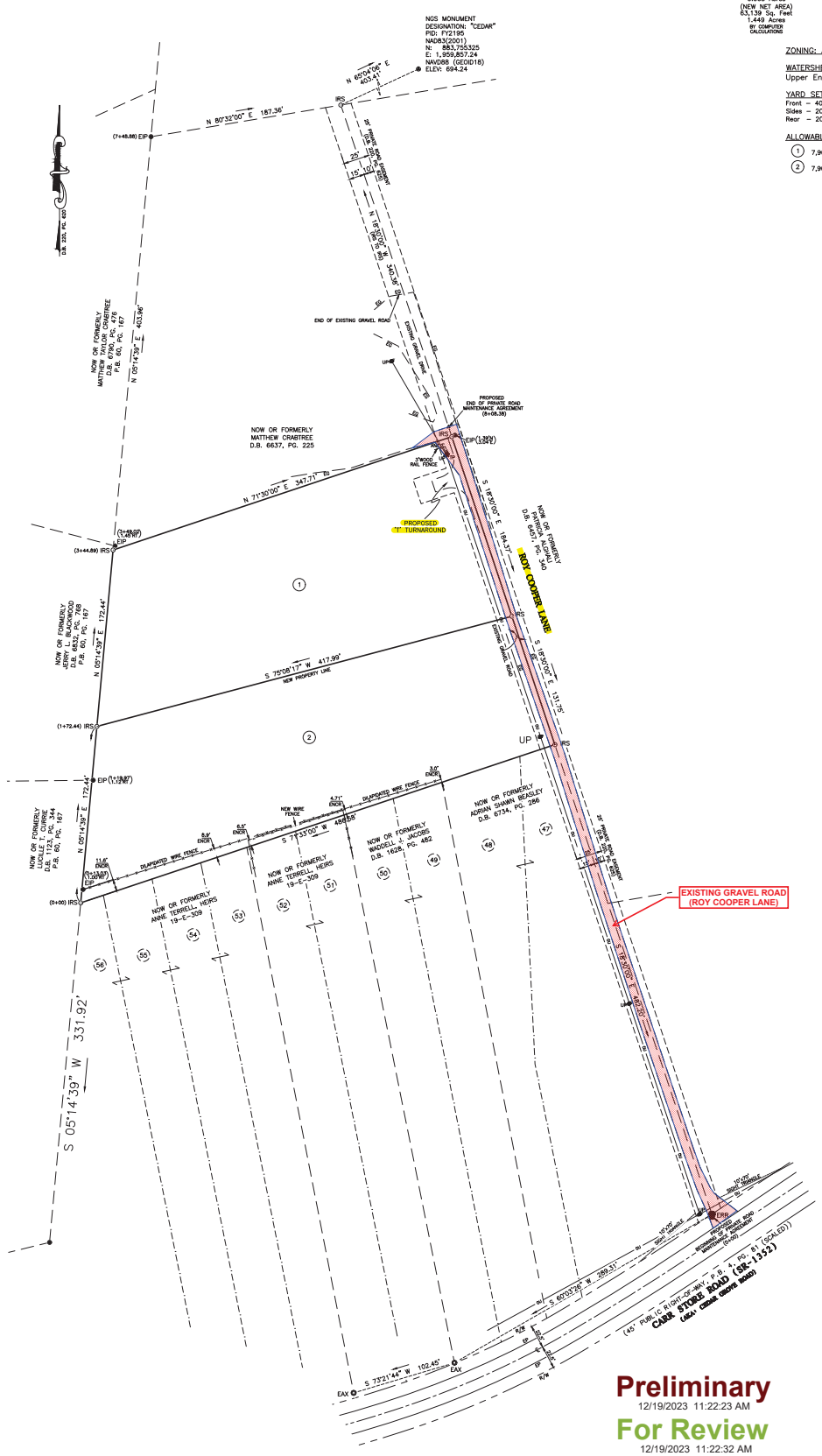


VICINITY MAP
(NOT TO SCALE)

LEGEND

EIP	Existing Iron Pipe
IPS	Iron Pipe Set
EAX	Existing Axle
ERR	Existing Railroad Spike
IRS	Iron Rod Set
℄	Center Line
ENCR	Potential Encroachment
UP	Utility Pole
ANC	Anchor
EP	Edge of Pavement
R/W	Right-of-Way
RCP	Reinforced Concrete Pipe
TP	Telecommunication Pedestal
PIN	Property Index Number
-OU-	Overhead Utility Line

THIS IS A PRELIMINARY MAP FOR REVIEW PURPOSES ONLY. SURVEYOR'S CERTIFICATIONS AND SEAL HAVE BEEN PURPOSELY OMITTED.



Preliminary
12/19/2023 11:22:23 AM
For Review
12/19/2023 11:22:32 AM

The undersigned owner hereby certifies that the land shown hereon is located within the subdivision-regulation jurisdiction of Orange County and hereby freely dedicates all right-of-way, easements, streets, recreation areas, open spaces, common areas, utilities and other improvements to public or private common use as noted on this plat, and further assumes full responsibility for the maintenance and control of said improvements until they are accepted for maintenance and control by an appropriate public body or incorporated neighborhood or homeowners association or similar legal entity.

Owner Date

North Carolina, _____ County

I, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me and acknowledged the execution of the forgoing certificate. Witness my hand and seal this _____ day of _____, 2023 A.D..

Notary Public

My Commission expires _____

Soil and site evaluations have bee conducted by the Orange County Health Department, Environmental Health Division, and unless noted, an area has been tentatively designated for the installation and repair of a wastewater system. This certification is not an Improvement Permit or an approval for a septic system on any of the lots. Subsequent changes to the lots may affect the ability to obtain Improvement Permits and/or Construction Authorizations.

Environmental Health Specialist Date

I hereby certify that the lots shown on this plat have been approved by the Orange County School System for recordation in accordance with the Schools Adequate Public Facilities Ordinance.

Chair Date

Secretary Attest Date

I hereby certify that the subdivision plat shown hereon has been found to comply with the Orange County Subdivision Regulations, provided that this plat shall be recorded within ninety (90) days of final approval, approved by the Orange County Planning Department on _____ (Date)

Planning Director or Authorized Agent

State of North Carolina
County of Orange

I, _____, Review Officer of Orange County, certify that the map or plat to which this certificate is affixed, meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.

Review Officer Date
Orange County Land Records/GIS

0' 50' 100' 150'

EXPEDITED SUBDIVISION
FOR
WHEELIS BUILDING COMPANY
CEDAR GROVE TOWNSHIP, ORANGE COUNTY, NORTH CAROLINA
SCALE: 1"= 50 ' DATE: 11/29,30/2023
12/04/2023

DONALD E. ROBINSON LAND SURVEYING
2132 Nesco Road • Graham, NC 27253
Office (336) 229-5977 • FAX (336) 510-6172

PRELIMINARY

PRELIMINARY PLAT
Not for Sales, Recordation or Conveyances

REFERENCE:
Deed Book 6828, page 1467
Standing in the name of Sandra Wheelis

Plat Book 4, page 81

OWNER'S ADDRESS:
4805 NC HWY 49 N
HILLSBOROUGH, NC 27278

PROJECT NO. 9858-92-4952-1123
WHEELIS_S.DWG

Attachment 4

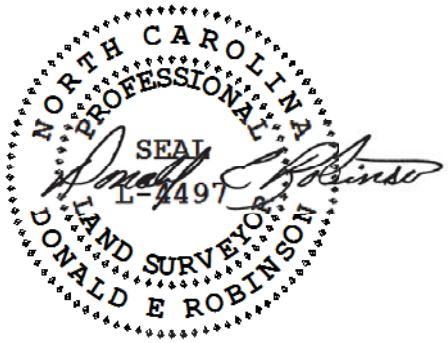
Legal Description of a 25-Foot-Wide
Private Road Right-of-Way Dedication
Currently Known as
ROY COOPER LANE

POINT OF COMMENCEMENT being an existing railroad spike located on the north right-of-way line Carr Store Road (aka: Ceder Grove Road) and being the common south corners of Lot 46 and Lot 47, as shown in Plat Book 4, page 81, entitled Property of J. E. Walker, situated in Cedar Grove Township, and recorded at the Registrar of Deeds Office, Orange County, North Carolina; thence from the aforesaid of POINT OF COMMENCEMENT (POC), bear S 62°16'56"W, with the north right-of-way line of Carr Store Road, a distance of 2.53 feet to the POINT OF BEGINNING (POB) of the centerline of a 25-foot-wide private road right-of-way currently known as Roy Cooper Lane; thence bear N 18°30'00" W, on a line parallel with and 2.5' west of the common lines of the aforementioned Lot 46 and Lot 47, a distance of 758.97 feet to a point hereinafter referred to as REFERENCE POINT 'A'; thence continue N 18°30'00" W, on a line parallel with and 2.5' west of the common lines of the aforementioned Lot 46 and Lot 47, a distance of 380.72 feet to the POINT OF TERMINATION (POT) of the centerline of the 25 foot-wide private road easement, and said point being located S 80°32'00" W, 2.53' from a new iron rod at the north common corners of aforementioned Lot 46 and Lot 47. This private right-of-way encompasses the same area as the ingress, egress and regress easement as described in Deed Book 220, page 625, recorded at the Registrar of Deeds Office, Orange County, North Carolina.

In addition to the above-described private road right-of-way is a 25-foot-wide 'turn-around' right-of-way described as follows:

POINT OF BEGINNING (POB) of the centerline of the 25-foot-wide 'turn-around' right-of-way, being REFERENCE POINT 'A' as described above, bear S 70° 30'00" W, a distance of 46.50 feet to the POINT OF TERMINATION (POT) of the 25-foor-wide 'turn-around' right-of-way.

The above-described easements were taken from a pre-recorded survey plat, entitled Minor Subdivision for Wheelis Building Company, by Donald E Robinson Land Surveying, Project No. 9858-92-4952-1123.



Digitally signed by Donald E Robinson, PLS, CFS
DN: C=US, E=dersurvey@att.net, O=Donald E Robinson Land Surveying, OU=Survey, CN="Donald E Robinson, PLS, CFS"
Location: 2132 Neese Road, Graham, NC 27253
Reason: I attest to the accuracy and integrity of this document
Contact Info: (336) 229-5977; dersurvey@att.net
Date: 2024.02.12 14:53:00-05'00'

Attachment 5

Resolution #___RES-2024-015__

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

A RESOLUTION TO ALLOW FOR A 25-FOOT RIGHT OF WAY FOR THE TYPE B PRIVATE ROAD "ROY COOPER LANE"

WHEREAS, Wheelis Building Company is proposing a Minor Subdivision of the unaddressed property with PIN 9858-92-4952 and is petitioning for an allowance of a 25-foot right of way; and

WHEREAS, the property is currently served by a private driveway easement named "Roy Cooper Lane"; and

WHEREAS, Roy Cooper Lane's was dedicated May 27, 1969, as a 25-foot wide private access easement to this property and the property with PIN 9858934206; and

WHEREAS, Orange County Unified Development Ordinance Section 7.8.5(D)(12)(b) allows for the Board of County Commissioners to allow, upon request, for private road rights of way narrower than 50 feet, but "[*I*]n no case shall a right of way of less than 25-feet in width be approved"; and

WHEREAS, Section 7.8.5(A) of the Orange County Unified Development Ordinance (UDO) requires that private roads be approved only when the "'benefits' outweigh the negative aspects"; and

WHEREAS, there is a benefit in precluding unnecessary land disturbance which exceeds any benefit in consistency of road widths; and

WHEREAS, UDO Section 7.8.5(A) also requires that private roads "…be justified by the particular lot arrangement and benefits provided by each development"; and

WHEREAS, the lots have existed for some time now and receive all necessary benefits from the road; and

WHEREAS, UDO Section 7.8.5(B)'s General Requirements requires that private roads "serve lots within subdivisions that do not have access to state-maintained roads" and provide "private adequate access for residents and emergency vehicles"; and

WHEREAS, Roy Cooper Lane terminates approximately 110 feet north of this property and currently provides all existing lots with residential and emergency access services; and

WHEREAS, the road and subdivision have both been reviewed and approved by the Orange County Development Advisory Committee, in accordance with UDO Sections 1.9

and 2.14, for conformance with the standards for Minor Subdivisions (Section 7.2.2) and Type B Private Streets (Section 7.8.5(D)); and

WHEREAS, Roy Cooper Lane will be required to have a new deed that legally provides residential and emergency access to all adjacent properties prior to final plat recordation;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners finds that the request is within its authority to grant, the benefits outweigh the negative aspects, it is justified by the particular lot arrangement and provides adequate access to both residents and emergency vehicles.

BE IT FURTHER RESOLVED that the Orange County Board of Commissioners approves the 25-foot right of way to serve the Type B private road “Roy Cooper Lane”, accompanying the Minor Subdivision application from the Wheelis Building Company, as empowered by the Orange County Unified Development Ordinance § 7.8.5(D)(12)(b), on March 19, 2024.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution was adopted this the _____ day of _____, 2024.

I, Laura Jensen, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on March 19, 2024, as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of said Board.

WITNESS my hand and the seal of said County, this _____ day of _____, 2024.

SEAL

_____
Clerk to the Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-f

SUBJECT: Renewal of the Lease for the Dickson House

DEPARTMENT: Asset Management Services

ATTACHMENT(S):
1.) Lease Amendment
2.) Original Lease
3.) Resolution

INFORMATION CONTACT:
Alan Dorman, Assistant Director of Asset Management Services, 919-245-2627
Steven Arndt, Director of Asset Management Services, 919-245-2658

PURPOSE: To adopt a resolution approving an amendment for a lease renewal with The Alliance for Historic Hillsborough, Inc. for the Dickson House, and to authorize the Chair to sign the lease upon final review of the County Attorney.

BACKGROUND: The Dickson House encompasses a 0.79-acre parcel located at 150 E. King Street in downtown Hillsborough. This property includes the Historic Alexander Dickson House, built around 1790, and two outbuildings. Since 1999, The Alliance for Historic Hillsborough has leased the Dickson House and grounds from the County, utilizing the premises to foster community engagement and education through visitor services and programming initiatives.

Originally, the lease stipulated an annual rent of $2,760. Since the original term, the lease has been extended several times, with the last term ending in December 2020. Since then, the Alliance has been on a month-to-month tenancy based on the current lease agreement. The proposed lease amendment extends the lease for an additional three years and three months, commencing on April 1, 2024, and ending on June 30, 2027.

A review of the ongoing maintenance expenses was undertaken, including the costs associated with the long-term capital needs of the property. Based on this review, it was determined that an annual rate of $6,240 would be sufficient to cover both the annual maintenance and capital expenditures required for the long-term upkeep of the property.

FINANCIAL IMPACT: The total rent due to the County per year would increase to $6,420, an increase of $3,660 per year over the current annual amount. The additional revenue should offset the current operational expenses associated with supporting the property and its long-term capital needs.

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

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

RECOMMENDATION(S): The Manager recommends that the Board adopt the resolution approving the renewal lease amendment with The Alliance for Historic Hillsborough, Inc. for the Dickson House, and authorize the Chair to sign the lease upon final review of the County Attorney.

Attachment 1

STATE OF NORTH CAROLINA **AMENDMENT TO LEASE**

COUNTY OF ORANGE

The lease between Orange County (hereinafter sometimes referred to as "County" and The Alliance for Historic Hillsborough, Inc. (hereinafter sometimes referred to as "Tenant") entered into on the ____ day of _____, 20____, is hereby amended as follows, and all other provisions remain in effect unless expressly mentioned herein. In the event of a conflict between the original lease and this amendment the terms of this amendment shall be controlling.

Paragraph 3. (a) The new Lease term shall commence on April 1, 2024, and shall expire at midnight on June 30, 2024. Thereafter with the mutual consent of the parties, the lease shall be extended in three year increments commencing on July 1, 2024, and ending at midnight on June 30, 2027.

Paragraph 3. (c) The amount of rent shall increase to a sum of $520 per month, the first such increase shall be paid for the month commencing on April 1, 2024.

This the _____ day of _____, 2024.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

COUNTY:

By: _____ [Seal]

Jamezetta Bedford, Chair

Attest: _____ [Seal]

Laura Jensen, Clerk to the Board

State of North Carolina

County Of _____

I, _____a Notary Public for said County and State, do hereby certify that Laura Jensen, personally appeared before me this date and acknowledged that she is the Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Jamezetta Bedford, Chair of the Orange County Board of Commissioners, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the ____ day of _____, 20___.

_____

Notary Public

My Commission Expires: _____

TENANT:

ALLIANCE FOR HISTORIC HILLSBOROUGH, INC.

By: _____(Seal)

AMANDA BOYD, EXECUTIVE DIRECTOR

State of North Carolina

County Of _____

I, _____a Notary Public for said County and State, do hereby certify that AMANDA BOYD appeared before me this date and acknowledged that they are the EXECUTIVE DIRECTOR of ALLIANCE FOR HISTORIC HILLSBOROUGH, INC., and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by AMANDA BOYD in their corporate capacity as EXECUTIVE DIRECTOR.

Witness my hand and official seal, this the ____ day of _____, 2024.

_____

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF ORANGE **LEASE**

THIS LEASE "Lease", made and entered into as of the 4th day of December, 2017, by and between Orange County, hereinafter referred to as "County," and Alliance for Historic Hillsborough, Inc., hereinafter referred to as "Tenant;"

WITNESSETH:

THAT FOR and in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto do hereby agree as follows:

1. Premises. County does hereby lease and let unto Tenant and Tenant does hereby accept as Tenant those certain premises designated as the Dickson House Complex, 150 E. King Street, Hillsborough, Orange County, North Carolina ("Lease Premises," "Premises," or "Leased Premises"), situated on that parcel having PIN 9874163117 and as more particularly shown on EXHIBIT A appended hereto.

2. Acceptance of Premises. The Tenant represents that the Leased Premises, the sidewalks and structures adjoining the same, any subsurface conditions thereof, and the present uses and non-uses thereof have been examined by the Tenant. The Tenant accepts the same in the condition in which they now are without representation or warranty, express or implied, in fact or by law, by the County, the nature, condition or usability thereof, or the uses to which the Leased Premises may be put. Provided, County shall be responsible for ensuring that the heating/air-conditioning system is in good operating condition; the exterior walls and roof, the lighting system (excluding such additions as may be required for Tenant's business operation) and the exterior grounds are in good repair on the date of commencement of the Lease term. County represents and warrants to Tenant that it holds unencumbered fee title to the Lease Premises. The County shall not be responsible for any latent defect or change of condition in such building, improvements, and personalty, and the rent hereunder shall in no case be withheld or diminished because any defect in such property, any change in the condition thereof, any damage occurring thereto or the existence with respect thereof of any violations of the laws or regulations of any governmental authority, except as hereinafter provided. In addition, Tenant acknowledges that the Lease Premises is a smoke free building and grounds and tobacco use inside of the building or on the grounds is prohibited.

3. Term and Rental.

(a) This Lease shall commence on January 1, 2018, and shall continue for a term of thirty-six (36) months, ending on December 31, 2020, both dates inclusive, unless sooner terminated as herein provided. Upon mutual written agreement, this Lease may be renewed for up to one twelve (12) month term. Any renewal may be for the entire Leased Premises. Any such renewal shall be subject to a mutually agreed upon increase in rent.

(b) Tenant shall deliver to County a deposit in the amount of Two Hundred Sixty Dollars ($260.00), which is the equivalent to the rent for one (1) month. Deposit shall be held as a security deposit against claims for damages. This money may be deposited for the exclusive use of Orange County and will be returned to Tenant at the end of the Lease within 30 days provided there has been no damage to the Leased Premises.

(c) The Tenant agrees to pay the County without demand at its office, or at such other place or places as County may from time to time designate in writing, the sum Two Hundred Sixty Dollars ($260.00) per month ($9,360.00) for the 36 month lease term, on or before the fifth day of each month of the term.

(d) The extension of time for the payment of any installment of rent, or the acceptance by the County of any money other than of the kind herein specified, shall not be a waiver of the right of the County to insist on having all other payments of rent made in the manner and at the time herein specified.

(e) If any installment of rent is not received by the fifth (5th) day of any month it is due, Tenant shall pay as additional rent a past due payment fee of Fifty Dollars ($50.00). This additional rent shall be due immediately without demand therefore and shall be added to and paid as a part of the installment payment of rent with respect to which it is incurred.

4. Holdover. If the Tenant shall remain in possession of the Leased Premises after the expiration of the original or renewal period as set out above, such possession shall be as a month-to-month tenant. During such month-to-month tenancy, rent shall be the rent in effect during the last month of the term immediately preceding.

5. Insurance. The County shall keep in force insurance to provide for property damage to the building for replacement cost purposes.

The Tenant shall maintain fire and casualty insurance covering the Tenant's fixtures, equipment, and other property located in the demised premises.

Tenant shall keep the Leased Premises insured, at its sole cost and expense, against claims for personal injury or property damage under a policy of public liability insurance, with limits of at least $1,000,000 for bodily injury and $100,000 for property damage. Such policies shall name the County as additional named insured under the policy.

The Tenant shall provide the County certificates of such insurance at or prior to the commencement of the term of this Lease, and thereafter within ten (10) days prior to the expiration of such policies. Such policies shall provide that the same may not be canceled without at least ten (10) days prior written notice to County.

6. Rental Adjustment. In addition to the base rental, the Tenant shall assume and pay any additional fire insurance premium, hazard insurance premium, or other extended coverage insurance premium required because of any operation or use of said premises over and above the insurance premium required to be paid by County in the absence of said operation or use.

7. Signs. The County will coordinate with the Town of Hillsborough to provide and maintain the main building identification signage currently located adjacent to E. King Street. The Tenant reserves the right to install special signage it deems appropriate to properly direct the public to the services offered at the Leased Premises. Any special Tenant sign will be at the sole cost of the tenant but in the same styling, provided, however, that the County shall not unreasonably withhold approval of such signs as Tenant may desire. Signage must also be approved by the Town of Hillsborough. Upon the termination of this Lease the Tenant shall remove all special signs and repair any damage to the Leased Premises caused by the erection, maintenance, or removal of such special signs.

8. Repairs. The County shall be responsible for repairs and maintenance of the roof and outside walls and other external structural members, including the foundation of the Leased Premises. The County shall be responsible for maintenance of the electrical, plumbing, and the heating plant/air-conditioning systems in such condition as existed at the commencement of this Lease, which County warrants to be in good working condition as of the date of this Lease. The County shall be responsible for the removal of snow (in a timely manner) from the walkways. In addition, County shall mow the grass on the Leased Premises. The Tenant shall not cause or permit any waste, damage or injury to the Leased Premises. The Tenant, at its sole expense, shall keep the Leased Premises clean and in good condition (reasonable wear and tear excepted), and shall make all repairs, replacements and renewals, whether ordinary or extraordinary, seen or unseen, including all structural repairs, necessary to maintain the interiors of the Leased Premises. All repairs, replacements and renewals shall be at least equal in quality of materials and workmanship to that originally existing in the Leased Premises. Such repair and maintenance the Tenant shall be responsible for include wall and ceilings (including the painting thereof); maintenance of floors, and the cleaning of all buildings. The County shall in no event be required to make any repair, alteration or improvement to the interior of the Leased Premises, excepting obligations which are the responsibility of the County as noted above or which are made necessary because of fire and other unavoidable casualties covered by the County' fire and extended coverage insurance, and excepting reasonable wear and tear. The Tenant shall be responsible for grounds care except for mowing and snow/ice removal on walkways. The Tenant shall promptly notify Orange County Asset Management Services for notice of any needed repairs. The Tenant shall repair and maintain those things that are the responsibility of the County if repair and maintenance is necessary because of the fault, act, or negligence of the Tenant, its agents, subtenants, employees, or business invitees. Any equipment replaced by the Tenant shall belong to the Tenant, save equipment replaced in connection with Tenant's obligation to maintain the Leased Premises in the same condition as exists at the commencement of this Lease, and all proceeds from the disposition thereof may be retained by the Tenant. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, suits, fines, penalties, claims and demands including reasonable attorney fees, because of Tenant's failure to comply with the foregoing.

9. Improvements. No substantial alteration, addition, or improvement to the Leased Premises shall be made by the Tenant without the written consent of the County, which consent shall not be unreasonably withheld, conditioned, or delayed. Any alteration, addition, or improvement made by the Tenant after such consent shall have been given and any fixtures permanently installed as part thereof, shall, at the County's option, become the property of the County upon expiration of or other sooner termination of this Lease; provided however, that the County shall have the right to require the Tenant to remove such fixtures at the Tenant's cost upon such termination. This clause shall not preclude Tenant from decorating the interior of the Leased Premises from time to time in Tenant's discretion.

10. Liens for Improvements by Tenant. The Tenant shall not permit any mechanic's lien to be filed against the fee of the property because of work, labor, services, or materials supplied or claimed to have been supplied, whether prior or after the commencement of the term hereof, to the Tenant or anyone holding the Leased Premises, through or under the Tenant. If any such mechanic's lien shall at any time be filed against the Leased Premises, the Tenant shall, within 30 days after notice of the filing thereof, cause such lien to be discharged of record by payment, deposit, bond, order of a court of competent jurisdiction, or otherwise. If the Tenant shall fail to cause such lien to be discharged within such 30 day period, then, in addition to any other right or remedy of the County, the County may, but shall not be obligated

to, discharge such lien either by paying the amount claimed to be due or by procuring the discharge of such lien by deposit or by bonding proceedings, and in any such event the County shall be entitled, if the County so elects, to compel the prosecution of an action for the foreclosure of such mechanic's lien by the lienor and to pay the amount of the judgment for and in favor of the lienor, with interest, costs and all other allowances. Any amount paid by the County for any such purposes, shall be repaid by the Tenant to the County on demand, with interest thereon at the rate of 6% per annum from the date of payment, and if unpaid may be treated as additional rent as provided for elsewhere in this Lease. Nothing in this Lease shall be construed in any way as constituting the consent or request of the County, express or implied, by inference or otherwise, to any contractor, subcontractor, laborer or materialmen for the performance of any labor or the furnishing of any materials for any property or as giving the Tenant the right, power of authority to contract for or permit the rendering of any service or the furnishing of any material that would give rise to the filing of any mechanic's lien against the fee of the Leased Premises.

11. Tenant's Warranty of Non-Disturbance. Tenant hereby expressly covenants and agrees that the Tenant shall be responsible for controlling the noise level emanating from the Tenant's use of the demised premises in such a way that other occupants of the building of which the demised premises are a part shall not be disturbed. Tenant shall be responsible for and pay for the installation of any special padding for other noise suppression devices that may be required for control of the level of sound emanating from the demised premises.

12. Tenant's Obligation to Comply with Applicable Laws and Compliance with Requirements of Insurance Policies. The Tenant shall, throughout the term of this Lease at its sole expense, promptly comply with all laws and regulations of all federal, state, and municipal governments and appropriate departments, commissions, boards and officers thereof, and the orders and regulations of the National Board of Fire Underwriters, or any other body now or hereafter exercising similar function, which may be applicable to the Leased Premises, the fixtures, and equipment therein, and the sidewalks and curbs adjoining the Leased Premises. The Tenant shall comply with the requirements of all policies of public liability, fire and all other types of insurance at any time in force with respect to the building and other improvements on the Leased Premises.

13. Utilities. Tenant shall be responsible for gas, electricity, telephone, pest control and water, used, rendered, or supplied upon the Leased Premises. The County shall be responsible for trash and recycling costs.

14. Condition of Premises. The Tenant shall, during the term of this Lease and any renewal or extension hereof, at its sole expense, cause the Leased Premises to be kept clean and in a manner satisfactory to the County.

15. Surrender in Same Good Order and Condition. The Tenant shall vacate the Leased Premises in the good order and repair in which such property now is, ordinary wear and tear excepted, and shall remove all its property therefrom so that the County can repossess the Leased Premises no later than Noon on the day upon which this Lease ends, whether upon notice or by holdover or otherwise. The County shall have the same rights to enforce this covenant by ejectment and for damages or otherwise as for the breach of any other condition or covenant of this Lease. Tenant may at any time prior to or upon the termination of this Lease or any renewal or extension thereof remove from the Leased Premises all materials, equipment, and property of every other sort or nature installed by the Tenant thereon, provided that such property is removed without substantial injury to the Leased Premises. No injury shall be

considered substantial if it is promptly corrected by restoration to the condition prior to the installation of such property, if so requested by the County. Any such property not removed shall become the property of the County.

16. Prohibition Against Unlawful or Extra-Hazardous Use and Enforcement Against Subtenants. The Tenant may use and occupy the Leased Premises for general office uses, educational programs, and special events and for no other purpose without the prior written consent of County. Tenant shall not use or occupy nor permit the Leased Premises or any part thereof to be used or occupied for any unlawful business, use or purpose, nor for any business, use, or purpose deemed extra-hazardous, nor for any purpose or in any manner which is in violation of any present or future governmental laws or regulations. The Tenant shall promptly, after the discovery of any such unlawful or extra-hazardous use, take all necessary steps, legal and equitable, to compel the discontinuance of such use and to oust and remove any subtenants, occupants, or other persons guilty of such unlawful or extra-hazardous use. The Tenant shall indemnify the County against all costs, expenses, liabilities, losses, damages, injunctions, suits, fines, penalties, claims, and demands, including reasonable counsel fees, arising out of any violation of or default in these covenants.

17. County's Right to Cause Expiration or Termination upon Listed Defaults

(a) The occurrence of any of the following shall constitute an event of default:

1. Delinquency in the punctual payment of any rent or additional rent payable under this Lease when such rent shall become payable. Should such rent payment not be made when due then upon the expiration of five days after the due date, such rent payment shall be delinquent.

2. Delinquency by the Tenant in the performance of or compliance with any of the conditions contained in this Lease other than those referred to in the foregoing subparagraph 1, for a period of 30 days after written notice thereof from the County to the Tenant. In the event, Tenant is incapable of curing the default within such thirty (30) day period, the County may in its discretion extend the time for as long as the County deems necessary to cure such default. Provided, however, the Tenant shall promptly and diligently commence action to cure such default and provide County with evidence of Tenant's intent to cure the default. Any additional period beyond thirty (30) days granted to Tenant to cure any default shall not be extended to jeopardize the interest of the County in this Lease or to subject the County to any civil or criminal liabilities.

3. Filing by the Tenant in any court pursuant to any statute, either of the United States or any state, of a petition in bankruptcy or insolvency or for reorganization, or for the appointment of a receiver or trustee of all or a portion of the Tenant's property, or an assignment by the Tenant for the benefit of creditors.

4. Filing against the Tenant in any court pursuant to any statute, either of the United States or of any state, of a petition in bankruptcy or insolvency, or for reorganization, or for appointment of a receiver or trustee of all or a portion of the Tenant's property, if within 180 days after the commencement of any such proceeding against the Tenant such petition shall not have been dismissed.

(b) Upon the expiration or termination of this Lease, the Tenant shall peacefully surrender the Leased Premises to the County, and the County, upon or at any time after such expiration or termination, County may, without further notice, reenter the Leased Premises and

repossess it by force, summary proceedings, ejectment, or otherwise, and may dispossess the Tenant and remove the Tenant and all other persons and property from the Leased Premises and the right to receive all rental income therefrom.

(c) At any time after such expiration, the County may relet the Leased Premises or any part thereof, in the name of the County or otherwise, for such term (which may be greater or less than the period which would otherwise have constituted the balance of the term of this Lease) and on such conditions (which may include concessions or free rent) as the County, in its uncontrolled discretion, may determine, and may collect and receive the rent thereof.

(d) No such expiration or termination of this Lease shall relieve the Tenant of its liability or obligations under this Lease, and such liability and obligations shall survive any such expiration or termination. In the event of any such expiration or termination, whether or not the Leased Premises or any part thereof shall have been relet, the Tenant shall pay to the County the rent and additional rent required to be paid by the Tenant up to the time of such expiration, and thereafter the Tenant, until the end of what would have been the term of this Lease in the absence of such expiration, shall be liable to the County for, and shall pay to the County, as and for liquidated and agreed current damages for the Tenant's default:

1. The equivalent of the amount of the rent and additional rent which would be payable under this Lease by the Tenant if this Lease were still in effect, less

2. The greater of:

(a) The fair rental value of the Leased Premises for the remaining term of the Lease, after deducting all the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage Commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.

(b) The net proceeds of any reletting effected pursuant to the provisions of paragraph d. of this article, after deducting the County's reasonable expenses in connection with such reletting, including, without limitation, all repossession costs, brokerage commissions, legal expenses, reasonable attorney's fees, alteration costs, and expenses of preparation for such reletting.

(e) The Tenant shall pay such current damages (herein called "deficiency") to the County monthly on the days on which the rent and additional rent would have been payable under this Lease if this Lease were still in effect, and the County shall be entitled to recover from the Tenant each monthly deficiency as such deficiency shall arise. At any time after any such expiration, whether the County shall have collected any monthly deficiency, the County shall be entitled to recover from the Tenant, and the Tenant shall pay to the County, on demand, as and for liquidated and agreed final damages for the Tenant's default, an amount equal to the difference between the rent and additional rent reserved hereunder for the expired portion of the Lease of the Leased Premises for the same period. In the computation of such damages the difference between any installment of rent becoming due hereunder after the date of termination and the fair and reasonable rental value of the Leased Premises for the period for which such installment was payable shall be discontinued to the date of termination at the rate of four percent per annum.

(f) The terms "enter", "reenter", "entry", or "reentry" as used in this Lease are not restricted to their technical meaning.

18. Lien on Tenant's Improvements and Personal Property. The County shall have first lien paramount to all others on every right and interest of the Tenant in and to this Lease, and on any building or improvement on or hereafter placed on the Leased Premises, and on any furnishings, equipment, fixtures, or other personal property of any kind belonging to the Tenant, or the equity of the Tenant therein, on the Leased Premises. Such lien is granted for the purpose of covenanted to be paid by the Tenant, and for the purpose of securing the performance of all the Tenant's obligations under this Lease. Such liens shall be in addition to all rights of the County given under statutes of this state, which are now or shall hereinafter be in effect. The provisions of this paragraph shall not be applicable to liens existing at the commencement of this Lease.

Provided, that County may, at his option, agree to subordinate this lien to liens arising about purchased of equipment or leasehold improvement financing by Tenant, which agreement County covenants not to unreasonably withhold.

19. County's Right to Receiver upon Tenant's Default. In addition to any other security for the performance of this Lease, the Tenant hereby assigns to the County all the rents and profits which might otherwise accrue to the Tenant from the use, enjoyment, and operation of the Leased Premises, such assignment to become effective, however, only after default by the Tenant in the performance of its obligations under this Lease. If the County, upon default of the Tenant, elects to file a suit in equity to enforce the Lease and protect the County's right hereunder, the County may upon notice to the Tenant, as ancillary to such suit, apply to any court having jurisdiction for the appointment of a receiver of the Leased Premises, the improvements and buildings located thereon, the personal property located therein, and thereupon the court may forthwith appoint a receiver with the usual powers and duties of receivers in like cases. Such appointment shall be made by such court as a matter of strict right to the County and without consideration of the adequacy of the value of the Tenant's interest in the Lease, or of the value of the property, or the commission of waste thereon, or the deterioration thereof. Nothing herein shall prevent the enforcement of the County's lien for rent in any court or by proceeding authorized to the laws of this state, or the institution by the County of a separate proceeding in equity for the appointment of a receiver as an ancillary remedy to protect the rights and interest of the County. Any and all remedies or proceedings are considered cumulative and not exclusive.

20. Waiver of County's Rights Only by Written Instrument. No failure by the County to insist upon the strict performance of any item or condition of this Lease or to exercise any right or remedy available on a breach thereof, and no acceptance of full or partial rent during the continuance of any such breach shall constitute a waiver of any claim, breach, or of any such term or condition. No term or condition of this Lease required to be performed by the Tenant, and no breach thereof, shall be waived, altered or modified, except by a written instrument executed by the County. No waiver of any breach shall affect or alter any term or condition in this Lease, and each such term or condition shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

21. Performance of Tenant's Obligations - Unpaid Insurance Premiums

(a) If the Tenant shall at any time fail to pay any amount in accordance with the provisions of this Lease, or shall fail to take out, keep in force, or shall fail to perform any of its other obligations under this Lease, then the County may after notice and opportunity to cure in accordance with the provisions of Section 17(a)2, or without notice if any emergency exists, and

without releasing the Tenant from any obligation of the Tenant contained in this Lease, may (but shall be under no obligation to) pay any amount payable by the Tenant hereunder, and perform any other act required to be performed by the Tenant hereunder. The County may enter upon the Leased Premises for such purposes and take any action necessary therefore.

(b) All sums so paid by the County and all costs and expenses incurred by the County in connection with the performance of any such act, together with interest thereon at the rate of 6% per annum from the respective dates of each such payment and such costs and expenses, shall constitute additional rent payable by the Tenant under this Lease and shall be paid by the Tenant to the County on demand.

(c) Notwithstanding anything in this Lease to the contrary, the County shall not be limited in any damages which the County may claim against the Tenant by reason of the Tenant's failure to provide and keep insurance in force to the amount of the insurance premiums not paid or incurred by the Tenant. The County shall also be entitled to recover as damages for such breach the uninsured amount of any loss, together with damages, costs, and expenses of any suit offered or incurred by reason of damage to the Leased Premises occurring during any period when the Tenant shall have failed to provide and keep such insurance in force.

22. Taxes. The County shall pay and be responsible for: any and all the ad valorem real property taxes and assessments with respect to the Premises. Tenant shall pay and be responsible for: any and all taxes and assessments on the equipment, inventory, or other business assets.

23. Right of Entry. The County or its agent shall within twenty-four (24) hours notice have the right to enter the Leased Premises at reasonable times during normal County business hours in order to examine it or to show it to prospective purchasers or lessees. The County shall be allowed to take all material into and upon the Leased Premises that may be required therefore without the same constituting an eviction of the Tenant in whole or in part. During the last month prior to the expiration of the term of this lease, the County may place upon the Leased Premises the usual notices "To Let" or "For Sale", which notices the Tenant shall permit to remain thereon without molestation. If during the last month of the term the Tenant shall have removed all or substantially all of the Tenant's property therefrom, the County may, with the Tenant's permission, immediately enter and later, renovate and redecorate, the Leased Premises without elimination of abatement of rent and without liability to the Tenant for any compensation, and such acts shall have no effect upon this Lease. If the Tenant or its employees shall not be personally present to permit entry at any time when an entry therein shall be immediately necessary, as herein provided, the County may enter the premises by such means as may be appropriate, including forcible entry, without rendering the County or such agents liable therefore (if during such entry the County or his agents shall accord reasonable care to the Tenant's property), and without in any manner affecting the obligations and covenants of this Lease. The County's right of reentry shall not be deemed to impose upon the County any obligation, responsibility or liability for the care, supervision or repair of the Leased Premises other than as herein provided. In the event that it becomes necessary for County to replace or repair any major component or any structural or other system in the Leased Premises, the County shall have full and unrestricted access to the building and the Leased Premises. The County reserves the right temporarily to interrupt, curtail, stop or suspend air-conditioning and heating service, and all other utility or other services, because of accident or emergency or for repairs, alterations, additions, or improvements, or because of the County's inability to obtain, or difficulty or delay in obtaining, labor or materials necessary therefore or compliance with governmental restrictions in connection therewith, or because of

any other cause beyond the County's reasonable control, provided that, except in cases of emergency, the County will use its best efforts to limit such stoppage to after-business hours, will notify the Tenant in advance, if possible, of any such stoppage, and, if ascertainable, its estimated duration, and will proceed diligently with the work necessary to resume such service as promptly as possible and in a manner and at times as will not materially interfere with or impair the Tenant's use of the Leased Premises. No diminution or abatement of fixed rent or other compensation shall be claimed by the Tenant, nor shall this Lease or any of the obligations of the Tenant hereunder be affected or reduced by reason of such interruption, stoppage, or curtailment, nor shall the same give rise to a claim in the Tenant's favor that such failure constitutes total or partial eviction from the Leased Premises, provided that if the Leased Premises shall be unreasonably untenantable for a continuous period of more than four business days by reason of any such stoppage, the fixed rent payable by the Tenant shall abate until the Tenant shall be again able to use the Leased Premises.

24. Destruction by Fire or Other Casualty. In the event the premises or any substantial portion thereof are destroyed by fire or other casualty during the term of this Lease, it is understood and agreed that County shall have no obligation to rebuild and, at the election of County or Tenant, the Lease may be terminated.

25. Condemnation. If the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unsuitable for the purposes herein leased, is condemned for any public use or purpose by any legally constituted authority, then in either of such events this Lease shall cease from the time when possession is taken by such public authority and rental shall be accounted for between the County and the Tenant as of the date of the surrender of possession. Such termination shall be without prejudice to the rights of either the County or the Tenant to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither the County nor the Tenant shall have any rights in or to any award made to the other by the condemning authority.

26. Assignment of Lease. The Tenant shall not assign, mortgage, or encumber this Lease, nor sublet or permit the Leased Premises or any part thereof to be used by others, without the prior written consent of the County in each instance. Tenant may request an assignment authority from County. Such authority may only be granted in a written instrument approved by County. If this Lease is assigned, or if the Leased Premises or any part thereof, is sublet, or occupied by anybody other than the Tenant, the County may, after an event of default, as hereinabove defined, by the Tenant, collect rent for the assignee, subtenant, or occupant and apply the net amount collected to the rent herein reserved. No such assignment, subletting, occupancy or collection shall be deemed a waiver of this covenant, or the acceptance of this assignee, subtenant, or occupant as tenant, or a release or amendment of covenants in this Lease. The consent by the County to an assignment or subletting shall not be construed to relieve the Tenant from obtaining the consent in writing of the County to any further assignment or subletting.

27. Assignment of Interest in Rents. The County shall have the right, without selling its fee interest in the Leased Premises or assigning its interest in this Lease, to assign from time to time the whole of the net rent at any time payable hereunder to persons, firms, corporations, trusts or other entities designated by the County in a written notice to the Tenant, and in any such case the Tenant shall pay the net rent, subject to the terms of this Lease, to the County's designee at the address mentioned in any such notice for the period covered by such assignment.

28. Exoneration from Liability. The County shall not be liable and Tenant shall indemnify and defend County for any personal injury to the Tenant or to its officers, agents and employees, or to any other occupant of or third party on any part of the Leased Premises, regardless of how such injury or damage may be caused, whether from action of the elements or acts of negligence of the occupants of adjacent properties, or any other persons; provided that nothing contained herein shall relieve the County of the consequences of its own negligence.

29. Reimbursement of Expenses. The Tenant shall defend and indemnify the County against all legal costs and charges, including reasonable attorney fees lawfully and reasonably incurred, in obtaining possession of the Leased Premises after default of the Tenant or after the Tenant's default in surrendering possession upon the expiration or earlier termination of the term of the Lease or enforcing any covenant of the Tenant herein contained. The Tenant further covenants that in case the County shall be made party to any litigation commenced against the Tenant, due to act or omission on the part of the Tenant alone, then the Tenant shall pay all expenses, costs, and reasonable attorney's fees incurred by or imposed on the County in connection with such litigation, and such expenses, costs, and attorney's fees shall be additional rent due on the last day after services of notice of such payment or payments, together with interest at a rate of 6% per annum from the date of payment, and shall be collected as any other rent specifically reserved herein. Provided that this claim shall not be applicable where the County shall be made a party by reason of any independent liability of the County caused by some act or omission on the part of the County or resulting from any act or omission on the part of both Tenant and County.

30. Smoke Free Facility. Tenant acknowledges that County buildings are smoke-free. Tenant shall ensure that employees, customers or invitees of the Tenant abide by the County's ordinances and Board of Health Rules which prohibit smoking.

31. Weapons Prohibited. Tenant acknowledges that by law weapons are prohibited in County facilities. Tenant will ensure that employees, customers, or invitees of the Tenant abide by the County's ordinance that prohibits weapons in the facility.

32. Notice by Registered or Certified Mail. Any notice under this Lease must be in writing and must be sent by registered or certified mail to the last address of the party to whom the notice is to be given, as designated by such party in writing. The County hereby designates its address as:

Orange County
Attn: Director of Asset Management
131 West Margaret Lane; Suite 301
PO Box 8181
Hillsborough, NC 27278
919-245-2658

The Tenant hereby designates its address as:

Alliance for Historic Hillsborough
Attn : Executive Director
150 East King Street
Hillsborough, NC 27278
919-732-7741

33. Grammatical Usage. In construing this Lease feminine or neuter pronouns shall be substituted for those masculine in form and vice versa, and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.

34. Hillsborough Agreement. Tenant utilizes the Premises for the purposes of carrying out its obligations to the Town of Hillsborough pursuant to its agreement with the Town to manage the visitors center and tourism related marketing and communications. Should Tenant's agreement with the Town of Hillsborough expire or be terminated this Lease shall terminate and the Tenant shall immediately surrender the Premises as provided herein.

35. Memorandum of Lease. County and Tenant shall execute a Memorandum of Lease for recordation. Such Memorandum of Lease shall comply with Article 8 of Chapter 47 of the North Carolina General Statutes.

36. Entire Agreement. This Lease contains the entire agreement between the parties, and any executory agreement hereafter made shall be ineffective to change, modify, or discharge it in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification or discharge is sought.

[Signature Page to Follow]

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

COUNTY:

BY: _____
Mark Dorosin, Chair

ATTEST:

_____
Donna S. Baker, Clerk to the Board

Orange * County 17 52 North Carolina

TENANT:

_____
Sarah DeGennaro
Alliance for Historic Hillsborough, Inc.

WITNESS:

_____

STATE OF NORTH CAROLINA
ORANGE COUNTY

I, David Hunt, a Notary Public for said County and State, do hereby certify that Donna S. Baker personally appeared before me this date and acknowledged that she is the Clerk to the Board of Commissioners of Orange County, and that by authority duly given and as the act of Orange County, the foregoing instrument was signed in its name by Mark Dorosin, sealed with its official seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the 9th day of March, 2018

_____
Notary Public

My Commission expires: June 7, 2019

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

OFFICIAL SEAL
Notary Public, North Carolina
ORANGE COUNTY
DAVID HUNT
My Commission Expires _____

I, Donna W. Collins, a Notary Public, do hereby certify that Sarah DeGennaro, personally appeared before me this day and acknowledged the due execution of the foregoing Lease Agreement.

WITNESS my hand and official seal this the 30th day of January, 2018.

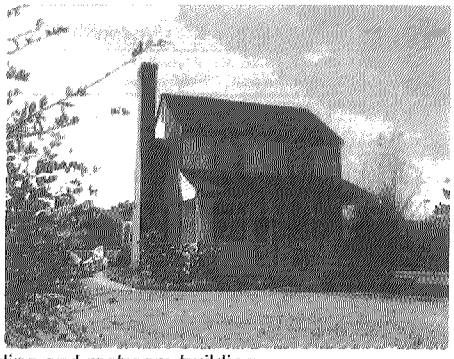
_____
Notary Public

My commission expires: 4/5/22

DONNA W. COLLINS NOTARY PUBLIC ALAMANCE COUNTY, NC My Comm. Expires 4/5/22

DICKSON HOUSE COMPLEX

150 EAST KING STREET
HILLSBOROUGH
Ownership: Owned
Year Built: 1790
Year Added: 1992
Property Total (Est. Acres):0.83
Gross Square Footage (Est.): 2,713



Building Notes:
Historic home relocated to current location by County. Includes historic office building and restroom building constructed at King Street location for visitors. Siding and other exterior repairs, exterior repainting and application of preservative to cedar shake roof completed in 2008. Historic residence leased to Alliance for Historic Hillsborough.

Property Information:

Address:
150 EAST KING STREET
HILLSBOROUGH, 27278

PIN:
9874163117

Zoning District:
OFFICE INSTITUTIONAL

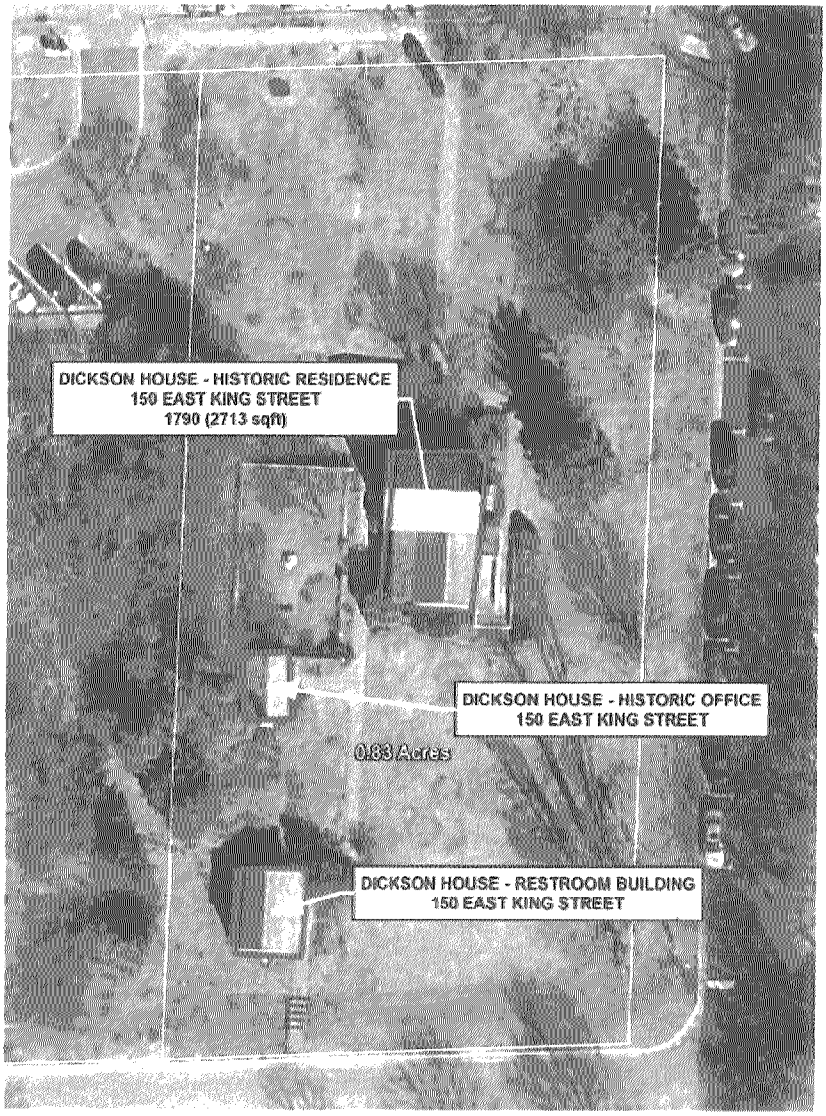
Insured Value:
$231,800.00

Hillsborough Historic District:
Yes

Occupants/Operators:

Alliance for Historic Hillsborough

Aerial View of Property and Building



ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/14/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Gretchen LaNier	
Colonial Insurance Agency Hillsborough 103 Millstone Dr. Suite A PO Box 490 HILLSBOROUGH NC 27278	PHONE (A/C, No, Ext): (919)732-2191	FAX (A/C, No): (919)732-2192
	E-MAIL ADDRESS: gretchen@colonial-agency.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Auto-Owners	18988
INSURED Alliance For Historic Hillsborough 150 E King St Hillsborough NC 27278-2685	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** CL1821402631 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [X] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			35097265	11/03/2017	11/03/2018	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 50,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
							Premises/Operations	$
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N [ ] If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		35097281	11/03/2017	11/03/2018	[X] PER STATUTE [ ] OTH-ER	
							E.L. EACH ACCIDENT	$ 100,000
							E.L. DISEASE - EA EMPLOYEE	$ 100,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is listed as Additional Insured.

CERTIFICATE HOLDER

Orange County
PO Box 8181
Hillsborough NC 27278

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Carla J. Moore

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ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

RESOLUTION AUTHORIZING THE LEASE OF DICKSON HOUSE TO THE ALLIANCE FOR HISTORIC HILLSBOROUGH

***Whereas*,** Orange County owns the Dickson House, located at 150 East King Street in Hillsborough, a 0.79 acre property that includes the Historic Alexander Dickson House as well as two outbuildings; and

Whereas, North Carolina General Statute 160-272 authorizes the lease of County properties for up to 10 years upon resolution of the Board of County Commissioner at a regular meeting after thirty days' public notice; and

Whereas, The Alliance for Historic Hillsborough, Inc. has leased the Dickson House property from the County since 1999 for the purpose of safeguarding the cultural heritage inherent in the structure, promoting community engagement and education through visitor services, and sharing the building's rich history; and

***Whereas*,** The Alliance for Historic Hillsborough desires to lease the Dickson House for a period of three months and three years, beginning on April 1, 2024, and ending June 30, 2027; and

Whereas, The Alliance for Historic Hillsborough will pay the County an annual rent of $6,420, which will help to offset the County's cost of annual and long-term maintenance needs of the property;

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby approves the lease of the County property described above to the Alliance for Historic Hillsborough, Inc. for a term of three years and three months, commencing on April 1, 2024, approves the signing of the lease, and directs the execution, registration, and filing of all necessary instruments accordingly.

Adopted this day, the 19th of March, 2024.

_____

Jamezetta Bedford, Chair
Orange County Board of Commissioners

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-g

SUBJECT: Approval to Purchase One D6Track Type Tractor for Solid Waste

DEPARTMENT: Solid Waste

ATTACHMENT(S):
Gregory Poole Quote

INFORMATION CONTACT:
Robert Williams, 919-918-4904

PURPOSE: To approve the purchase of one Caterpillar D6 Track Type Tractor for Solid Waste to replace the current loader that has exceeded its useful life.

BACKGROUND: Solid Waste operates a permitted Construction and Demolition Landfill. To optimize the life of the landfill to achieve maximum compaction of materials, the proposed tractor will be used to move, level, and spread 10,000 tons of construction and demolition materials annually. The current tractor was originally purchased in 2005. After nineteen years of continuous use, the equipment functionality has diminished, and repairs have become insurmountable. The equipment has begun to leak fluids and needs continuous maintenance. Replacing the equipment is the most effective and efficient option. The track tractor is proposed for acquisition through State Purchasing Contract 2210A - Construction Equipment, and includes a substantial discount from retail pricing.

FINANCIAL IMPACT: The purchase price for the Caterpillar D-6 Track Type Tractor is $557,004, reflecting a State Contract discount and a three-year warranty. The proposed purchase is in line with the Solid Waste vehicle and equipment replacement schedule, and funds were approved in the FY 2023-24 Capital Investment Plan.

SOCIAL JUSTICE IMPACT: There are no Orange County Social Justice Goals associated with this item.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is associated with this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
  Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

RECOMMENDATION(S): The Manager recommends that the Board approve the purchase of the Caterpillar D6 Track Type Tractor for Solid Waste under the State Purchasing Contract.

Gregory Poole Equipment Company

PLEASE REMIT TO:
Gregory Poole Equipment Company
Processing Center, PO Box 60457
Charlotte, NC 28260
https://gregorypoole.billtrust.com

QUOTATION

FEDERAL TAXPAYER ID# 56-0487311
WWW.GREGORYPOOLE.COM
919-568-7500

QUOTATION NUMBER **Q285918-6**
QUOTATION DATE 2/27/2024
VALID UNTIL 5/31/2024

BILL TO

Orange County
Po Box 8181
Hillsborough, NC 27278
USA

SHIP TO

Orange County
Landfill Solid Waste
1514 Eubanks Rd
Chapel Hill, NC 27516
USA

INVOICE ACCOUNT	ORDER ACCOUNT	WAREHOUSE	DIVISION	PAGE
C000898	C000900	Mebane Heavy Construction	Heavy Construction	1 of 4
SALESMAN	**CUSTOMER CONTACT**		**TERMS**	
James Scott Thomas			Net 30 days	

QTY	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1	New Caterpillar D6 Track Type Tractor with Waste Handling Arrangement, 76" Track Gauge, 22" Pads	723,524.00	723,524.00
-1	Omnia Cooperative Contract #212816 - Discount 23% off of List Price	723,524.00	-166,410.52
-1	Additional Special GPEC Discount	14,450.00	-14,450.00
1	1st Year Total Machine Warranty	2,463.00	2,463.00
1	3 Year / 5,000 Hour Powertrain + Hydraulics + Technology Warranty, including 1st Year TTM coverage	8,985.00	8,985.00
1	- 3 Year Product Link Subscription - Predelivery Inspection - Delivery	2,893.00	2,893.00

EQUIPMENT CONSIST:

1	4645707	D6 TRACTOR CFG1
1	0P9003	LANE 3 ORDER
1	6246407	CONFIG ARR 20B, LUC
1	4645589	WASTE HANDLING ARR, PUSHARM
1	4645181	FINAL DRIVE, 76"(1930 MM), GRD
1	4645202	ENGINE, LUC, THERMAL SHIELD
1	4604590	OIL DRAIN, BASIC
1	5782385	UNDERCARRIAGE, HDXL, WASTE
1	6163001	TRACK, 22" ES HDXL, CTWS
1	4607149	FAN, REVERSING, PUSHARM
1	4645463	HYDRAULICS, PUSHARM
1	4645459	CONTROL, RIPPER
1	5716178	LIGHTS,12,LED,PREMIUM PUSHARM

CONTINUED

☐ By checking this box the Assignment Clause noted below applies. Make check payable to **Gregory Poole Exchange LLC**

☐ By checking this box the Assignment Clause noted below does not apply.

Assignment Clause: Notice is hereby given that Gregory Poole Leasing LLC has assigned its rights under this Purchaser's order to **Gregory Poole Exchange LLC** to sell the rental equipment described herein and, if applicable, to purchase trade-in property described herein.

Purchaser warrants that any Trade-In Equipment is free and clear of all liens and encumbrances, except as described above, and that he/they are the sole owners. Purchaser has read the terms and conditions on the reverse of this document and acknowledge that this purchase from the seller is subject to the same terms and conditions.

(Sales Representative) (Purchaser)

Gregory Poole Equipment Company

PLEASE REMIT TO:
Gregory Poole Equipment Company
Processing Center, PO Box 60457
Charlotte, NC 28260
https://gregorypoole.billtrust.com

QUOTATION

FEDERAL TAXPAYER ID# 56-0487311
WWW.GREGORYPOOLE.COM
919-568-7500

QUOTATION NUMBER **Q285918-6**
QUOTATION DATE 2/27/2024
VALID UNTIL 5/31/2024

BILL TO

Orange County
Po Box 8181
Hillsborough, NC 27278
USA

SHIP TO

Orange County
Landfill Solid Waste
1514 Eubanks Rd
Chapel Hill, NC 27516
USA

INVOICE ACCOUNT	ORDER ACCOUNT	WAREHOUSE	DIVISION	PAGE
C000898	C000900	Mebane Heavy Construction	Heavy Construction	2 of 4
SALESMAN	**CUSTOMER CONTACT**		**TERMS**	
James Scott Thomas			Net 30 days	

QTY	DESCRIPTION		UNIT PRICE	EXTENDED PRICE
1	5609088	SEAT, HEATED & VENTILATED		
1	5778623	REAR CAMERA		
1	5795779	PREMIUM CORP RADIO (12V)		
1	5877162	ARO W/ASSIST		
1	4355758	JOYSTICK, ARO/GRADE, PA		
1	5947762	DOZER CTL, ARO/GRADE, PA		
1	5777697	PROD LINK, PLE643/PLE743 RADIO		
1	5227680	FUEL TANK, BASIC		
1	4717279	GUARD, BTM, SEALED,HD, PUSHARM		
1	4710416	ENCLOSURE, ENGINE, PUSHARM		
1	5136215	STRIKER BOX		
1	4645283	FLUIDS, STD OIL, -35F		
1	5555500	REGIONAL PACKAGE, USA		
1	5777228	LIGHT, REAR WORK		
1	6117487	CTWS & MSS RECEIVER, BLE		
1	5227670	GUARD, FUEL TANK		
1	5335463	GUARD, LIGHTS, PREMIUM, PA		
1	6025947	STRIKER BARS, FRONT		
1	6241117	6SU BULLDOZER, GUARDED		
1	5624899	6SU XL PUSHARM		
1	5663144	CYLINDER LINES, PUSHARM		
1	4727305	BLADE, 6SU, WASTE		
1	0P8025	PACK, DOMESTIC TRUCK, MTTT		
1	5893552	RADIO, CB (READY)		

Quoted Sales Price * *** Excludes applicable Fees**	557,004.48

GENERAL TERMS AND CONDITIONS
FROM GREGORY POOLE EQUIPMENT COMPANY

1.CONTRACT. Unless otherwise stated, all sales transactions are expressly subject to these Terms and Conditions. Credit sales likewise are subject to credit approval and the standard credit agreement terms of Gregory Poole Equipment Company which are incorporated herein by reference as if fully set forth herein and can be found at www.gregorypoole.com. All Terms and Conditions set forth herein are deemed acknowledged and accepted by Buyer upon Buyer's written or verbal order. No understanding, promise or representation, and no waiver, alteration or modification of any of the provisions hereof shall be binding upon Gregory Poole Equipment Company ('Company') unless assented to expressly in writing by an authorized representative of Company. Buyer shall not rely on any statement or representation of any party (including, without limitation, any Company sales representative) that alters, adds to or differs from these Terms and Conditions, and no such statement or representation shall be recognized by or be binding upon Company. Any and all provisions of Buyer's Purchase Order or other documents that add to or differ from these Terms and Conditions are EXPRESSLY rejected. No waiver of these Terms and Conditions or acceptance of others shall be construed from any failure of Company to raise objection. Customer agrees to be bound by electronic communications relating to transactions with Gregory Poole Equipment Company.

2. QUOTATIONS AND PUBLISHED PRICES. Quotations automaticallly expire forty-five (45) calendar days from the date issued unless otherwise stated in the Quotation and are subject to withdrawal by notice within that period. Company reserves the right unilaterally to extend such Quotation up to six (6) months from the date of issuance. Prices shown on the published price list and other published literature issued by the Company are not unconditional offers to sell, and are subject to change without notice. Company's price for equipment, unless otherwise specified, does not include an allowance for installation and/or final on-site adjustment. Prices shall be subect to adjustment to those in effect at time of shipment.

3.TAXES AND INSURANCE. Company's prices do not include any applicable sale, use, excise or similar taxes; and the amount of any such tax which Company may be required to pay or collect will be added to each invoice unless Buyer has furnished Company with a valid tax exemption certificate acceptable to the taxing authorities. Where a Buyer fails to furnish the required documentation, the previously unpaid sales, use, excise or similar tax will be billed to the Buyer. If upon subsequent sales, use, excise or similar tax audit, an exemption certificate provided to Company by Buyer is, through no fault of Company, determined to be invalid, Company will attempt to acquire a valid exemption certificate, notarized affidavit of exempt use, or other necesssary documentation from Buyer. If Buyer fails timely to furnish a valid exemption certificate, notarized affidavit, or other necessary documentation, the previously unpaid sales, use, excise or similar tax will be billed to Buyer. Buyer, at its sole cost and expense, shall keep any and all equipment delivered hereunder insured to the extent of its full insurable value with a standard all-risk Inland Marine Insurance Policy covering physical damage to the equipment, with any loss payable to Company. Insurance coverage shall commence on or before the time at which title to such equipment passes to Buyer. Buyer shall be responsible for obtaining at its sole cost and expense any other insurance coverage that may be necessary or appropriate.

4. TERMS. Except as otherwise provided herein, TERMS ARE CASH, NET THIRTY (30) DAYS, from date of invoice. Amounts past due are subject to a service charge of 1.5% per month (or fraction thereof), or maximum contract rate permitted by law, which rate shall also apply after judgment pursuant to N.C. G.S. 24-5, and any payments will be applied first to service charges due. If Company deems that, by reason of the financial condition of the Buyer or otherwise, the continuance of production or shipment on the terms specified herein are not justified, Company may require full or partial payment in advance. The terms provided herein supersede any customer or trade practice regarding service charges, time of payment or any other term of payment.

5. DELIVERY. Delivery dates indicated in the contract documents are approximate and are based on prompt receipt of all necessary information regarding the equipment covered by the contract. Company will use reasonable efforts to meet the indicated delivery dates, but cannot be held responsibe for its failure to do so. Company shall not be liable for delays in delivery or in performance or failure to manufacture or deliver, due to: causes beyond its reasonable control; acts of God, acts of Buyer, acts of civil or military authority, priorities, fires, strikes or other labor disturbances, floods, epidemics, war, riot, or delays in transportation; or inability on account of causes beyond its reasonable control to obtain the necessary labor, materials, components or manufacturing facilities. In the event of any delay caused by Buyer, Company will store and handle all items ordered at Buyer's risk and will invoice Buyer for the unpaid portion of the contract price, plus storage, insurance and handling charges, on or after the date on which the equipment is ready for delivery, payable in full within thirty (30) days from invoice date. Title to the equipment and risk of loss shall pass to Buyer upon delivery to a carrier.

6. DELIVERY AND HANDLING CHARGES. Unless otherwise specified, shipments are F.O.B. Company's premises. Delivery and handling charges will be prepaid and billed as a separate item on the equipment invoice on the basis of Company's current freight policies. Buyer may also specify and use a designated freight carrier. In the absence of such specification, goods will be shipped by the method and via the carrier chosen by Company.

7. SHIPPING AND PACKING. All material shall be carefully packed for shipment and Company will not be responsible for loss, delay or breakage after having received 'in good order' receipts from the carrier. All claims for breakage, loss, delay and damage should be made to the carrier. Shipping weights and dimensions given in Company's materials are as close to actual as practicable, but are not guaranteed. No claims will be allowed because of any discrepancy between actual weight or dimensions shipped and listed data.

8. SUBSTITUTIONS. Unless specifically restricted on a purchase order, Company reserves the right to substitute the latest superseding design and manufactured equivalent product where the interchangeability of the product is based on form, fit, and function, in place of the product offered.

9. CHANGES. Buyer may with the express written consent of Company make changes in the specifications for equipment or work covered by the contract. In such event, the contract price and delivery dates shall be equitably adjusted. The Company shall be entitled to payment for reasonable profit plus costs and expenses incurred by it for work and materials rendered unnecessary as a result of such changes, and for work and materials required to effect said changes.

10. NONCONFORMITY. All equipment sold by Company is to be inspected before shipment, and should any of such equipment prove defective due to faults in manufacture, or fail to meet the written specifications accepted by Company, Buyer shall not return the goods, but shall notify Company immediately, stating full particulars in support of its claim, and Company will either replace the goods upon return of the defective or unsatisfactory material or shall adjust the matter fairly and promptly, but under no circumstances shall Company be liable for consequential or other damages, losses or expenses in connection with or by reason of the use of or inability to use materials purchased for any purpose.

11. CANCELLATION. Undelivered parts of any order may be canceled by the Buyer only with the written approval of Company. If Buyer makes an assignment for the benefit of creditors or in the event that the Company for any reason feels insecure about Buyer's willingness or ability to perform, then Company shall have the unconditional right to cancel this transaction. In the event of any cancellation of this order by Buyer, Buyer shall pay to Company the reasonable costs and expenses (including engineering expenses and all commitments to suppliers and subcontractors) incurred by Company prior to receipt of notice of such cancellation, plus Company's usual rate of profit for similar work. In the event Company agrees to accept equipment for restocking, a minimum charge of twenty-five percent (25%), based on the sales price to Buyer of said equipment, will apply.

12. SECURITY INTEREST. Buyer agrees to pay for the equipment according to the Company's payment terms and does hereby grant to the Company a purchase money security interest in the equipment until such time as it is fully paid. Buyer hereby appoints Company as its Attorney-in-Fact and authorizes Company, at Buyer's expense, to take such action as may be necessary to perfect and protect Company's security interest, including the filing and/or recording of Uniform Commercial Code Financing Statements, and grants Company the right to execute Buyer's name thereto. In the event of a default by Buyer, Company shall be entitled to any of the rights and remedies provided by law. Buyer hereby authorizes Company, at Buyer's expense, to file or record any statement, memorandum or other instrument showing the

GENERAL TERMS AND CONDITIONS
FROM GREGORY POOLE EQUIPMENT COMPANY

interest of Company in the equipment, including Uniform Commercial Code Financing Statement, and grant Company the right to execute Buyer's name thereto. Buyer agrees to pay or reimburse Company for any searches, filings, recording or stamp fees or taxes arising from the filing or recording of any such instrument or statement. Buyer shall, at its expense, protect and defend Company's title against all persons claiming against or through Buyer, at all times keeping the equipment free from any legal process or encumbrance whatsoever, including, but not limited to liens, attachments, levies and executions, and shall give Company immediate written notice thereof and shall indemnify Company from any loss caused thereby.

13. DEFAULT. Default shall be a breach of these Terms and Conditions by Buyer. Upon default, Company may recover from Buyer Company's reasonable attorneys' fees and court costs incurred in connection with pursuing its legal and equitable rights and remedies, including but not limited to repossession and collection of past due amounts.

14. BUYER ACCEPTANCE. Any apparatus delivered hereunder shall be deemed to be fully accepted by Buyer unless Company receives written notice of rejection of any such apparatus within ten (10) days after the date of delivery to Buyer.

15. WARRANTIES. COMPANY MAKES NO REPRESENTATION, GUARANTY OR WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO QUALITY, MERCHANTABILITY, AND/OR FITNESS FOR A PARTICULAR PURPOSE, THAT EXTEND BEYOND THE DESCRIPTION OF EQUIPMENT, UNLESS REDUCED TO WRITING AND MADE A PART OF THIS CONTRACT. IN ADDITION, ALL EQUIPMENT SHALL BE WARRANTED SOLELY BY THE MANUFACTURER OF SAID EQUIPMENT PURSUANT TO THE TERMS OF THAT MANUFACTURER'S SUPPLIED WARRANTY.

16. DISCLAIMER OF DAMAGES AND LIMITATION OF LIABILITY. IN NO EVENT SHALL COMPANY BE LIABLE FOR ANY TYPE OF SPECIAL, CONSEQUENTIAL, INCIDENTAL OR PENAL DAMAGES, WHETHER SUCH DAMAGES ARISE OUT OF OR ARE A RESULT OF BREACH OF CONTRACT, WARRANTY, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, EXCEPT DAMAGES ARISING OUT OF OR RESULTING FROM COMPANY'S GROSS NEGLIGENCE OR WILFUL MISCONDUCT. Such damages shall include but not be limited to loss of profits or revenues, loss of use of the equipment or associated equipment, cost of substitute equipment, facilities, down-time costs, increased construction costs or claims of Buyer's customers or contractors for such damages. Buyer agrees that in the event of a transfer, assignment or lease of the equipment sold hereunder, Buyer shall secure for Company the protection afforded to it in the paragraph set forth immediately below.

17. COMPANY LIABILITY. Company shall not be liable for any loss, claim, expense or damage caused by, contributed to, or arising out of the acts or omissions of Buyer or third parties (including carriers), whether for negligence or otherwise. In no event shall Company's liability for any cause of action whatsoever exceed the cost of the item giving rise to the claim, whether based in contract, warranty, indemnity or tort (including negligence). Buyer agrees to defend and hold Company harmless from any claim or suit arising hereunder.

18. REGULATORY LAWS AND/OR STANDARDS. Company takes reasonable steps to keep its products in conformity with various nationally recognized standards and such regulations which may affect its products; however, Company recognizes that its product are utilized in many regulated applications and that from time to time standards and regulations are in conflict with each other. Company makes no promise or representation that its product will conform to any federal, state or local laws, ordinances, regulations, codes or standards, except as particularly specified and agreed upon for compliance in writing as a part of the contract between Buyer and Company. Company prices do not include the cost of any related inspections or permits or inspection fees.

19. NUCLEAR. Purchaser represents and warrants that the equipment covered by this contract shall not be used in or in connection with a nuclear facility or application.

20. NO RESPONSIBILTY FOR GRATUITOUS INFORMATION OR ASSISTANCE. If Company provides Buyer with assistance or advice which concerns any parts, products, or services supplied hereunder or any system or equipment in which any such part, product or service may be installed and which advice is not required pursuant hereto, the furnishing of such assistance or advise shall not subject Company to any liability whether based in contract, warranty, tort (including negligence) or otherwise.

21. NONDISCLOSURE. The terms of this Transaction are confidential, and the terms of any Quotation provided by Company, are confidential and none of the details connected herewith may be disclosed by Buyer to any third party without Company's prior written consent.

22. NONASSIGNMENT. This Quotation and Agreement may not be assigned by Buyer, in whole or in part, without Company's prior written consent.

23. ENTIRE AGREEMENT AND AMENDMENT. This Transaction/Quotation constitutes the entire agreement between Company and Buyer with respect to the transactions hereunder and no representation, promise or condition not set forth herein has been relied upon by Buyer or shall be binding upon either party hereto.

24. VENUE. Buyer agrees that any legal action arising out of or resulting from this Agreement shall be filed and maintained in the Civil District or Superior Court for the County of Wake, North Carolina.

25. INTERPRETATION. Should any term or provision contained in the contract contravene or be invalid under applicable law, the contract shall not fail by reason thereof but shall be construed in the same manner as if such term or provision had not appeared therein.

THIS CONTRACT/AGREEMENT SHALL BE INTERPRETED IN ACCORDANCE WITH THE LAWS OF THE STATE OF NORTH CAROLINA.

(V092014)

PLEASE REVIEW YOUR SPECIFICATIONS TO BE SURE THAT ANY APPARATUS DESCRIBED IN OUR QUOTE OR INVOICE MEETS YOUR REQUIREMENTS. Quotations cover items listed and do not constitute a specific job proposal or equipment furnished loose for installation by others unless specifically listed as installed. Start-Up, Testing, & Training is to be performed during normal business hours unless specifically indicated otherwise. Relay and/or System Coordination Study is not included unless specifically noted. Telephone and verbal orders are to be confirmed in writing. We reserve the right to correct stenographic or clerical errors. Gregory Poole Equipment Company is not reponsible for occurrences beyond our immediate control. Any quotation is made subject to Gregory Poole Equipment Company's Standard Terms and Conditions. Quotations are valid for Forty-filve (45) days from date of issue unless otherwise stated in the Quotation.

ACCEPTANCE **BY GREGORY POOLE EQUIPMENT COMPANY**

_____**(SEAL) DATE** _____ _____ **DATE** _____

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-h

SUBJECT: Contract for Solid Waste Drainage Repairs

DEPARTMENT: Solid Waste

ATTACHMENT(S):
Contract

INFORMATION CONTACT:
Robert Williams, 919-918-4904

PURPOSE: To approve and authorize the County Manager to sign a contract with Moffat Pipe, Inc. to address drainage issues at 1) the Walnut Grove Waste and Recycling Center and 2) the recycling material loading area on the Orange County Solid Waste Landfill/Disposal site on Eubanks Road.

BACKGROUND: For the last several years, a portion of the gravel area at the Walnut Grove Waste and Recycling Center has been experiencing standing water and erosion issues. Staff have regraded and re-graveled the impacted areas multiple times in an attempt to correct the issue with minimal success. At the Landfill/Disposal facility recycling material loading area, similar standing water and erosion issues are present that are negatively affecting operations. Staff has also attempted to correct this issue multiple times with minimal success. Solid Waste staff consulted a contracted engineering firm to assess the issue and offer recommendations.

Pursuant to those recommendations, on behalf of Solid Waste, Orange County issued a Request for Proposals (RFP) on December 7, 2023, seeking proposals to address the drainage issues at the recycling material loading area on the Orange County Solid Waste Landfill/Disposal site on Eubanks Road and at the Walnut Grove Church Rd. Waste and Recycling Center. Six (6) firms responded to the request and three (3) of the proposals were deemed responsive. After tabulation and review, Solid Waste staff recommend the project be awarded to Moffat Pipe, Inc., the lowest, responsive, responsible bidder.

FINANCIAL IMPACT: The financial impact of completing both projects is $341,995. Addressing the erosion issues at the Landfill/Disposal Center is estimated at $179,430 and to address the issues at the Walnut Grove Waste and Recycling Center is estimated at $162,565. As a result of lowered costs for recycling processing and lowered expenditures for engineering projects and food waste collection, the funds are available within the current Solid Waste Operations budget.

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

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is applicable to this item:

- **ENERGY EFFICIENCY AND WASTE REDUCTION**
  Initiate policies and programs that: 1) conserve energy; 2) reduce resource consumption; 3) increase the use of recycled and renewable resources; and 4) minimize waste stream impacts on the environment.

RECOMMENDATION(S): The Manager recommends that the Board award the project to Moffat Pipe, Inc. and authorize the Manager to sign the Contract to make the repairs at 1) the Walnut Grove Waste and Recycling Center and 2) the recycling material loading area on the Orange County Solid Waste Landfill/Disposal site on Eubanks Road.

[Departmental Use Only]
TITLE
FY

NORTH CAROLINA

CONSTRUCTION AGREEMENT OVER $250,000.00

ORANGE COUNTY

THIS CONSTRUCTION AGREEMENT (hereinafter called "Agreement"), made as of the 16th day of February, 2024, by and between Moffat Pipe, (hereinafter called the "Contractor"), and Orange County, a political subdivision of the State of North Carolina, (hereinafter called the "County," "Orange County," or "Owner").

W I T N E S S E T H:

That the Contractor and the Owner, for the consideration herein named, agree as follows:

1. CONTRACT DOCUMENTS; PRIORITY

The Contract Documents consist of this Agreement, the General Conditions which are fully incorporated in this Agreement, the Request for Proposals, designer approved communications and field orders, the Proposal, Construction Documents and Drawings and Written Specifications. The Contract Documents form the Contract. In the event of any inconsistency between or among the Contract Documents the Contract Documents shall be interpreted in the following order of priority:

a. This Agreement and incorporated General Conditions attached as Exhibit 1.

b. Designer approved and stamped construction documents and drawings and written specifications.

c. Designer approved communications and field orders.

d. Request for Proposals and addenda thereto.

e. Proposal.

2. SCOPE OF WORK

The Contractor shall furnish and deliver all of the materials, and perform, and be fully responsible for all of the Work required by this Agreement within the time period stipulated in a written Notice-to-Proceed to be executed by the Contractor and Owner and in accordance with the following enumerated documents, which are made a part hereof as if fully contained herein:

a. Construction Drawings prepared by TRC Egineers, Inc. (Sheet C1.0-C5.0) dated 02/16/2024)

b. Written specifications prepared by the Designer.

c. Orange County Solid Waste Drainage Repairs proposal dated December, 2023 which fully describes the work to be performed, such work (hereinafter called the "Work").

d. Related documents listed under Section 1 above.

3. TERM AND SCHEDULING

a. The Contractor agrees to commence work pursuant to the written Notice-to Proceed.

b. The Contractor agrees to complete substantially all Work included by September 30, 2024.

c. Time is of the essence with respect to all dates specified in the Contract Documents as Completion Dates.

d. The Contractor shall perform the Work in the time, manner and form required by the Contract Documents and as stipulated in a written Notice-to-Proceed to be executed by the Contractor and Owner.

4. STANDARD OF CARE AND DUTIES OF CONTRACTOR

a. The Contractor shall exercise reasonable care and diligence in performing the Work in accordance with the generally accepted standards of this type of Contractor practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Contractor is solely responsible for the professional quality, accuracy, timely completion, and submission of all work.

b. The Contractor shall not load or permit any part of the Work to be loaded with a weight that will endanger its safety, intended performance or configuration.

c. Contractor shall be responsible for all Contractor, Subcontractor, and Sub-subcontractor errors or omissions, in the performance of the Agreement together with the errors and omissions of any agent or employee of the Contractor or any Subcontractor or Sub-subcontractor. Contractor shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes, or conflicts at no additional cost to the Owner.

d. Contractor is an independent contractor of Owner. Any and all employees of the Contractor engaged by the Contractor in the performance of any work or services required of the Contractor under this Agreement, shall be considered employees or agents of the Contractor only and not of the Owner, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Contractor.

e. Contractor shall at all times remain in compliance with all applicable local, state, and federal laws, rules, and regulations including but not limited to all state and federal non-discrimination laws, policies, rules, and regulations and the Orange County Non-Discrimination Policy and Orange County Living Wage Policy (each Orange County policy is incorporated herein by reference and may be viewed at http://www.orangecountync.gov/departments/purchasing_division/contracts.php). Any violation of the Orange County Non-Discrimination Policy is a breach of this Agreement and County may immediately terminate this Agreement without further obligation on the part of the County. This paragraph is not intended to limit and does not limit the definition of breach to discrimination.

f. If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Contractor represents that it and its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.

g. The Contractor shall supervise and direct the Work efficiently and with the Contractor's best skill and attention. Except as specifically set forth in the Contract Documents the Contractor shall be solely responsible for the means, methods, techniques, sequences, and procedures of construction, and for safety precautions and programs in connection with the Work. The Contractor shall be responsible to see that the finished Work complies accurately with the Contract Documents.

h. The Contractor shall appoint a competent Project Manager with general authority to manage the Project for the Contractor. The Contractor shall also keep on the Project at all times during the Work of the Contractor a competent Resident Superintendent and necessary assistants who shall not be replaced without prior written approval by the Designer or by the Owner if a Designer is not retained for the Project.

i. If, in the opinion of the Designer, any Subcontractor on the Project is incompetent or otherwise unsatisfactory, such Subcontractor shall be replaced by the Contractor with no increase in the Contract Price if and when directed by the Designer.

j. The Contractor shall attend all progress conferences and all other meetings or conferences. The Contractor shall be represented at these progress conferences by a representative having the authority of the Project Manager and by such other representatives as the Designer may direct.

k. Costs and expenses of providing samples for and assistance in any testing shall be borne by the Contractor. Any Work in which untested materials are used without written approval or written permission of the Owner or Designer shall be removed and replaced at Contractor's expense.

l. The Contractor shall obtain all necessary permits including all permits required to complete the Work in compliance with local, state, and federal law.

5. PAYMENT & TAXES

a. The Owner hereby agrees to pay to the Contractor for the faithful performance of this Agreement, and the Contractor hereby agrees to perform all of the Work for a sum not-to-exceed Three hundred forty one thousand nine hundred ninety-five Dollars ($341,995.00). Not later than the fifth (5th) day of each calendar month the Contractor shall submit to the Owner's Representative, generally the Designer if a Designer is retained on the Work, a Request for Payment for work done during the previous calendar month.

(i) The Request for Payment shall be in form of a standardized invoice or AIA Document G702-703 appropriately addressed to Owner's Representative at TRC Engineering and shall show substantially the value of work done during the previous calendar month.

(ii) The amount due for payment shall be ninety-five percent (95%) of the value of work completed since the last Request for Payment and this amount shall be paid by the Owner on or before the last business day of the month. Owner shall retain five percent (5%) (the "Retainage").

(1) Upon Owner's Representative's certification that fifty percent (50%) of the Work has been satisfactorily completed Retainage shall be reduced to two and one half percent (2½%).

(2) Upon Owner's Representative's certification that ninety percent (90%) of the Work has been satisfactorily completed Retainage may be discontinued. Retainage may be discontinued, at Owner's Discretion, so long as work continues to be completed satisfactorily and on schedule.

(3) The Owner may discontinue withholding retainage in accordance with the provisions of NCGS-143-(b1)(2) when the project is 50% complete.

(iii) Final payment shall not be due to the Contractor until thirty (30) days after Final Completion of the Work, including punch list work, has been satisfactorily (as determined by the County) completed and an appropriate Affidavit, Indemnification, and Release as required in Section 5.4(e) of Exhibit 1 has been received and approved by Owner.

b. Should Owner reasonably determine that Contractor has failed to perform the Work related to a Request for Payment, Owner, at its discretion may provide the Contractor ten (10) days to cure the breach. Owner may withhold the accompanying payment without penalty until such time as Contractor cures the breach.

(i) Should Contractor or its representatives fail to cure the breach within ten (10) days, or fail to reasonably agree to such modified schedule, Owner may immediately terminate this Agreement in writing, without penalty or incurring further obligation to Contractor.

(ii) This section shall not be interpreted to limit the definition of breach to the failure to perform the Work related to a Request for Payment.

c. The Contractor has included in the Contract Price and shall pay all taxes assessed by any authority on the Work or the labor and materials used therein. It shall be the Contractor's responsibility to furnish the Owner documentary evidence showing the materials used and sales and use tax paid by the Contractor and each of its subcontractors.

d. Should the Owner receive notice that the Contractor has failed to pay a Subcontractor for the Work performed related to a Request for Payment, Owner shall have the authority to withhold payment of the disputed amount until parties resolve their dispute. Failure to pay the Contractor pursuant to this section of the Agreement shall not be deemed to be a breach of the Agreement.

6. NON–APPROPRIATION

a. Contractor acknowledges that Owner is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

b. In the event that public funds are unavailable or not appropriated for the performance of Owner's obligations under this Agreement, then this Agreement shall automatically expire without penalty to Owner immediately upon written notice to Contractor of the unavailability or non-appropriation of public funds. It is expressly agreed that Owner shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement.

c. In the event of a change in the Owner's statutory authority, mandate or mandated functions, by state or federal legislative or regulatory action, which adversely affects Owner's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to Owner upon written notice to Contractor of such limitation or change in Owner's legal authority.

7. NOTICES

Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Owner:
Orange County
Attn: Robert Williams
P.O. Box 8181
Hillsborough, NC 27278

Contractor:
Moffit Pipe, Inc.
701Finger Lakes Dr
Wake Forest, NC 27587
Attn: Jacob King

8. MISCELLANEOUS

a. Duties and Obligations imposed by the Contract Documents shall be in addition to any Duties and Obligations imposed by state, federal or local law, rules, regulations and ordinances.

b. No act or failure to act by the Owner or Contractor shall constitute a waiver of any right or duty granted them under the Contract Documents, nor shall any act or failure to act constitute any approval except as specifically agreed in writing.

c. The Work shall be tested and inspected as required by the Contract Documents and as required by law. Unless prohibited by law the costs of all such tests and inspections related to state and federal codes such as ADA, Administrative, Electrical, Plumbing, Mechanical and Building Codes shall be borne by the Contractor. The costs for material and structural testing shall be conducted by an independent third party at the expense of the Owner. Delays related to any of the aforementioned tests and inspections shall not be grounds for delaying the completion of the work. If any such tests and inspections reveal deficiencies in the Work such that the Work does not comply with terms or requirements of the Contract Documents and the requirements of any code or law the Contractor is solely responsible for the cost of bringing such deficiencies into compliance with the terms of the Contract Documents and any code or law.

d. Should the Designer, if a Designer is retained for the project involving the Work, or Owner

reject any portion of the Work for failing to comply with the Contract Documents Contractor shall immediately, at Contractor's expense, correct the Work. Any such rejection may be made before or after substantial completion. If applicable, any additional expense borne by the Designer under this section shall be paid at Contractor's expense.

e. The County has designated (*Robert Williams*) to act as the County's representative with respect to the Project and shall have the authority to render decisions within guidelines established by the County Manager or the County Board of Commissioners and shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

f. The Contractor shall not assign any portion of this Agreement nor subcontract the Work in its entirety without the prior written consent of the Owner.

g. In the event of a breach by Contractor Owner has sole authority to determine the reasonableness of Contractor's actions to remedy such breach or complete the performance of its obligations.

h. Upon request of the Owner, the Contractor shall submit to County all relevant documentation, including but not limited to, job cost records, to support its claims for final compensation and if such request is made final compensation shall not be due until all relevant documentation is received, reviewed, and approved by Owner.

9. CONSEQUENTIAL DAMAGES

a. Owner and Contractor mutually waive any claim against each other for consequential damages. Consequential Damages include:

(i) Damages incurred by Owner for loss of use, income, financing, or business.

(ii) Damages incurred by Contractor for office expenses, including personnel, loss of financing, profit, income, business, damage to reputation, or any other non-direct damages.

10. ENTIRE AGREEMENT

All of the documents listed, referenced or described in this Agreement, the written Notice-to-Proceed, together with Modifications made or issued in accordance herewith are the Contract Documents, and the work, labor, materials, and completed construction required by the Contract Documents and all parts thereof is the Work. The Contract Documents constitute the entire agreement between Owner and Contractor. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures. If any provision of the Agreement or General Conditions shall be declared invalid or unenforceable, the remainder of the Agreement shall continue in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and date first above written in a number of counterparts, each of which shall, without proof or accounting for other counterparts, be deemed an original contract.

ORANGE COUNTY:

By: _____
Bonnie Hammersley

CONTRACTOR:

By: _____
Jacob King Chief Financial Officer
Printed Name and Title

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-i

SUBJECT: Appointment of the Orange County Housing Director to the Central Piedmont Community Action, Inc. Board of Directors

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):
Attachment 1: Resolution

INFORMATION CONTACT:
Clerk's Office, 919-245-2130

PURPOSE: To approve a resolution assigning the Orange County Housing Director (or designee) as Orange County's permanent representative on the Central Piedmont Community Action, Inc. (CPCA) Board of Directors.

BACKGROUND: Central Piedmont Community Action, Inc. (CPCA), formerly known as Joint Orange-Chatham Community Action, Inc. (JOCCA) until March 2016, is a private nonprofit human service organization established in March 1966 by the Board of Commissioners of Orange and Chatham counties to seek funds, administer programs and provide services to low-income families and individuals. CPCA mobilizes resources from federal, state and local governments as well as private foundations.

Programs are developed and approved under the guidance of the Board of Directors, consisting of representatives from the private, public and low-income sectors of the counties. Public representatives on the Board of Directors are designated by the County Commissioners. Historically, the Director of the Orange County Department of Housing by individual name has been appointed to serve as a member of the Board of Directors. It is proposed through this action that the appointment be assigned to the Housing Director position (or designee), and not a specifically named individual.

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

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the resolution assigning the Orange County Housing Director (or designee) as Orange County's permanent representative on the Central Piedmont Community Action, Inc. (CPCA) Board of Directors.

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION DESIGNATING THE ORANGE COUNTY HOUSING DIRECTOR AS THE PERMANENT ORANGE COUNTY REPRESENTATIVE ON THE CENTRAL PIEDMONT COMMUNITY ACTION, INC. BOARD OF DIRECTORS

WHEREAS, Central Piedmont Community Action, Inc. (CPCA), formerly known as Joint Orange-Chatham Community Action, Inc. (JOCCA) until March 2016, is a private nonprofit human service organization established in March 1966 by the Board of Commissioners of Orange and Chatham Counties to seek funds, administer programs and provide services to low-income families and individuals; and

WHEREAS, CPCA mobilizes resources from federal, state, and local governments as well as private foundations; and

WHEREAS, programs are developed and approved under the guidance of the Board of Directors, consisting of representatives from the private, public, and low-income sectors of the counties, with public representatives on the Board of Directors being designated by the County Commissioners; and

WHEREAS, historically, the Director of the Orange County Department of Housing has represented Orange County as a member of the Board of Directors;

NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of Commissioners designates the position of the Orange County Housing Director (or designee) as the permanent Orange County representative on the Central Piedmont Community Action, Inc. (CPCA) Board of Directors.

This is the _____ day of _____, 2024.

_____
Jamezetta Bedford, Chair
Orange County Board of Commissioners

SEAL

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 19, 2024

Action Agenda Item No. 8-j

SUBJECT: Boards and Commissions – Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):
No Attachments

INFORMATION CONTACT:
Clerk's Office, 919-245-2130

PURPOSE: To approve the Boards and Commissions appointments as reviewed and discussed during the March 12, 2024 Board Work Session.

BACKGROUND: The following appointments are for Board approval:

- **Affordable Housing Advisory Board**

NAME	SPECIAL REPRESENTATIVE	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Monica Palmeira	At-Large	Partial Term	06/30/2024
Alicia Reid	At-Large	First Full Term	06/30/2026

- **Animal Services Hearing Panel Pool**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Mark J. Solomon	Town of Hillsborough	Second Full Term	03/31/2027
Meggie Romick	At-Large	Second Full Term	03/31/2027
Thomas Gambill	Public Safety Field	First Full Term	03/31/2027
Deborah Hill	Animal Services Advisory Board Member	Partial Term	03/31/2025

- **Arts Commission**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Heather Washburn	At-Large	First Full Term	09/30/2026
John Bemis	At-Large	Second Full Term	03/31/2027
Dr. Crystal Wu	At-Large	Second Full Term	03/31/2027
Lindsey Metivier	At-Large	Second Full Term	03/31/2027

- **Board of Equalization and Review**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Vaughn Compton	Alternate	Partial Term	03/31/2025
Richal Vanhook	Alternate	Partial Term	03/31/2025

- **Chapel Hill Board of Adjustment**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Benjamin (BJ) Warshaw	Chapel Hill ETJ	Partial Term	06/30/2025

- **Chapel Hill Planning Commission**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Libby J. Thomas	Chapel Hill ETJ or JPA	Partial Term	06/30/2025

- **Historic Preservation Commission**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Cecilia Moore	At-Large	Second Full Term	03/31/2027

- **Orange County Parks and Recreation Council**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Gregory Husketh	At-Large	Partial Term	03/31/2025
Natalie Ziemba	At-Large	Second Full Term	03/31/2027
Christopher Colvin	Carrboro City Limits	Second Full Term	03/31/2017

- **Orange County Planning Board**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Lamar F. Proctor	Cheeks Township	Second Full Term	03/31/2027
Steven Kaufmann	Bingham Township	First Full Term	03/31/2027
Charity Kirk	At-Large	Second Full Term	03/31/2027

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

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

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**
  Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

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

RECOMMENDATION(S): The Manager recommends that the Board approve the recommended appointments as reviewed and discussed during the March 12, 2024 Board Work Session.

DRAFT

INFORMATION ITEM

Date Prepared: 03/08/24
Date Revised: 03/11/24

BOCC Meeting Follow-up Actions

Meeting Date	Commissioner/ Sponsor	Description	Target Date	Department	Department Director Assigned	Status	Date Completed
3/7/2024	McKee	Provide information to the Board on other recreational facility management companies in the southeast US that are provide services similar to RFP	Jun-24	Environment, Agriculture Parks and Recreation	David Stancil	Information to be provided to the Board	
3/7/2024	Greene	Provide the Board with information on the framework within the Unified Development Ordinance to provide for Conservation Subdivisions	Sep-24	Planning & Inspections	Cy Stober	Information to be provided to the Board	

INFORMATION ITEM

ORANGE COUNTY
NORTH CAROLINA

PLANNING *and* INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

MEMORANDUM

DATE: March 5, 2024

TO: Orange County Board of County Commissioners
Bonnie Hammersley, Orange County Manager
Travis Myren, Orange County Deputy Manager

FROM: Cy Stober, Planning & Inspections Director

RE: Upcoming Unified Development Ordinance Amendments

This memo has been prepared in an effort to keep the Board of County Commissioners (BOCC) and interested members of the public informed regarding upcoming Unified Development Ordinance (UDO) amendments. Planning staff has begun work on three necessary amendments to the UDO. The table below shows the topic, purpose, and anticipated Planning Board meeting and BOCC public hearing dates.

Topic	Purpose	Planning Board Recommendation	BOCC Public Hearing
Vape Shops	Respond to BOCC petition	April 3, 2024	May 7, 2024
Landscaping/Land Use Buffer Standards	Resolve staff-identified issues	May 1, 2024	June 4, 2024
Stormwater Standards	Respond to NC Session Law 2023-137	May 1, 2024	June 4, 2024

Please feel free to contact Cy Stober, Planning Director. with any questions at cstober@orangegecountync.gov or 919-245-2592.