



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Meeting Minutes Board of Aldermen

**Tuesday, June 3, 2014**

**7:30 PM**

**Board Chambers - Room 110**

**Present:** Mayor Lydia Lavelle, Alderman Damon Seils, Alderman Michelle Johnson, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Bethany Chaney and Alderman Sammy Slade

**Also Present:** David Andrews, Town Manager, Cathy Wilson, Town Clerk, Mike Brough, Town Attorney

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### **OPTIMIST INTERNATIONAL CHILDHOOD CANCER MONTH PROCLAMATION**

Mayor Lavelle proclaimed the month of June as "Optimist International Childhood Cancer Month 2014" in Carrboro.

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### **NATIONAL TRAILS DAY PROCLAMATION**

Mayor Lavelle proclaimed June 7, 2014 as "National Trails Day" in Carrboro.

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### **CHAPEL HILL HIGH SCHOOL LADY TIGER'S SOCCER TEAM PROCLAMATION**

Mayor Lavelle proclaimed Wednesday, June 4th as "Chapel Hill High School Lady Tiger's Soccer Day" in Carrboro and presented the proclamation to the Coach Ron Benson and the team.

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**APPROVAL OF PREVIOUS MEETING MINUTES**

MOTION WAS MADE BY ALDERMAN JOHNSON, SECONDED BY ALDERMAN CHANEY TO APPROVE THE MINUTES OF May 27, 2014. VOTE: AFFIRMATIVE ALL

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**CLEAN FUEL ADVANCED TECHNOLOGY GRANT PROJECT ORDINANCE**

The purpose of this item was to request the Board of Aldermen (BOA) accept a grant from the Clean Fuels Advanced Technology Project, administered by the NC Solar Center, for the purchase of an advanced technology solid waste truck.

**Motion was made by Alderman Johnson, seconded by Alderman Chaney to approve the ordinance below:**

**CLEAN FUEL ADVANCED TECHNOLOGY GRANT PROJECT ORDINANCE  
Ordinance No. 28/13-14**

WHEREAS, the Town of Carrboro (Town) has been awarded a Clean Fuel Advanced Technology Grant in the amount of \$97,297.00 by the North Carolina Solar Center at North Carolina State University; and,

WHEREAS, the grant funds are to be used to purchase an Autocar E3 Refuse Truck with Parker Hannifin Hybrid Drive technology; and,

WHEREAS, the Board of Aldermen has authorized the financing of vehicles and equipment up to \$745,176 for FY 2013-14; and,

WHEREAS, the purchase of the Autocar E3 Refuse Truck with Parker Hannifin Hybrid Drive technology is within the authorized financing for vehicles and equipment; and,

WHEREAS, this grant award will aid the Town in development and implementation of a Town Energy and Climate Protection Plan; and,

WHEREAS the Board of Aldermen for the Town deems this activity to be a worthy and desirable undertaking;

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO THAT:

- 1.This grant is authorized for the purchase of an Autocar E3 Refuse Truck with Parker Hannifin Hybrid Drive technology and is hereby authorized to be undertaken until all project activity is completed.
  
- 2.The following revenues are anticipated to be available to the Town of Carrboro to complete this Project:

North Carolina Solar Center\$ 97,297.00

Town General Fund \$297,703.00  
Total \$395,000.00

3. The following amount is appropriated for this project to be expended in the following manner:

AutoCar E3 Refuse Truck with Parker  
Hannifin Hybrid Drive Technology \$395,000.00  
Total Appropriation \$395,000.00

4. The Town Manager is authorized to execute a grant contract and any other necessary documents for this award with the North Carolina Solar Center at North Carolina State University.

5. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

This the 3rd day of June, 2014

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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### **Budget Amendment FY 2013-14**

The Board was requested to approve a budget amendment to the General Fund and Capital Project Fund to recognize and/or appropriate revenues not included in the adopted 2013-14 adopted budget.

**Motion was made by Alderman Johnson, seconded by Alderman Chaney to approve the ordinance below:**

#### **AMENDMENT TO FY 2013-14 ANNUAL BUDGET ORDINANCE Ordinance No. 29/2013-14**

WHEREAS, the Town Board of the Town of Carrboro on June 18, 2013 adopted annual budget ordinance number 20/2012-13 for the fiscal year beginning July 1, 2013 and ending June 30, 2014; and

WHEREAS, it is appropriate to amend the budget accounts in the funds listed to provide for increased expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

ACCOUNT CODE			ACCOUNT NAME	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
ORG	OBJECT	PROJ				
1447	433721		SUPPLEMENTAL PEG CHANNEL	\$ 36,000.00	\$ 36,000.00	\$ 72,000.00
5420	435905		STOCKING FEE	\$ -	\$ 7,000.00	\$ 7,000.00

1470	433300	14701	CSFP UNDER 6 - RENTAL INCOME	\$ -	\$ 1,000.00	\$ 1,000.00
1470	433300	14702	FLEET FEET - RENTAL INCOME	\$ -	\$ 49,524.00	\$ 49,524.00
1470	433300	14703	COMMUNITY SOLAR - RENTAL INCOME	\$ -	\$ 40.00	\$ 40.00
			TOTAL REVENUES	\$ 36,000.00	\$ 93,564.00	\$ 129,564.00
418	504531		THE PEOPLE'S CHANNEL	\$ -	\$ 36,000.00	\$ 36,000.00
660			NON-DEPARTMENTAL		\$ 57,564.00	\$ 57,564.00
			TOTAL EXPENSES		\$ 93,564.00	\$ 93,564.00

**REASON:** To recognize and appropriate for use revenues not included in the adopted 2013-14 budget.

This the 3rd day of June, 2014

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

**Motion was made by Alderman Johnson, seconded by Alderman Chaney to approve the ordinance below:**

**AMENDMENT TO CAPITAL PROJECT ORDINANCE AUTHORIZING THE USE OF FUND BALANCE FOR DESIGNATED CAPITAL PROJECTS  
Ordinance No. 30/13-14**

WHEREAS, the Board of Aldermen for the Town of Carrboro has adopted a Fund Balance Policy; and,

WHEREAS, the adopted Fund Balance Policy provides that when the unassigned fund balance exceeds 35% the Town Manager may set aside an amount in assigned fund balance for transfer to the Capital Projects Fund for future projects; and,

WHEREAS, the adopted Fund Balance Policy requires formal action by the Board of Aldermen to commit the use of fund balance for projects or purposes in any current year or future year's budget; and,

WHEREAS, the Town's annual audit at June 30, 2013 confirmed that the fund balance exceeds 35% and the amount above 35% may be committed for capital projects;

NOW THEREFORE, BE IT ORDAINED THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

- The following project budgets are amended as follows and the project authorized to be undertaken until all project activity is completed:

ACCOUNT CODE		ACCOUNT NAME	CURRENT	INCREASE	REVISED
ORG	PROJ		BUDGET	(DECREASE)	BUDGET

66999	33006	ROGERS ROAD REMEDICATION	\$ 450,000.00	\$ 450,000.00	\$ 900,000.00
66999	20135	FLEET FEET OFFICE CONDO	\$ 568,000.00	\$ 4,000.00	\$ 572,000.00

2. Funds are appropriated from fund balance in the General Fund to the Capital Projects Fund for design, engineering, and/or construction expenses to carry out the projects identified in Section 1.
3. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

This the 3rd day of June, 2014

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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**REQUEST TO SET A PUBLIC HEARING FOR CLUB NOVA CUP MAJOR MODIFICATION, LOCATED AT 103 W. MAIN STREET**

Club Nova Community Inc., submitted an application for a Major Modification to their Conditional Use Permit to authorize construction of a 1629 sf building addition with associated site work.

**Motion was made by Alderman Johnson, seconded by Alderman Chaney to approve the resolution below:**

**A RESOLUTION CALLING A PUBLIC HEARING ON A MAJOR MODIFICATION TO THE CLUB NOVA (103 W. MAIN ST) CONDITIONAL USE PERMIT**

**WHEREAS**, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on the major modification to the planned unit development conditional use permit; and

**WHEREAS**, an application has been received for a Major Modification to the Conditional Use Permit for the property known as 103 W. Main St (OC PIN 9778862027).

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that the Aldermen call a public hearing on June 24<sup>th</sup>, 2014 to discuss the proposed Major Modification to the Club Nova Conditional Use Permit.

This the 3rd day of June, 2014

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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## **REVIEW OF THE COMMUNITY HOME TRUST DRAFT CHARTER**

The purpose of this item was for the Board of Aldermen to consider a draft charter which was prepared by the Community Home Trust to establish a set of expectations and responsibilities for Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough in relation to affordable housing functions to be provided by the Community Home Trust to the County and Towns.

Robert Dowling, the Executive Director of the Community Home Trust, made the presentation to the Board.

Alderman Chaney asked for the Community Home Trust to explore increasing the financial role of the University of Chapel Hill and University Healthcare System. She also suggested that the Town look into guaranteeing a line of credit for the Community Home Trust.

Mayor Lavelle asked for the Community Home Trust to develop their budget along a timeline that coincides early enough in the Town's budget cycle so that the Town can have adequate time to prepare for funding requests.

**A motion was made by Alderman Seils, seconded by Alderman Johnson, that this resolution be approved.**

### **RESOLUTION SPECIFYING COMMENTS AND FOLLOW-UP ACTIONS RELATED TO REVIEW OF THE DRAFT CHARTER OF THE COMMUNITY HOME TRUST**

WHEREAS, the Town has had a longstanding interest in the maintenance and establishment of a diverse housing stock; and

WHEREAS, the Board of Aldermen has had a strong interest in and commitment to the provision of housing that is affordable to residents, particularly those with incomes equal to or less than 80 percent of the area median; and

WHEREAS, the Board of Aldermen has supported the efforts of the Community Home Trust and its predecessor organizations, since their inception; and

WHEREAS, the Community Home Trust has prepared a draft charter that would establish a set of expectations and responsibilities for Orange County and the Towns of Carrboro, Chapel Hill and Hillsborough in relation to affordable housing functions to be provided by the Community Home Trust to the County and Towns.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Carrboro provides the following comments:

1. CHT should explore increasing the financial role of UNC and UNC Healthcare System.
2. The Town should explore the possibility of guaranteeing a line of credit for the Community Home Trust.
3. CHT should provide budget requests to the Town of Carrboro early in the in the budget preparation cycle.

This the 3rd day of June, 2014

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

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**JOINT PLANNING AREA LAND USE PLAN AND JOINT PLANNING AGREEMENT  
AMENDMENTS RELATING TO DENSITY, CLUSTER SUBDIVISIONS AND  
AGRICULTURAL LAND USES IN THE RURAL BUFFER**

The purpose of this item was to consider amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement to clarify density and minimum lot size requirements within the University Lake watershed, to allow for cluster subdivisions, and to ensure that agricultural activities are allowed throughout the joint planning area.

Trish McGuire, the Town's Planning Director, made the staff presentation.

Perdita Holtz, representing Orange County, assisted with the staff presentation and responded to questions from the Board.

Alderman Seils and Alderman Haven-O'Donnell requested that the Joint Planning Agreement include the language, "exempt from zoning regulations" in paragraph G after the text "agricultural uses."

Alderman Gist expressed concern over the ability of large brewers to have an unlimited number of events while the smaller breweries are limited.

Alderman Haven-O'Donnell expressed concern that the Joint Planning Agreement does not require low intensity agricultural uses, or agricultural support uses, in low density residential uses. In response, Alderman Seils suggested that the Joint Planning Agreement include the language, "exempt from zoning regulations" in paragraph G after the text "agricultural uses."

**Motion was made by Alderman Seils, seconded by Alderman Haven-O'Donnell to approve the resolution below and to include the language "exempt from zoning regulations" in paragraph G of the Joint Planning Agreement so that it reads:** "G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, Agricultural, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained.<sup>2</sup> The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses and agricultural uses exempt from zoning regulations not require urban services(public utilities and other town services)." And to insert "exempt from zoning regulations" after "The Rural Buffer is expected to contain low density residential uses as well as agricultural uses" on page 60-a of the JPA Land Use Plan:

**A RESOLUTION AMENDING  
THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT  
MODIFYING LANGUAGE TO ENSURE AGRICULTURAL ACTIVITIES ARE ALLOWED  
THROUGHOUT THE RURAL BUFFER; CLARIFY DENSITY AND REQUIRED MINIMUM  
LOT SIZE(S); AND ALLOW FOR CLUSTER SUBDIVISIONS THROUGHOUT THE RURAL  
BUFFER**

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro have engaged in a cooperative planning effort for the area known as the Rural Buffer as detailed within a Joint Planning Land Use Plan (hereafter 'the Plan'), adopted October 13, 1986, and amended from time to time, and

WHEREAS, the administration of this Joint Planning Land Use Plan is laid out within the Joint Planning Agreement (hereafter 'Agreement'), originally adopted on September 22, 1987, and amended from time to time, and

WHEREAS, Orange County initiated amendments to the Plan and Agreement seeking to ensure agricultural activities are allowed throughout the area, consistent with NC General Statutes, clarify density and minimum lot size requirements, and ensure the viability of cluster subdivisions in the area covered by the Plan and Agreement, and

WHEREAS, these amendments to the Plan and Agreement are necessary to ensure consistency with the NC General Statutes and the County's existing land use management program, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro do hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages and discussed.

BE IT FURTHER RESOLVED THAT the amendments to the Joint Planning Land Use Plan and Agreement shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

This the 3rd day of June, 2014

**The motion carried by the following vote:**

**Aye:** Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson



**\* ORANGE COUNTY LAND USE PLAN CATEGORIES**

\*Amended  
2/3/92 (effective 2/24/92)

<u>Basic Category</u>	<u>Land Use Plan Category</u>
DEVELOPED	Urban Existing Urban Activity Node Proposed Activity Node
TRANSITION	Ten-Year Transition Twenty-Year Transition Commercial Transition Activity Node Commercial-Industrial Transition Activity Node
COMMUNITY	Rural Community Activity Node
RURAL	Rural Buffer Rural Residential Agricultural-Residential Rural Neighborhood Activity Node Rural Industrial Activity Node
CONSERVATION	Public Interest District Water Supply Watershed Water Quality Critical Area New Hope Creek Corridor Open Space

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**\*JOINT PLANNING AREA LAND USE PLAN CATEGORIES**

\*Amended  
4/2/90  
2/3/92 (effective 2/24/92)

<b>Major Class</b>	<b>Subclass</b>	<b>Land Use Plan Category</b>
TRANSITION	Transition	Resource Protection
	Transition I	Public-Private Open Space
	Transition II	New Hope Creek Corridor Open Space
		Suburban Residential
		Urban Residential
		Office-Industrial
		Future UNC Development
		Retail Trade
		Light Industrial
		Disposal Use
RURAL	Rural Buffer	University Lake Watershed
CONSERVATION		Resource Protection
		Public-Private Open Space
		New Hope Creek Corridor Open Space
		Agricultural <sup>1</sup>
		Rural Residential and Agricultural <sup>1</sup>

<sup>1</sup> Staff is recommending combining the terms together and creating a new land use category.

		Retail Trade
		Extractive Use

**\*Suburban Residential Areas** are designated for housing densities ranging from one (1) to five (5) dwelling units per acre. Such areas are located where land is changing from rural to urban, suitable for urban densities, and to be provided with public utilities and services. Housing types range from single-family to duplexes to multi-family dwellings.

\*However, densities may be lower than one dwelling unit per acre in Suburban Residential Areas. Chapel Hill as part of its Southern Small Area Plan has identified certain areas in the Southern Triangle as being suitable for densities not exceeding one (1) unit per acre for areas immediately east of U.S. 15-501 and densities not exceeding one (1) unit per five (5) acres for areas immediately west of Old Lystra Road.

\*Amended 2/1/93

**Urban Residential Areas** are similar to Suburban Residential Area in terms of both housing types and public services availability. However, densities are higher, ranging from six (6) to thirteen (13) dwelling units per acre.

**Office-Institutional Areas** is a category consisting of establishments which offer an array of financial, insurance, real estate, legal, medical, and business services. Such areas generally have public utilities and services available and are located adjacent to heavily traveled streets.

**Future UNC Development** is a category established for lands owned by the University of North Carolina, including Horace Williams Airport and adjacent parcels. Such lands are contemplated for expansion of the UNC campus, provided the Airport is relocated.

**Retail Trade Areas** are limited in Transition Areas, including existing establishments at Starpoint and Calvander. Modest room for expansion was projected in Transition Areas.

**Light Industrial Areas** are singular, consisting of the Chapel Hill Industrial Park on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

**Disposal Use Areas** consist of landfill sites, either existing or future. The existing landfill on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

**\*Rural Buffer and Conservation**

\*Amended

4/2/90

2/3/92 (effective 2/24/92)

The basic categories of Rural Buffer and Conservation have been combined in the Joint Planning Area Land Use Plan to form a single land use classification – Rural Buffer.

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural, ~~contain low-density residential uses,~~ and not require urban services (public utilities and other Town services). ~~The Rural Buffer is expected to contain low density residential uses as well as agricultural uses~~ **The Rural Buffer and** consists of the following Joint Planning Area Land Use Plan categories: Rural Residential ~~and Agricultural;~~ **Agricultural;**<sup>2</sup> Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

**Rural Residential and Agricultural Areas** are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained.~~<sup>3</sup> In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. ~~The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.~~

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~<sup>4</sup>

**Public-Private Open Space Areas** include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

**Resource Conservation Areas** in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

**New Hope Creek Corridor Open Space Areas** include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as steam beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

**Extractive Use Areas** encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

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<sup>2</sup> County governments do not have the authority to restrict the location of agricultural activities while municipalities can regulate farms located within their corporate limits. Agricultural activities, as defined within State law, are allowed in all areas subject to the Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

<sup>3</sup> Cluster subdivisions are allowed throughout the County, including the University Lake Watershed Area, with the exception of the Rural Residential area of the Rural Buffer. We are modifying existing language to allow cluster subdivisions in the Rural Buffer, outside of the University Lake Watershed Area, so long as a density limit of 1 dwelling unit per 2 acres is maintained. This proposed amendment does not impact existing density limits in the University Lake Watershed Area, which only allows 1 dwelling unit for every 5 acres of land area. Staff has incorporated comments received by the County Attorney's office as well as Chapel Hill and Carrboro Planning staff.

<sup>4</sup> This information has been captured within the renamed 'Rural Residential and Agricultural Areas' land use category.

**Retail Trade Areas** in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

**\*University Lake Watershed Area**

\*Amended

4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres. Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development. <sup>5</sup>Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed so long as density limits are adhered to. There is an allowance for as well as the creation of a limited number of 5 lots (5) of two-acre lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989. <sup>6</sup> Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.

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<sup>5</sup> The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences are allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres to ensure consistency with the Joint Planning Agreement.

<sup>6</sup> Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance. This date is consistent with the existing requirements of Orange County's Unified Development Ordinance (UDO) specifically Section 4.2.4.

**LOCATION STANDARDS**

The principal task in formulating a land use plan is determining where specific land uses will be located. The primary elements feeding into this step include the operating principles outlined previously and a defined set of location standards.

The location standards proposed for the preparation of the Joint Planning Area Land Use Plan are based upon previously enumerated background elements – natural environment and compatibility with existing land use patterns. On the accompanying page, these elements are listed on the horizontal axis of the Location Standards Matrix. Included in the matrix, but not previously defined are various street classifications listed under Transportation Accessibility. These classifications are defined as follows:

**STREET CLASSIFICATIONS**

<b>STREET TYPE</b>	<b>FUNCTION</b>	<b>SPEED</b>	<b>ROW</b>	<b>DAILY VOLUME</b>	<b>TRIP LENGTH</b>	<b>ACCESS</b>	<b>TRAVEL LANES</b>
INTERSTATE	Movement	55 mph	200-300'	>40K	>3 mi.	Limited	4
ARTERIAL	Movement	45 mph	120-150'	10K-25K	>1 mi.	Unlimited	4
COLLECTOR	Movement/Access	35 mph	60-70'	800-3K	<1 mi.	Unlimited	2
LOCAL	Access	25 mph	50'	75-200	<1/2 mi.	Unlimited	2

Listed on the vertical axis are the general land use planning categories. By locating the desired land use plan category on the vertical axis, it is possible to read from left to right and identify by the "X" symbol desired locations for each land use type.

**CONCEPTS AND STRATEGIES**

Following the November Public Information Meeting, four alternative strategy maps were prepared with illustrated various development scenarios for the Joint Planning Area. The four maps sought to identify those areas which would be classified as urban, transition, and rural buffer without identifying specific 10 and 20 year growth areas. The four maps are reproduced in sketch form on the following pages. The basis premises governing each alternative are listed below.

LOCATION STANDARDS MATRIX

LAND USE CLASSIFICATION	SLOPE			SOIL STABILITY			VEGETATION			RESIDENTIAL			COMMER		PUBLIC/QUASI-PUBLIC	INDUSTRIAL	OPEN AREA			ACCESSIBILITY			
	0 - 7 ½%	7½ - 15%	15% +	SLIGHT	MODERATE	SEVERE	CLEAR	FOREST	WETLAND	RURAL	SUBURBAN	URBAN	HIGH URBAN	OFFICE			RETAIL	RECREATIONAL	AGRICULTURAL	FORESTRY	INTERSTATE	ARTERIAL	COLLECTOR
RESIDENTIAL																							
<u>Rural and Agricultural</u>	X	X	X	X	X		X	X		X	X				X		X	X	X	X	X	X	X
Suburban	X	X		X	X		X	X		X	X	X			X		X				X	X	
Urban	X			X			X			X	X	X	X	X	X		X			X	X	X	
COMMERCIAL																							
Office	X	X		X			X				X	X	X	X	X		X			X	X	X	
Retail	X	X		X	X		X				X	X	X	X	X					X	X	X	
INDUSTRIAL	X			X			X									X				X	X	X	
RESOURCE-CONSERVATION																							
Recreational	X	X	X	X	X		X	X		X	X	X	X	X		X	X	X			X	X	
<u>Agricultural</u>	X	X		X	X		X			X					X		X	X	X	X	X	X	
Forestry	X	X	X	X	X	X		X	X							X	X	X	X	X	X	X	

STAFF NOTE: We are recommending deleting existing references to the 'Agricultural' category and combining them with the existing 'Residential' category. Staff has denoted those locations where 'x' has been added in red underlined text to preserve the locational criteria for agricultural uses within the 'Residential' category.

**\*THE RURAL BUFFER**

\*Amended  
4/2/90  
2/3/92 (effective 2/24/92)

Eight Seven categories of Rural Buffer land use have been depicted on the Land Use Plan.  
These categories include Resource



Protection Areas, Public-Private Open Space Areas, Agricultural Areas<sup>1</sup>, Rural Residential and Agricultural Areas, Retail Trade Areas, Extractive Uses, and the overlay category designated University Lake Watershed Area.

### **Resource Protection Areas**

As was the case with Transition Areas, Resource Protection Areas have been designated on the Land Use Plan to include flood plains, and wetlands along drainage tributaries and steep slope areas (15% or greater). These 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. Parks have been generally located throughout the Joint Planning Area using a neighborhood park one-half mile service radius. The parks, as well as portions of Duke Forest, are linked together by a system of greenways extending along drainageways, and pedestrian routes (sidewalks) along thoroughfares.

### **Public/Private Open Space Areas**

Major land areas owned or controlled by both public and private interests in the Joint Planning Area have been designated on the Land Use Plan. These areas include the following:

1. Duke Forest;
2. University of North Carolina lands (excluding Horace Williams Airport and adjacent properties);
3. U.S. Government lands associated with conservation areas around the Jordan Lake Reservoir;
4. Orange Water and Sewer Authority lands associated with conservation areas around University Lake and raw water storage in the former quarry site on NC Highway 54: and
5. Camp New Hope conference and recreational center.

A Public/Private Open Space Area has also been designated along Interstate 40 to recognize the Major Transportation Corridor (MTC) district established to provide a 100-foot buffer along that route. The Plan recommends utilization of portions of the buffer to link proposed park and greenway areas together.

While the status of such holdings as Duke Forest, UNC lands and Camp New Hope is uncertain in the future, their continued existence appears likely during the planning period. This is due to the research, educational, forest management and recreational functions related to such areas. If decisions are made to change the use of such large tracts of land, negotiations should be initiated to secure the use of all or portions of the tracts for recreation and/or open space purposes. Such areas contribute greatly to the natural setting of the Joint Planning Area and every effort should be made to retain such features.

**New Hope Creek Corridor Open Space Areas** include some of the Resource Protection Areas and a portion of the Public/Private

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<sup>1</sup> As previously indicated, County governments do not have the authority to restrict the location of agricultural activities. Agricultural activities, as defined within State law, are allowed in all areas that are subject to this Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

Open Space Areas which are designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value. The New Hope Corridor Open Space Master Plan describes these areas in detail and makes specific recommendations as to how they should be protected or utilized for environmental, educational, and/or recreational purposes.

**Agricultural Areas**<sup>2</sup>

~~During the compilation of background information, a land use survey was conducted of the Joint Planning Area. The survey indicated those land areas currently in use for agricultural purposes. This information was further verified through the Orange County Tax Office to determine those farms which were qualified and listed for use value taxation purposes.~~

~~The Land Use Plan designated those farms and agricultural uses which are anticipated to continue in the same status during the planning period. Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low density nature and will generally consist of farm dwelling and outbuildings.~~

**\*University Lake Watershed Area**

\*Amended  
4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. ~~Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres.~~ Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. ~~A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development.~~<sup>3</sup> Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed ~~so long as density limits are adhered to. There is an allowance for as well as the creation of a limited number of 5 lots (5) of two-acre lots at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989.~~<sup>4</sup> Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.<sup>5</sup>

<sup>2</sup> Some of this information has been relocated to the renamed Rural Residential and Agricultural section of the Plan and is denoted in **green underlined bold text** on the next page.

<sup>3</sup> The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment Staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres.

<sup>4</sup> Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance.

<sup>5</sup> Staff has ensured the language describing the University Lake Watershed Area is consistent throughout the Plan.

## **\*Rural Residential and Agricultural**

\*Amended  
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in size or greater.~~ Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained<sup>6</sup>. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the 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 agricultural uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

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<sup>6</sup> As previously indicated we are modifying existing language to ensure required minimum lot sizes and density limits are observed. As previously indicated staff has incorporated comments from the County Attorney's office and the Towns of Carrboro and Chapel Hill into this section.

September 22, 1987  
Amended April 2, 1990  
Amended September 30, 1998  
Amended February 2, 1999  
Amended August 20, 2002  
Amended June 24, 2003

## **JOINT PLANNING AGREEMENT**

THIS AGREEMENT, made and entered into this 2nd day of November, 1987, by and between the COUNTY OF ORANGE, a political subdivision of the State of North Carolina, the TOWN OF CHAPEL HILL, and the TOWN OF CARRBORO, municipal corporations duly created and existing under the laws of North Carolina.

### **WITNESSETH:**

In consideration of the public benefits expected to flow from the cooperative efforts of the parties in establishing a coordinated and comprehensive system of planning within their respective areas of public concern, the parties to this Agreement hereby mutually agree as follows:

### **ARTICLE 1. PURPOSE, DEFINITIONS, EFFECTIVE DATE, LINKAGE**

#### **Section 1.1 Purpose of the Agreement**

The purpose of this Agreement is to establish a method of coordinated and comprehensive planning in the Orange County-Chapel Hill-Carrboro Joint Planning Area, as defined herein.

#### **Section 1.2 Definitions**

A. Joint Planning Area. The area within the Rural Buffer and Transition Areas designated on the Joint Planning Area Land Use Map lying outside the extraterritorial planning jurisdiction of Chapel Hill and Carrboro.

- B. Joint Planning Area Land Use Plan. The Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan dated April, 1986, adopted by Orange County August 19, 1986 (revised October 13, 1986), amended May 4, 1987 and as it may be amended from time to time.
- C. Joint Planning Area Land Use Map. The Orange County-Chapel Hill-Carrboro Joint Planning Area Land Use Map, adopted August 19, 1986 (revised October 13, 1986) and as it may be amended from time to time.
- D. Carrboro Joint Development Review Area (CJDA). The area lying generally west of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.
- E. Chapel Hill Joint Development Review Area (CHJDA). The area lying generally east of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

- F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.
- G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, ~~Agricultural~~<sup>1</sup>, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained.<sup>2</sup> The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses and agricultural uses not require urban services (public utilities and other town services).
- H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in transition from rural to urban or already urban in density. Urban services (public utilities and other town services) are now provided to this area or are projected to be provided to this area. The portion of the Transition Area located in the CJDA shall be

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<sup>1</sup> We are combining the existing 'Agricultural' land use category with the 'Rural Residential' category as part of amendments to the Plan. The agreement is being updated accordingly.

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## **Joint Planning Area Land Use Plan and Joint Planning Agreement Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer**

The purpose of this item was to consider amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement which will make agricultural support enterprises allowable within the Rural Buffer portion of the Joint Planning Area. These changes are necessary in order for Orange County to approve proposed text amendments to its Unified Development Ordinance that will allow the new uses to occur within the Rural Buffer.

Trish McGuire, the Town's Planning Director, made the staff presentation.

Alderman Haven-O'Donnell expressed concern that the agricultural support enterprises do not have to be owned by the land owner. Mike Brough suggested an accessory use approach to navigate this concern. She also requested that low intensity to go along with low density.

Alderman Seils suggested adding language that would require an additional level of review by the Towns prior to the County's adoption of any changes **in the uses permissible in the Rural Buffer and ASE-CZ zoning districts**. He asked that this amendment be tied to the list of uses that are being deliberated and are also currently listed in the UDO.

Alderman Slade suggested a limit based on the land's groundwater supply. He also asked the Board to think of this discussion as a way to inform the Board's future discussion on zoning as it relates to metal working shops and light manufacturing.

Alderman Gist asked for further information on the intended uses and for this item to be scheduled for a future meeting.

This item will be brought back in the next two meetings with focus on the intended uses.

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## **ENERGY AND SUSTAINABILITY TASKFORCE APPOINTMENT**

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN SEILS TO APPOINT ALDERMAN HAVEN-O'DONNELL TO THE ENERGY AND SUSTAINABILITY TASKFORCE ALONG WITH ALDERMAN SLADE. VOTE: AFFIRMATIVE ALL

## **ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN JOHNSON TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL