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2 Craig Benedict said it is difficult to put 5,000 projected new units in the rural buffer, even
3 if you converted the farm land. He said the total acres of farm land decreased in 2012, but total
4 farms increased. He said this was due to a decrease in farm sizes. He said the direct sale of
5 food from farms to consumers has gone up due to County and town policies.

6 He said there have been discussions for ten years about agricultural support
7 enterprises. He said there is high demand for new housing in Orange County, and the models
8 show a high degree of activity wanting to occur in the rural buffer, and agricultural support
9 enterprises could help stem the tide of conversion.

10 Craig Benedict said staff is in the process of developing the 2045 plan, and there is an
11 initiative that asks whether 65,000 people can really come to Orange County, and if so, what
12 housing will be used. He said staff is looking for input on how to develop this plan to make
13 sure it is achievable and sustainable.

14 Mayor Lavelle referred to attachment 3a and said it seems like the numbers are off for
15 Carrboro. She said her staff will look into this.

16 Alderman Slade said he would like to see a similar analysis applied to some of the
17 proposed added commercial uses to the rural buffer. He questioned what kind of cap would be
18 used for commercial development. He said his main concern is that commercial activity creates
19 competing pressure for farms. He said he understands some of the history of how we got to this
20 point, and Maple View Farms has been used as an example of why more of these uses should
21 be allowed. He said that type of augmentation for farm activities is already allowed, and the
22 more conditional use purposes are all that remains. He said the consideration is whether it is
23 appropriate for these to exist in the rural buffer versus in the towns.

24 Alderman Slade said he encourages everyone to proceed with caution in allowing more
25 competing uses that might make it harder for farms to exist in the rural buffer.

26 Craig Benedict noted that this will be discussed in item 5.

27 Town Council Member Palmer said her concern is regarding the population growth and
28 the rural buffer. She said in 2040 there will be "McMansions" in the rural buffer, and it is time to
29 re-negotiate what is put there. She said land needs to be set aside for parks and recreation
30 purposes. She said there also needs to be a farm land trust system to enable the small farmers
31 to buy in, and avoid land being sold to developers.

32 Chair Jacobs said Orange County has an agriculture trust fund and a conservation
33 easement program and both of these are in play to accomplish the things that Council Member
34 Palmer mentioned.

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36 **b. Accommodating Appropriate Agricultural Support Enterprises in the Rural Buffer**

37 Perdita Holtz said the boards of Orange County, Carrboro and Chapel Hill already
38 discussed this item on several occasions earlier in the year. She said the Joint Planning Area
39 (JPA) documents need to be amended before the County can consider adopting the
40 implementing regulations to the Unified Development Ordinance (UDO).

41 She said the local governments need to adopt the same language in order for the joint
42 planning amendments to become effective. She said the town of Carrboro adopted a resolution
43 that includes a sunset clause for the amendments. She is hopeful that the discussion tonight
44 will lead to a solution where all three local governments will feel comfortable in supporting it.

45 Perdita Holtz said several options for consideration are listed on page 2 of the abstract,
46 and staff is also open to other considerations.

47 Commissioner Gordon said the staff members did a good job of providing some options.
48 She said the sunset provision from Carrboro would automatically have a cutoff where all three
49 boards have to agree to continue with the Agricultural Support Enterprises; and then staff came
50 up with another provision where all three entities would have to agree to stop.

1 Commissioner Gordon said the three entities also have to agree to the amendments to
2 the JPA, and Carrboro has also made some changes there. She said it is important to know
3 these changes.

4 Mayor Lavelle said the sticking point for Carrboro was the sunset clause, and the six
5 suggestions given might provide a way for them to feel comfortable replacing the sunset clause.
6 She suggested that Carrboro needs to talk about this, and then come back to staff and the
7 County to let everyone know their decision.

8 Mayor Kleinschmidt said the Chapel Hill Town Council has discussed this only briefly,
9 but there was some general support for expanded farm uses. He said he believes the rural
10 buffer was set up in a way to help keep it rural, but farmers need tools to be successful, and
11 these have not been provided. He said the town just wants to make sure the farmers are being
12 helped.

13 Mayor Kleinschmidt said a sunset clause is not a good idea. He said creating a date at
14 which this could end would put farmers in much greater jeopardy, as this sets a point at which a
15 vested right must be attained or else value is lost. He said if you are a small farmer hoping to
16 provide value to a future generation, you are going to maximize it well ahead of time and sell to
17 a "McMansion" subdivision.

18 Mayor Kleinschmidt said an annual review and monitoring by staff would be valuable.

19 Alderman Slade said the point of a sunset date is that it would allow an opportunity for
20 review. He said the focus would be on reestablishing the rules that worked if it is found that
21 these current proposals do not work. He said the farmers would have a window to make use of
22 the land at a higher use value, and then this could be grandfathered in.

23 Mayor Kleinschmidt said before the sunset period, anyone with interest in enhancing the
24 value, would engage in a process to guarantee their rights. He said farmers would not know
25 what the government is going to do, and they would potentially sell to the highest bidder.

26 Alderman Slade asked why the farmers would choose to sell to a "McMansion" at that
27 point when this could be done at any point.

28 Town Commissioner Ferguson said businesses want certainty, and without certainty,
29 there will be no business. She said no one will invest commercially with a sunset clause that
30 may make them stop in five or six years. She said some of the other suggestions limit growth,
31 which caps out profits and what can be done to be successful. She said if a business cannot
32 make money, it will sell.

33 Mayor Lavelle said Chapel Hill has only talked about this briefly, but Carrboro has talked
34 about this on at least three occasions for over 7 hours and has come up with a set of really
35 good recommendations. She said their board was mixed on the sunset clause, but it was kept
36 in to present to the whole body out of deference to several of the board members.

37 She said she is hearing that no one supports the sunset clause, and this is why she is
38 suggesting the town of Carrboro take this back and look it over to see if there is another
39 mechanism to accomplish what they are looking for.

40 Commissioner Pelissier said the Agricultural Support Enterprises started some time ago,
41 and it was not just made up by elected officials and staff, but it was really made up by the
42 farming community. She said the big picture of the rural buffer shows that it is more than just a
43 ring; it is 37,000 acres that makes up a quarter of rural Orange County. She noted that over a
44 quarter of the 37,000 acres is farmers, and the Board has already approved Agricultural
45 Support Enterprises for the other three quarters. She does not want to give the message to
46 farmers in the rural buffer that they will be micromanaged. She said farmers are commercial
47 too, and she wants to support our farmers and the whole local food community.

48 Council Member Matt Czajkowski said he has questioned the Metropolitan Planning
49 Organization (MPO) growth projections for seven years, and his questions have never been
50 answered. He said to the extent that this issue has developed an immediacy driven by the

1 2040 planning process, he questions the degree at which we are actually facing an issue today.
2 He understands that we need to plan for tomorrow, but this feels like a hasty set of changes.
3 He said the issue of having a sunset clause should be the end of the discussion, but not the
4 beginning.

5 Council Member Matt Czajkowski asked planning staff how many applications are on the
6 table for the previously referred to "McMansions."

7 Craig Benedict said the majority of subdivisions over the last 10 years that are larger
8 than 10 lots have been in the rural buffer. He said the sheer number would not add up to the
9 projections. He said a lot of these are converted farms.

10 Council Member Matt Czajkowski asked how many development proposals are on the
11 table today to take current farms and turn them into large lots for large houses.

12 Craig Benedict said he can find and provide this information to the group.

13 Council Member Matt Czajkowski said this information should be before them. He said
14 the whole premise is based on 2040, and rather than the 5 year sunset provision, maybe this
15 should just go slowly. He questioned what farmers are saying about this.

16 Town Council Council Member Palmer said she supports the proposal wholeheartedly.
17 She left the last discussion feeling like this was a really good initiative, and she has been
18 learning more about what was presented. She does not want some of these enterprises within
19 the city limits of Chapel Hill. She believes these belong in the rural area and will make the
20 farming community more vibrant. She supports the local food movement and community
21 supported agriculture and farming.

22 Alderman Haven O'Donnell thanked Perdita Holtz for attending at least four meetings in
23 Carrboro, because the Aldermen really dissected this. She said this document is not perfect,
24 but it reflects a lot of time and effort. She encouraged Chapel Hill to take another look at it, as it
25 is very complex and requires digesting on multiple levels. She said their board was not unified
26 on the sunset clause, but they thought it was work sharing at the next level.

27 Alderman Haven O'Donnell said it is important to have a rural center and to have things
28 that concretely support the efforts of local farming. She noted the earlier discussion about
29 transit nodes for affordable housing. She said if some of these events, like wineries and
30 breweries, are put out in the rural areas, it forces people into cars. She said there needs to be
31 consistency with their values.

32 Commissioner Price supported Commissioner Pelissier's earlier comments. She said
33 the attempt is to support farmers, protect urban areas, and reduce sprawl. She said one of her
34 concerns is that the list of six options may limit farmers from expanding their farm operation.
35 She feels there needs to be another type of threshold that is more equitable.

36 Commissioner Price referred to Alderman Haven O'Donnell's comment and said there
37 have been people who have wanted to have the events out at the farm in order to bring people
38 out.

39 Commissioner McKee said we may be looking at timelines in the wrong fashion. He
40 said today is not the problem because farming is a very long term proposition, and the short
41 term in farming is ten years. He said a five or six year sunset is still in the short term. He said
42 no one that is successful will limit their ability to move something forward. He said being
43 grandfathered in will just mean you cannot grow larger, and no business wants to be frozen in
44 time.

45 Commissioner McKee said he does not see any rush to get this settled right now, but it
46 needs to be settled in six months to a year. He said this should involve identifying the uses that
47 the different entities cannot abide. He said he is not interested in leaving the slaughterhouse in
48 because there is not going to be a slaughterhouse in Orange County that is of a large enough
49 size to be noticeable. He said some of the other items may grow to be a 300 person event or a

1 large complex, but Maple View is the exception and not the norm. He said most farms are
2 going in the opposite direction and growing smaller.

3 Commissioner McKee said he would urge everyone to move this forward, but it needs to
4 be without any discussion of a sunset clause. He said he would never support a sunset clause.
5 He suggested considering the alternatives to allowing these Agricultural Support Enterprises,
6 which will be 2 to 5 acre lots with million dollar homes, and more isolation of wealth in a small
7 area of the County. He said change is coming, and you will not be able to stop it.

8 Commissioner Gordon said she appreciates the comments that have been made. She
9 said the concept of the rural buffer was to have a definite edge around the municipalities so that
10 you could provide services and have infrastructure and then have the more rural area beyond
11 that, where you do not have the infrastructure of water and sewer. She said this meant you had
12 to rely on the carrying capacity of the land. She said the goal is to keep farmers farming, and
13 the question is how to do this without turning the rural buffer into something that is urban or
14 commercial and without putting uses in that need water and sewer.

15 *Town Commissioner Hallman left at 9:55*

16 Commissioner Gordon said it makes sense to do something that is a little more
17 measured. She thinks Carrboro's intent with the sunset clause was to take things slowly to see
18 what happens. She said there was good motivation, but there are a lot of reasons not to have
19 the sunset. She said you need to look at the things allowed by right, by special use permit, and
20 by conditional zoning. She said the things allowed by right are easy enough to put in there, and
21 the special use permits have special standards. She said the problematic areas are with
22 conditional zoning.

23 *Council Member Harrison left at 9:59pm.*

24 Commissioner Gordon said the concern is with something that goes out there and is so
25 intense that it does not belong on groundwater and septic. She said Carrboro has identified
26 some of these more intense uses. She said the term agricultural use is more of a catch-all.
27 She recommended leaving out the more intense uses identified by Carrboro and those with no
28 specific standards and definition. She said this would still leave the farmers a lot of opportunity
29 to farm.

30 Commissioner Gordon recommended that Carrboro should go back and re-visit this,
31 and Chapel Hill should have a more in-depth discussion. She said to go through and look
32 carefully at all of the uses, and consider the general use zoning and special use permits are
33 probably fine. She said Carrboro has put some language into the land use plan and the joint
34 planning agreement that need to be looked at. She said there is a way to allow some things in
35 the rural buffer without allowing everything. She said there is a difference between rural and
36 urban, and things in the rural area should only need the wastewater, septic, and groundwater
37 supplies.

38 *Town Commissioner Lowen left at 10:00pm.*

39 Chair Jacobs said Maple View Farms is really where this whole Agricultural Support
40 Enterprises started. He said the reason there are no tables in Maple View store is because
41 there was a state requirement for a commercial type septic system to support that business.

42 *Town Commissioner Lloyd left at 10:05pm*

43 Chair Jacobs explained more of the history of Maple View. He said this process has
44 lasted over a decade and staff has put in a lot of effort. He said Carrboro has identified only a
45 few things and we are getting hung up on these. He said everyone wants to be protective and
46 cautious. He said, respecting these concerns, there need to be some unified
47 recommendations from planning staff in order to move forward in the near future.

48 Council Member Matt Czajkowski asked Commissioner McKee if authorizing all of these
49 uses will really make agriculture profitable enough to create return that is equal or superior to
50 subdividing the property.

1 Commissioner McKee said it will not compare to sub-dividing, but it might make it
2 sustainable to allow the family to stay there. He said Orange County will never be able to equal
3 the profit potential of a subdivision. He said this is not the problem. He said you have farmers
4 in Orange County who need a supplemental income or an auxiliary enterprise just to help them
5 stay there.
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7 **6. Town Updates**

8 Chair Jacobs said since it is late, the boards will forego the Town Updates at the request
9 of Mayor Lavelle. He asked Jeff Thompson to give a one minute history lesson of Whitted
10 Facility, and Jeff Thompson provided a brief summary.
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12 The meeting was adjourned at 10:12 p.m.
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15 Barry Jacobs, Chair
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17 Donna Baker, Clerk to the Board
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