



Town of Carrboro

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

Meeting Agenda Board of Aldermen



Tuesday, January 27, 2015

7:30 PM

Board Chambers - Room 110

7:30-7:35

A. CONSENT AGENDA

1. [15-0020](#) Approval of Previous Meeting Minutes
2. [15-0019](#) Resolution in support the Community Home Trust's sale of subsidized homes to households earning 80 to 115 percent of Area Median Income

PURPOSE: The purpose of this item is for the Board of Aldermen to consider a draft resolution that, if adopted, expresses support to HOME consortium partners for the sale of subsidized homes to households earning more between 80 and 115 percent of area median income.

Attachments: [Attachment A - Resolution Supporting HOME Funds 80 to 115](#)
[Attachment B - Memo from R.Dowling to Board of Aldermen](#)
[Attachment C - CH Resolution Approving Memo](#)
[Attachment D - 06-09-2014 Town of Hillsborough](#)
[Attachment E - BOCC Minutes CHT Changes](#)

3. [15-0012](#) Available Resources for Immigrant Minors

PURPOSE: The purpose of this item is to report back to the Board on the resources available to support efforts to welcome and provide services to minors in our community, as requested in the Resolution Supporting and Welcoming Unaccompanied Immigrant Minors Fleeing Violence in their Home Countries.

Attachments: [Attachment A - OC Latino Health Resources Guide](#)

4. [15-0021](#) Emergency Home Repair Funding Application

PURPOSE: The purpose of this item is for the Board to consider approving an application from the Marian Cheek Jackson Center, on behalf of Carrboro resident Lillie Brown, for a grant from the Affordable Housing Special Revenue Fund for emergency electrical repairs.

Attachments: [Attachment A - Application Memo](#)
[Attachment B - Tax Determination Letter](#)

B. PUBLIC HEARING**7:35:7:45**

1. [15-0014](#) Public Hearing on Land Use Ordinance Amendments Relating to Affordable Housing

PURPOSE: The purpose of this item is for the Board of Aldermen to consider amending the Land Use Ordinance relating to affordable housing. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

Attachments: [Attachment A-1 - Consistency Resolution for Ordinance Adoption](#)
[Attachment A-2 - Consistency Resolution for Ordinance Denial](#)
[Attachment B - Draft LUO amendment on affordable housing 11-12-14](#)
[Attachment C - Memo Board of Aldermen 9-24-14copy.pdf](#)
[Attachment D - Excerpts from 15 ART-XII with proposed changes shown in tracking](#)
[Attachment E - Comments](#)

7:45-7:50

2. [15-0016](#) A Public Hearing on the Temporary Street Closing Permit Application for the Not So Normal 5K, 10K, and Half Marathon races.

PURPOSE: The purpose for this meeting is to receive public input for a Street Closing Permit Application submitted by Hairy Pony Racing Association for the temporary closing and usage of streets from 7:30AM to 12:30PM on Sunday, May 17th 2015 to accommodate the Not So Normal 5k, 10K, and Half Marathon.

Attachments: [Public Hearing Resolution - Not So Event](#)
[5K10KHalfMarathonRuns](#)
[Street Closing Permit](#)
[5K Route](#)
[10K Route](#)
[Half Marathon Route](#)

C. OTHER MATTERS**7:50-8:30**

1. [15-0018](#) Continued Discussion on Joint Planning Public Hearing Item - Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

PURPOSE: The purpose of this item is to continue the proposed joint

planning area amendments in follow-up to the Assembly of Governments meeting held on November 19th. Possible modifications to the structure for approving the amendments have been identified and discussed. These amendments 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.

Attachments: [Attachment A - 10-14-14 resolution](#)
[Attachment B - Land Uses in the Rural Buffer updated 102114](#)
[Attachment C- Memo to C-boro PB 050914](#)
[Attachment D - Excerpt adopted minutes AOG - 11/21/13](#)
[Attachment E - Approved minutes 2/24/14 UDO Public Hearing](#)
[Attachment F - Excerpt adopted minutes - JPA Hearing - 3/27/14](#)
[Attachment G - Board of Aldermen Minutes Excerpt - 6/3/14](#)
[Attachment H - Excerpt minutes BOCC JPA amendments - 6/3/14](#)
[Attachment I - Excerpt minutes - 9/9/14](#)
[Attachment J - Excerpt minutes - 10/14/14](#)
[Attachment K - Excerpt draft minutes AOG - 11/19/14](#)
[Attachment L - Response to RB Projections Question 010515](#)
[Attachment M - Alderman Slade comments with OC Staff Response](#)
[Attachment N - Slade Proposed language 1-23-15.docx](#)

8:30-9:05

2. [14-0342](#) Presentation from the NC Metro Mayors Executive Director and Board Discussion of Legislative Issues for the 2015 Session of the North Carolina General Assembly

PURPOSE: The purpose of this item is to hear a presentation from Julie White, the Executive Director of the NC Metro Mayors Coalition and to request that the Board of Aldermen discuss legislative issues to present to our local delegation at the breakfast. The delegation may be able to pursue some of the issues presented during the upcoming session of the NC General Assembly.

Attachments: [Attachment A - A RESOLUTION SETTING THE LEGISLATIVE BREAKFAST AND THE 2014 SHORT SESSION LEGISLATIVE ISSUES FOR THE CARRBORO BOARD OF ALDERMEN.docx](#)
[Attachment B - Draft Legislation - An Act to Enact New Markets Jobs Initiatives.pdf](#)
[Attachment C - Town of Carrboro 2013 and 2014 Legislative Priorities.pdf](#)

9:05-9:25

3. [15-0013](#) Discussion on use of town owned property located 110 East Main Street - condo located above ACME Restaurant

PURPOSE: The purpose of this item is for the Board to discuss next steps for town owned property located at 110 East Main Street - condo located over ACME Restaurant.

Attachments: [RESOLUTION for utilization of condo](#)

[Board Notes](#)

[110 E. Main St. Carrboro, NC Property Listing](#)

9:25-9:40

4. [15-0017](#) Discussion of Board of Aldermen Retreat Subcommittee Proposed 2015 Retreat Agenda
PURPOSE: The purpose of this item is to allow the Board of Aldermen Subcommittee to submit and discuss the proposed 2015 Board of Aldermen Retreat Agenda with the full Board.

Attachments: [Board Subcommittee Draft Retreat Agenda.pdf](#)

- D. MATTERS BY TOWN CLERK**
- E. MATTERS BY TOWN MANAGER**
- F. MATTERS BY TOWN ATTORNEY**
- G. MATTERS BY BOARD MEMBERS**



Town of Carrboro

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

Legislation Details (With Text)

File #: 15-0019 Version: 1 Name:
Type: Abstract Status: Agenda Ready
File created: 1/21/2015 In control: Board of Aldermen
On agenda: 1/27/2015 Final action:
Title: Resolution in support the Community Home Trust's sale of subsidized homes to households earning 80 to 115 percent of Area Median Income

PURPOSE: The purpose of this item is for the Board of Aldermen to consider a draft resolution that, if adopted, expresses support to HOME consortium partners for the sale of subsidized homes to households earning more between 80 and 115 percent of area median income.

Indexes:

Code sections:

Attachments: [Attachment A - Resolution Supporting HOME Funds 80 to 115](#)
[Attachment B - Memo from R.Dowling to Board of Aldermen](#)
[Attachment C - CH Resolution Approving Memo](#)
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Date	Ver.	Action By	Action	Result
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TITLE:

Resolution in support the Community Home Trust's sale of subsidized homes to households earning 80 to 115 percent of Area Median Income

PURPOSE: The purpose of this item is for the Board of Aldermen to consider a draft resolution that, if adopted, expresses support to HOME consortium partners for the sale of subsidized homes to households earning more between 80 and 115 percent of area median income.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Mike Brough - 919-929-3905

INFORMATION: The Community Home Trust (CHT) is the primary non-profit housing provider that partners with the Town of Carrboro and other local governments to provide affordable housing options to local residents. CHT receives United States Department of Housing and Urban Development (HUD) funds through the Orange County HOME Consortium for subsidies to support its mission.

Since 1999, the Town's land use regulations have included an incentive for the inclusion of affordable homes in residential developments. The provisions have been expanded and amended over the years to improve their effectiveness in response to requests from CHT and others, with one constant being 'affordability' defined in relation to 80 percent of the median income. In March 2012, the Board of Aldermen approved a Land Use Ordinance text amendment that allows a percentage of affordable units to be sold to buyers earning up to 115

percent of Area Median Income. In September 2014, Robert Dowling, CHT Executive Director, submitted a memorandum (Attachment B) to the Mayor and Board of Aldermen requesting the Town take two actions:

1. Approve allowing lenders to have an unrestricted, fee simple interest in Home Trust homes in the event of foreclosure. *A public hearing on a text amendment responding to this action is under consideration this evening.*
2. Approve, in its role as a member of the HOME consortium, allowing CHT to sell subsidized homes to households between 80 and 115 percent of the Area Median Income when permitted by HUD. *A resolution that expresses this approval has been drafted for the Board's consideration.*

HOME Consortium partners, Orange County and the Towns of Chapel Hill and Hillsborough have responded positively to these requests as noted in the attached copies of minutes and/or resolutions (Attachments C through E). As noted in Attachment E, the affordability period established by HUD funding (up to 15 years) is shorter than that specified in Orange County (99 years). The change requested in Item 2 will eliminate the need for repayment to the County of subsidy funds if homes are sold to households earning more than 80 percent of the median income and otherwise consistent with the HUD affordability period requirements. This change has the potential to strengthen the viability of CHT's efforts by increasing the pool of eligible buyers and reducing subsidy requirements.

FISCAL & STAFF IMPACT: Minimal staff impact associated with adoption of the resolution.

RECOMMENDATION: Staff recommends that the Board of Aldermen adopt the attached resolution and request that copies be forwarded to HOME Consortium partners.

A RESOLUTION IN SUPPORT OF THE COMMUNITY HOME TRUST'S USE OF
SUBSIDY MONIES TO FURTHER ADVANCE AFFORDABLE HOUSING
OPPORTUNITIES

WHEEAS, the Town of Carrboro Board of Aldermen adopted the *Carrboro Vision2020* document, in 2000, which outlines a series of policies designed to provide housing options for a diverse population; and

WHEREAS, the Town of Carrboro Board of Aldermen amended the Land Use Ordinance (LUO) on June 28, 2005 to established a goal that fifteen percent of the housing units within all new residential development consist of affordable units; and

WHEREAS, the Community Home Trust (CHT) has partnered with the Town of Carrboro to help meet this goal and to provide diverse housing options for local residents; and

WHEREAS, in January of 2012, CHT requested that the Town amend the Town of Carrboro LUO to allow a percentage of designated affordable units to be sold to buyers earning up to 115 percent of the Area Median Income (AMI) for the Metropolitan Statistical Area (MSA) in which Carrboro located; and

WHEREAS, the Town amended the LUO in March of 2012 to allow up to twenty-five percent of affordable units, as defined in Section 15-184.1 of the LUO, be sold to buyers earning up to 115 percent of the AMI for the MSA in which Carrboro is located; and

WHEREAS, the Board of Aldermen supports the use of Affordable Housing funds for affordable housing units as defined in Section 15-184.1, including homes priced at a level that is affordable to families whose income is above 80 percent and not more than 115 percent of the AMI.

WHEREAS, in September of 2014, CHT requested the Town amend the LUO to allow homes sold through the home trust program to have a fee simple mortgage; and

WHEREAS, the Board of Aldermen adopted an ordinance to allow a fee simple sale on January 27, 2015.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen continues its support of the Community Home Trust to provide affordable housing options to all Carrboro residents.

This is the 27th day of January 2015.



BOARD OF DIRECTORS

Alan Lee
President

Gordon Merklein
Secretary

Jess Brandes

Cresha Cianciolo

Kathleen
Ferguson

Jennifer Ferris

Lisa Inman

Michelle Johnson

Jaimie Lee

Jim Merritt

Penny Rich

Ken Reiter

Maryann Toone

Jim Ward

Jonathan Weiler

Executive Director
Robert Dowling

Date: September 24, 2014

To: Mayor Lavelle and the Carrboro Board of Aldermen

Copy: David Andrews

From: Robert Dowling, Community Home Trust

Re: Challenges that require action

In 2007, I addressed the Assembly of Governments about two challenges that jeopardized the success of inclusionary housing. Those challenges were (i) long term affordability of our homes, and (ii) long term maintenance.

Since 2007, we have been chipping away at the maintenance issue and have made great progress. However, the affordability problem is worse today than it was in 2007 due primarily to two factors:

1. HUD income limits for purchasers are lower today than they were in 2007
2. The costs of owning one of our homes increases every year due to higher home prices and higher HOA dues, property taxes and stewardship fees.

I am compelled to write this memo because external circumstances continue to present risks to the long term success of inclusionary housing. I believe it is my responsibility to alert you to these risks and to offer mitigating solutions.

Specifically, the risks that jeopardize inclusionary housing are these:

1. Home Trust home buyers have very limited access to mortgage financing
2. Reduced federal subsidies, in conjunction with continued stagnant income limits, make it increasingly difficult to resell Home Trust homes.

Due to changes in mortgage financing regulations, most banks will not make loans to Home Trust buyers. Fortunately, the NC Housing Finance Agency provided \$5 million specifically for our buyers. This funding enabled us to sell 40 homes in fiscal year 2013-14. However those funds will be exhausted in 2015 and we need to identify alternative sources of mortgage funding.

Our ability to attract other lenders, such as SECU and Self Help, requires that we allow these lenders to obtain the fee simple interest in the property in the event of foreclosure. The board of the Home Trust has approved making this change because they realize that without lenders our model simply does not work. However, there is a risk - *If we provide the fee simple interest as collateral, and we allow a home to be foreclosed upon, we would lose it from our inventory entirely.*

We recognize the risks of making this change, but the Home Trust board has weighed those risks and approved the change in order to accommodate the

needs of our home buyers. We have never had a foreclosure and we hope never to allow a home to be foreclosed upon. However, the Home Trust cannot unilaterally agree to provide the fee simple interest without approval from all of our funders – including the HOME consortium.

By way of this memo, we are requesting approval from the Board of Aldermen to allow lenders to have an unrestricted, fee simple interest in Home Trust homes in the event of foreclosure. We are more than happy to work out the details with your attorney and staff.

On the matter of reduced federal subsidies, the HOME Consortium could help us to better utilize HOME funds that are already invested in our homes by allowing us to sell to higher income households. Currently, we are prohibited from doing so because our HOME performance agreement imposes 99 year affordability restrictions that limit buyers to 80% of AMI.

By allowing us to sell to households up to 115% of AMI, *when permissible by HUD*, our local governments will assist us in two important ways:

1. Our window of eligible buyers will be widened (which will increase diversity in some of our neighborhoods)
2. We will require less subsidy in the future to continue to make all of our homes affordable to households at 80% AMI

Again, by way of this memo, I am requesting approval from the Board of Aldermen, as a member of the HOME consortium, to allow us to sell subsidized homes to households between 80% and 115% of AMI when permitted by HUD.

Both of these challenges, if left unaddressed, have the potential to truly disrupt the success of our inclusionary housing programs. We had hoped that the Charter would address these issues, but approval of the Charter has been understandably delayed. We have asked each of the local governments to approve these requests prior to consideration of the Charter.

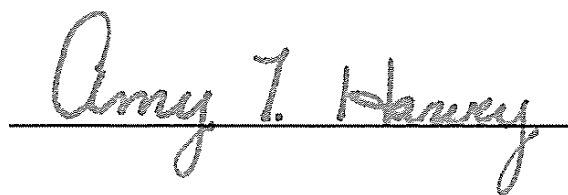
Thanks to the support of local governments, there are 229 affordable homes integrated into market rate neighborhoods in Chapel Hill and Carrboro. We estimate the market value of these community assets to be more than \$40 million.

We very much appreciate your support. We are more than happy to answer any questions you might have. Thank you for your consideration.



I, Amy T. Harvey, Acting Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2014-06-23/R-9.1) adopted by the Chapel Hill Town Council on June 23, 2014.

This the 25th day of June, 2014.

A handwritten signature in cursive script, reading "Amy T. Harvey", is written over a horizontal line.

**Amy T. Harvey
Acting Town Clerk**



A RESOLUTION MODIFYING THE GUIDELINES OF THE TOWN'S AFFORDABLE HOUSING PROGRAMS (2014-06-23/R-9.1)

WHEREAS, the Affordable Housing Strategy adopted by the Council in 2011 states that “the Town of Chapel Hill’s goal is to increase the availability of and access to housing for households and individuals with a range of incomes, from those who are homeless to those in moderate-income households”;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council modifies the policy of the Town’s affordable housing programs to allow houses with Town subsidy to be resold to household earning up to 115% of the area median income.

BE IT FURTHER RESOLVED that the Council authorizes exception to the Affordable Housing Fund so that funds from the Town’s Affordable Housing Fund shall remain in properties resold to households earning up to 115% of the area median income.

BE IT FURTHER RESOLVED that when exercising this option units will continue to be required to maintain affordability requirements consistent with the Council’s policy at that time.

BE IT FURTHER RESOLVED that the Council authorizes the Manager and Town Attorney to develop the necessary documents to amend the Town’s existing performance agreements with the Community Home Trust to reflect this action.

BE IT FURTHER RESOLVED that the Council authorizes the use of a fee simple deed of trust on Community Home Trust properties, to facilitate greater lending options to Home Trust buyers.

BE IT FURTHER RESOLVED that the Council authorizes cancellation of affordability restrictions in the event a Home Trust home is foreclosed upon by a lender.

BE IT FURTHER RESOLVED that this policy applies to all of the Town’s affordable housing funding sources including the Community Development Block Grant Program, the Housing Loan Trust Fund, and the Affordable Housing Fund.

This the 23rd day of June, 2014.

Attachment D

Commissioner Hallman, said given the fact that the board and staff found out that Mr. Lloyd was ready to move forward this morning, he wants to do it all at once in 2 weeks.

Ms. Hawth asked Mr. Lloyd whether it will suit his schedule to have the decision made in 2 weeks. She and Mr. Hornik explained to Mr. Lloyd that the legal description for the annexation area is a little out of date. The boundaries for phases 1, 3 and 4 didn't line up with the final survey. To avoid that complication with Phase 2, the board and staff would like to wait for the most accurate legal description.

The board was in agreement to wait.

- J. Request from Orange Community Home Trust to allow mortgage banks to acquire fee simple interest in the case of foreclosure and to sell to families earning 115% of median income when allowed by HUD.

Robert Dowling was present to answer any questions. Ms. Hawth said she didn't see problems with this.

9:12:54 PM Commissioner Ferguson moved to accept the request from the Home Trust. Commissioner Hallman seconded. The vote carried with a unanimous vote of 5-0.

- K. List of properties individually listed on the National Register of Historic Places that are within Hillsborough's jurisdiction but outside the local historic district.

There was agreement that the Town Board is interested in properties that are not private residences. Ms. Hawth suggested language that would target structures in need of significant renovation.

9:18:34 PM Commissioner Hallman made a motion to approve the study list with emphasis on commercial properties in need of restoration or preservation. Commissioner Ferguson seconded. The motion carried upon a unanimous vote of 5-0.

- L. Contract with Volkert to prepare a feasibility study to possible alignment of Eno Mountain Road and Mayo Street to be followed by neighborhood outreach.

Ms. Hawth said it does look like the county will share 50 percent of the cost. She is not sure yet whose project it is (county's or town's).

9:21:33 PM Commissioner Weaver made a motion to authorize staff to sign the contract. Commissioner Lloyd seconded. The motion carried upon a unanimous vote of 5-0.

- M. "Hot Topics" for the June 23, 2014 Workshop

The Solid Waste Advisory Group needs two appointments from the Town of Hillsborough.

Commissioner Lowen will serve. Mr. Peterson said an email from the county said the SWAG will start meeting in September. Commissioner Ferguson is interested but concerned about work conflicts. Mr. Peterson advised that if she can't make it, she can tell the board and someone else can go.

9:23:58 PM Commissioner Hallman made a motion to appoint Commissioners Lowen and Ferguson to the SWAG. Commissioner Weaver seconded. The motion carried upon a unanimous vote of 5-0.

For the June workshop, Mr. Peterson reviewed that there are plans to meet then with the Tourism Board, there will be end of the year budget amendments and encumbrances, the Mount Bright item, Elfin Pond item and the Breeze property financing. At the July regular meeting, the HDC would like to meet with the board to discuss the Colonial Inn. Ms. Hawth asked that the July workshop be set aside to discuss traffic study for the railroad. DOT is saying it's OK to vote on it at the September meeting, but the state thinks it will be ready for the public hearing in July. There was discussion on where in the agenda to put the discussion with the Tourism Board.

Allan Clapp said the increase was a result of the approved state budget authorizing the state lab to recoup their fees commensurate with the new well sample. He said the County cost has increased by \$20 just to get the bottle to take the sample.

Commissioner Price asked about the \$25 fee that is listed.

Allan Clapp said that is the fee that is currently charged to the public, and it will go up to \$60.

A motion was made by Commissioner Price, seconded by Commissioner Rich to approve the budget ordinance amendments for fiscal year 2014-15.

VOTE: UNANIMOUS

6-i Interlocal Agreement for the Reimbursement of Expenditures

Commissioner Rich thanked John Roberts for helping the Board by reinstating this. She asked if the taxes will be handled the same way the hotel taxes are handled, where some monies go to the Visitors Bureau.

John Roberts said these are the occupancy taxes, and the same restrictions will apply. He said these are just occupancy taxes that have not previously been collected by the companies

A motion was made by Commissioner Rich, seconded by Commissioner Price to authorize the Chair to execute an agreement with the Towns of Carrboro, Hillsborough, Chapel Hill and various Online Travel Companies ("OTCs") for the collection and remittance of certain occupancy taxes.

VOTE: UNANIMOUS

7. Regular Agenda

a. Community Home Trust Request to Amend Operational Procedures

The Board considered approving proposed procedural changes by Community Home Trust.

Bonnie Hammersley reviewed the following information as outlined in the abstract:

The Community Home Trust (CHT) is an affordable housing provider whose clientele includes first-time homebuyers earning less than 80 percent of the area median income with subsidy from the federal HOME program. In May 2014 CEO Robert Dowling submitted a letter addressed to the Town of Chapel Hill, the Orange County Board of Commissioners and the Orange County HOME Consortium proposing procedural changes to its operations. The proposal addresses two (2) issues:

1. Homebuyers' limited access to financing; and
2. CHT's difficulty in selling homes.

CHT asserts that its homebuyer mortgage funding from the NC Housing Finance Agency will be exhausted in 2015, making it necessary to identify alternative funding sources. To address this issue, CHT is proposing to allow lenders to secure their investment with a fee simple interest. Currently, CHT can only grant a leasehold interest in the home as collateral. This leasehold interest secures the home, but not the land upon which the home is situated. Mr. Dowling asserts that this form of collateral attributes to there being only one bank in the region that is willing to extend financing to its buyers. While a fee simple interest could potentially result in a lending institution foreclosing on the home and the property, CHT homebuyers have never

surrendered their home to a lender through foreclosure. Historically, CHT has re-acquired property at risk of foreclosure and plans to continue this trend.

To address the issue of difficulty in selling homes, CHT has proposed that it be allowed to sell homes that contain federal subsidy through the HOME program to households with an income of up to 115% of the Area Median income (AMI), where permissible by US Department of Housing & Urban Development (HUD) guidelines. The HOME Program imposes an affordability period on projects assisted with HOME funds in order to ensure that HOME investments yield affordable housing over the long term. For homebuyer projects such as the Community Home Trust, the length of the affordability period is based on the amount of HOME funds invested in the property:

HOME FUNDS PROVIDED	AFFORDABILITY PERIOD
<\$15,000	5 years
\$15,000 - \$40,000	10 years
> \$40,000	15 years

However, the restrictive covenants CHT executes with the County stipulate 99 years of affordability. As a result, houses that are originally sold with the assistance of HOME funds that are later re-acquired by CHT must be re-sold to a family earning less than 80% AMI. Otherwise, CHT must refund the HOME funds invested to the County from the proceeds of the sale.

FINANCIAL IMPACT: There is no financial impact regarding the policy allowing CHT to extend a fee simple interest in properties sold. However, should the Board approve the proposed policy change regarding selling homes to families above 80% AMI where the federal subsidy remains in the home, this may reduce the number of low and moderately-low income families served by the Orange County HOME Consortium. Notwithstanding this reduction in low income families served, the affordability period as mandated by HUD would be met.

Bonnie Hammersley said there was also request by CHT for the Board to consider a charter. She said she is meeting with the local managers to bring a unified recommendation to the Assembly of Governments in November.

Commissioner Gordon asked what would be involved in the charter.

Bonnie Hammersley said staff is looking at the current Community Home Trust model, and they will be inviting Robert Dowling to meet with them to talk about the current model.

Commissioner Dorosin asked about the mechanics of the change that is being requested. He asked whether approved change will only be effective going forward, or whether it will affect homes currently being sold.

Robert Dowling said the HUD guidelines have a much shorter affordability period than the 99 year restrictions CHT imposed on itself. He said the home funds and local funds have a much shorter affordability period, and the longest the home funds have is 20 years. He said CHT has homes that they put HOME funds into 12 years ago, and the HUD funds have been met. He said this home now cannot be sold to anyone above 80 percent median income, because of the self imposed 99 year restriction. He said if this proposed change is approved, CHT can widen the window of buyers served. He said no more subsidies can be put in the home, but the funds put in 12 years ago can be left in, and this will allow them to serve people at up to 115 percent of median income.

Commissioner Dorosin asked if the 115 percent would kick in after the 20 year required HUD period elapsed.

Robert Dowling said that is correct.

Commissioner Dorosin asked if it would still be bound by 80 percent of median income if it were sold today in the federal window.

Robert Dowling said that is correct.

Commissioner Dorosin asked if the home could be sold to anyone at the end of the period if there were no restrictions beyond the HUD requirements.

Robert Dowling said CHT is not asking for this; but according to HUD, yes.

Robert Dowling said this is how things used to be done before the CHT was created. He said if the Board says no to this proposal, because the HUD income limits are lower today than in 2002, the home is not affordable to people at 80 percent of median income. He said this means more subsidies have to be brought in to make that same home affordable to people below 80 percent. He said the approval of this item will allow CHT to sell the home to higher income people and stretch out the federal subsidy dollars.

Commissioner Dorosin asked, if this is approved and a new CHT home goes on the market tomorrow, whether that home could be marketed to someone up to 115 percent of median income.

Robert Dowling said if there is subsidy in it, it will need to be below 80 percent for the affordability period. He said if a home is sold without subsidy, it can be sold up to 115 percent.

Commissioner McKee asked for clarification on what 80 percent and 115 percent equate to in dollars.

Robert Dowling said this number goes by household size and 80 percent for one person today would be \$36,800; for two people it would be \$42,000; for three people it would be \$47,000; and for four people it would be \$52,550. He said these numbers are all lower than they were in 2002. He said this means that the person who qualified 12 years ago and never got a raise will not qualify today.

Commissioner Gordon referred to the following email questions from her regarding this item and the replies from Robert Dowling:

Questions - Oct. 21, 2014 Agenda

7a - Community Home Trust (CHT)

Would the homes still be required to be affordable for 99 years?

For the CHT program, please describe the funding mechanism for providing one home. What does it cost Orange County and/ or the Town of Chapel Hill for each home (average cost and range of costs)?

What is the current area median income (AMI)? Please provide a table which shows the AMI for households of various sizes, along with 80 % AMI and 115 % AMI.

If the policy changes are made, is it anticipated that most or all of the houses would then be sold to buyers at or close to the 115 % AMI level, thereby reducing the number of low income families served?

Follow-up from Robert Dowling

1. Yes, CHT will continue to sell homes using a 99 year ground lease and to keep the homes affordable for 99 years at either 80% of Area Median Income (AMI) or 115% of AMI. According to CHT bylaws and Articles of Incorporation, only 25% of CHT homes can be sold to households earning more than 80% of AMI.

2. I'm not certain if I'm answering this correctly, but the Home Trust home prices range from \$75,000 to about \$155,000. The average price is about \$100,000. In fiscal year 2013-14, CHT sold 40 homes and required an average subsidy of about \$14,000 for each home. That subsidy may come from the County (HOME funds) or the Town of Chapel Hill or from the NC Housing Finance Agency. Due to declining HUD income limits, CHT typically is required to add subsidy to most homes that resell. Sixteen homes resold in fiscal year 2013-14.
3. The current HUD Income Limits for 80% AMI and 115% of AMI are as follows:

	1 Person	2 Persons	3 Persons	4 Persons
80% of AMI	\$36,800	\$42,050	\$47,300	\$52,550
115% of AMI	\$52,900	\$60,447	\$67,994	\$75,541

4. As stated above, CHT must sell at least 75% of the homes to households earning at or below 80% of AMI. Currently, about 90% of CHT homes are owned by households earning 80% of AMI or less.

Please let me know if there are additional questions we can answer. I know this subject matter is a bit dense.

Thanks,
Robert Dowling

Commissioner Gordon said her concern is related to the potential of homes going out of affordability. She said the point of this program is to sell homes to low income households, and 115 percent is not low income. She wonders if a more comprehensive approach might be better. She said the needs have shifted over the years, and it would be better to have a unified approach to this issue with all of the entities involved. She is not sure this should be approved without a unified approach.

Commissioner Gordon said her second concern with going to the 115 percent is that people who are on fixed incomes and do not make above the median income are paying for this in a way when they pay taxes. She said if the number is changed to 115 percent, the number of homes that can be sold this way should be limited to 25 percent.

Commissioner Dorosin asked if Robert Dowling was planning to jettison the 25/75 percent restriction ratio.

Robert Dowling said no. He said the IRS guidelines restrict the number of homes that can be sold above 80 percent, and the maximum allowed is 35 percent.

Commissioner Rich said the unified answer between the managers is about the charter, and it is not about this item. She said this item is being brought to each jurisdiction for individual votes. She said it will be unified if everyone does or does not vote for it. She said the charter to will go to all of the managers and legal departments before it is brought forward.

Commissioner Price asked about the timeline for the unified charter.

Bonnie Hammersley said the managers met last week, and there will be another meeting with Robert Dowling. She said the goal is to have a status report by the November 19th Assembly of Governments meeting.

Commissioner Price said this item seems more immediate, and she is concerned if the charter is going to take some time. She said this seems to be an issue that could have been anticipated, and this policy change will keep the CHT alive. She asked if the money gained by selling at 115 percent can be then put back into the efforts of the CHT.

Robert Dowling said these two requests are related but not linked. He said the fee simple request is an enticement for banks to make loans to the buyers. He said the CHT has never had a foreclosure, as they would pay off the bank and take the property in order to keep the equity that is in the home.

He said the second part of this is leaving in the subsidy in order to widen the window of people who are eligible to purchase the homes. He said there is a struggle to sell homes because the banks will not lend money and because HUD income limits have declined.

Commissioner Gordon said she understands that the issue tonight is different from the charter issue. She said what she wanted to articulate was that the managers could expand their discussions to include the related topic.

Commissioner Rich noted that Hillsborough and Chapel Hill have already voted in favor of this proposal. She said the charter has been out for about a year, and the Board saw it at a meeting last November.

A motion was made by Commissioner Dorosin, seconded by Commissioner Price to approve the policy changes as requested by Community Home Trust to permit CHT to extend a fee simple interest to mortgage lenders and permit homes to be sold to persons up to 115 percent AMI where permitted by HUD.

Robert Dowling said the word “unrestricted” was not used by him, nor was it used by Commissioner Dorosin in his motion. He clarified that every time HOME funds are put in, the County draws up restrictive covenants against that property, specifying that the home will stay affordable for 99 years. He said “unrestricted” fee simple interest means that the bank wants this covenant to disappear or else it is no good to them. He said this is what is holding some of the banks back.

Chair Jacobs asked if this is part of the motion.

Robert Dowling said it is not used in Commissioner Dorosin’s wording.

Commissioner Dorosin asked if would be better to amend the wording.

Robert Dowling said when this is implemented he wants it to be crystal clear what is needed to entice the banks to lend money.

Chair Jacobs said if this change is made, he will oppose the motion. He said the CHT and the Board agreed to the 99 year restriction to make sure the affordability is assured. He said he is fine with making it easier for residents to buy the homes, but doing away with affordability is a much more complicated discussion.

Commissioner Dorosin questioned what would be in place between CHT and a buyer to insure long term affordability if covenants are not in place.

Robert Dowling said the CHT holds all of the deeds and would receive notice if there was a foreclosure. He said CHT would step in to pay off the bank and take the property back.

Commissioner Dorosin said if there is no deed restrictions on the property there is nothing to prevent the home owner from selling it again.

Robert Dowling clarified that there will always be a restrictive covenant on the property. He said if the CHT did not step in to buy the property, then the bank takes it without restriction. He said the restrictions are in place, and are only terminated if CHT does not step in to prevent a foreclosure. He said the banks will only lend with no restrictions. He said he was not suggesting that they forego the 99 year affordability.

Chair Jacobs asked about the possibility of an affordable housing bond that includes setting aside \$1 million for loans to CHT buyers so that banks do not have to be involved.

Robert Dowling said this is a good idea.

Commissioner McKee said this will take the 99 year restriction off for the banks, but CHT and the County can still impose the affordability time frame.

Robert Dowling said the CHT will continue to do business as usual with a 99 year affordability clause; but they will agree to sign a collateral agreement with the bank, and if CHT does not step in, the bank gets the fee simple loan in the event of a foreclosure.

Commissioner McKee suggested that the percentage numbers in Commissioner Gordon's email should be made available to the public.

Commissioner Gordon asked for input from John Roberts on the fee simple interest and the maintenance of the 99 year affordability.

John Roberts said the risk is not about losing the 99 year affordability. He said the risk is that there is would be a spate of foreclosures, and the County would have to come up with hundreds of thousands of dollars to keep the 99 year affordability. He said this is a financial risk to the County.

Commissioner Rich acknowledged Chair Jacobs idea, and she said CHT is always trying to think of creative ideas.

Commissioner Rich called the question.

VOTE: UNANIMOUS

b. Southern Branch Library Letter of Intent Approval

The Board considered authorizing the Chair to execute a Letter of Intent with regard to the Southern Branch Library upon the approval of the County Attorney.

Jeff Thompson reviewed a map of the property. He said the letter of intent is a non-binding agreement. He reviewed the following information from the abstract:

BACKGROUND: On May 13, 2014, the Board of County Commissioners authorized staff to engage in negotiations with Main Street Partners of Chapel Hill, LLC ("Main Street") regarding the potential location of the Southern Branch Library on property adjacent to the 300 Main development located in Carrboro known as the Butler Property.

The attached Letter of Intent is drafted to frame the future negotiations for the definitive agreements necessary for the potential development and construction of a Southern Branch Library. The County's execution of this Letter of Intent does not bind the County to locate the Southern Branch Library on the Butler Property nor does it obligate the County to enter into definitive agreements with Main Street in the future.

FINANCIAL IMPACT: Execution of this Letter of Intent and the subsequent negotiation of the Contract Agreement will require a Professional Services Agreement amendment in an amount not to exceed \$25,000 for this task. Adequate funds are available for this amendment within the Southern Branch Library Capital Project.

Southern Branch Library - Estimated Project Activity Timeline

This estimated timeline for the development, construction, and operation of the potential Southern Branch Library is as follows. A conservative 4-6 month contingency interval is reasonable for planning purposes and process delays. Bolded activities signify Board of County Commissioner actions.

Event Estimated

Completion Date

Board of County Commissioners Action:

October, 2014

Approval of Letter of Intent between Orange County and Main Street



Legislation Details (With Text)

File #: 15-0012 Version: 1 Name:
Type: Abstract Status: Agenda Ready
File created: 1/20/2015 In control: Board of Aldermen
On agenda: 1/27/2015 Final action:
Title: Available Resources for Immigrant Minors

PURPOSE: The purpose of this item is to report back to the Board on the resources available to support efforts to welcome and provide services to minors in our community, as requested in the Resolution Supporting and Welcoming Unaccompanied Immigrant Minors Fleeing Violence in their Home Countries.

Indexes:

Code sections:

Attachments: [Attachment A - OC Latino Health Resources Guide](#)

Date	Ver.	Action By	Action	Result
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TITLE:

Available Resources for Immigrant Minors

PURPOSE: The purpose of this item is to report back to the Board on the resources available to support efforts to welcome and provide services to minors in our community, as requested in the Resolution Supporting and Welcoming Unaccompanied Immigrant Minors Fleeing Violence in their Home Countries.

DEPARTMENT: Manager's Office

CONTACT INFORMATION: Nate Broman-Fulks, nbroman-fulks@townofcarrboro.org
<<mailto:nbroman-fulks@townofcarrboro.org>>, 919-918-7314

INFORMATION: Services to Welcome and Support Immigrant Minors

Health Services

<<http://www.co.orange.nc.us/health/ImmigrantandRefugeeHealthResources.asp>>

The Orange County Health Department welcomes all clients requesting health services, regardless of their immigration status. For more information about services, please call (919) 245-2400. Orange County Health Department follows all applicable medical confidentiality laws, which protect client information.

- Health Department Brochure: [English](#)
<<http://orangecountync.gov/health/documents/OCHDBrochure2013.pdf>>
- [Refugee Health Services at the Health Department](#)
<<http://orangecountync.gov/health/RefugeeHealthServices.asp>>
- [Community Health and Wellness Directory](#)
<<http://orangecountync.gov/health/documents/OCHealthResourceGuide.pdf>>
- Orange County Latino Health Resource Guide: [English](#)
<<http://orangecountync.gov/health/documents/OCLatinoHealthResourceGuideDec2013English.pdf>>

- Orange County Resources for Refugee Clients: [English](#)
<<http://orangecountync.gov/health/documents/OCResourcesforRefugeeClientsMay2014.pdf>>
- [Bed Bugs](#) <<http://orangecountync.gov/health/BedBugs.asp>>

Local Studies, Projects, and Reports of Interest

- Focus group data from the 2011 Community Health Assessment is available upon request to the Orange County Health Department.
- [Action Oriented Community Diagnosis \(AOCD\) Reports](#)
<<http://www.hsl.unc.edu/specialcollections/digital/cdpapers/orange.cfm>>:
 - The Latino Community of Carrboro
 - Northern Orange Latino Community
 - AOCD: People from Burma in Chapel Hill/Carrboro
 - [The Community Forum Program](#)
<<http://orangecountync.gov/health/documents/AOCDForumProgram.pdf>>
 - [The AOCD Findings in English](#)
<<http://orangecountync.gov/health/documents/AOCDCommunityVersionEnglish.pdf>>
 - [The AOCD Findings in Burmese](#)
<<http://orangecountync.gov/health/documents/AOCDCommunityVersionBurmese.pdf>>
- [Health Action in the US: A Health Education Curriculum for Refugees from Burma](#)
<<http://orangecountync.gov/health/documents/HealthEducationCurriculumFINAL.pdf>> (PDF)

Immigrant and Refugee State Contacts

- [NC Refugee Assistance Program](#) <<http://www.ncdhhs.gov/dss/refugee/index.htm>>
- [NC Office of Minority Health and Health Disparities](#) <<http://www.ncminorityhealth.org/>>
<<http://www.ncminorityhealth.org/omhhd/index.html>>

Local Refugee Resettlement Agencies

- [Church World Service](#) <<http://cwsrdu.org/>>
Phone: 919-680-4310 (Durham office)
- [Lutheran Services Carolinas](#) <<http://www.lfscarolinas.org/>>
Phone: 919-832-2620 (Raleigh office)
- [US Committee for Refugees and Immigrants \(USCRI\)](#) <<http://www.refugees.org/>>
Phone: 919-334-0072 (Raleigh office)
- [World Relief](#) <<http://worldreliefdurham.org/>>
Phone: 919-286-3496 (Durham office)

Key Immigrant and Refugee Service Contacts

- [Chapel Hill/Carrboro Human Rights Center](#) <<http://www.humanrightscities.org/>>
 - [Refugee Community Partnership](#) <<http://www.refugeepartnership.org/>>
- [El Pueblo, Inc.](#) <<http://www.elpueblo.org/>>
- [El Centro Hispano](#) <<http://www.elcentronc.org/>>
- [El Futuro](#) <<http://www.elfuturo-nc.org/>>
- [Karen Community of North Carolina](#) <<http://nckarencommunity.org/>>
- [Multilingual and Multicultural Resources](#)
<<http://orangecountync.gov/health/documents/MultilingualResourcesJan2013.pdf>>
- [Orange County Immigrant Youth United](#) <<http://www.ociyu.org/>>
- [Refugee Support Center](#) <<http://refugeesupportcenter.org/>>
 - [English](#) <<http://orangecountync.gov/health/documents/REFUGEESUPPORTCENTER.pdf>>
- UNC Center for Latino Health (CELAH): 919-966-5800

Opportunities to Get Involved

The Orange County Health Department also facilitates a local Latino Health Coalition and Refugee Health Coalition to encourage interagency communication and collaboration on issues related to the health of local immigrants and refugees.

FISCAL & STAFF IMPACT:

RECOMMENDATION:

Orange County Latino Health Resource Guide

GENERAL HEALTH	URGENT MEDICAL ATTENTION	DENTAL CONT'D
<p>Carrboro Community Health Center: Piedmont Health Services* 301 Lloyd Street, Carrboro (919) 942-8741</p> <p>Orange County Health Department* Southern Human Services Center 2501 Homestead Road, Chapel Hill (919) 245-2400</p> <p>Whitted Human Services Center 300 W. Tryon Street, Hillsborough (919) 245-2400</p> <p>Planned Parenthood of Central NC* <i>Reproductive Health Services</i> 1765 Dobbins Drive, Chapel Hill (919) 942-7762</p> <p>Prospect Hill Community Health Center: Piedmont Health Services* 322 Main Street, Prospect Hill (336) 562-3311</p> <p>SHAC Medical Clinic* <i>A free clinic run by UNC students offered on some Wednesday nights, 5:30-9:00pm.</i> 301 Lloyd Street, Carrboro (919) 843-6841</p> <p>UNC Ambulatory Care Center-Internal Med* 101 Mason Farm Road, Chapel Hill (919) 966-1459</p> <p>UNC CELAH – Center for Latino Health* <i>Provides scheduling for bilingual specialty clinics and general orientation</i> (919) 966-5800</p> <p>UNC Family Medicine 500 Manning Drive, Chapel Hill (919) 966-0210</p> <p>UNC Hospitals Operator** (919) 966-4131</p> <p>UNC Hospitals Billing & Accounts Dept* (919) 966-1234</p> <p>UNC Physicians & Associates/UNC Faculty Physicians Billing Dept* (919) 966-2211 or toll free (866) 482-4072</p>	<p>NOTE: These locations have weekday, evening and weekend hours. Call for specific hours of operation.</p> <p>Carrboro Family Clinic, PA 104 West Hwy 54, Suite JJ, Carrboro 919-929-3029</p> <p>The Family Doctor* 1728 Fordham Boulevard 151 Rams Plaza, Chapel Hill (919) 968-1985</p> <p>FastMed 1407 E. Franklin Street, Chapel Hill (919) 913-0996</p> <p>Orange Family Medical Group 210 S. Cameron Street, Hillsborough (919) 732-9311</p> <p>UNC Urgent Care** 6013 Farrington Rd, Suite 101, Chapel Hill (919) 957-6610</p>	<p>Eric Davis, DDS* 603 Hampton Pointe Blvd., Hillsborough (919) 644-1800</p> <p>The Happy Tooth* 121 South Estes Dr, Suite 206, Chapel Hill (919) 933-3310</p> <p>Hillsborough Family Dentistry* 101 Corbin Street, Hillsborough (919) 644-7400</p> <p>EYE CARE</p> <p>Carrboro Family Vision* 200 West Weaver St, Suite 1, Carrboro (919) 968-6300</p> <p>Chapel Hill Ophthalmology Clinic* 110 Conner Drive, Chapel Hill, NC (919) 942-8701</p> <p>UNC Kittner Eye Center* 130 Mason Farm Road, Chapel Hill (919) 966-2061</p>
	DENTAL HEALTH	MENTAL HEALTH
	<p>Carrboro Community Health Center: Piedmont Health Services* 301 Lloyd Street, Carrboro (919) 933-9087</p> <p>Orange County Health Department* 300 W. Tryon Street, Hillsborough (919) 245-2400</p> <p>Prospect Hill Community Health Center: Piedmont Health Services* 322 Main Street, Prospect Hill (336) 562-3123</p> <p>SHAC Dental Clinic* <i>Free walk-in, student-run clinic on some Wednesday evenings, according to student schedules. No appointments. Uses a lottery system to select clients.</i> UNC Dental School (646) 580-7422</p> <p>UNC Dental School* Manning Dr and Columbia St, Chapel Hill (919) 966-2805</p>	<p>El Futuro* <i>Mental health and substance abuse treatment for the Latino community</i> 110 West Main Street, Carrboro (919) 338-1939</p> <p>Alcoholics Anonymous <i>Non-professional support group meetings for people dealing with alcoholism</i> Grupo: Mis Mejores Amigos* 705A West Rosemary Street, Carrboro (919) 423-8520 OR (919) 452-4103 OR (919) 923-6388 Grupo Amistad* 920 Carmichael Street, Chapel Hill (919) 923-7876 OR (919) 949-6534</p> <p>Al Anon <i>Non-professional support group meetings for people affected by the alcoholism of another person</i> 1-(800)-251-5738 24 hour help Que Empiece Por Mi GFA* Glendale Heights United Methodist Church, 908 Leon Street, Durham Wednesdays at 7pm</p>

Orange County Latino Health Resource Guide

MENTAL HEALTH CONT'D	SERVICES FOR FAMILIES WITH YOUNG CHILDREN	SHELTERS, CRISIS, & COUNSELING
<p>Al Alon Grupo Serenidad Raleigh GFA* St. Johns Baptist Church 1615 Oberlin Road, Raleigh <i>Tuesdays & Wednesdays at 6pm</i></p> <p>Cardinal Innovations Healthcare Solutions /OPC Community Operations Center** <i>Services for children and adults with mental illness, developmental disabilities, and alcohol/substance abuse disorders</i> 100 Europa Drive, Suite 490, Chapel Hill (919) 913-4000</p> <p>Mental Health America of the Triangle Pro-Bono Counseling Network & FAN <i>Manages list of providers who may offer limited counseling services free of charge. Family Advocacy Network (FAN)* provides assistance to parents of school-age kids.</i> (919) 942-8083</p>	<p>Child Care Services Association** <i>Information about child care options</i> Offices in Chapel Hill and Durham (919) 403-6950</p> <p>Children's Resource Coordination at Carrboro Community Health Center* <i>Bilingual Program: Provides resources, referrals & assistance with applications for clinic clients with young children</i> 301 Lloyd Street, Carrboro (919) 942-8741</p> <p>Kidscope: Incredible Years** <i>Parenting class for parents of children ages 3-5 years old</i> (919) 542-9891</p> <p>Orange County Partnership for Young Children** <i>Growing Healthy Kids community garden program for families with young children</i> 120 Providence Rd, Suite 101, Chapel Hill (919) 967-9091</p> <p>WIC* <i>Nutrition Program for Young Children and Pregnant Women</i> 301 Lloyd Street, Carrboro (919) 942-8741 300 W. Tryon Street, Hillsborough (919) 245-2447</p>	<p>Compass Center for Women & Families** <i>Domestic Violence Services</i> 207 Wilson Street, Chapel Hill (919) 929-7122</p> <p><i>Career, Legal Assistance, Financing</i> 210 Henderson Street, Chapel Hill (919) 968-4610</p> <p>Orange County Rape Crisis Center* 1506 East Franklin Street, Suite 302, Chapel Hill <i>24 hour help 1-(866) 935-4783</i> <i>office (919) 967-7273 or (919) 968-4647</i></p> <p>Homeless Shelters: Inter-Faith Council Community House 100 West Rosemary Street, Chapel Hill (919) 967-0643</p> <p>HomeStart 2505 Homestead Road, Chapel Hill <i>For women and children</i> (919) 932-6025</p>
SOCIAL SERVICES	HOUSING	EDUCATION
<p>Inter-Faith Council* <i>Emergency food, clothing, and utilities.</i> 110 West Main Street, Carrboro (919) 929-6380 ext. 25</p> <p>North Carolina Food Bank <i>Emergency Food delivered weekly to designated sites– Call for locations</i> (919) 956-2513 ext.2103</p> <p>Orange County Dept of Social Services* <i>Food Stamps/SNAP, Medicaid, energy assistance, employment services, etc.</i></p> <p>Southern Human Services Center 2501 Homestead Road, Chapel Hill (919) 245-2400</p> <p>113 Mayo Street, Hillsborough (919) 245-2800</p> <p>Orange Congregations in Mission <i>Emergency food and clothing assistance</i> 300 Millstone Drive, Hillsborough (919) 732-6194</p> <p>St. Thomas More Caring & Sharing Center** Centro de Ayuda y Compartir <i>Emergency food, shelter, money, clothing. Free clothing and household items</i> 940 Carmichael Street, Chapel Hill (919) 942-1040</p>	<p>Chapel Hill Department of Housing <i>Public Housing</i> 317 Caldwell Street Extension, Chapel Hill (919) 968-2850</p> <p>Habitat for Humanity** 88 Vilcom Center Drive, #L 11, Chapel Hill (919) 932-7077</p> <p>Housing, Human Rights and Community Development** <i>Assists with Section 8 housing vouchers and fair housing issues</i> 2501 Homestead Road, Chapel Hill (919) 245-2490 300 West Tryon Street, Hillsborough (919) 245-2490</p>	<p>Chapel Hill-Carrboro City Schools* <i>Also has Parent University, with learning opportunities for parents of students.</i> 750 S. Merritt Mill Road, Chapel Hill (919) 967-8211</p> <p>Chapel Hill-Carrboro Pre-K/Head Start* 891 Willow Drive Suite 2, Chapel Hill (919) 918-2153</p> <p>Orange County Head Start/Early Head Start (Chapel Hill Training & Outreach)* 800 Eastowne Drive Suite 105, Chapel Hill (919) 490-5577 ext 248 <i>for Spanish</i></p> <p>Orange County Schools* 200 East King Street, Hillsborough (919) 732-8126</p> <p>Durham Technical Community College* <i>English and GED classes in Chapel Hill and Hillsborough. Call for class locations</i> 919-536-7264 ext 2 <i>(ESL info in Spanish)</i> or ext 4 <i>(GED info in Spanish)</i></p>

*= Spanish-speaking staff available

**= Hold the line while they connect you to a Spanish-speaker

Page 2 of 3 - Updated July 2013

Orange County Latino Health Resource Guide

EDUCATION CONT'D	LEGAL ASSISTANCE CONT'D	RELIGIOUS SUPPORT CONT'D
<p>Human Rights Center* Classes in English, computing, legal rights, and community activities like soccer 107 Barnes Street, Carrboro (919) 943-7046</p> <p>MANO UNC students provide English classes & tutoring during academic year. Mondays & Wednesdays 7:00pm-8:15pm Carrboro Elementary, 400 Shelton St, Carrboro (610) 716-3867</p> <p>Orange County Literacy Council* Free classes for adults : ESL, GED , reading, writing, math 200 North Greensboro Street, Carrboro (919) 636-4457</p> <p>UNC Women's Health Information Center* Offers CPR and childbirth classes in Spanish 101 Manning Drive, CB # 7600, Chapel Hill (919) 843-8463</p>	<p>Immigrant and Refugee Rights Project Part of the NC Justice Center, this project helps low-income immigrants with a variety of immigrant, employment, public benefit and consumer protection issues (919) 856-2570</p> <p>US Committee for Refugees & Immigrants (USCRI)* Citizenship and English classes for legal permanent residents 3801 Lake Boone Trail, Suite 200, Raleigh Call for information about Carrboro classes (919) 334-0072</p>	<p>Holy Family Parish 216 Governor Burke Road, Hillsborough (919) 732-1030</p> <p>Pentecostal Church of Jesus Christ "Power of God" 997 NC Highway 54 West, Chapel Hill (919) 619-3970</p> <p>St. Thomas More Catholic Church 940 Carmichael Street, Chapel Hill (919) 942-1040</p> <p>United Church of Chapel Hill 1321 Martin Luther King Jr. Blvd, Chapel Hill (919) 200-1320</p>
	FINANCIAL SERVICES	LATINO ORGANIZATIONS
	<p>Latino Community Credit Union* 104 Highway 54, Suite KK, Carrboro (919) 967-1725</p> <p>Self-Help Credit Union* 301 West Main Street, Durham (919) 956-4400 or (800) 476-7428</p>	<p>El Centro Hispano* Education, employment, translation, legal and other health and social service assistance for Hispanic/Latino residents 201 W. Weaver Street, Carrboro (919) 945-0132</p>
JOB SERVICES	HEALTH INSURANCE	
<p>Orange County Skills Development and Job Link Center 503 West Franklin Street, Chapel Hill (919) 969-3032</p>	<p>NC Health Check/ Health Choice (Medicaid) – Orange County Department of Social Services* 2501 Homestead Road, Chapel Hill (919) 245-2800</p> <p>113 Mayo Street, Hillsborough (919) 245-2800</p>	<p>El Pueblo Inc.* Advocacy for Hispanic/Latino issues 700 Blue Ridge Road, Suite 101, Raleigh (919) 835-1525</p>
LEGAL ASSISTANCE	TAX ASSISTANCE	
<p>Humanitarian Immigration Law Clinic Elon University School of Law (336) 279-9299, Greensboro</p> <p>Legal Aid of NC* Basic free legal services in civil cases for low-income clients (Domestic Violence cases can receive assistance regardless of income or documentation status.) 959 East Street, Suite A & B, Pittsboro (919) 542-0475 or (800) 777-5869 for farmworkers</p> <p>North Carolina Justice Center* Free legal services for low-income immigrants seeking lawful immigration status and relief from deportation Tuesdays 9:00am-5:00pm 224 S. Dawson Street, Raleigh 1-(888) 251-2776</p>	<p>RSVP-VITA** Free tax preparation assistance for low to moderate income clients. Call each year, (919) 245-2010</p>	<p>Mexican Consulate* 336 E Six Forks Road, Raleigh (919) 754-0046</p>
	RELIGIOUS SUPPORT	
	<p>NOTE: All listed locations provide services in Spanish*</p> <p>Abundant Life Church 512 US HWY 70 East, Hillsborough (919) 732-6460</p> <p>Grace Church 200 Sage Road, Chapel Hill (919) 968-4120</p>	<p>Compiled by the Orange County Health Department for the Orange County Latino Health Coalition. 919.245.2387 www. orangecountync.gov/health Version: July 2013</p>



Town of Carrboro

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

Legislation Details (With Text)

File #: 15-0021 Version: 1 Name:
Type: Abstract Status: Agenda Ready
File created: 1/21/2015 In control: Board of Aldermen
On agenda: Final action:
Title: Emergency Home Repair Funding Application

PURPOSE: The purpose of this item is for the Board to consider approving an application from the Marian Cheek Jackson Center, on behalf of Carrboro resident Lillie Brown, for a grant from the Affordable Housing Special Revenue Fund for emergency electrical repairs.

Indexes:

Code sections:

Attachments: [Attachment A - Application Memo](#)
[Attachment B - Tax Determination Letter](#)

Date	Ver.	Action By	Action	Result
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TITLE:

Emergency Home Repair Funding Application

PURPOSE: The purpose of this item is for the Board to consider approving an application from the Marian Cheek Jackson Center, on behalf of Carrboro resident Lillie Brown, for a grant from the Affordable Housing Special Revenue Fund for emergency electrical repairs.

DEPARTMENT: Manager's Office

CONTACT INFORMATION: Nate Broman-Fulks, nbroman-fulks@townofcarrboro.org
<<mailto:nbroman-fulks@townofcarrboro.org>>, 919-918-7314

INFORMATION: The property at 7619 Rogers Road in Carrboro is owned by Lillie Brown, who resides there with her mother Addie. Both Lillie and Addie are over 65 years of age, have a household income of 50% of the area median income and have lived at the residence since the 1960s.

During a project to put in a new HVAC system, funded by the Inter-Faith Council, electricians noticed that the current electrical wiring of the house is unsafe. The Jackson Center is requesting grant of up to \$3,000 from the Affordable Housing Special Revenue Fund to cover the exact cost of the electrical repair.

Bonneville Electric has proposed to complete this project in at least two stages. The first stage will map the circuits and create an accurate panel schedule so proper tests of the system can take place. After a nonprofit discount is given by Bonneville to the Jackson Center, this stage is estimated to cost \$950. These tests will determine the necessary repairs that will need to take place in the next step or steps. It is expected that the total repairs will be less than the \$3,000 requested, but the Jackson Center is requesting up to this amount to avoid in further delays in fixing Ms. Brown's electrical issues. Any steps taken after the first stage will be approved by Town staff and funds will be disbursed for the exact amount documented.

After complete review of the Jackson Center's application, Town staff has determined the project meets all the criteria for use of the Affordable Housing Special Revenue Fund.

FISCAL & STAFF IMPACT: The Affordable Housing Special Revenue Fund currently has \$37,750 available to support affordable housing projects. After funding this project, there will be at least \$34,750 remaining.

RECOMMENDATION: Town staff finds that this project meets the criteria for use of funds from the Affordable Housing Special Revenue Fund and therefore it is recommended that the request for grant funds in the amount of up to \$3,000 be approved by the Board.



The Marian Cheek Jackson Center for Saving and Making History

512 West Rosemary St • Chapel Hill, NC, 27516 • 919-960-1670
contact@jacksoncenter.info • www.jacksoncenter.info

January 16, 2015

To: Nate Broman-Fulks, Assistant to the Town Manager
& Carrboro's Economic and Community Development Office

From: Hudson Vaughan, Director of Programs, Marian Cheek Jackson Center

Re: Memo requesting grant funds for emergency electrical repair for elderly, low-income resident in Carrboro's section of Rogers Road

Dear Mr. Broman-Fulks,

I am writing to request grant funds from the Affordable Housing Fund for an emergency home repair for 7619 Rogers Road in Carrboro. This house is owned by Lillie Brown, whose mother Addie also lives with her. Both women are both over 65 years of age. They have lived in Rogers Road since the 1960's and have been greatly dedicated to serving this community. We found out this summer that, despite extremely low incomes, their household was having to pay \$455/month for oil based heat—nearly half of their monthly income. We referred them to a program through the IFC that helps install free HVAC systems for elderly and low-income residents of Orange County to increase heat and decrease the cost-burden. That system has been installed. However, we have been notified by the electricians (Bonneville Electric), who have helped install the system, that the current electrical wiring of the house is unsafe. They have shared that updates would greatly increase safety and functioning of the new system and hopefully reduce costs. Unfortunately, the program through the IFC that helps fund the new heating and air systems will not cover emergency electrical repairs.

The Jackson Center is requesting *up to \$3000* to cover the exact cost of the electrical repair to 7619 Rogers Road. As you will see from the following page, the exact amount of the first stage, after a non-profit discount by Bonneville, is \$950. The second stage will depend on what they find in the first stage that is absolutely necessary for the safety of the house. Anything beyond this first stage, we would send to you for final review. We presume it will be less than this total, but we ask that Carrboro Alderman approve *up to this* amount so that there aren't further delays for the safety and affordability of the Brown home and the stage 2 can move forward expeditiously. We realize anything beyond the \$950 would still be approved at the staff level and disbursed for the exact amount documented of the emergency repair.

In terms of how this benefits the goals of affordable housing, there are several ways. The Brown family is under 50% AMI as a household (included documentation in the attachments). They have been incorporated into the Town of Carrboro and are part of the



The Marian Cheek Jackson Center for Saving and Making History

Historic 86 parcels that still have not received sewer service (but hopefully that is on its way) and would greatly benefit from this repair both in safety and in overall cost burden. Central to affordable housing is the preservation of existing affordable homeownership and support for quality housing for families who are elderly and struggling to survive financially. Furthermore, the affordable housing fund stipulates availability of funds for emergency home repairs: electrical repairs of this kind would fall into this category for health and safety reasons. This amount is small for the Town but extraordinarily large for this family. We are requesting the funds as grant funds, because the whole point of repairing the heating system was to reduce the cost burden and increase housing quality on an already very low-income family in a part of Carrboro that has lacked full infrastructure. Thanks for your consideration and please let me know if you have any questions.

With Gratitude,

Hudson Vaughan
Director of Programs
Marian Cheek Jackson Center

Except from Bonneville clarifying approach, cost:

"We would like to propose that we tackle this job in stages. First we will map the circuits and create an accurate panel schedule. In doing so we will be able to run tests for proper GFI protection, proper breaker sizes, and proper polarity & grounding. We estimate this work to cost \$1200 - \$250 discount = \$950. These tests should give us an idea of where to focus next; safety being our highest priority. At this point we could give you a better idea of what else would be required. How does this sound to you?

We generate our estimates based on our experiences with previous jobs, however when creating the actual invoice for work performed we charge on a time and materials basis. For one technician we charge \$110 for the first hour and \$17.50 each quarter hour after the first. This does not include materials, as they vary depending on the job. We do charge for time spent investigating, consulting, and formulating plans for execution of tasks. In the event that we send more than one technician, you will be charged \$17.50 for each quarter hour they are there. We only send extra technicians on jobs where we feel this to be more cost effective for the client. Because you are working in our community as a non-profit we will discount these labor charges by 20%." -Bonneville Electric, [919-932-6938](tel:919-932-6938)

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUL 14 2013

THE MARIAN CHEEK JACKSON CENTER FOR
SAVING AND MAKING HISTORY
C/O HUDSON VAUGHAN
510 WEST ROSEMARY STREET
CHAPEL HILL, NC 27516-2303

Employer Identification Number:
46-1988511

DLN:
17053112307013

Contact Person:
FELICIA JOHNSON

ID# 31287

Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
June 30

Public Charity Status:
170(b)(1)(A)(vi)

Form 990 Required:
Yes

Effective Date of Exemption:
March 28, 2012

Contribution Deductibility:
Yes

Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

THE MARIAN CHEEK JACKSON CENTER FOR

Sincerely,

A handwritten signature in dark ink, appearing to read "Kenneth C. Corbin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth Corbin
Acting Director, Exempt Organizations

Enclosure: Publication 4221-PC



Town of Carrboro

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

Legislation Details (With Text)

File #: 15-0014 Version: 1 Name:
Type: Abstract Status: Agenda Ready
File created: 1/20/2015 In control: Board of Aldermen
On agenda: 1/27/2015 Final action:
Title: Public Hearing on Land Use Ordinance Amendments Relating to Affordable Housing

PURPOSE: The purpose of this item is for the Board of Aldermen to consider amending the Land Use Ordinance relating to affordable housing. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

Indexes:

Code sections:

Attachments: [Attachment A-1 - Consistency Resolution for Ordinance Adoption](#)
[Attachment A-2 - Consistency Resolution for Ordinance Denial](#)
[Attachment B - Draft LUO amendment on affordable housing 11-12-14](#)
[Attachment C - Memo Board of Aldermen 9-24-14copy.pdf](#)
[Attachment D - Excerpts from 15 ART-XII with proposed changes shown in tracking](#)
[Attachment E - Comments](#)

Date	Ver.	Action By	Action	Result
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TITLE:

Public Hearing on Land Use Ordinance Amendments Relating to Affordable Housing

PURPOSE: The purpose of this item is for the Board of Aldermen to consider amending the Land Use Ordinance relating to affordable housing. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327;
Mike Brough - 919-929-3905

INFORMATION: Over the last couple of years, the Community Home Trust (CHT) has met with officials and staff of the Town of Carrboro, the Town of Chapel Hill, and Orange County to seek out strategies that would make the home trust model more sustainable. As noted in the memo from Robert Dowling, (Attachment C) one of the primary issues CHT faces is a limited number of lenders who will make loans on CHT homes. The ability to attract other lenders requires that a fee simple interest can be obtained in the event of a foreclosure.

The main concern on the part of lenders relates to the potential for foreclosed homes to have restrictions that could limit their ability to resell. To address this issue, the CHT has asked the towns to amend their affordable housing policies to allow lenders to have a fee simple unrestricted interest in homes. Technically, such a

change would create the potential for an affordable home, lost through foreclosure, to be sold at market rate and thereby removed from the affordable housing stock. To date, however, the Community Home Trust has not lost a home to foreclosure; they have been able to purchase properties at risk prior to foreclosure. The benefits of enlarging the number of lenders willing to provide mortgages to Community Home Trust buyers appears to outweigh the potential loss of an affordable unit.

A draft ordinance has been prepared (Attachment B) that, if adopted, would amend Section 15-182.4, Residential Density Bonuses for Affordable Housing. Substantive changes would occur in two areas: 1) a new subsection (g) would be added which would allow properties sold through the Community Home Trust or other non-profit housing providers to agree to financing terms without permanent restrictions for affordability, and 2) subsection (f) would be rewritten to allow the fee simple sale option outlined in (g). The remainder of the text is essentially the same in content but reorganized as subsections (a) through (p).

The draft ordinance was presented to the Planning Board on December 4, 2014 and was referred to Orange County. Comments are provided.

Mr. Dowling's memo includes a second request related to subsidies for homes priced at a level that is affordable to families whose income is above 80 percent and not more than 115 percent of area median income. A separate agenda item to address this request has been prepared along with a resolution for the Board's consideration.

FISCAL & STAFF IMPACT: Minimal staff time associated with adoption of this amendment. No other fiscal impact is noted.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the resolution finding consistency, and the draft ordinance provided in the attachments.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S
REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND
USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT LOANS MADE TO FAMILIES WHO PURCHASE AFFORDABLE HOMES MAY BE SECURED BY DEEDS OF TRUST THAT ALLOW THE TRUSTEE TO CONVEY FEE SIMPLE TITLE TO THE PROPERTY AT A FORECLOSURE SALE FREE AND CLEAR OF THE LIMITATIONS THAT QUALIFY SUCH HOMES AS AFFORDABLE UNDER THE LAND USE ORDINANCE.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 regarding efforts to provide housing for a diverse population, particularly the following sections:

6.12 The variety of strategies to be considered should include the investigation of alternative public and private funding for construction and renovation of low and moderate income housing. A low interest loan pool for individuals and nonprofits that wish to buy and rehabilitate housing is desired.

6.17 The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Corporation, Empowerment Inc., and Habitat for Humanity.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and consistent with the public health, safety and welfare because the Town seeks to remain consistent with its adopted plans and policies including efforts to provide housing for all of its citizens.

Section 3. This resolution becomes effective upon adoption.

This the 27th day of January 2015.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF
THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE THAT LOANS MADE TO FAMILIES WHO PURCHASE AFFORDABLE HOMES MAY BE SECURED BY DEEDS OF TRUST THAT ALLOW THE TRUSTEE TO CONVEY FEE SIMPLE TITLE TO THE PROPERTY AT A FORECLOSURE SALE FREE AND CLEAR OF THE LIMITATIONS THAT QUALIFY SUCH HOMES AS AFFORDABLE UNDER THE LAND USE ORDINANCE.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 27th day of January 2015.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
PROVIDE THAT LOANS MADE TO FAMILIES WHO PURCHASE AFFORDABLE
HOMES MAY BE SECURED BY DEEDS OF TRUST THAT ALLOW THE TRUSTEE TO
CONVEY FEE SIMPLE TITLE TO THE PROPERTY AT A FORECLOSURE SALE FREE
AND CLEAR OF THE LIMITATIONS THAT QUALIFY SUCH HOMES AS AFFORDABLE
UNDER THE LAND USE ORDINANCE

DRAFT 11-12-2014

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-182.4 of the Carrboro Land Use Ordinance is revised as follows:

Section 15-182.4 Residential Density Bonuses for Affordable Housing

(a) The Board of Aldermen has established as a policy goal that at least fifteen percent of the housing units within all new residential developments should consist of affordable housing units as described in this section. The remaining provisions of this section are designed to provide incentives to encourage developers to comply with this policy goal either by providing affordable housing units or lots or, under the circumstances set forth in subsection (j), by making payments in lieu of providing such affordable housing units.

(b) For purposes of this section, an affordable housing unit means a dwelling unit that satisfies the requirements of subsections (c) through (f).

(c) The appropriately-sized affordable housing unit must be offered for sale or rent at a price that does not exceed an amount that can be afforded by a family whose annual gross income equals 80 percent of the median gross annual family income, as most recently established by the United States Department of Housing and Urban Development, for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located; provided that a for-sale housing unit that is offered for sale at a price that exceeds the foregoing limit but does not exceed an amount that can be afforded by a family whose annual gross income equals 115% of the median gross annual family income shall also be regarded as affordable so long as (i) such unit otherwise qualifies as an affordable housing unit under this section, and (ii) units that qualify as affordable under this exception do not constitute more than 25% of the affordable housing units provided within any development

(d) It is conclusively presumed that a family can afford to spend 30% of its annual gross income on housing costs. In the case of housing units that are for sale, the term "housing costs" shall mean the costs of principal and interest on any mortgage, real property taxes, insurance, fees paid to a property owners association, and any ground lease or maintenance fees. In the case of rental housing units, the term "housing costs" shall mean the cost of rent plus utilities. In making the calculation called for in this subsection, it shall be conclusively presumed that a unit is appropriately sized when an efficiency or one bedroom housing unit serves a family of one, that a two bedroom housing unit serves a family of two; that a three bedroom housing unit serves a family of three, and that a housing unit containing four or more bedrooms serves a family of four.

(e) The developer shall also establish or provide for arrangements to ensure that each such affordable unit is made available for sale or rent only to a family whose annual gross income does not exceed (i) 80% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located, or (ii) 115% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located if the unit is one that qualifies as affordable under the 115% exception provided for in subsection (c).

(f) The developer of the affordable housing unit must establish or provide for arrangements to ensure that, for a period of not less than 99 years from the date of initial occupancy of the unit, such unit shall remain affordable (as provided in subsection (c)) and shall be offered for sale or rent only to families that satisfy the income criteria set forth in subsection (e). Such arrangements may include but shall not be limited to a ground lease, a deed restriction, or other covenant running with the unit. The documents establishing such arrangements shall be reviewed and approved by the Town of Carrboro prior to final plat approval if the units are located on subdivided lots or prior to the issuance of a certificate of occupancy if the units are not located on unsubdivided lots. The provisions of this subsection shall be considered satisfied if units are transferred to the Orange Community Housing and Land Trust at or below a price that is consistent with the provisions of subsection (c) above.

(g) Notwithstanding the other provisions of this section, if a dwelling unit is transferred to the Orange Community Housing and Land Trust or other non-profit housing provider in order to qualify such unit as “affordable” under the provisions of this section, and the financial institution that provides a loan to the buyer requires that such loan be secured by a deed of trust or other instrument that allows the unit to be sold upon default free and clear of the affordability restrictions set forth in this section, then the Land Trust or other non-profit housing provider may agree to such financing terms. Should foreclosure under such a deed of trust occur, this shall not render nonconforming or otherwise have an adverse effect upon either the affordable unit or the development that created the affordable unit.

(h) For purposes of this section, an affordable housing lot shall mean a lot that (i) is designed and approved for the construction of a single family dwelling, and (ii) upon creation of such lot by the recording of a final plat, is donated (without additional consideration) to a non-profit agency that is in the business of constructing on such lots affordable housing units that meet the affordability criteria set forth in subsections (c) through (f) above.

(i) The maximum residential density permissible within a development whose maximum density would otherwise be determined in accordance with the applicable provisions of this Article XII shall be increased by two dwelling units for every one affordable housing unit constructed within the development, up to a maximum of 150% of the density otherwise allowable. Similarly, the maximum number of single family detached residential building lots that could otherwise be created within a development tract under the applicable provisions of this Article XII may be increased by two such lots for every one affordable housing lots created within such development, up to a maximum of 150% of the maximum density otherwise allowable. To illustrate, if the maximum density of a tract would be 100 dwelling units (or single family lots), a developer who chooses to construct 10 affordable housing units (or create 10 affordable housing lots) as part of the development of that tract would be allowed to construct 10 additional dwelling units (or create 10

additional lots) that did not satisfy the “affordability” criteria set forth in subsections (c) or (f), for a total density of 120 dwelling units (or lots). In this illustration, the maximum possible density that could be achieved would be 150 dwelling units if the developer constructed at least 25 affordable housing units (or created 25 affordable housing lots).

(j) For purposes of determining the maximum density permissible within a development under subsection (i) of this section, the Board of Aldermen may allow the payment of an affordable housing payment in lieu fee (determined in accordance with the provisions of subsection 15-54.1(b)(4)) to be regarded as the equivalent of providing an affordable housing unit. The developer may request such authorization at any time following the submission of a development application. In exercising its discretion as to whether such a request should be granted, the Board shall consider the need for the particular type of units the payments in lieu would replace, the comparative need for cash resources to assist in the provision or maintenance of affordable housing, and such other factors as the Board deems relevant in determining whether and to what extent payments in lieu would better serve the Board’s goal of providing and maintaining affordable housing.

(k) Within any development that provides affordable housing units or affordable housing lots, the minimum area that must be set aside as open space to satisfy the requirements of Section 15-198 may be reduced by an amount equal to twice the land area consumed by all such affordable housing units or lots, except in no case may the required percentage of open space be less than 20 % (10 % in the ORMU and R-2 districts).

(l) Affordable housing units or lots constructed or created in accordance with this section shall not be unduly isolated or segregated from other dwellings or lots that do not satisfy the “affordability” criteria set forth in this section.

(m) In approving a special or conditional use permit for a development that proposes to utilize the density bonus provisions of this section, the permit issuing authority shall ensure, by approval of a condition, phasing schedule, or otherwise, that affordable housing units or lots, or payments in lieu thereof, are actually provided in accordance with the provisions of this section. Without limiting the generality of the foregoing, the permit issuing authority may impose a condition specifying that certificates of occupancy may not be issued for the market priced units until the corresponding affordable housing units are constructed and offered for sale or rent for an amount that is consistent with the definition set forth in this section, or payments in lieu thereof have been made to the town.

(n) If, by using the affordable housing density bonus provided for in this section, the number of dwelling units or lots within a development increases to the point where the type of permit required for the project based on the number of units or lots would otherwise change from a zoning to a special use permit or from a special use to a conditional use permit in accordance with the provisions of Section 15-147, the developer may nevertheless seek approval for the project under the permit process that would be applicable if no density bonus was sought under this section.

(o) As provided in subsection 15-92.1(d), developments that use the affordable housing density bonus provisions of this section may be entitled to relief from the setback requirements under some circumstances.

(p) Notwithstanding the other provisions of this section, with respect to a development that (i) was approved prior to the amendments to this section adopted on June 26, 2007, and (ii)

constructed dwelling units that satisfied the affordability criteria by recording covenants and including restrictions in the deeds that conveyed title to the affordable units limiting the sale or resale price of such units in accordance with a formula set forth in this section, and (iii) took advantage of the density bonus provisions of this section and constructed additional market rate units as authorized by this section:

- (1) The Board of Aldermen may amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall no longer be binding, (thereby allowing the units to be sold at market value) subject to and in accordance with the following provisions:
 - a. At the closing on the sale of such units, all fees and charges typically paid by the seller of other market rate units (such as loans secured by property, re-al estate commissions, prorated property taxes, excise taxes, etc.) shall be paid by the seller of a unit previously designated as affordable. The balance of the proceeds of the sale to which the seller is entitled shall be referred to in this section as the “net proceeds of the sale.”
 - b. To the extent that the price paid by the buyer of the unit exceeds the price paid by the seller when the seller purchased the unit, the difference between the two figures shall be referred to in this section as the “equity appreciation amount.” To the extent that the net proceeds of the sale are sufficient, the seller shall be allowed to keep the first five thousand dollars (\$5,000.00) of equity appreciation, plus an amount of the equity appreciation equal to the amount paid by the seller for additions to the home or significant upgrades to the home (routine maintenance, repairs, or replacements excluded).
 - c. If the net proceeds of the sale exceed the amount the seller is permitted to retain under the foregoing paragraph, the remainder of the net proceeds shall be split evenly between the Town and the seller.
- (2) The Board of Aldermen may also amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall expire automatically on the twentieth anniversary of the recording date of the deed conveying the affordable unit to the party owning that unit on the effective date of this subsection. Thereafter, no restrictions on the sales price of such unit or the disposition of sales proceeds shall apply to such unit.
- (3) A development wherein affordable units are converted to market rate units under this subsection shall not be regarded as nonconforming with respect to density.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.



BOARD OF
DIRECTORS

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Maryann Toone

Jim Ward

Jonathan Weiler

Executive Director
Robert Dowling

Date: September 24, 2014

To: Mayor Lavelle and the Carrboro Board of Aldermen

Copy: David Andrews

From: Robert Dowling, Community Home Trust

Re: Challenges that require action

In 2007, I addressed the Assembly of Governments about two challenges that jeopardized the success of inclusionary housing. Those challenges were (i) long term affordability of our homes, and (ii) long term maintenance.

Since 2007, we have been chipping away at the maintenance issue and have made great progress. However, the affordability problem is worse today than it was in 2007 due primarily to two factors:

1. HUD income limits for purchasers are lower today than they were in 2007
2. The costs of owning one of our homes increases every year due to higher home prices and higher HOA dues, property taxes and stewardship fees.

I am compelled to write this memo because external circumstances continue to present risks to the long term success of inclusionary housing. I believe it is my responsibility to alert you to these risks and to offer mitigating solutions.

Specifically, the risks that jeopardize inclusionary housing are these:

1. Home Trust home buyers have very limited access to mortgage financing
2. Reduced federal subsidies, in conjunction with continued stagnant income limits, make it increasingly difficult to resell Home Trust homes.

Due to changes in mortgage financing regulations, most banks will not make loans to Home Trust buyers. Fortunately, the NC Housing Finance Agency provided \$5 million specifically for our buyers. This funding enabled us to sell 40 homes in fiscal year 2013-14. However those funds will be exhausted in 2015 and we need to identify alternative sources of mortgage funding.

Our ability to attract other lenders, such as SECU and Self Help, requires that we allow these lenders to obtain the fee simple interest in the property in the event of foreclosure. The board of the Home Trust has approved making this change because they realize that without lenders our model simply does not work. However, there is a risk - *If we provide the fee simple interest as collateral, and we allow a home to be foreclosed upon, we would lose it from our inventory entirely.*

We recognize the risks of making this change, but the Home Trust board has weighed those risks and approved the change in order to accommodate the

needs of our home buyers. We have never had a foreclosure and we hope never to allow a home to be foreclosed upon. However, the Home Trust cannot unilaterally agree to provide the fee simple interest without approval from all of our funders – including the HOME consortium.

By way of this memo, we are requesting approval from the Board of Aldermen to allow lenders to have an unrestricted, fee simple interest in Home Trust homes in the event of foreclosure. We are more than happy to work out the details with your attorney and staff.

On the matter of reduced federal subsidies, the HOME Consortium could help us to better utilize HOME funds that are already invested in our homes by allowing us to sell to higher income households. Currently, we are prohibited from doing so because our HOME performance agreement imposes 99 year affordability restrictions that limit buyers to 80% of AMI.

By allowing us to sell to households up to 115% of AMI, *when permissible by HUD*, our local governments will assist us in two important ways:

1. Our window of eligible buyers will be widened (which will increase diversity in some of our neighborhoods)
2. We will require less subsidy in the future to continue to make all of our homes affordable to households at 80% AMI

Again, by way of this memo, I am requesting approval from the Board of Aldermen, as a member of the HOME consortium, to allow us to sell subsidized homes to households between 80% and 115% of AMI when permitted by HUD.

Both of these challenges, if left unaddressed, have the potential to truly disrupt the success of our inclusionary housing programs. We had hoped that the Charter would address these issues, but approval of the Charter has been understandably delayed. We have asked each of the local governments to approve these requests prior to consideration of the Charter.

Thanks to the support of local governments, there are 229 affordable homes integrated into market rate neighborhoods in Chapel Hill and Carrboro. We estimate the market value of these community assets to be more than \$40 million.

We very much appreciate your support. We are more than happy to answer any questions you might have. Thank you for your consideration.



ARTICLE XII

DENSITY AND DIMENSIONAL REGULATIONS

Section 15-182.4 Residential Density Bonuses for Affordable Housing (AMENDED 05/25/99, 8/22/06, REWRITTEN 6/26/07; AMENDED 1/22/08, 3/20/12, 4/22/14, 6/24/14)

- (a) The Board of Aldermen has established as a policy goal that at least fifteen percent of the housing units within all new residential developments should consist of affordable housing units as described in this section. The remaining provisions of this section are designed to provide incentives to encourage developers to comply with this policy goal either by providing affordable housing units or lots or, under the circumstances set forth in subsection ~~(j4)~~, by making payments in lieu of providing such affordable housing units. (AMENDED 1/22/08)
- (b) For purposes of this section, an affordable housing unit means a dwelling unit that satisfies the requirements of the following subsections ~~(c1)~~ through ~~(f2)~~ and ~~(f2)~~ :
- ~~(c)(4)~~ The appropriately-sized affordable housing unit must be offered for sale or rent at a price that does not exceed an amount that can be afforded by a family whose annual gross income equals 80 percent of the median gross annual family income, as most recently established by the United States Department of Housing and Urban Development, for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located; provided that a for-sale housing unit that is offered for sale at a price that exceeds the foregoing limit but does not exceed an amount that can be afforded by a family whose annual gross income equals 115% of the median gross annual family income shall also be regarded as affordable so long as (i) such unit otherwise qualifies as an affordable housing unit under this section, and (ii) units that qualify as affordable under this exception do not constitute more than 25% of the affordable housing units provided within any development. (AMENDED 3/20/12)
- (d) It is conclusively presumed that a family can afford to spend 30 percent of its annual gross income on housing costs. In the case of housing units that are for sale, the term “housing costs” shall mean the costs of principal and interest on any mortgage, real property taxes, insurance, fees paid to a property owners association, and any ground lease or maintenance fees. In the case of rental housing units, the term “housing costs” shall mean the cost of rent plus utilities. In making the calculation called for in this subsection, it shall be conclusively presumed that a unit is appropriately sized when an efficiency or one bedroom housing unit serves a family of one, that a two bedroom housing unit serves a family of two; that a three bedroom housing unit serves a family of three, and that a housing unit containing four or more bedrooms serves a family of four.

Art. XII DENSITY AND DIMENSIONAL REGULATIONS

~~(e)(2)~~ The developer shall also establish or provide for arrangements to ensure that each such affordable unit is made available for sale or rent only to a family whose annual gross income does not exceed (i) 80% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located, or (ii) 115% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located if the unit is one that qualifies as affordable under the exception provided for in the second part of the first sentence of subsection ~~(c)(b)(1)~~ of this section. **(AMENDED 3/20/12).**

~~(f)~~ The developer of the affordable housing unit must establish or provide for arrangements to ensure that, arrange for such unit to remain affordable as described herein for a period of not less than ~~99~~100 years, ~~commencing~~ from the date of initial occupancy of the unit, such unit shall remain affordable (as provided in subsection (c)) and shall be offered for sale or rent only to families that satisfy the income criteria set forth in subsection (e). Such arrangements may include but shall not be limited to by including provisions to ensure such continued affordability in legally binding agreements (including but not limited to a ground lease, a deed restriction or other covenant) running with the unit. The developer shall also establish or provide for arrangements to ensure that each such affordable unit is made available for sale or rent only to a family whose annual gross income does not exceed 80% the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the Town of Carrboro is located. The documents establishing such arrangements shall be reviewed and approved by the Town of Carrboro prior to final plat approval if the units are located on subdivided lots or prior to the issuance of a certificate of occupancy if the units are not located on subdivided lots. The provisions of this subsection ~~(a)(2)~~ shall be considered satisfied if units are transferred to the Orange Community Housing and Land Trust at or below a price that is consistent with the provisions of subsection ~~(ca)(1)~~ above.

~~(g)~~ Notwithstanding the other provisions of this section, if a dwelling unit is transferred to the Orange Community Housing and Land Trust or other non-profit housing provider in order to qualify such unit as "affordable" under the provisions of this section, and the financial institution that provides a loan to the buyer requires that such loan be secured by a deed of trust or other instrument that allows the unit to be sold upon default free and clear of the affordability restrictions set forth in this section, then the Land Trust or other non-profit housing provider may agree to such financing terms. Should foreclosure under such a deed of trust occur, this shall not render nonconforming or otherwise have an adverse effect upon either the affordable unit or the development that created the affordable unit.

~~(he)~~ For purposes of this section, an affordable housing lot shall mean a lot that (i) is designed and approved for the construction of a single family dwelling, and (ii) upon creation of such lot by the recording of a final plat, is donated (without additional consideration) to a non-profit agency that is in the business of constructing

Art. XII DENSITY AND DIMENSIONAL REGULATIONS

on such lots affordable housing units that meet the affordability criteria set forth in subsections ~~(c)~~ through (f) above.

(i) The maximum residential density permissible within a development whose maximum density would otherwise be determined in accordance with the applicable provisions of this Article XII shall be increased by two dwelling units for every one affordable housing unit constructed within the development, up to a maximum of 150% of the density otherwise allowable. Similarly, the maximum number of single family detached residential building lots that could otherwise be created within a development tract under the applicable provisions of this Article XII may be increased by two such lots for every one affordable housing lots created within such development, up to a maximum of 150% of the maximum density otherwise allowable. To illustrate, if the maximum density of a tract would be 100 dwelling units (or single family lots), a developer who chooses to construct 10 affordable housing units (or create 10 affordable housing lots) as part of the development of that tract would be allowed to construct 10 additional dwelling units (or create 10 additional lots) that did not satisfy the “affordability” criteria set forth in subsections ~~(c)~~ or (f), for a total density of 120 dwelling units (or lots). In this illustration, the maximum possible density that could be achieved would be 150 dwelling units if the developer constructed at least 25 affordable housing units (or created 25 affordable housing lots).

~~(j)~~ For purposes of determining the maximum density permissible within a development under subsection (i) of this section, the Board of Aldermen may allow the payment of an affordable housing payment in lieu fee (determined in accordance with the provisions of subsection 15-54.1(b)(4)) to be regarded as the equivalent of providing an affordable housing unit. The developer may request such authorization at any time following the submission of a development application. In exercising its discretion as to whether such a request should be granted, the Board shall consider the need for the particular type of units the payments in lieu would replace, the comparative need for cash resources to assist in the provision or maintenance of affordable housing, and such other factors as the Board deems relevant in determining whether and to what extent payments in lieu would better serve the Board’s goal of providing and maintaining affordable housing. **(AMENDED 01/22/08)**

(k) Within any development that provides affordable housing units or affordable housing lots, the minimum area that must be set aside as open space to satisfy the requirements of Section 15-198 may be reduced by an amount equal to twice the land area consumed by all such affordable housing units or lots, except in no case may the required percentage of open space be less than 20 percent (10 percent in the ORMU and R-2 districts).

Art. XII DENSITY AND DIMENSIONAL REGULATIONS

- (~~lf~~) Affordable housing units or lots constructed or created in accordance with this section shall not be unduly isolated or segregated from other dwellings or lots that do not satisfy the “affordability” criteria set forth in this section.
- (~~mg~~) In approving a special or conditional use permit for a development that proposes to utilize the density bonus provisions of this section, the permit issuing authority shall ensure, by approval of a condition, phasing schedule, or otherwise, that affordable housing units or lots, or payments in lieu thereof, are actually provided in accordance with the provisions of this section. Without limiting the generality of the foregoing, the permit issuing authority may impose a condition specifying that certificates of occupancy may not be issued for the market priced units until the corresponding affordable housing units are constructed and offered for sale or rent for an amount that is consistent with the definition set forth in this section, or payments in lieu thereof have been made to the town. **(AMENDED 1/22/08)**
- (~~nh~~) If, by using the affordable housing density bonus provided for in this section, the number of dwelling units or lots within a development increases to the point where the type of permit required for the project based on the number of units or lots would otherwise change from a zoning to a special use permit or from a special use to a conditional use permit in accordance with the provisions of Section 15-147, the developer may nevertheless seek approval for the project under the permit process that would be applicable if no density bonus was sought under this section.
- (~~oi~~) As provided in subsection 15-92.1(d), developments that use the affordable housing density bonus provisions of this section may be entitled to relief from the setback requirements under some circumstances.
- (~~pi~~) Notwithstanding the foregoing, with respect to a development that (i) was approved prior to the amendments to this section adopted on June 26, 2007, and (ii) constructed dwelling units that satisfied the affordability criteria by recording covenants and including restrictions in the deeds that conveyed title to the affordable units limiting the sale or resale price of such units in accordance with a formula set forth in this section, and (iii) took advantage of the density bonus provisions of this section and constructed additional market rate units as authorized by this section:
- (1) The Board of Aldermen may amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall no longer be binding, (thereby allowing the units to be sold at market value) subject to and in accordance with the following provisions:
- a. At the closing on the sale of such units, all fees and charges typically paid by the seller of other market rate units (such as loans secured by property, real estate commissions, prorated property taxes, excise taxes, etc.) shall be paid by the seller of a unit previously designated as affordable. The balance

Art. XII DENSITY AND DIMENSIONAL REGULATIONS

of the proceeds of the sale to which the seller is entitled shall be referred to in this section as the “net proceeds of the sale.”

b. To the extent that the price paid by the buyer of the unit exceeds the price paid by the seller when the seller purchased the unit, the difference between the two figures shall be referred to in this section as the “equity appreciation amount.” To the extent that the net proceeds of the sale are sufficient, the seller shall be allowed to keep the first five thousand dollars (\$5,000.00) of equity appreciation, plus an amount of the equity appreciation equal to the amount paid by the seller for additions to the home or significant upgrades to the home (routine maintenance, repairs, or replacements excluded).

c. If the net proceeds of the sale exceed the amount the seller is permitted to retain under the foregoing paragraph, the remainder of the net proceeds shall be split evenly between the Town and the seller.

(2) The Board of Aldermen may also amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall expire automatically on the twentieth anniversary of the recording date of the deed conveying the affordable unit to the party owning that unit on the effective date of this subsection. Thereafter, no restrictions on the sales price of such unit or the disposition of sales proceeds shall apply to such unit.

(3) A development wherein affordable units are converted to market rate units under this subsection shall not be regarded as nonconforming with respect to density. **(AMENDED 06/24/14)**



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, DECEMBER 4, 2014

LAND USE ORDINANCE TEXT AMENDMENT RELATING TO THE BOARD OF ADJUSTMENT

Motion was made by Poulton and seconded by Adamson that the Planning Board recommends that the Board of Aldermen recommends the draft ordinance.

VOTE:

AYES: (9) Foushee, Adamson, Clinton, Cohen, Davis, Hunt, Poulton, Watson, Whittemore

ABSENT/EXCUSED: (0)

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Adamson and seconded by Hunt that the Planning Board of the Town of Carrboro finds the proposed text amendment is consistent with the findings from *Carrboro Vision 2020* regarding strategies for providing housing for a diverse population, particularly the following sections:

6.12 The variety of strategies to be considered should include the investigation of alternative public and private funding for construction and renovation of low and moderate income housing. A low interest load pool for individuals and nonprofits that wish to buy and rehabilitate housing is desired.

6.17 The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Corporation, Empowerment Inc., and Habitat for Humanity.

The Planning Board furthermore finds that the above described amendment is reasonable and consistent with the public health, safety and welfare by furthering the Town's efforts toward providing housing for all of its citizens.

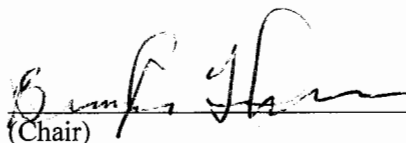
VOTE:

AYES: (9) Foushee, Adamson, Clinton, Cohen, Davis, Hunt, Poulton, Watson, Whittemore

ABSENT/EXCUSED: (0)

NOES: (0)

ABSTENTIONS: (0)


 (Chair)

1/15/15
 (Date)

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

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



131 W. Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278



TRANSMITTAL DELIVERED VIA EMAIL

January 5, 2015

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on December 17, 2014 and proposed for town public hearing on January 27, 2015:

- *Amend the Carrboro Land Use Ordinance to Provide that Loans Made to Families who Purchase Affordable Homes May Be Secured by Deeds of Trust that Allow the Trustee to Convey Fee Simple Title to the Property at a Foreclosure Sale Free and Clear of the Limitations that Qualify such Homes as Affordable under the Land Use Ordinance.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*. I would also add that the last sentence in subsection (g) does not make sense; there are extra words in the sentence.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Planning Systems Coordinator



Town of Carrboro

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

Legislation Details (With Text)

File #: 15-0016 Version: 1 Name:
Type: Abstract Status: Agenda Ready
File created: 1/21/2015 In control: Board of Aldermen
On agenda: 1/27/2015 Final action:
Title: A Public Hearing on the Temporary Street Closing Permit Application for the Not So Normal 5K, 10K, and Half Marathon races.

PURPOSE: The purpose for this meeting is to receive public input for a Street Closing Permit Application submitted by Hairy Pony Racing Association for the temporary closing and usage of streets from 7:30AM to 12:30PM on Sunday, May 17th 2015 to accommodate the Not So Normal 5k, 10K, and Half Marathon.

Indexes:

Code sections:

Attachments: [Public Hearing Resolution - Not So Event](#)
[5K10KHalfMarathonRuns](#)
[Street Closing Permit](#)
[5K Route](#)
[10K Route](#)
[Half Marathon Route](#)

Date	Ver.	Action By	Action	Result
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TITLE:

A Public Hearing on the Temporary Street Closing Permit Application for the Not So Normal 5K, 10K, and Half Marathon races.

PURPOSE: The purpose for this meeting is to receive public input for a Street Closing Permit Application submitted by Hairy Pony Racing Association for the temporary closing and usage of streets from 7:30AM to 12:30PM on Sunday, May 17th 2015 to accommodate the Not So Normal 5k, 10K, and Half Marathon.

DEPARTMENT: Public Works

CONTACT INFORMATION: George Seiz, 918-7427

INFORMATION: This is the second year for this event, however, the event coordinator (Jay Radford) is expanding the event from just a 5K race to also include a 10k race (6.1 miles) and half marathon (13.1 miles). All three races will start at the same time (8:00 am) and will finish in the same location from roughly 8:30 am until 11:00 am. The 10k and half marathon will be limited to 100 runners each and roughly 700 runners/walkers are anticipated for the 5K. The race organizer will provide a follow vehicle on the half marathon course to pick up runners that fall behind the pace to finish the run by 11:00 am.

E. Main St, near Lloyd St, will be closed to traffic from 7:55AM to 8:05AM. Weaver Street, between W. Main St. and E. Main St. will be closed to traffic from 7:45AM to 8:15PM. Other streets will remain open to traffic

during the races, however, drivers may experience intermittent interruptions due to runners crossing streets and traffic control by police, public works, and race organizers. Attached is map of the event.

The scope of this event will require staffing that exceeds what the Public Works and Police Departments can typically provide and subsequently the coordinator will be hiring additional professional staff to help manage the event. Town staff will help coordinate the traffic control.

Proceeds will go to The Arts Center and PTA Thrift shop, and The Super Cooper Foundation. The event coordinator has submitted a Street Closing Permit Application for the temporary closing and usage of public streets on Sunday, May 17th, 2015, from 7:30 AM to 12:30 PM:

In accordance with Section 7-19 of the Town Code, a Public Hearing to receive public input prior to issuing a Street Closing Permit is required for this event.

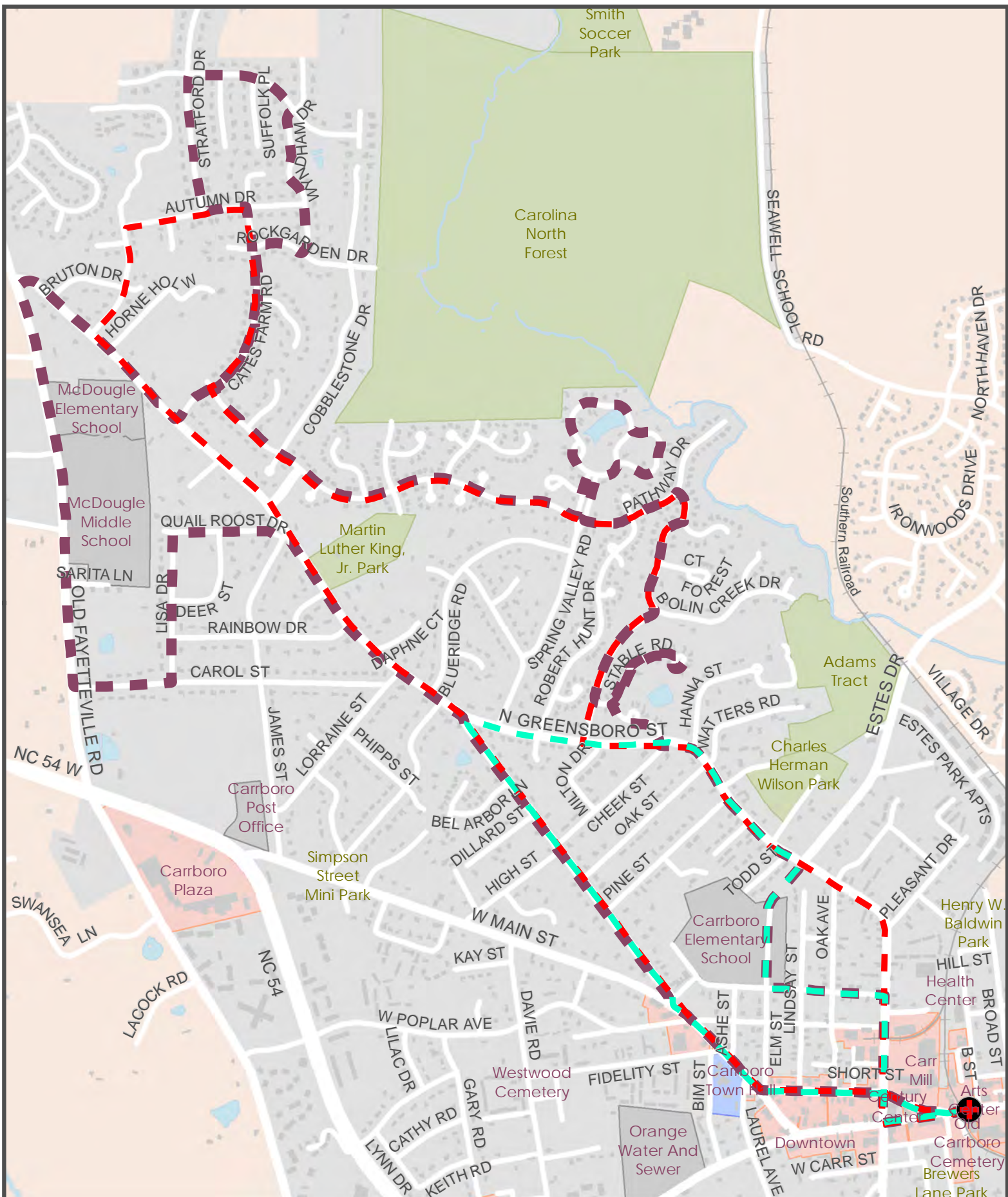
FISCAL & STAFF IMPACT: The applicant will be responsible for all costs incurred by Police and Public Works to facilitate this event. The applicant will be sent an itemized bill for the final costs incurred by Police and Public Works. The applicant has paid the application fee.

RECOMMENDATION: It is recommended that the Board approve the attached resolution for the temporary closing and usage of public streets in order to accommodate the *No To 5K, 10K, and Half Marathon* events under the following stipulations:

1. Applicant shall distribute flyers of notification, to persons occupying property abutting the streets where the event is to take place, of the contents of the resolution.
2. Applicants shall be responsible for all costs incurred by Public Works and Police to facilitate this event. Applicant shall also be responsible for costs to hire additional forces for traffic control.
3. Applicant will be sent an itemized bill for the final costs incurred by Public Works and Police.

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF THE
FOLLOWING STREETS TO ACCOMMODATE THE NOT SO NORMAL 5K, 10K, and Half
Marathon

- Section 1. On the day of the event, public streets shall be temporarily used Sunday, May 17th, 2015 from 7:30 AM to 12:30 PM for Not So Normal 5K, 10K, and half marathon races. This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code. Refer to attached maps for exact locations of streets being used for the event.
- Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.
- Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.
- Section 4. Applicant shall distribute flyers of notification, to persons occupying property abutting the streets where the event is to take place, of the contents of any resolution passed.
- Section 5. Applicant will be responsible for all costs incurred by Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and Public Works.
- Section 6. The scope of this event will require staffing that exceeds what the Public Works and Police Departments can typically provide, and subsequently the coordinator will be hiring additional professional staff to help manage the event. Town staff will help coordinate the traffic control. The applicant must provide additional labor of approximately 10 personnel qualified in traffic control, plus 25 volunteers.
- Section 7. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.
- Section 8. This resolution is contingent on the applicant providing proper liability insurance to the Town at least 30 days prior the event.
- Section 9. This resolution shall become effective upon adoption.



Not So 5K, 10K, and Half Marathon

Race Routes — 5K Race — 10K Race — Half Marathon

Date: 5/17/2015



1 inch = 1,248 feet

STREET CLOSING PERMIT APPLICATION

CONCERNING THE USE OF STREETS AND PUBLIC RIGHT-OF-WAY FOR STREET FAIRS, FESTIVALS, CARNIVALS, AND OTHER PUBLIC EVENTS

EVENT: _____

EVENT SPONSOR: _____

IS THE SPONSOR A: _____NON-PROFIT _____FOR PROFIT _____OTHER:_____

ANY OTHER INFORMATION ABOUT SPONSOR OR EVENT: _____

EVENT COORDINATOR INFO:

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

PROPOSED DATE AND TIME PERIOD PROPOSED FOR CLOSING:

DATE: _____ Time Period: From: _____

RAIN DATE: _____ To: _____

APPROXIMATE NUMBER OF PERSONS EXPECTED TO ATTEND THE EVENT: _____

ARE ANY SPECIFIC SERVICES REQUESTED OF THE TOWN? YES _____ NO _____

(traffic control may be required, and event organizers may be required to reimburse the Town for any related expenses):

If YES, specify

ATTACH A SKETCH SHOWING:

- *Area where event is to take place*
- *Any streets to be closed or obstructed*
- *Any barriers or traffic control devices to be erected*
- *Location of any concession stand, booth or other temporary structures*
- *Location of proposed fences stands, platforms, stages, benches or bleachers*

OTHER INFORMATION: _____

INSURANCE INFORMATION: _____

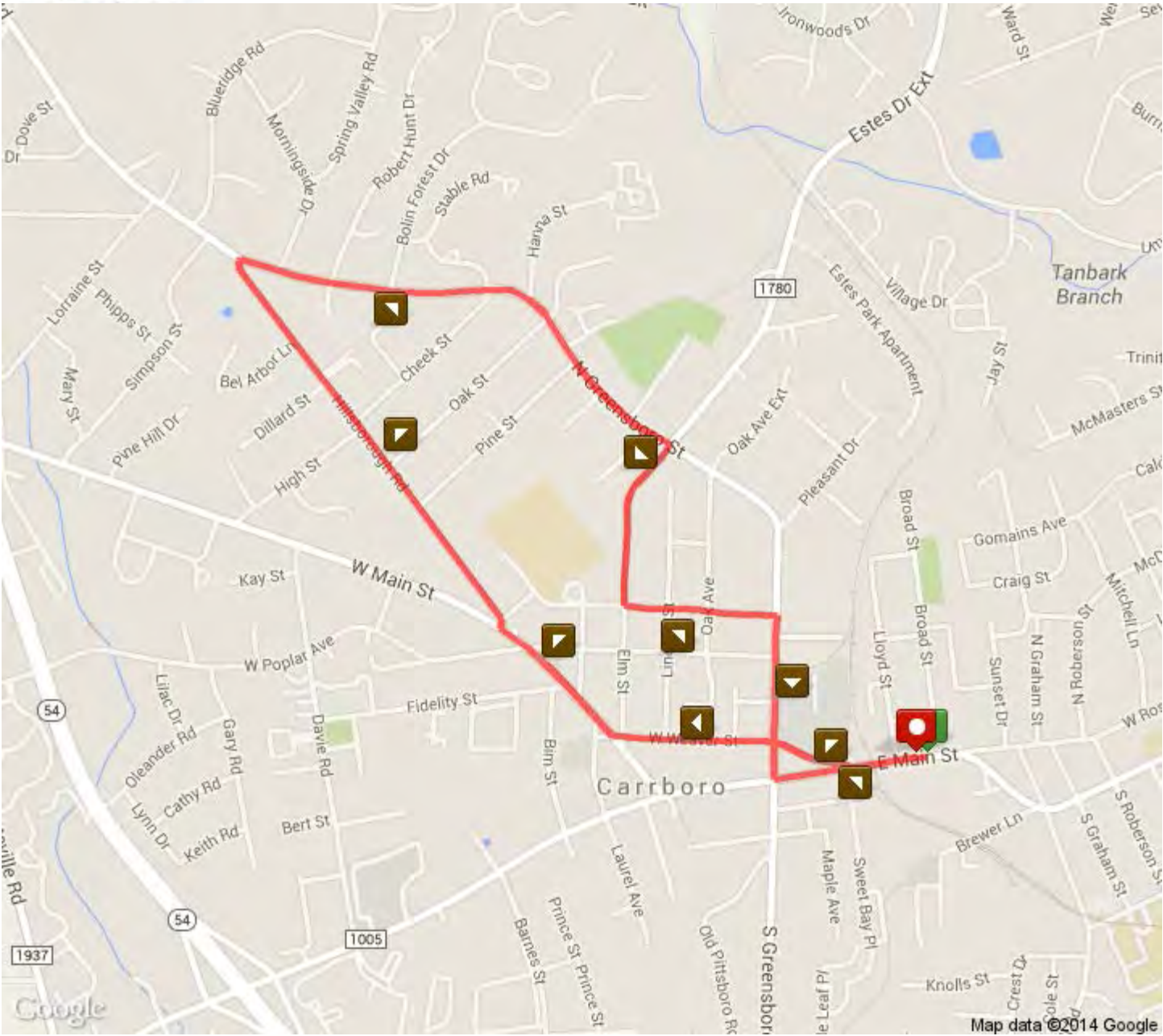


mapmyrun

Proposed 2015 NSN5k Route1

Distance: 3.09 mi

Elevation: 71.81 ft (Max: 505.25 ft)



Overview Map

Directions / Notes

Elevation

PRINT

[View Route](#)

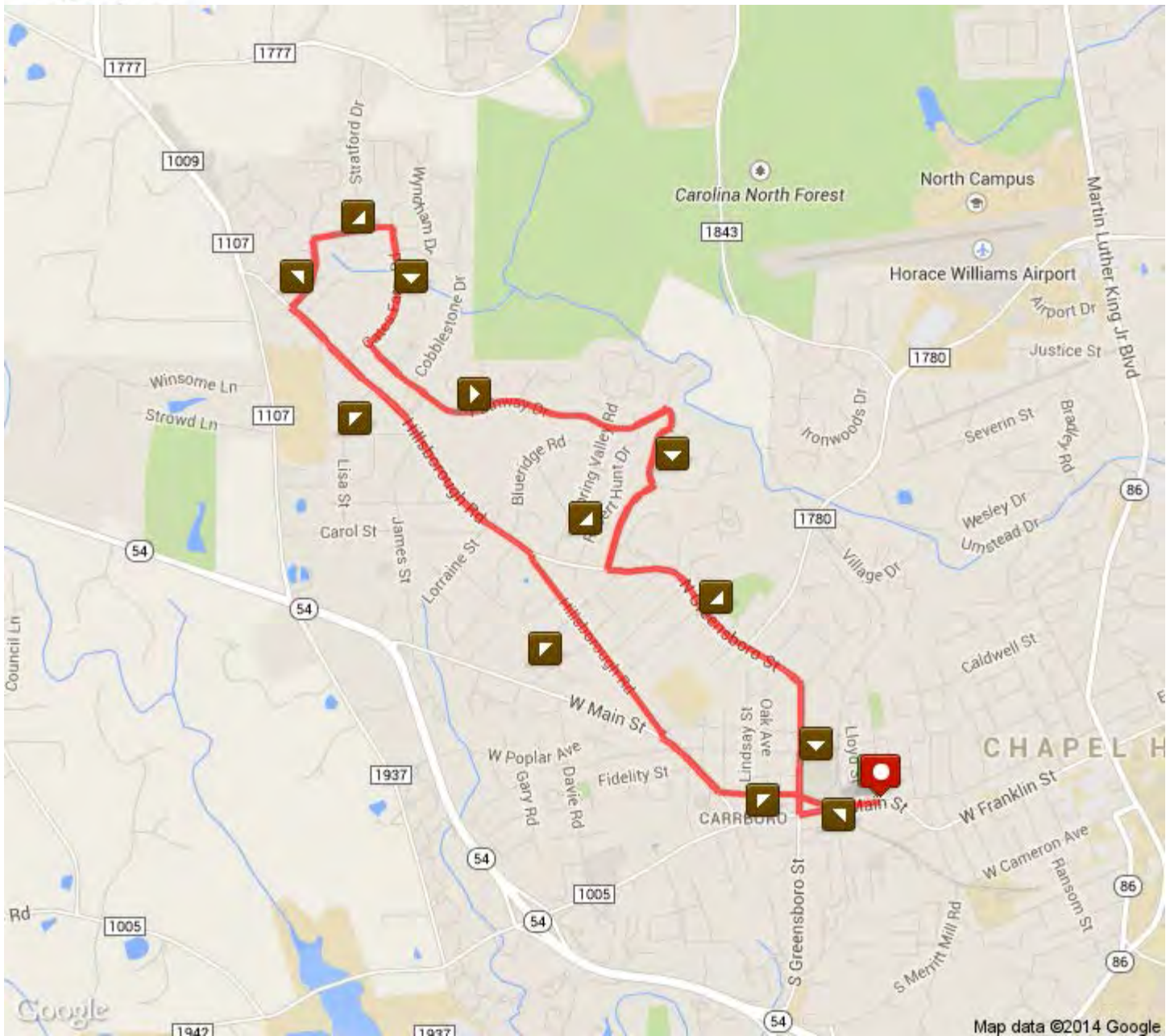


mapmyrun

Proposed 2015NSN10k Route1

Distance: 6.2 mi

Elevation: 232.79 ft (Max: 553.54 ft)



Overview Map

Directions / Notes

Elevation

PRINT

[View Route](#)

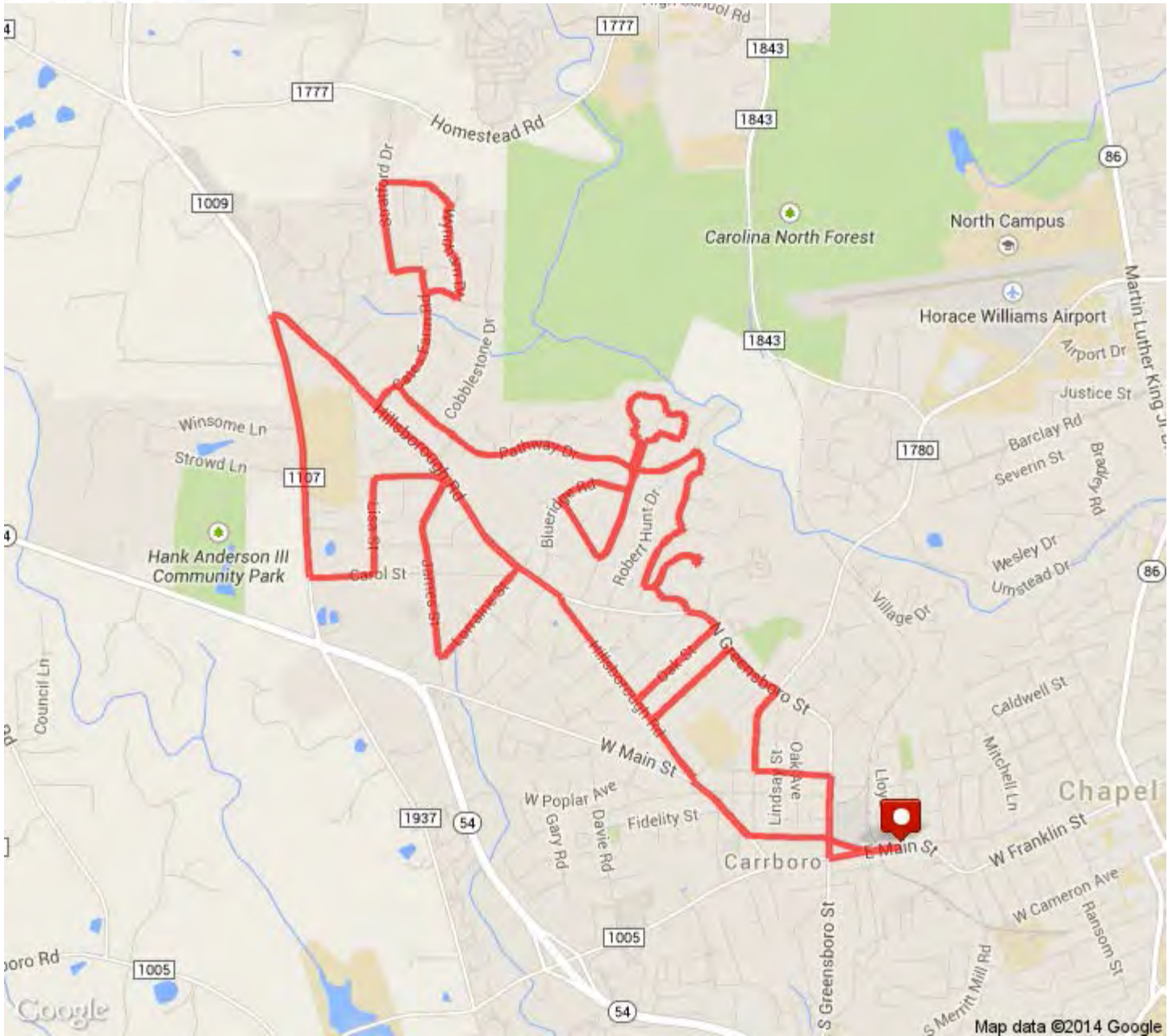


mapmyrun

2015NSNHAIkRoute3

Distance: 13.13 mi

Elevation: 502.64 ft (Max: 562.47 ft)





Town of Carrboro

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

Legislation Details (With Text)

File #: 15-0018 Version: 1 Name:
Type: Abstract Status: Agenda Ready
File created: 1/21/2015 In control: Board of Aldermen
On agenda: 1/27/2015 Final action:
Title: Continued Discussion on Joint Planning Public Hearing Item - Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

PURPOSE: The purpose of this item is to continue the proposed joint planning area amendments in follow-up to the Assembly of Governments meeting held on November 19th. Possible modifications to the structure for approving the amendments have been identified and discussed. These amendments 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.

Indexes:

Code sections:

Attachments: [Attachment A - 10-14-14 resolution](#)
[Attachment B - Land Uses in the Rural Buffer updated 102114](#)
[Attachment C- Memo to C-boro PB 050914](#)
[Attachment D - Excerpt adopted minutes AOG - 11/21/13](#)
[Attachment E - Approved minutes 2/24/14 UDO Public Hearing](#)
[Attachment F - Excerpt adopted minutes - JPA Hearing - 3/27/14](#)
[Attachment G - Board of Aldermen Minutes Excerpt - 6/3/14](#)
[Attachment H - Excerpt minutes BOCC JPA amendments - 6/3/14](#)
[Attachment I - Excerpt minutes - 9/9/14](#)
[Attachment J - Excerpt minutes - 10/14/14](#)
[Attachment K - Excerpt draft minutes AOG - 11/19/14](#)
[Attachment L - Response to RB Projections Question 010515](#)
[Attachment M - Alderman Slade comments with OC Staff Response](#)
[Attachment N - Slade Proposed language 1-23-15.pdf](#)

Date	Ver.	Action By	Action	Result
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TITLE:

Continued Discussion on Joint Planning Public Hearing Item - Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

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DEPARTMENT: Planning

CONTACT INFORMATION: Patricia McGuire - 919-918-7327; pmcguire@townofcarrboro.org <<mailto:pmcguire@townofcarrboro.org>>; Christina Moon - 919-918-7325 - cmoon@townofcarrboro.org <<mailto:cmoon@townofcarrboro.org>>; Perdita Holtz - 919-245-2578 - pholtz@orangecountync.gov

INFORMATION: The Town of Carrboro has been considering Orange County's proposed amendments to the Joint Planning Agreement since the item was presented at the March 27, 2014 joint public hearing. Consideration by Orange County and Chapel Hill has been underway as well. During the most recent discussion, which took place at the Assembly of Governments (AOG) on November 19, 2014, the consensus was that Carrboro would consider the topic again, particularly the concerns and opposition expressed in relation to the sunset clause, and then share the outcome of its efforts with JPA partners in Orange County and Chapel Hill. The agenda abstract from the AOG meeting noted possible alternative timing/intensity measures related to limiting the new agricultural support enterprises. Those measures are provided here:

1. Consider instituting a timing mechanism of some sort, e.g., only "x" number of ASE uses can be established in the Rural Buffer each calendar year (or some other timeframe)
2. Consider instituting an acreage mechanism of some sort, e.g., only "x" number of acres may be used for ASE uses in the Rural Buffer (either annually or absolute).
3. Consider dividing the Rural Buffer into geographic areas and allowing only a specified number of ASE uses (or acres used for ASE operations) in each geographic area.
4. Consider adding only those uses proposed to be permitted by right or with a special use permit in the Rural Buffer (those uses listed in Table 2 of Attachment 3).
 - a. Rezoning property to the ASE-CZ conditional zoning district would not be allowed in the Rural Buffer unless the three local governments decided at a later date to allow this type of zoning in the Rural Buffer.
5. Consider removing additional uses from the ASE-CZ zoning district, as it would be applicable in the Rural Buffer (e.g., remove additional uses from Table 3 of Attachment 3).
6. Some combination of the options above

Currently scheduled next steps for Orange County and Chapel Hill are as follows:

- The public hearing on the Unified Development Ordinance amendments was extended to March 3, 2015. It is apparent that the date will need to be extended again to allow the time for the County to re-adopt the JPA amendments. A new date has not yet been identified; that will follow from the timing of actions taken by the Board of Aldermen and Town Council.
- The Chapel Hill Town Council had continued its discussion to January 26, 2015. Staff understands that a further continuation to February 22nd is anticipated in order to allow time for a Carrboro resolution to be included in the agenda materials for the meeting in January.

The summary tables prepared by Perdita Holtz, Orange County Planning, showing land uses that are currently allowed in the Rural Buffer and that are proposed to be added as part of the ASE (Agricultural Support Enterprises), are included as Attachment B. Ms. Holtz's memo related to linkages to bona fide farms and use value taxation provisions, prepared for the Carrboro Planning Board in May 2014, is included as Attachment C. A list of the meetings at which this item has been discussed, actions taken at those meetings, and links to associated materials is provided in the following table. Copies of relevant minutes and resolutions are included as attachments to this agenda item, and also referenced in the table.

Date	Meeting	Summary of Action	Link to materials and/or reference to Attachments (as available)
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11/21/13 Assembly of Governments Report on development of UDO amendments related to Agricultural Support Enterprises

2/24/14 Board of County Commissioners Public Hearing on Agriculture and ASE Amendments to Orange County Unified Development Ordinance <http://www.co.orange.nc.us/occlerks/140224.pdf>

3/27/14	Joint Public Hearing	Referral to advisory boards and elected boards for consideration and action
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ent F)			
5/1/14	Joint Advisory Board Review	Recommendations and comments. Questions of Orange County staff.	Included in June 3 rd agenda materials

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=301305&GUID=A020C4B9-EA00-4D86-B803-37A9B334E5A8&Search=&Page=1>

6/3/14	Board of County Commissioners	Approved JPA amendments	(Attachment H)
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6/9/14	Chapel Hill Town Council Discussion of items.
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<http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2755&meetingid=268>

9/9/14	Board of Aldermen	Proposal to remove some uses, discuss others and direct attorney to explore sunset clause
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<https://carrboro.legistar.com/MeetingDetail.aspx?ID=335854&GUID=6210659A-164F-4DDD-90A1-9C84514DE812&Search=>

10/14/14 Board of Aldermen Adopted resolution approving changes to JPA with additional provision related to sunset clause and associated recommendations for UDO

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=335857&GUID=E18FC952-1ACE-4C6B-A75F-9153CC68EE85&Search=&Page=1>

11/10/14	Chapel Hill Town Council	Discussed special events, Board of Aldermen resolution, and retaining viability of agriculture in Rural Buffer.	http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&clip_id=2231 (see time stamp 2:03 of 2:38 meeting).
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11/19/14 Assembly of Governments Discussion. Question about Rural Buffer projections in relation to future development and uses. Referral for Board of Aldermen to consider again. <http://www.co.orange.nc.us/occlerks/141119.pdf>

Orange County staff has prepared a memo in response to questions about Rural Buffer growth projections (Attachments K and L).			
1/13/15	Board of Aldermen	Item postponed/scheduled for consideration on 1/27/15	Alderman Slade shared written comments with other Board members on 1/13/15/ Perdita Holtz has provided some information in response - see Attachment M Alderman Slade has provided suggest edits to the UDO provisions in response to these comments - see Attachment N.

FISCAL & STAFF IMPACT: Significant fiscal impact is not anticipated. Staff impact may vary in relation to any requested follow-up action.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached material. A copy of the resolution adopted on October 14th is included as Attachment A. Staff anticipates that the Board may wish to revise this resolution in response to recent discussions and ongoing consideration of the matter.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Slade, that this resolution be approved.

RESOLUTION AMENDING THE JOINT PLANNING LAND USE PLAN AND JOINT
PLANNING AGREEMENT TO ALLOW FOR THE POSSIBILITY OF LOCATING
APPROPRIATE LOW INTENSITY AGRICULTURAL SUPPORT ENTERPRISES IN THE
RURAL BUFFER LAND USE CLASSIFICATION

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as "Agricultural Support Enterprises Within the Rural Buffer Land Use Classification," a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, 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 Carrboro Board of Aldermen hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends approval of all but four (i.e. Agricultural Processing Facility, Microbrewery w/Major Events, Winery w/Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that the Agricultural Preservation Board, the County's appointed agricultural advisory board be given the opportunity to comment on rezoning and land use permits related to ASE in the Rural Buffer.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that reuse of existing farm buildings, especially those 50 years or older, into new agricultural support enterprises, be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that the Joint Planning Agreement shall also be amended to include a new subsection 1.3 (D) Effective Date and Duration, to read as follows:

The Agricultural Support Enterprises amendments to the Joint Planning Land use Plan and Joint Planning Agreement approved on _____, shall expire by their own terms six years from their effective date and shall be deleted from the Joint Planning Area Land Use Plan and Joint Planning Agreement, respectively, on that date; provided that, these amendments shall not expire or be deleted from the JPALUP if the governing bodies of Orange County, Chapel Hill, and Carrboro each adopts a resolution expressing that governing body's desire that these amendments remain a part of the specified documents. Such resolutions may be adopted not sooner than five and one-half years and not later than six years following the effective date of the subject amendments.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

BE IT FURTHER RESOLVED that any amendments to the County's Unified Development Ordinance that rely upon the attached amendments to the Joint Planning Area Land Use Plan or the Joint Planning Agreement in order to achieve the consistency with the Joint Planning Area Land Use Plan that the County requires, shall include provisions establishing that (i) such amendments to the County's UDO shall expire by their own terms if and on the date that the amendments to the JPALUP and the JPA expire as provided herein; and (ii) if the amendments to the UDO so expire, then any development or use for which a building permit was issued or that otherwise obtained a vested right during the period when those amendment

were in effect (and that could not have been approved but for those amendments) shall be treated as a permissible use, rather than a nonconforming use.

This the 14th of October, 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

Absent: Alderman Seils

Land Uses in the Rural Buffer

This information has been compiled to help people see which land uses are currently allowed in the Rural Buffer and which are proposed to be added as part of the ASE (Agricultural Support Enterprises) proposal. The purpose of this information is to help users see the exact types of uses that are already allowed in the Rural Buffer and to be more clear about which uses are being added.

Table 1: Uses Currently Allowed in the RB (Rural Buffer) General Use Zoning District (not proposed for change, included here for educational/informational purposes)			
Use^	Type of Approval*	Use^	Type of Approval*
Riding Stables	SUP-B	Buildings, Portable	SUP-B
Center in a Residence for 3 to 12 Children	By Right	Temporary Mobile Home (Custodial Care)	SUP-B
Child Care Facilities	SUP-B	Temporary Mobile Home (use during construction of permanent residence)	By Right
Schools: Elementary, Middle & Secondary	SUP-A	Bus Passenger Shelter	By Right
Universities, Colleges & Institutes	By Right	Elevated Water Storage Tanks	SUP-B
Bed & Breakfast	By Right	Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	SUP-A
Greenhouses (No On Premise Sales)	By Right	Electric, Gas, and Liquid Fuel Transmission Lines	SUP-B
Kennels, Class II	SUP-B	Water & Sanitary Sewer Pumping	By Right
Governmental Facilities & Office Buildings	By Right	Solar Array – Large Facility	SUP-B
Governmental Protective Services (Police & Fire Stations) Rescue Squads, Volunteer Fire Departments	By Right	Solar Array – Public Utility	SUP-A
Botanical Gardens & Arboretums	By Right	Landfills (2 Acres or More)	SUP-A
Camp/Retreat Center	SUP-B	Landfills (Less Than 2 Acres)	SUP-B
Parks, Public & Non-Profit	By Right	Accessory Uses	By Right
Recreational Facilities (Non-Profit)	SUP-B	Airports, General Aviation, Heliports, S.T.O.L.	SUP-A
Golf Course	SUP-A	Cemetery	SUP-B
Dwelling: Mobile Home	By Right	Church	By Right
Dwelling: Single Family	By Right	Clubs or Lodges; Social, Fraternal or Union Clubhouses	By Right
Dwelling: Two-Family	By Right	Community Center	SUP-B
Family Care Home	By Right	Historic Sites Non-Residential/Mixed Use	SUP-A
Group Care Facility	SUP-B	Kennels, Class I	By Right
Telecommunication Tower – Stealth (75 feet or shorter)	By Right		
Telecommunication Towers (Over 75 feet and under 200 feet)	SUP-B		
Telecommunication Towers (200 feet and higher)	SUP-A		
^: Ordered as they appear in the Table of Permitted Uses (Section 5.2.1 of the Unified Development Ordinance)			
*: SUP-A = Class A Special Use Permit; SUP-B = Class B Special Use Permit			

Table 2: Uses Proposed to be Added to the RB (Rural Buffer) General Use Zoning District

Use	Type of Approval*	Use	Type of Approval*
Agricultural Processing Facility, Community	By Right	Winery with Minor Events	SUP-B
Community Farmers Market	By Right	Microbrewery, production only	SUP-B
Cooperative Farm Stand	By Right	Winery, production only	SUP-B
Meat Processing Facility, Community	By Right	Rural Heritage Museum	SUP-B
Non-Farm Use of Farm Equipment	By Right	Rural Special Events	By Right
Microbrewery with Minor Events	SUP-B		

*: SUP-A = Class A Special Use Permit; SUP-B = Class B Special Use Permit

Table 3: Uses in the proposed ASE-CZ conditional zoning district that could be applied for in the Rural Buffer and that are not currently allowed in the Rural Buffer

Use	Use	Use
Agricultural Processing Facility	Rural Guest Establishment: Bed & Breakfast Inn	Microbrewery, production only
Agricultural Processing Facility, Community	Rural Guest Establishment: Country Inn	Winery, production only
Agricultural Services Uses	Country Store	Veterinary Hospitals
Cold Storage Facility	Garden Center with On Premise Sales	Veterinary Clinic
Community Farmer's Market	Metal Fabrication Shop	Veterinary Clinic, mobile
Composting Operation, no grinding	Microbrewery with Minor Events	Guest Ranch
Cooperative Farm Stand	Microbrewery with Major Events	Assembly Facility Greater than 300 Occupants
Equestrian Center	Storage of Goods, Outdoor	Assembly Facility Less Than 300 Occupants
Farm Equipment Rental, Sales, and Service	Taxidermy	Rural Heritage Museum
Farm Supply Store	Winery with Minor Events	Rural Special Events
Feed Mill	Winery with Major Events	
Greenhouses with On Premise Sales		
Meat Processing Facility, Community		
Non-Farm Use of Farm Equipment		Strikethrough text shows uses recommended for deletion by the Town of Carrboro

Table 4: Uses in the proposed ASE-CZ conditional zoning district that could be applied for in the Rural Buffer and that are currently allowed in the Rural Buffer

Use	Use	Use
Stables, Commercial	Telecommunication Tower – Stealth (75 feet or shorter)	Water & Sanitary Sewer Pumping
Rural Guest Establishment: Bed & Breakfast	Telecommunication Towers (Over 75 feet and under 200 feet)	Solar Array – Large Facility
Kennels, Class I	Telecommunication Towers (200 feet and higher)	Solar Array – Public Utility
Kennels, Class II	Buildings, Portable	Accessory Uses
Botanical Gardens & Arboretums	Temporary Mobile Home (Custodial Care)	Church
Camp/Retreat Center	Temporary Mobile Home (use during construction of permanent residence)	Clubs or Lodges; Social, Fraternal or Union Clubhouses
Parks, Public & Non-Profit	Elevated Water Storage Tanks	Community Center
Dwelling, Mobile Home	Public Utility Stations & Sub-Stations, Switching Stations, Telephone Exchanges, Water & Sewage Treatment Plants	Historic Sites Non-Residential/Mixed Use
Dwelling, Single Family	Electric, Gas, and Liquid Fuel Transmission Lines	

MEMORANDUM**Date:** May 9, 2014**To:** Town of Carrboro Planning Board**From:** Perdita Holtz, AICP, Orange County Planning Department *Perdita Holtz***Subject:** Proposed Amendments to Joint Planning Land Use and Agreement
Regarding Agricultural Support Enterprises in the Rural Buffer

At the May 1 Planning Board meeting, I gave a presentation about the proposed amendments to the Joint Planning Land Use Plan and Agreement and the related (but separate) proposed Orange County Unified Development Ordinance (UDO) amendments that would allow for agricultural support enterprises in the Rural Buffer land use classification. There were two questions I was not able to fully address due to their legal nature and the Town asked if the County Attorney's office could weigh in on the topics. The questions were:

1. Why can some uses be limited to bona fide farms and some cannot? For example, a production only microbrewery (Sec. 5.14.2) requires location on a bona fide farm but a community meat processing facility (Sec. 5.13.13) does not.
2. Is it possible to restrict the location of any or all of the proposed uses to properties enrolled in or eligible for the Use Value taxation program?

In communication with the Orange County's staff attorney who handles land use and planning issues, I learned that, unfortunately, the attorney's office cannot respond directly to the Town of Carrboro because professional standards prohibit an attorney from giving legal advice or opinions to an entity represented by a different attorney. Since the Town has its own attorney, the County's legal staff cannot violate this professional standard. However, there were several salient points made during the course of communications with me, and I offer them as follows:

- Limiting certain land uses to a bona fide farm (BFF) is not itself objectionable. However, regulating farm uses on bona fide farms will be objectionable if there are not clear, reasonable and legally supported standards determining when they change from farm use to industrial (or other non-exempt) use. For example, if you want to limit ethanol production to BFFs, that's fine. But if you can't then say that all such ethanol production requires a permit and adherence to standards, because small batch production for operation of on-site farm equipment is protected as a bona fide farm use.

- There is an exception for bona fide farms in both the standards and in the definition of microbrewery. “A microbrewery, production only, that is located on a bona fide farm, and which utilizes primarily crops produced on-site is considered a bona fide farming use and is not subject to zoning regulations.” (See 5.14.2(A)(1)(a)). Also, it is erroneous that the microbrewery regulation requires that it be on a BFF. That requirement is only if it is in the AR or RB district, but it appears to be also allowed in three other general use zoning districts (I-1, I-2, and I-3). “If located in an AR or RB zoning district, the microbrewery must be located on a bona fide farm.” 5.14.2(A)(1).
- There is an implication that there is a bright line between what can and can't be placed on uses in BFFs. At either end of the spectrum it may be clear, but there is plenty of room in the middle. For example, the County can't say all farm stands must obtain a permit. At the other end of the spectrum it doesn't have to allow farm equipment on a BFF if it's dozens of rows of never-used tractors simply there for commercial resale. The microbrewery is an example of something that is defensible, but not certain. The best case law available used several factors in the court's determinations. It's possible for a court to say “yes, by weight this microbrewery used more off-site wheat in its production than any other ingredient BUT the use of the farm's entire on-site production of hops was more critical and given the several factors, this is a bona fide farm use that is exempt from zoning.”

In regards to question #2, the staff attorney responded that it's theoretically possible to restrict the location of any or all of the proposed uses to properties enrolled in or eligible for the Use Value taxation program but that he would need specific language to review in order to comment with more certainty. I provided draft language early in the week but, to date have not received a response. If a response is received prior to the Town's Planning Board meeting on the 15th, I will forward information to Town planning staff for distribution to the Planning Board via e-mail.

If Planning Board members have additional questions prior to the meeting on the 15th, I would appreciate hearing them ahead of time, if possible, so that I can research the question, if necessary, and respond fully at the meeting. My e-mail is pholtz@orangecountync.gov and my work phone is (919) 245-2578.

Chair Jacobs said it is clear that the elected officials want this to happen as soon as possible. He said the issues about funding need to be addressed in the interim. He noted that if there are more people in the district, the rates would go down.

Commissioner Dorosin said there is water infrastructure in place, but not all of the 86 homes are connected to water. He said this needs to be considered, and the available funds need to be used to connect anyone who is not connected. He said the proposal needs to have an emphasis on providing the connection to the sewer line at no cost to homeowners.

Chair Jacobs clarified that this is part of the task force recommendation.

Alderman Gist left at 9:47.

5. Accommodating Appropriate Agricultural Support Enterprises in the Rural Buffer - Proposed Changes to the Orange County Unified Development Ordinance (Perdita Holtz)

Council Member Harrison left at 9:48.

Council Member Matt Czajkowski left at 9:49

Mayor Chilton left at 9:51.

Perdita Holtz reviewed the following PowerPoint slides:

Accommodating Appropriate Agricultural Support Enterprises in the Rural Buffer

Tonight's Purpose

- To discuss proposed changes to the County's Unified Development Ordinance that will accommodate appropriate "Agricultural Support Enterprises" in the Rural Buffer
- An opportunity to provide feedback that could shape the materials scheduled to be brought forward for formal public hearing on February 24, 2014

Rural Buffer Basics

- Established as part of the Joint Planning Area Agreement
- Rural Buffer is under Orange County's planning and zoning jurisdiction
 - Low density area
 - Rural in character and will remain rural (contain low-density residential uses)
 - Not require urban services

UDO & Rural Buffer

Changes to County's UDO that are applicable to the Rural Buffer are referred to the Towns for review and recommendation

- County may not adopt amendments until Towns have made their recommendations or until the expiration of 30 days following referral

Agricultural Support Enterprises

- County-wide program
- Propose to add some new uses to the RB general use zoning district
 - Uses permitted by right or with a special use permit, depending on use
- Propose to add a new conditional zoning district (ASE-CZ) that could also be applied to the Rural Buffer
 - A CZD is a rezoning that must be applied for with decision by BOCC after a public hearing process

- Eliminate some uses from consideration if property is located in the Rural Buffer

Use Value Parcels (Farms) in the Rural Buffer (map)

- 37,428 Acres in Rural Buffer
- 10,172 Acres in Use Value (27%; 345 parcels)

Proposed New Uses in RB General Use Zoning District

Page 4 of item packet

- Each proposed new use has a definition
- Each proposed new use has use-specific standards
- In addition to all requirements of the UDO

Proposed ASE-CZ Conditional Zoning District

Pages 5 and 6 of item packet

- Each proposed new use has a definition and use-specific standards
- In addition to all requirements of the UDO
- Uses in red text could not be applied for if property is located in the Rural Buffer

Perdita Holtz said the items in red on the charts in slide 8 indicate items that are likely to be removed for consideration for properties located in the rural buffer.

Chair Jacobs said the purpose of this is to allow more agricultural and farming options and to make it more profitable to farms in those in the rural buffer areas, while maintaining the character of the areas.

Commissioner Gordon said she would like the towns to study this proposal and bring comments before the Feb. 24th QPH.

She questioned the role of the Towns regarding the Joint Planning Agreement (JPA) and the Joint Planning Land Use Plan. She referred to the JPA section 1.2, section G regarding land use categories. She read the definition of a rural buffer. She also read section 2.6, section f, regarding changes to the agreement. She said everyone has to agree to changes in the JPA. Commissioner Gordon read the description of agricultural areas and rural buffers from the Joint Planning Area Land Use Plan.

Commissioner Gordon said her last point is that this development is quite intense in its uses. She said there needs to be a balance between allowing farmers to have productive use of their land, and the effect on neighbors. She said the key is that this was originally conceived of for areas out in the County with large lot sizes, versus subdivisions and neighborhoods. She said the impact on neighbors in suburban areas needs to be considered.

Commissioner Gordon said some uses might be better on public water and sewer, which are not allowed by definition in the rural buffer.

She said this is a balance, and events with a large impact could be fine in the rural areas with large lots, but not in the suburban areas.

Alderman Seils said it would be helpful for County staff, when sharing materials with the Towns, to give a narrative about some of the goals. He said it sounds like there will be some expectation that the Towns undertake their review soon. He said coordination with the managers would be helpful.

Chair Jacobs said he would hope staff will know what needs to be an amendment to the joint planning agreement and what is at a staff level.

Council Member Ward said he would like to better understand which of the identified uses are high water users, or high users of septic tanks that could cause problems in the near future. He expressed concern that wells could run dry. He asked if this list is comprised of the uses that the Board supports, or if it is just a general laundry list of options.

Chair Jacobs said this is a laundry list of options. He said with the help of feedback from the town, some of the uses can be eliminated if there are concerns. He mentioned Maple View Ice Cream Store as an example of success in the rural buffer.

He said it is a great idea to consider water and sewer use. He said hopefully an agreement can be made to increase possible uses.

Council Member Ward asked if any uses are already allowed outside the rural buffer or corporate limits.

Chair Jacobs said no. He said the Board will be informed by what the Towns say.

Commissioner McKee said he would have concerns over a regional meat processing plant in a rural buffer. He said the other use that is a concern would be a saw mill, but the impact of this depends on the size.

He said the Board needs to look at additional uses that people in the agricultural sector can access to make their farms more viable. He said economic viability is one of the drivers of the loss of farmland, and farmers must have the ability to adapt.

Council Member Greene said everyone who is a party to the rural buffer has a strong interest in what happens there. She said it seems to her that the Towns ought to have a lot of say about this. She fully supports the need for economic flexibility with these properties, but she has concerns about some of the uses listed with "Minor Events". She said some of these look as if they might be too high intensity to be consistent with the rural buffer.

Commissioner Gordon said neither she nor the Board of County Commissioners have seen this rendition before. She said the high septic and high traffic users have to be considered to make sure the use will be acceptable on well and septic. She said it is important to look at the standards for development.

Commissioner Pelissier said the Commissioners have never had a discussion about this. She said the rural buffer was created in a different era, and the elected bodies woke up a few years ago and decided that something needed to be done. She said there are efforts to work on economic development districts; however it is also time to look at all the other land in the County to find ways to promote entrepreneurship and small scale businesses that are appropriate for rural areas, including the rural buffer.

She said the restaurants are a major driver for businesses in the area. She said it is important to think about ways to provide more income for the farmers providing some of this food. She said it is important to consider what uses are good to have in the rural buffer to preserve the rural character.

Mayor Kleinschmidt said he appreciates the opportunity to give feedback. He thinks that this rural agriculture and agriculture related businesses were what was intended to happen in the rural buffer, versus large lot subdivisions. He said this is a fantastic way to leverage one of the community's greatest assets to improve economic well being.

Council Member Ward said he would like to hear from the farmers about what provides them the most useful options.

Commissioner McKee encouraged everyone to keep an open mind. He said if compatible operations are not allowed, the rural buffer will turn into a residential buffer. He said this is already happening.

Chair Jacobs reviewed what he had heard. He said it would be useful to identify what the Board of Commissioners would like to see, versus just a general list.

He suggested the best way might be to go to the QPH in February and ask the agricultural preservation board to review this and provide statements and analysis.

Chair Jacobs said it would also be helpful to have staff look at the other impacts, such as water use and traffic. He said all of this information can be shared with the towns before they are asked to give comments. He said anything would be an improvement on the current situation. He said the goal is to encourage local agricultural economy.

Commissioner Gordon noted there are other advisory boards, in addition to the Agricultural Preservation Board, who should be asked to review the agricultural enterprises proposal.

6. INFORMATION ITEMS (No Specific Presentation or Discussion)-

ATTACHMENTS

- A) Southern Campus Master Plan Development Update
- B) Potential Bond Issue
- C) Older School Facility Needs
- D) Southern Branch Library Siting Process Update
- E) 911/EMS Assessment Update
- F) Locally Owned and Operated Trunked 700MHz Radio System
- G) Morinaga America Foods, Inc. Update
- H) Potential Orange County Fair

Commissioner McKee said one of the good things occurring in the County is the co-location of ambulances in fire stations. He said the emergency services manager has worked with Orange Rural and Orange Grove and is currently working on co-locating with Carrboro. He said this is improving response times. He said it would have been helpful to mention in the Rogers Road discussion that the Carrboro station is only a mile from that community.

The meeting adjourned at 10:20 pm.

Barry Jacobs, Chair

Donna Baker
Clerk to the Board

Efland Community to address their concerns, and then this comes back to the Board. He said this does not say that this won't come back to the Board, but it directs staff to meet with the community.

Commissioner Dorosin suggested holding an informational meeting with the public at the Whitted building to allow Commissioners and staff to attend, in an effort to bridge the gap. He asked if this could be added to the motion.

Commissioner McKee and Commissioner Price agreed to this.

Commissioner Pelissier also suggested an amendment to the motion, stating that this would come back in May.

Commissioner McKee said he could not accept this, as he is not sure that this allows adequate time for staff to address community concerns. He said this would set an artificial deadline.

Commissioner Pelissier said she would like to have a specific time frame.

Commissioner McKee and Commissioner Price agreed to September.

Chair Jacobs reviewed the amended motion to have a public information meeting to give the Efland community members an opportunity to: meet with staff and Commissioners to express concerns, and for staff to explain the proposals, to come back for the September Public Hearing.

Michael Talbert said there are two options: 1. To close the existing public hearing or 2. Continue this public hearing until the September 2014 Public Hearing.

Commissioner McKee said he will add this to the beginning of his motion.

Commissioner Gordon said she is not sure about having a public information meeting that requires the Commissioners to have a quorum.

Commissioner Price said this is just a public meeting and the Commissioners can attend, but quorum is not required.

A motion was made by Commissioner McKee, seconded by Commissioner Price to close the public hearing; hold a staff coordinated public information session; and to bring this item back to a meeting in September, 2014. (There was discussion of the possibility of no QPH in September and the public hearing would possibly be during a regular meeting.)

VOTE: UNANIMOUS

Commissioner Price suggested there be more than one meeting.

5. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text

Amendments - To review government-initiated amendments to the text of the UDO to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE) outside of the Rural Buffer land use classification.

Perdita Holtz reviewed the following PowerPoint slides:

Agricultural Support Enterprises Outside of the Rural Buffer Land Use Classification

Quarterly Public Hearing

February 24, 2014

Item C.5

History & Purpose of Amendment

- A work-in-progress since 2001
 - Need for Conditional Zoning construct was one of the "sticking points"
 - We now have this type of zoning in the UDO

- Augment allowable uses farmers can pursue in order to generate additional farm-related income and to potentially allow farming support/related uses in rural areas while minimizing any adverse impacts on adjoining property.
 - Balance between rights of property owner and rights of neighboring property owners

Two Proposed ASE Amendments

- Outside of Rural Buffer land use classification
- Within Rural Buffer land use classification
 - Requires amendments to Joint Planning Area documents
 - Orange County, Towns of Chapel Hill & Carrboro must approve JPA amendments
 - Will be on longer review/approval timeframe
 - The more intensive uses could not be considered in the Rural Buffer, under the current proposal

Comprehensive Land Use Map

Unified Development Ordinance & Comprehensive Plan Amendments

- Add provisions for ASE into the UDO.
 - “Agriculture”, as defined in the State statutes, remains exempt from zoning regulations.
- Comprehensive Plan amendment to allow new zoning district in certain land use categories

ASE Program (Zoning/Land Use)

- Create new conditional zoning district (ASE-CZ)
- Add additional permitted uses to some of the existing general use zoning districts
- Create standards for many of the new uses
- Update some existing development standards
- Add definitions
- Amend Land Use/Zoning Matrix in Comprehensive Plan

Project Review/Approval Process

- Depends on use being proposed and current zoning of property
- Three basic processes:
 - Staff review/approval
 - Special Use Permit
 - Class B is reviewed/approved by Board of Adjustment
 - Class A is reviewed/approved by Board of County Commissioners
 - Rezoning
 - General Use district
 - Conditional district

Use Specific Standards

- Help mitigate impacts
 - Balance between rights of neighboring/nearby property owners
- Standards address issues such as:
 - Location on major roads
 - Additional setback requirements
 - Noise

- Hours of Operation
- Groundwater usage
- Building size
- Minimum lot size
- In addition to all requirements in the UDO

Permitted Outright vs. SUP or Conditional Zoning

- Less intensive uses added to the Table of Permitted Uses as permitted outright (example for AR zoning district; other zoning districts are also affected)
 - Subject to use-specific and general development standards
 - Community Agricultural Processing Facility
 - Community Farmers Market
 - Cooperative Farm Stand
 - Community Meat Processing Facility
 - Non-Farm Use of Farm Equipment
 - Rural Special Events
- Check “Definitions” to see how these uses are defined
- Staff approval
- More intensive uses must be permitted through either the Special Use Permit process or rezoned as an ASE-CZ
 - Class B Special Use Permit (in AR zoning district):
 - Microbrewery with Minor Events
 - Taxidermy
 - Winery with Minor Events
 - Microbrewery, Production Only
 - Winery, Production Only
 - Veterinary Clinic
 - Veterinary Clinic, mobile
 - Rural Heritage Museum
 - Class A Special Use Permit (in AR zoning district):
 - Equestrian Center
- Special Use Permits are “quasi-judicial” proceedings
 - Public Hearing
 - Decided on a case-by-case basis with public input (“evidence”)

Conditional Zoning District (ASE-CZ)

- Conditional zoning districts allow projects to be considered on a case-by-case, site-specific basis
 - Rezoning (legislative process) with public hearing
- Acknowledges that there are places where a specific type of use may be appropriate whereas it would not be in a different site-specific situation
 - BOCC has final decision on whether a proposed use(s) is compatible with surrounding uses
 - Mutually agreed upon conditions can be imposed as part of the approval process
 - Allows tailoring of project to a specific site
- Table of Permitted Uses lists the types of uses that can be applied for as an ASE-CZ

Change in groundwater usage standard language

Proposed language in amendment package:

- A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater per day per acre of lot area. Said study shall detail:

- (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis;
- (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
- (iii) An analysis of whether other wells in the vicinity of the proposed use will be affected by withdrawals made by the proposed use.

Change in groundwater usage standard language

Language Proposed as a result of comments

- A comprehensive groundwater study, for facilities expected to use more than 240 gallons of groundwater *on an annual basis per day per acre of lot area than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit per 2 acres and the proposed use is on a 6 acre lot (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:*
 - (i) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis;
 - (ii) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
 - (iii) An analysis of whether other wells in the vicinity of the proposed use *will are expected to* be affected by withdrawals made by the proposed use.

Agricultural Preservation Board and Planning Board Review

- APB has reviewed 3 times
 - Consensus to move forward
 - Would like farmers to have the ability to apply for as many uses as possible
 - (Do not remove more intensive uses from consideration)
- Planning Board Ordinance Review Committee reviewed 2 times
 - Same conclusion as APB
- Both Boards had minor comments/questions that have been incorporated into draft materials

Public Notification

- Completed in accordance with Section 2.8.7 of the UDO
 - Newspaper legal ads for 2 successive weeks
- Held Public Information Meeting on February 17 (was postponed from advertised date of February 13)
 - Flyers posted
 - Press Release
- Has been a topic on a few agendas in the past year
 - BOCC (including Assembly of Governments)
 - Planning Board
 - Agricultural Preservation Board
- Planning website posting on January 24

County Attorney's Office Comments

Perdita Holtz reviewed the land use map and said this amendment applies to all of the areas outside of the rural buffer and outside of the municipalities, which includes: Bingham Township, Cheeks Township, Eno Township, Hillsborough Township, Cedar Grove Township and Little River Township.

Referring to the slide titled, "Permitted Outright vs. SUP or Conditional Zoning", she said "permitted outright" means that approvals are done by staff.

Referring to the slide titled "Conditional Zoning District (ASE-CZ)", Perdita Holtz said projects can be considered on a case by case site specific basis. She said this is still a legislative process, which includes a public hearing; however it does allow Commissioners to have more discretion on whether projects are approved or not.

Perdita Holtz said the proposed change in the groundwater usage standard language is a result of comments made at the public information meeting held last week. She said the new wording attempts to clarify that groundwater usage is being looked at on an annual basis, and to account for the fact that some areas of the County do not allow a density of one unit per acre. She said there is a "for example" included in the language in an attempt to be as clear as possible. She said the change from "will" to "are expected to" comes from conversations with the consultants who would be doing the groundwater studies.

She said, in response to input requested by the Board regarding possible removal of the more intensive uses, the agricultural preservation board felt that there are places in the County where the more intensive uses might be acceptable, and that the conditional zoning or special use process would allow for any issues to be addressed.

James Bryan, County Attorney, said he has advised staff, and he would like to advise the Board that the attorney's office has found that this is legally insufficient, and parts of it would be unenforceable. He said if the Board adopts it and there is litigation, there is a high likelihood of an unfavorable outcome.

Chair Jacobs asked how this got all the way to a public hearing before this was discovered by the attorney's office.

James Bryan said there was agreement to disagree.

Perdita Holtz said there was a meeting back in August regarding his concerns about some of the definitions of non-farm use of farm equipment. She said staff asked if James Bryan would provide some legally sufficient language, but the attorney's office did not want to interject into policy. She said she and Michael Harvey have discussed this and both feel that proper discretion goes a long way in enforcing what is an obvious business use, versus a farmer who grades one road a year. She said this is where the County's attorney had concerns. She said there is some discretion allowed in enforcing this.

Chair Jacobs said it is insufficient to have this come up at a public hearing, and this needs to be fixed.

Commissioner Gordon asked for the specific areas James Bryan is referring to.

James Bryan said it is not that he does not want to inject policy. He said this is purely a legal issue and his legal advice is to pull these definitions. He said there are three definitions related to permitted-by-right, and these are: non-farming use of farm equipment, meat processing and the farm stand. He said all of these definitions say it has to be on a bona-fide farm. He said the state statutes about bona fide farms are very lenient. He said there is no line at all in this, and it is not statutorily correct.

Commissioner Gordon asked about the PowerPoint and the use specific standards on the bottom of page 4. She asked if, in the ASE-CZ, there are any uses in which all of the standards are eliminated and it is entirely a case by case basis.

Perdita Holtz said no.

Commissioner Gordon asked if the standard for major roads is ever eliminated.

Perdita Holtz said yes, that is one that has been discussed. She said there are some uses where you have to be located on a major road, but that standard can be modified if you go through the re-zoning process for the conditional zoning district.

Commissioner Gordon asked for the reason why R1 does not have agricultural support enterprises.

Perdita Holtz said, in the permitted use table, there is a footnote under the R1 zoning that says no uses are being added here. She said the reason for this is because the R1 zoning district purpose statement says that this is a zoning district for rural residential non-farm uses. She said staff did not feel that farm uses should be added as permitted uses, as it would be contrary to this purpose statement. She said, if you are currently zoned rural residential and operating a farm, there are other avenues for approval, such as re-zoning to AR or applying to the ASE-CZ zoning district. She said the R1 purpose statement could be modified, but that was not the purpose of this effort.

Perdita Holtz presented the following final two slides:

Final Note

- Some uses the farming community might be interested in applying for may be permissible as a "Home Occupation"
 - Home Occupation standards are currently in the amendment approval process
 - Heard at November 2013 quarterly public hearing
- Planning staff can help people determine which review/approval process would be the most advantageous to apply for

Recommendation

- Receive the proposal to amend the Comprehensive Plan and Unified Development Ordinance.
- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
- Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the April 15, 2014 BOCC regular meeting.
- Adjourn the public hearing until April 15, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

 Perdita Holtz noted an error in attachment 3, on page 206. She said the sawmill use category should be listed as being allowed in the ASE-CZ zoning district. She said this has been corrected on the internet materials.

Commissioner McKee said it seems there is a problem between legal and the planning staff. He asked how to proceed.

Michael Talbert said this is a large item with many moving parts, and the area in conflict is fairly small. He feels it would be appropriate to proceed with the staff recommendation, and this can come back on April 15th with revised definitions that meet the requirements of both departments.

Perdita Holtz said this was scheduled to go to the planning board next week. She suggested it would be good to have this language turned around in time to put together these agenda materials. She said if this is not possible, it should be continued to a later date.

Chair Jacobs suggested it be continued to a later date.

Commissioner Price asked if the attorney is comfortable with the rezoning districts on a case by case basis. She said it seems like it is getting close to spot zoning.

James Bryan said he has reviewed all of this and he only found the three definitions to be legally insufficient.

Commissioner Pelissier referred to the addition of the provisions for some of the enterprises that might use more water than an average household. She asked if this would be a problem if a neighborhood went in with pools and irrigation and did not have the same requirements for ground water studies.

James Bryan said this might be a policy issue, but he sees no legal issue with it.

Paul Guthrie referred to the process with micro breweries and some of the definitions. He said this needs to be dealt with.

Tony Blake said he has talked with farmers and all of the concerns were around the water usage. He said people are not clear on what the language means for them. He said there is concern about the available use of water for their livelihood through expansion of herds or crops.

Chair Jacobs said it is important to clarify this.

Commissioner Gordon asked if this would apply to a bona-fide farm.

Perdita Holtz said this would not affect any livestock or crop usage. She wonders if this is getting at the issue of having a bona-fide farm that raises cattle and then there is also an agricultural services use that is subject to the groundwater study.

Tony Blake said the issue seems to be a desire for flexibility.

Perdita Holtz said this does not restrict water usage for cows or crops in any way, even if the farmer also has an agricultural services use.

Marc Marcoplos said he is impressed with the handling of the Efland overlay issues. He said he has been hearing about the agricultural enterprise concept for years, and he thinks it is important to help farmers make a better living. He said the water issue is the one that people will seize on, and perhaps for good reason with the way it is written.

He said he went to the information session, which was re-scheduled due to weather. He said there are 600 farmers in the County and it is worth looking into that there were none of them there. He feels there must be a better mechanism to communicate with the farmers.

Megan Toben said she lives off Dairyland Road and has been farming for 12 years. She said she has sold at multiple farmers markets. She said for 9 of those 12 years, her husband subsidized the farm with his income. She said most of the farm's financial resources and lands were lost in 2010 as a result of the financial crisis. She said she and her husband made a shift with the remaining 38 acres toward agri-tourism and crop diversification. She has been running a non-profit called Pickards Mountain Eco-Institute, which offers environmental education to local schools, as well as weekend workshops on various topics. She said the farm is also in the final stages of opening a farm stand called the Honeysuckle Teahouse, which will open in April. She said it is hard to make ends meet as a farmer. She said farmers need all the help that the County can offer, and it is worth it to spend the time working out all of these details. She recommended that the Board and staff check in with the Carolina Farm Stewards program for input on the issues farmers face. She said she is here to thank for the Board for what they do and to ask them to stay with this agricultural support enterprises program until it is the best that it can be.

Perdita Holtz said she would like to clarify that if you use more water than the average single house, it does not mean you cannot exist; it means you will have to do a groundwater study.

Tony Blake said he has a neighbor who had a spring that dried up in the drought. He was forced to go to groundwater. He said it was not clear to his neighbor that he was not being restricted.

Commissioner McKee said there were not a lot of commercial farmers at the information meeting or at tonight's meeting because those are large businesses that fall outside of the permitting structure. He said this will be beneficial to smaller or beginning farmers who want to transition their operation. He said these large farms have computers and smart phones and

ability to communicate. He said he is sure there will be concern and pushback over the water issue in the future.

Commissioner Gordon said she does think the ground water is a key concern. She said the County does encourage businesses that have low water usage, as part of economic development. She said the consideration of water usage is a legitimate concern, and the County has to consider not exceeding the carrying capacity.

She thinks the Board needs time to consider the definitions.

Perdita Holtz said, per the prior discussion the plan is to adjourn until the May meeting.

Chair Jacobs said, after all the time the Board has spent on this, he hopes it does not get hung up on how many gallons of water are allowed. He said the water issue is important; but there are a lot of people who can benefit from this, and he feels it is possible to come up with reasonable standards. He hopes staff will work with the planning board to come up with something that is sensitive to the concerns of farmers as well as the concerns of people who worry about our ground water.

A motion was made by Commissioner Rich, seconded by Commissioner McKee to:

1. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the May 20, 2014 BOCC regular meeting.
2. Adjourn the public hearing until May 20, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

6. 2030 Comprehensive Plan and Unified Development Ordinance (UDO) Text

Amendments - To review government-initiated amendments to the text of the UDO to establish a zoning program commonly referred to as Agricultural Support Enterprises (ASE) within the Rural Buffer land use classification.

Perdita Holtz reviewed the following PowerPoint slides:

Agricultural Support Enterprises Within the Rural Buffer

Land Use Classification
Quarterly Public Hearing
February 24, 2014
Item C.6

Purpose of Amendment

- Allow appropriate agricultural support enterprises within the Rural Buffer land use classification
 - Will augment allowable uses farmers can pursue in order to generate additional farm-related income while minimizing any adverse impacts on adjoining property
 - Intent is to better enable farmers to keep farming which will help preserve the rural heritage of Orange County, including the geographic area that comprises the Rural Buffer
 - Balance between rights of property owner and rights of neighboring property owners

Two Proposed ASE Amendments

- Outside of Rural Buffer land use classification
- Within Rural Buffer land use classification

- Requires amendments to Joint Planning Area documents
 - Orange County, Towns of Chapel Hill & Carrboro must approve JPA amendments
 - March 27, 2014 joint planning public hearing
 - JPA documents must be amended before these proposed UDO/Comprehensive Plan changes can be adopted by Orange County
- Will be on longer review/approval timeframe
- The more intensive uses could not be considered in the Rural Buffer, under the current proposal

Unified Development Ordinance & Comprehensive Plan Amendments

- Only a few changes/additions would be necessary to the ASE text applicable outside of the Rural Buffer to allow ASE uses within the Rural Buffer
 - District chart in Article 3
 - Additions to RB zoning district in Table of Permitted Uses for General Use Zoning Districts
 - Noting that some uses shall not be approved in the ASE-CZ if located in the Rural Buffer
 - Additions to some of the use-specific standards in Article 5
- Comprehensive Plan amendment to allow new ASE-CZ zoning district in the Rural Buffer land use category

Project Review/Approval Process

- Depends on use being proposed within the Rural Buffer
- Three basic processes:
 - Staff review/approval
 - Special Use Permit
 - Class B is reviewed/approved by Board of Adjustment
 - Class A is reviewed/approved by Board of County Commissioners (none in RB)
 - Rezoning
 - General Use district (not applicable in the Rural Buffer)
 - Conditional district (including proposed ASE-CZ)
- All projects within the Rural Buffer are sent to JPA partners for review and comment, in accordance with the JPA Agreement

Permitted Outright vs. SUP or Conditional Zoning

- Less intensive uses added to the Table of Permitted Uses as permitted outright
 - Subject to use-specific and general development standards
 - Community Agricultural Processing Facility
 - Community Farmers Market
 - Cooperative Farm Stand
 - Community Meat Processing Facility
 - Non-Farm Use of Farm Equipment
 - Rural Special Events
- Staff approval
- More intensive uses must be permitted through either the Special Use Permit process or rezoned as an ASE-CZ
 - Class B Special Use Permit
 - Microbrewery with Minor Events
 - Winery with Minor Events

- Microbrewery, Production Only
- Winery, Production Only
- Rural Heritage Museum
- Special Use Permits are “quasi-judicial” proceedings
 - Public Hearing
 - Decided on a case-by-case basis with public input (“evidence”)

Conditional Zoning District (ASE-CZ)

Some of the more intensive uses that can be applied for as an ASE-CZ could not be applied for in the Rural Buffer

- Composting Operation with grinding
- Regional Meat Processing Facility
- Stockyards/Livestock Markets
- Sawmills
- Both Agricultural Preservation Board and Planning Board Ordinance Review Committee agree on removing these uses from consideration in the Rural Buffer

Conditional Zoning District (ASE-CZ)

- Conditional zoning districts allow projects to be considered on a case-by-case, site-specific basis
 - Rezoning (legislative process) with public hearing
- Acknowledges that there are places where a specific type of use may be appropriate whereas it would not be in a different site-specific situation
 - BOCC has final decision on whether a proposed use(s) is compatible with surrounding uses
 - Mutually agreed upon conditions can be imposed as part of the approval process
 - Allows tailoring of project to a specific site
- Table of Permitted Uses lists the types of uses that can be applied for as an ASE-CZ

JPA Review

November 21, 2013 Assembly of Governments meeting to discuss with elected officials

Amendment Package sent to JPA partners on January 17, 2014

- To date, no comments have been received

Public Notification

- Completed in accordance with Section 2.8.7 of the UDO
 - Newspaper legal ads for 2 successive weeks
- Held Public Information Meeting on February 17 (was postponed from advertised date of February 13)
 - Flyers posted
 - Press Release
- Has been a topic on a few agendas in the past year
 - BOCC (including Assembly of Governments)
 - Planning Board
 - Agricultural Preservation Board
- Planning website posting on January 24

Recommendation

- Receive the proposal to amend the Comprehensive Plan and Unified Development Ordinance.

- Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
- Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the September 4, 2014 BOCC regular meeting.
- Adjourn the public hearing until September 4, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

Commissioner Gordon referred to the use specific standards chart and asked why this is not included in the rural buffer section.

Perdita Holtz said the standards are the same in the rural buffer as they are in the agricultural residential. She referred to the amendment package, in article 5 and said any amendments in red are just adding RB to a few sections. She said the standards are the same, and there has been no re-write of standards to make it pertain to the rural buffer.

Commissioner Gordon asked how the Planning Board consideration interfaces with the joint planning consideration.

Perdita Holtz said, within the rural buffer, the planning board will make a recommendation on the JPA amendments as well. She said the planning board will be briefed on this in April, and information will be shared from the public hearing, planned for March 27th. She said the UDO revisions being considered tonight will be on the April planning board agenda for them to make a recommendation as well.

Commissioner Gordon said the recommendation will be made with just the hearing comments, but not with the comments from the jurisdictions.

Perdita Holtz said the UDO amendments are not what are being heard at the March 27th joint public hearing; this is to hear amendments to the joint planning land use plan and agreement, and there are very few amendments that need to occur.

Commissioner Gordon asked for a memo listing those amendments.

Perdita Holtz said this can be done.

Commissioner Gordon asked when the input on the UDO from the Chapel Hill and Carrboro public officials will come.

Perdita Holtz said public officials don't comment on UDO amendments unless staff wants to bring something to their attention.

Commissioner Gordon asked when these comments are due.

Perdita Holtz said these were due by tonight, but these will still be accepted while the public hearing process is going on. She said written comments can be submitted as part of the JPA process.

Chair Jacobs asked if there are any items in this proposal that have the same issues that the attorney and staff had in the previous proposal.

Perdita Holtz said this is not due to come back until September, so this is not an issue.

A motion was made by Commissioner Price, seconded by Commissioner Pelissier to:

1. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the September 4, 2014 BOCC regular meeting.
2. Adjourn the public hearing until September 4, 2014 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

VOTE: UNANIMOUS

1
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.

35
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.
6

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.
11

12 The meeting was adjourned at 10:12 p.m.
13
14

15 Barry Jacobs, Chair
16

17 Donna Baker, Clerk to the Board
18
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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

**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.² 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

PAGE 57 – JPA LAND USE PLAN*** 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

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

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

Major Class	Subclass	Land Use Plan Category
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
		Rural Residential and Agricultural ¹

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

		Retail Trade
		Extractive Use

PAGE 60 – JPA LAND USE PLAN

***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.

PAGE 60-a – JPA LAND USE PLAN

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;~~² 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.~~³ 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.~~⁴

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 stream 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.

² 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.

³ 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.

⁴ 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.

PAGE 60-b – JPA LAND USE PLAN

***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. ⁵Cluster 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. ⁶Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.

⁵ 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.

⁶ 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.

PAGE 61 – JPA LAND USE PLAN**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

STREET TYPE	FUNCTION	SPEED	ROW	DAILY VOLUME	TRIP LENGTH	ACCESS	TRAVEL LANES
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

Attachment G-9

LAND USE CLASSIFICATION	SLOPE			SOIL STABILITY			VEGETATION			RESIDENTIAL				COMMER				OPEN AREA			ACCESSIBILITY			
	0 - 7 ½%	7½ - 15%	15% +	SLIGHT	MODERATE	SEVERE	CLEAR	FOREST	WETLAND	RURAL	SUBURBAN	URBAN	HIGH URBAN	OFFICE	RETAIL	PUBLIC/QUASI-PUBLIC	INDUSTRIAL	RECREATIONAL	AGRICULTURAL	FORESTRY	INTERSTATE	ARTERIAL	COLLECTOR	LOCAL
RESIDENTIAL																								
<u>Rural and Agricultural</u>	x	x	x	x	x		x	x		x	x					x		x	x	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	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	x
<u>Agricultural</u>	<u>x</u>	<u>x</u>		<u>x</u>	<u>x</u>		<u>x</u>			<u>x</u>						<u>x</u>		<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>	<u>x</u>
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.

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***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

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Protection Areas, Public-Private Open Space Areas, Agricultural Areas¹, 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

¹ 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.

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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 Areas²

~~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.~~³ 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.~~⁴ Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.⁵

² 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.

³ 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.

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

⁵ 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 maintained⁶. 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 Sedgfield, 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.

⁶ 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, Agricultural¹, 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.² 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

¹ 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.

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.

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

A motion was made by Commissioner Pelissier seconded by Commissioner Price for the Board to:

- 1) Award a bid to Riggs-Harrod Builders, Inc. of Durham, North Carolina not to exceed the amount of \$429,550 for the construction of the Orange County SportsPlex Lobby Renovation;
- 2) Authorize the Chair to sign the necessary paperwork upon final approval of the County Attorney; and
- 3) Authorize the County Manager to execute change orders for the project up to the project budget.

Commissioner Rich said residents in Chapel Hill are asking when this facility can be duplicated in the southern part of the county.

Commissioner Dorosin said the Sportsplex is in the center of the County, and it is equidistance from all points.

VOTE: UNANIMOUS

c. Joint Planning Land Use Plan and Agreement Amendments – Revisions to Existing Language Ensuring Agricultural Activities are Allowed Throughout the Rural Buffer as well as Density and Minimum Lot Size Clarification(s)

The Board considered amendments to the Joint Planning Land Use Plan and Agreement modifying language to ensure agricultural activities are allowed throughout the Rural Buffer and to clarify required densities and minimum lot sizes within, and outside of, the University Lake Watershed Area.

Chair Jacobs noted that there are answers to some of the Board questions included in the documents at the Commissioners' places.

Michael Harvey reviewed the abstract documents and presented the following PowerPoint slides:

JUNE 3, 2014

AGENDA ITEM: 7-C

PROPOSED AMENDMENTS TO THE JOINT PLANNING LAND USE PLAN AND AGREEMENT

BACKGROUND:

- Presented at the March 27, 2014 Joint Planning Public Hearing.
- Town of Chapel Hill Planning Board reviewed and recommended approval of proposal.
 - Town of Chapel Hill Town Council will review at its June 9, 2014 regular meeting.
- Town of Carrboro Planning Board, as well as other local advisory boards, have reviewed and recommended approval.
 - Town of Carrboro Board of Alderman is reviewing this item at its June 3, 2014 regular meeting.

ISSUES/CONCERNS:

- Agricultural Areas land use category is not depicted on maps contained within the Plan. No properties appear to be designated within this category.

- NOTE: Current language could be misconstrued as establishing limits with respect to allowable locations for agricultural operations, which is inconsistent with State Law. This needs to be corrected.
- Rural Residential land use category does not specify a density limit (minimum lot size only).
 - NOTE: County staff has interpreted there to be a 'defacto' density limit in the areas of the Plan not located within the University Lake Watershed Area of 1 dwelling unit for every 2 acres.
- Clustering of lots is not viable within Rural Residential land use category as the Plan is currently written.
 - NOTE(s): Under County regulations, Cluster Subdivisions allows for the reduction of required lot sizes, not below 1 acre in area, so long as 33% of a parcel is preserved in open space and established density limits are observed.
 - Technique is utilized throughout the county, including the University Lake Watershed Area.
- Plan indicates minimum required lot size within the University Lake Watershed Area is 5 acres. This is inconsistent with language within Joint Planning Agreement and County regulations indicating minimum lot size is 2 acres.

PROPOSAL SUMMARY:

- Combine Rural Residential and Agricultural land use categories, add language indicating agricultural activities are permitted throughout the area covered by the Plan.
- Establish density of 1 dwelling unit for every 2 acres of property located within the Rural Residential land use category.
- Allow cluster subdivisions within the Rural Residential category so long as proposed density requirements (i.e. 1 unit for every 2 acres) are adhered to.
- Change language within the Plan denoting required minimum lot size for parcels in the University Lake Watershed Area is 2 acres consistent with the adopted JPA and existing County regulations.

MANAGER RECOMMENDATION:

1. Deliberate as necessary on the proposed amendments to the Joint Planning Land Use Plan and Agreement,
2. Decide accordingly and/or adopt the Resolution contained in Attachment 2 which approves the amendments to the Plan and JPA.

Commissioner Gordon's questions and concerns and staff responses (via email) are noted for the record as follows:

From: Alice Gordon [<mailto:gordon.alice@gmail.com>]

Sent: Monday, June 02, 2014 6:23 PM

To: Barry Jacobs; Bernadette Pelissier; Earl McKee; Alice Gordon; Alice Gordon; Mark Dorosin; Penny Rich; Renee Price; Donna Baker; Michael Talbert; Greg Wilder; Cheryl Young; Clarence Grier; John Roberts

Cc: Craig Benedict

Subject: Additional questions/comments - June 3, 2014 agenda

Additional questions/comments - June 3, 2014 agenda - from Alice Gordon
Item 7c and 7d - JPA Land Use Plan and Amendment Agreements

In the proposed revisions to the Joint Planning Land Use Plan and JPA agreement, there are a number of places where the Rural Residential and Agricultural land use plan categories are combined into a new Rural Residential and Agricultural land use category.

(A) Reasons for combining the two land use categories

In reviewing the agenda materials, I have developed an understanding of the reason for combining these categories.

My understanding is that this combination into one category is not something that is mandated by state statute.

Staff response: Correct.

What is mandated by the statute is that the county cannot prohibit agricultural uses in the county's jurisdiction, including in the Rural Buffer.

Staff Response: Correct.

Therefore it is my understanding that the main reason to combine Rural Residential and Agricultural is related to planning issues, rather than legal issues.

Staff Response: Correct. Any agreement will be strengthened by clearly demonstrating the intent of the parties. However, both the original language and draft amendments likely are legally sufficient to convey the intent of the parties.

(B) Description/definition of the Agricultural category in the original Joint Planning Area Land Use Plan

My understanding of how the Agricultural category was described in the original JPA Land Use Plan tracks with the statement on page 60-a of the JPA land use plan (on page 10 of agenda item 7c) as follows:

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.

Staff response: Correct. There's likely some discrepancy between the definitions as not all farms may qualify for the present-use value program which has four tests (ownership, size, income and sound management). While the revised language captures more farming operations, these will be practically the same.

My understanding further tracks with the two paragraphs concerning "Agricultural Areas" on page 83 of the JPA land use plan (page 16 of agenda item 7c).

There is a map in the original JPA land use plan which has symbols indicating where farms are located.

In agenda item 7-d, in Attachment 4, is a map of parcels in use value. My understanding is that this map would be the modern equivalent of the older map.

Staff response: Correct. Attachment 4 would be a modern equivalent for informational purposes and does not appear to replace or become part of the JPA.

After reviewing that map in our agenda materials (on page 19 of agenda item 7d), it is my understanding that the parcels in use tax value in the Rural Buffer would be the Agricultural areas and the other parcels would be the Rural Residential areas.

Staff response: The parcels identified on that map and within the Rural Buffer would be considered "Agricultural Areas" now and "Rural Residential and Agricultural Area" if the JPA were amended as proposed. The "Rural Residential and Agricultural Area" would be those parcels, plus farms outside the present-use value program (if any) and the residential uses. There would still be the other six categories of uses in the Rural Buffer (Resource Protection Area, Public-Private Open Space Area, Retail Trade Area, Extractive Use, and the University Lake Watershed Area) which are not depicted in the map.

I would appreciate it if the planning staff and the county attorney would comment on my understanding of (A) and (B) above. Some of my understanding of these issues comes from my having helped develop the JPA plan and agreement when I served as chair of the Orange County Planning Board, but most of it comes from a recent review of relevant information.

End of first email.

Continued Staff Responses:

Commissioner Gordon is correct that staff's proposal to combine the existing 'Rural Residential' and 'Agricultural' land use categories, as detailed in the Joint Planning Land Use Plan, is not mandated by State statute. Having said that existing language within the Joint Planning Land Use Plan, which we are proposing to delete, is no longer consistent with State law with respect to 'defining' how a property owner 'demonstrates' he/she operates a farming operation. From that standpoint we are, through this process, addressing the Plan's inconsistency with State law with respect on 'how' someone demonstrates their property is or is not a farm.

I am referring to the following language (again which we are recommending be deleted):

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.

State law, specifically NCGS 153A-340 (b) (2) now provides 5 different options with respect to how a property owner 'demonstrates' the property is a farm, specifically:

- a. ***A farm sales tax exemption certificate issued by the Department of Revenue.***
- b. ***A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.***
- c. ***A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.***
- d. ***A forest management plan.***
- e. ***A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.***

A parcel of property no longer has to be listed, or qualify for, the present use value program to be considered a farm for our purposes.

As previously indicated the chief reasons staff is proposing to combine the 2 land use categories into one is:

1. By State law farms are allowed anywhere. Staff does not believe we can have language within the Plan which could be interpreted as limiting their location in only 1 land use category. This is why such language is being eliminated.
2. By combining the 2 land use categories we are ensuring there is universal understanding that a farm is allowed through the area covered by the Plan.
3. The current Joint Planning Land Use Map shows there are no properties within the 'Agricultural' land use category. The map provided as part of Item 7-d (attachment 4) was created at the request of the Carrboro Board of Alderman and is being provided for the BOCC's edification. All this map shows are the various farms throughout the Rural Buffer that are part of the present use value program. It is not a definitive list/map of all farm properties. It should in no way be construed as a 'modern' equivalent of the older map (assuming Commissioner Gordon is referring to the Joint Planning Land Use Plan Map). The Joint Planning Land Use Map, as previously indicated, does not specifically delineate any parcels of property as being located within the 'Agricultural' land use category.

Commissioner Dorosin referred to the proposal summary slide. He asked about the proposed change to the University Lake watershed. He asked if a current property owner with one house on 5 acres in the University watershed would be able to construct another dwelling, or divide that parcel.

Michael Harvey said the ordinance establishes that any lot that legally existed prior to 1989, when the University Lake watershed density standards were adopted, receives a density bonus, where you can have up to 5 lots at a 2 acre density. He said, in the scenario presented by Commissioner Dorosin, if the lot was created in 1980 at 5 acres, the owner could create one additional lot at a 2 acre minimum lot size. He said if the lot was created in 2014, the owner will be limited to one 5 acre lot.

Commissioner Dorosin referred to the defacto density limit and asked for clarification on this.

Michael Harvey said staff has interpreted the joint land use plan as establishing a defacto density because the language says that lots must be two acres or higher. He discussed the example of the Dunhill subdivision on Mount Sinai Road, which was not allowed to have a cluster model under the current plan, but would have been allowed as a cluster subdivision if these amendments were adopted.

Commissioner Gordon referred to her email question regarding the combination of agricultural and rural residential categories. She wanted to understand the reason why these were combined. She said it has been established that there were planning reasons, not legal reasons to do this. She said the reason for the amendments is to keep farmers farming. She referred to the Joint Planning Area (JPA) strategy map on page 73 and said it shows farms, although it does not show all of the farms. She said the Board just got a map of the use value farms in their packet, which shows where the use value parcels are. She said neither agricultural nor residential are categories on the map for the Joint Planning Area Land Use Plan. She said the category was Rural Buffer. She said the Joint Planning Area strategy map

on page 73 shows farms, and the most recent map in the agenda materials shows use value parcels.

Commissioner Gordon said it is important to know which parcels have farms, which is about 27 percent of the parcels. She is not sure that the intent was to make everything agricultural, and her understanding of the intent was to keep the farmers farming and give them more ways to make a living.

Commissioner Gordon said the other point she wanted to make is that Carrboro is discussing this tonight, and Chapel Hill is discussing this on June 9. She questioned why Orange County is approving this tonight without waiting to hear from their partners. She said it would be more collegial to wait for feedback from the towns.

Michael Talbert said staff is running out of time to move this forward. He said the towns will receive this as a unanimous recommendation from the planning board, and there is no reason to think that the towns would have any objections. He said if the towns make any major material changes to the document, the Board would have to start over anyway.

Commissioner Gordon said it would depend on the changes made to the document. She said the deadline is a self imposed deadline, and there will be no money lost. She said agricultural support enterprises are not being discussed until the fall. She would like to hear what the towns say, and she is concerned about approving this tonight and then having to start all over again.

Michael Harvey said if one of the towns makes a word or language change, this would have to be re-reviewed by the planning board and the Board, as well as the town. He said it is the position of staff that there will be no language change with either of these two items.

Commissioner Dorosin said the Board should go ahead and vote.

A motion was made by Commissioner Dorosin, seconded by Commissioner Pelissier for the Board to:

1. Deliberate as necessary on the proposed amendments to the Joint Planning Land Use Plan and Agreement; and
2. Decide accordingly and/or adopt the Resolution contained in Attachment 2 which approves the amendments to the Plan and JPA.

VOTE: 6-1 (Commissioner Gordon)

d. Joint Planning Land Use Plan and Agreement Amendments – Agricultural Support Enterprises Within the Rural Buffer Land Use Classification

The Board considered amendments to the Joint Planning Land Use Plan and Agreement to allow for the possibility of locating appropriate Agricultural Support Enterprises within the Rural Buffer land use classification.

Michael Harvey noted that the Agricultural Support Enterprises conditional zoning and the construct for the Rural Buffer are slated to come back to the Board in September. He said the approval of this item would merely allow that discussion to continue, but this Board will ultimately have the final say in what the program will look like.

Michael Talbert reviewed the following PowerPoint slides:

Text Amendments to the Joint Planning Land Use Plan and Agreement to Allow for the Possibility of Locating Appropriate Agricultural Support Enterprises Within the Rural Buffer Land Use Classification

Item 7.d

Purpose of Amendment

- Amend Joint Planning Land Use Plan and Agreement to allow for the potential of locating appropriate agricultural support enterprises within the Rural Buffer land use classification

Proposed Amendment

- * Add text to two pages of Joint Planning Land Use Plan and to one page of Agreement
- * Added text is shown in blue in Attachment 1 of agenda materials

What are Appropriate Agricultural Support Enterprises?

- * Agricultural support-related uses to be added to County's Unified Development Ordinance (UDO) as permissible in the Rural Buffer zoning district and/or part of a new conditional zoning district that could be applied in the Rural Buffer
 - * UDO amendments pertaining to the Rural Buffer can be adopted only if the three governing boards amend the Joint Planning Land Use Plan and Agreement

Unified Development Ordinance Amendment

- * The UDO amendment is not the subject of this text amendment.
- * UDO amendment package included as an informational attachmentth
 - * Red, blue, and green text was adopted on May 20
 - * Orange colored text pertains to the Rural Buffer and is not yet adopted
- * Proposed UDO amendments were heard at the County's February 24 quarterly public hearing
 - * Adjourned to September 4, 2014 BOCC meeting for decision to allow time for decisions of Joint Planning documents

Tonight's Amendment Topic

- Joint Planning Land Use Plan and Agreement
 - Proposed amendments heard at March 27 joint public hearing (Orange County, Towns of Chapel Hill and Carrboro)
 - County and Town Planning Boards have recommended approval to their respective governing boards
 - Town of Carrboro considering tonight
 - Town of Chapel Hill considering Monday, June 9

Recommendation for Tonight

1. Deliberate as necessary on the proposed amendments to the Joint Planning Land Use Plan and Agreement
2. Decide accordingly and/or adopt the Resolution contained in Attachment 1 which approves the amendments to the Joint Planning Land Use Plan and Agreement

Commissioner Gordon noted that the Commissioners have an email at their places with her suggestion and staff responses. She is concerned about high intensity uses in the Rural Buffer.

Commissioner Gordon said she suggested the addition of language to the JPA. She said the attorney said it was fine to add clarification, and planning staff said this was workable; however, this would have to go before the boards.

Commissioner Gordon said this would only be a change to page 9 of the packet, in the blue sentence that is right before item C. She suggested adding language that refers to the agricultural support uses as “those *allowable* in the Rural Buffer that are permitted through the ASE-CZ.”

Michael Harvey said staff has provided a response. He said the joint planning land use plan is just a plan. He said the document spelling out allowable or unpermitted uses is the UDO, and the existing language achieves what Commissioner Gordon is looking for. He said the agricultural support enterprises conditional zoning district is a floating district, and it is only applied when someone makes application for it. He said there is a specific set of allowed uses, and if it not listed as permitted, then it is not noted as permitted in that particular district.

A motion was made by Commissioner Gordon to modify the language to include “or those agricultural support uses allowable in the Rural Buffer that are permitted” to the end of the blue text on page 9 of the abstract.

No second. Motion fails.

A motion was made by Commissioner Pelissier, seconded by Commissioner McKee for the Board to:

1. Deliberate as necessary on the proposed amendments to the Joint Planning Land Use Plan and Agreement,
2. Decide accordingly and/or adopt the Resolution contained in Attachment 1 which approves the amendments to the Joint Planning Land Use Plan and Agreement.

Chair Jacobs referred to page 9, where the Rural Buffer is essentially defined. He said he is opposed to the definition of Rural Buffer as a “low-density area consisting of single-family homes.” He said there are other uses that are specified, such as farms, resource conservation areas and natural areas. He feels the listed definition is oversimplified and inaccurate.

Michael Harvey referred to page 57, which breaks the Rural Buffer into individual land use categories. He said the Rural Buffer is a generic term that refers to an area of the County that is composed of 7 or 8 individual land use categories that further define the Rural Buffer. He said the Rural Buffer is just a term, and it actually incorporates the University Lake Watershed area, the resource protection areas, and public/private open space areas.

Chair Jacobs said the simple way to put it is that the Rural Buffer is the set, and those are all of the subsets.

Michael Harvey said that is correct, and he referred to the map and said the specificity is spelled out on pages 57 through the land use plan.

Chair Jacobs asked if this is only discussing that one land use.

Michael Harvey said this is not really discussing any land use; this text amendment adds the agricultural support enterprises as being allowed in the rural buffer category.

Chair Jacobs said he does not understand why the rural buffer is defined as single family residential at the top of page 6.

Commissioner Pelissier said the issue is the first sentence, and she noted that the second sentence further defines the rural buffer.

Michael Harvey said the rural buffer is the composition of many independent sub-categories that provide specificity.

Chair Jacobs said he would be more satisfied if this said the rural buffer is *in part* defined, but he can live with Commissioner Pelissier's point.

Chair Jacobs referred to page 95 and the definition of a commercial stable, which is prohibited in a lot of areas. He said there are no real numbers to define when stable becomes defined as commercial. He asked if there is a number for this.

Michael Harvey said there is a riding stable land use that is permitted by right or by class b special use permitting. He said the goal was to provide a distinction from boarding horses on your property and someone who wants to board a large number of horses and what is acceptable in terms of capacity.

Chair Jacobs said it would be nice to have clarification on the difference to make this self apparent.

Michael Harvey said this can be defined in advance of the September 4th hearing.

VOTE: 6 -1 (Commissioner Gordon)

e. Proposal to Create a Solid Waste Advisory Group (SWAG)

The Board considered creating a multijurisdictional task force of one year's duration to articulate, investigate, and propose collaborative solutions for solid waste issues confronting Orange County; the towns of Carrboro, Chapel Hill and Hillsborough; and the University of North Carolina at Chapel Hill.

Chair Jacobs said this was based on the Board's conversation at their work session. He said this lists some parameters as to what a group might discuss. He said there has been discussion of having the Commissioners volunteer at the next meeting to be on this group. He said the clerk would advertise for public positions if this is approved, and the elected officials and UNC participants would choose among the applicants.

Chair Jacobs said he took this to the managers' breakfast on Friday, and two of the three said there was no problem with getting people appointed in June. He said the mayors were comfortable with moving forward. He said the purpose of this item was to consider things in context and with input from partners, moving expeditiously and having interconnected and well articulated short and long term goals.

Commissioner Price asked about the number of representatives and whether this was weighted voting.

Donna Baker said this was just the way the positions were listed and numbered, but there is no weighted voting.

Commissioner Rich asked if Hillsborough and UNC had representatives on the original SWAB.

Chair Jacobs said SWAB had a UNC position, but the university never appointed anyone and sent a staff person instead, so they were never officially a member. He does not remember if Hillsborough had one or not.

Commissioner Rich said she attended some meetings years ago, and she did not remember any one from Hillsborough being there. She asked if Chair Jacobs has spoken with any at UNC about this.

Chair Jacobs said no. He said he and Commissioner McKee were waiting for the new manager to set up a meeting with the new Chancellor. He said there has been discussion of

asked for the Town's first conversation, regarding interest in the space, should be with the owners of Perch.

Alderman Haven-O'Donnell stated that she wants the Town to continue to use the revolving loan fund to assist in entrepreneurial interests for low-income entrepreneurs. She asked to see the notes from the June 30, 2013 retreat discussion.

Alderman Chaney expressed concern that the Town purchased the space as leverage in an economic development deal but is now looking at it for a separate use that has not been fully studied. She suggested that staff begin a process of interviewing Perch, emPOWERment, and Bull City Co-Working to see the financial requirements of owning and operating a co-working space.

Alderman Johnson stated that she would be interested in doing the research for an incubator space while leasing the property.

Mayor Lavelle stated that she is interested in looking at long-term strategies for the property and also asked that the Town -owned parking lot area should be included in any long-term study.

**CONTINUATION OF DISCUSSION ON JOINT PLANNING PUBLIC HEARING ITEM -
AMENDMENTS TO ALLOW FOR THE POSSIBILITY OF LOCATING AGRICULTURAL
SUPPORT ENTERPRISES IN THE RURAL BUFFER**

The purpose of this item was to continue the discussion and consider coming to a decision on proposed 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.

Mayor Lavelle asked that the staff look into the 100 foot buffer requirements.

Alderman Haven-O'Donnell stated that she continues to want the term "low-intensity" to be used every time that the term "agricultural support and enterprise" is used in the resolution, the Joint Planning Agreement, and the Joint Planning Agreement Land Use Plan. She asked why the terms "agricultural services" and "feed mill" had been omitted from the list of "Potential ASECZ uses in the Rural Buffer." Perdita Holtz, from the Orange County Planning Department, stated that Orange County Planning Staff had mistakenly omitted those terms from the list. After discussion by the Board of Aldermen, both "agricultural services" and "feed mill" were included in the discussion of the list.

Alderman Slade stated that he questions a lot of the uses and does not want to add more allowed uses in the rural buffer. He expressed support for adding a cap to the uses.

Alderman Chaney expressed a preference to be as expansive as the Town can tolerate while adding a

timeframe to revisit and assess the change. She suggested that the Board get an update annually, during the joint-meeting.

Alderman Gist stated that a lot of the ideas that the Board is discussing have come from residents that have lived and worked in the rural buffer for years. She expressed concern deliberating on issues that Carrboro does not have jurisdictional authority over.

Alderman Seils asked that language that ties the JPA to the current version of the County UDO be added to the resolution. He also asked that the Agricultural Preservation Board be involved in reviewing the permits and that older, exempt farm buildings, be exempt from the setback requirement.

The Town Attorney was asked to look into the sunset clause option as discussed in the staff memo and report back to the Board.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY SLADE TO INCLUDE THE TERM "LOW INTENSITY" WHEN THE TERM "AGRICULTURAL SUPPORT AND ENTERPRISE USES" IS USED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL, SECONDED BY ALDERMAN CHANEY TO APPROVE OF THE SUGGESTED PERMISSIBLE USES WITH THE EXCEPTION OF: 1-AGRICULTURAL PROCESSING FACILITY, 19-MICROBREWERY W/MAJOR EVENTS, 24-WINERY W/MAJOR EVENTS, AND 30-ASSEMBLY FACILITY GREATER THAN 300 OCCUPANTS. THE BOARD ALSO REQUESTED THAT STAFF PRESENT AN UPDATE TO THE TOWNS AND COUNTY DURING THE ANNUAL JOINT-PUBLIC MEETING AND TO EXPLORE THE CONCERN WITH THE 100 FOOT BUFFER. LANGUAGE SHOULD BE INCLUDED IN THE JOINT PLANNING AGREEMENT THAT TIES THE AGREEMENT TO THE COUNTY'S CURRENT VERSION OF THE UNIFIED DEVELOPMENT ORDINANCE. THE BOARD RECOMMENDS THAT THE COUNTY'S AGRICULTURAL PRESERVATION BOARD BE INVOLVED IN THE REVIEW OF ALL PERMITS. THE BOARD ALSO RECOMMENDS THAT EXEMPT FARM BUILDINGS NOT BE SUBJECT TO SETBACK REQUIREMENTS AND THAT THE REVIEW PERIOD BE EXTENDED FROM 35 TO 40 DAYS. STAFF SHALL REVIEW THE 100 FOOT BUFFER REQUIREMENTS AND REPORT BACK TO THE BOARD. THE TOWN ATTORNEY SHALL EXPLORE THE SUNSET PROVISION. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

DISCUSSION OF POSSIBLE CHANGES TO CHAPTER 10 IN RELATION TO THE KEEPING OF LIVESTOCK

The purpose of this agenda item was to provide an opportunity for the Board of Aldermen to discuss the requirements for keeping fowl within Town limits.

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

Alderman Johnson, the Board's liaison to the Animal Control Board of Appeals, discussed the recent

Seat Designation	Appointee	Term Expiration
In-Town	William Potter	2/2017

Section 2. This resolution shall become effective upon adoption.

This the 14th of October, 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

Absent: Alderman Seils

**CONTINUATION OF DISCUSSION ON JOINT PLANNING PUBLIC HEARING
ITEM - AMENDMENTS TO ALLOW FOR THE POSSIBILITY OF LOCATING
AGRICULTURAL SUPPORT ENTERPRISES IN THE RURAL BUFFER**

The purpose of this item was to continue the discussion and consider taking action related to proposed 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. She presented a draft resolution from Orange County regarding the deletion of the proposed sunset clause. The Board discussed Orange County's proposed resolution but decided to continue with the version that they had requested during the October 7, 2014 meeting.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Slade, that this resolution be approved.

RESOLUTION AMENDING

THE JOINT PLANNING LAND USE PLAN AND JOINT PLANNING AGREEMENT TO
ALLOW FOR THE POSSIBILITY OF LOCATING APPROPRIATE LOW INTENSITY
AGRICULTURAL SUPPORT ENTERPRISES IN THE
RURAL BUFFER LAND USE CLASSIFICATION

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on

October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as “Agricultural Support Enterprises Within the Rural Buffer Land Use Classification,” a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, 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 Carrboro Board of Aldermen hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends approval of all but four (i.e. Agricultural Processing Facility, Microbrewery w/Major Events, Winery w/Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that the Agricultural Preservation Board, the County’s appointed agricultural advisory board be given the opportunity to comment on rezoning and land use permits related to ASE in the Rural Buffer.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that reuse of existing farm buildings, especially those 50 years or older, into new agricultural support enterprises, be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that the Joint Planning Agreement shall also be amended to include a new subsection 1.3 (D) Effective Date and Duration, to read as follows:

The Agricultural Support Enterprises amendments to the Joint Planning Land use Plan and Joint Planning Agreement approved on _____, shall expire by their own terms six years from their effective date and shall be deleted from the Joint Planning Area Land Use Plan and Joint Planning Agreement, respectively, on that date; provided that, these amendments shall not expire or be deleted from the JPALUP if the governing bodies of Orange County, Chapel Hill, and Carrboro each adopts a resolution expressing that governing body's desire that these amendments remain a part of the specified documents. Such resolutions may be adopted not sooner than five and one-half years and not later than six years following the effective date of the subject amendments.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

BE IT FURTHER RESOLVED that any amendments to the County's Unified Development Ordinance that rely upon the attached amendments to the Joint Planning Area Land Use Plan or the Joint Planning Agreement in order to achieve the consistency with the Joint Planning Area Land Use Plan that the County requires, shall include provisions establishing that (i) such amendments to the County's UDO shall expire by their own terms if and on the date that the amendments to the JPALUP and the JPA expire as provided herein; and (ii) if the amendments to the UDO so expire, then any development or use for which a building permit was issued or that otherwise obtained a vested right during the period when those amendment were in effect (and that could not have been approved but for those amendments) shall be treated as a permissible use, rather than a nonconforming use.

This the 14th of October, 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

1
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.

35
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 to 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.
6

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.
11

12 The meeting was adjourned at 10:12 p.m.
13
14

15 Barry Jacobs, Chair
16

17 Donna Baker, Clerk to the Board
18
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PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

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MEMORANDUM

TO: File
FROM: Craig N. Benedict, AICP, Planning & Inspections Director
DATE: January 5, 2015
SUBJECT: Rural Buffer Growth Potential Questions from November 19, 2014
Assembly of Governments Meeting

The attached document is summary of Rural Buffer (RB) subdivision activity. This shows that a low amount of county growth occurred in the rural buffer in the time period reported. The time period includes the recession of 2008-2011 that did mute growth activity.

The question was not necessarily the historical growth or the trend thereof but the projection of growth predicted by the software 'Community Viz' (CV) employed by the Durham-Chapel Hill MPO to develop the 2040 MTP. The model predicted that due to land limitations (even with densification during redevelopment as reported by Chapel Hill) within municipalities that regional growth potential would spill into other areas of Orange County and specifically the rural buffer. Orange County Planning staff makes no claim about the DCHC MPO model being valid (i.e. the ability or market to build that much housing in the rural buffer) or that the historical growth would portend a different conclusion, just that the local governments (County included) should reconcile the difference by a few changes in assumptions or combination thereof:

1. Decrease CV growth projection in RB and/or potential by further downzoning RB 2-acre lot density and increase somewhere else, or
2. Decrease countywide projection total, or
3. Other hybrid reconciliation.

					Attachment L - 2 of 6
LIST OF SUBDIVISIONS APPROVED WITHIN THE RURAL BUFFER (RB) GENERAL USE ZONING DISTRICT					
BETWEEN 2004 AND 2014					
	NOTE - This list does not count exempt subdivisions - i.e. lots over 10 acres in area created via the exempt subdivision process.				
YEAR	SUBDIVISION	PARCEL IDENTIFICATION NUMBER (PIN)	LOCATION (DESCRIPTION)	SIZE OF PARCEL	NUMBER OF LOT(S)
2014					
	TRIPLE CROWN FARMS - Major subdivision approved by BOCC on June 17, 2014	9850-91-0030	Off of Dairyland Road	104.25 acres	20 lots (density of 1 unit per 5 acres of property)
	Long - Minor subdivision approved by staff on June 2, 2014	9861-27-9688	901 Arthur Minus Road	18 acres	2 lots (1 lot 2 acres in area - density of 1 unit per 9 acres of property)
	Espitia Subdivision - Minor subdivision approved by staff on May 23, 2014	9871-09-6372	Off of New Hope Church Road, east of intersection of Old NC Highway 86	8.4 acres	3 lots (density of 1 unit per 2.8 acres)
	Jones - Minor subdivision approved by staff on May 2, 2014	9891-86-1235	5910 Treetop Ridge Road	4 acres	2 lots (density of 1 unit per 2 acres of property)
	Harris - Minor subdivision approved by staff on April 2, 2014	9861-33-9366	Union Grove Church Road	5.65 acres	2 lots (density of 1 unit per 2.8 acres of property)
	TOTAL APPROVED LOTS IN 2014	29			
2013					
	Humphries - Minor subdivision still under review by staff	9891-80-0703	Erwin Road	11.8 acres	Proposal calls for development of 2 lots
	Hamish Clarke - Minor subdivision approved by staff on September 20 ,2013	0801-14-4520	Kerley Road (NOTE: access is through Durham County)	7 acres	2 lots (in Orange County - density in OC jurisdiction would be 1 unit for every 2 acres of property)
	Attwood - Minor subdivision approved by staff on August 12, 2013	9767-24-3323	Carolina Forest Road	10 acres	2 lots (density of 1 unit per 5 acres)

Attachment L - 3 of 6					
YEAR	SUBDIVISION	PARCEL IDENTIFICATION NUMBER (PIN)	LOCATION (DESCRIPTION)	SIZE OF PARCEL	NUMBER OF LOT(S)
2013 (CONTINUED)	Annandale at Creekwood - Major subdivision approved by BOCC on April 23, 2013	9880-28-1953	Whitfield Road – approximately 1,200 feet east of the intersection of Whitfield Road and NC Highway 86.	36.4 acres	11 lots (density of 1 unit per 3.31 acres of property)
	Frost's Forest - Minor subdivision approved by staff on February 1, 2013	9891-00-0986	Whitfield Road	14.5 acres	4 lots (density of 1 unit per 3.65 acres of property)
	TOTAL APPROVED LOTS IN 2013	19			
2012					
	Dunhill - Major Subdivision approved by BOCC on November 20, 2012	9881-15-7138	2301 Mt. Sinai Road – 2,800 feet east of the intersection of Mt. Sinai Road (SR 1718) and NC Highway 86 across from Running Green Road	68.5 acres	26 lots (density of 1 unit per 2.63 acres of property)
	Lucas Heirs - Minor subdivision approved by staff on April 11, 2012	9861-79-2940	Old NC Highway 86 - north of the intersection of New Hope Church Road and Arthur Minnis Road	85 acres	3 lots (density of 1 unit per 22.8 acres - NOTE: 2 lots were created, each approximately 4 acres in area with the remaining acreage, approximately 77 acres, left undeveloped)
	TOTAL APPROVED LOTS IN 2012	29			

YEAR	SUBDIVISION	PARCEL IDENTIFICATION NUMBER (PIN)	LOCATION (DESCRIPTION)	SIZE OF PARCEL	Attachment Number	NUMBER OF LOT(S)
2011						
	Farrington Subdivision - Minor subdivision approved by staff on April 8, 2011	9767-86-2920	Old School Road	12 acres		2 lots (density of 1 unit per 6 acres)
	TOTAL APPROVED LOTS IN 2011	2				
2010						
	Lodges at Chapel Hill - Major subdivision approved by BOCC on April 6, 2010	The project involved 2 separate parcels of property, identified as follows: a. PIN 9777-11-0563 (32 acres) b. PIN 9777-02-9266 (11 acres)	Damascus Church Road	43.8 total acres		12 lots (density of 1 unit per 3.65 acres of property)
	Strayhorne - Minor subdivision approved by staff on November 9, 2010	9872-74-9441	New Hope Church Road	17 acres		2 lots (2.1 and 14.9 acres in area - density of 1 unit per 8.5 acres of property)
	TOTAL APPROVED LOTS IN 2010	14				
2009						
	Yergan - Minor subdivision approved by staff on	9881-90-5401	Whitfield Road	19 acres		3 lots (density of 1 unit per 6.3 acres of property)
	TOTAL APPROVED LOTS IN 2009	3				
2008						
	Lucas Farm at New Hope - Major subdivision approved by the BOCC on November 18, 2008	9861-99-2747	Northeast intersection of New Hope Church Road and Old NC 86	45 acres		9 lots (density of 1 unit per 5 acres of property)
	TOTAL APPROVED LOTS IN 2008	9				

YEAR	SUBDIVISION	PARCEL IDENTIFICATION NUMBER (PIN)	LOCATION (DESCRIPTION)	SIZE OF PARCEL	Attachment Number	NUMBER OF LOT(S)
2007						
	Carramore	** NOTE: project located in Durham County with an access road into Orange County. This is all the BOCC approved in 2007	East side of Kerley Road (SR 1717) between Mt. Sinai (SR 1718) and Cornwallis Road (SR 1716)	N/A		No lots in Orange County
	TOTAL APPROVED LOTS IN 2007	None				
2006						
	Woodkirk lane - Minor Subdivision approved by staff in March/April 2006	The project involved 4 separate parcels of property, identified as follows: a. PIN 9881-02-7648 (20 acres) b. PIN 9881-13-4068 (6.2 acres) c. PIN 9881-02-1979 (3.4 acres) d. PIN 9881-12-0488 (7 acres)	Off of NC Highway 86 - approximately 3,531 ft. south of Mt. Sinai Road near Alexander Drive	The total acreage of the 4 parcels involved in the project was 36.6 acres		9 total lots (density of 1 unit per 4 acres of property)
	Westhampton - Major subdivision approved by the BOCC on September 12, 2006	9768-37-0974	Southside of Hatch Road	130 acres		19 lots (density of 1 unit per 6.8 acres)
	The Orchard - Major subdivision approved by the BOCC on December 4, 2006	The property involved 2 separate parcels of property, identified a follows: a. PIN 9767-39-1277 (29.9 acres) b. PIN 9767-39-9612 (31.6 acres)	North side of Jones Ferry Road at Damascus Church Road	61.5 total acres		18 lots (density of 1 unit per 3.41 acres of property)

	Triple Crown - name assigned to 4 minor subdivisions approved by staff from 2004 through 2007.	N/A	Off of Daryland Road	86 total acres (combined)	Attachment L - 6 of 6 14 lots (density of 1 unit per 6.14 acres of property)
	TOTAL APPROVED LOTS IN 2006	60			
2005					
	Ivey Grove - Minor subdivision approved by staff in September of 2005	9758-43-6841	Parcel off of Ivey Road	28.2 total acres	5 lots (density of 1 unit per 4.4 acres of property - NOTE 6 acres of the parcel was recombined with an adjacent lot, which is why density is slightly skewed)
	TOTAL APPROVED LOTS IN 2006	5			
2004					
	Preserve at Erwin Trace	** NOTE: project located in Durham County with an open space/access road into Orange County. This is all the BOCC approved in 2004/2005	On the east side of Erwin Road (SR 1737) north of the Cambridge Drive (SR 1302)	10 acres (portion of property in Orange County)	No lots in Orange County

All,

At the last AOG meeting it was clear that folks were uncomfortable with proceeding cautiously using a sunset provision when opening more uses within the rural buffer.

Many expressed that alternatively we could further exclude proposed uses that are discomfoting. Below and attached is a list of proposed uses for the rural buffer that I am not comfortable with.

In summary:

- Some proposed uses could be made acceptable with further amendments.
- Others are too vague or open, serving as 'catch all' uses.
- Lastly, beyond what the BOA has already identified at a previous meeting, there are three uses that I do not believe are appropriate for the rural buffer.

--Sammy

Proposed uses that need further use-specific standard additions:

- Winery with minor events*
- Microbrewery with minor events* – B

Allow both of these, when in the rural buffer, if on a bona fide farm (as is specified for “microbrewery, production only” and “winery, production only”) Microbrewery and winery are considered bona fide farming activities if they are using predominantly crops produced on site. Language could be added to the standards section for these uses that would ensure they are limited to being located only on a bona fide farm if the BOA agrees this should be done.

- Cold Storage Facility add: ‘,cooperative’
- Feed Mill add: ‘,cooperative’

Allow both of these when in the rural buffer, only if they are for local cooperative farm partners similar to definition provided under “agricultural processing facility, community” Language can be added to the standards section that would achieve this result for the Rural Buffer area if the BOA agrees this should be done. Prefer adding language to standards section rather than making two new uses in the Table of Permitted Uses because we could not allow the new uses outside of the Rural Buffer without going through a text amendment and it might be perceived as odd that these two uses are allowed only in the Rural Buffer and not elsewhere in the county.

Veterinary clinic

Veterinary hospital

Include language that makes clear this use allowable in the rural buffer if intended to serve primarily large animals. Language in standards section for Veterinary Clinic can be modified and/or added to make clear this use is intended primarily for large animals in the Rural Buffer. The standard for Veterinary Hospital already is clear that the use is intended primarily for large animal facilities (but may also contain an ancillary small animal component).

Proposed uses that are too vague or too open, they would need more definition if they are to be considered at all: It is very common (throughout the country) to not define all uses in zoning ordinances. In fact, the Towns' Land Use Ordinance appears to list "Storage of goods outside fully enclosed building" in the Table of Permissible Uses but does not have a definition for Outdoor Storage of Goods (there is a definition only for Outside Display of Goods for Sale or Rent). In another example, "Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise" is listed in the LUO as a permissible use but the terms are not further defined. This is pointed out not to say the Town's ordinance is deficient in any way but to illustrate that having definitions for every use listed in Tables of Permitted Uses is not typically done. The normal administrative procedure is to use reasonable judgment in what an undefined term means and/or to consult a dictionary.

- Agricultural Services Uses -- vague 'catch all' This use has a definition that pre-dates the ASE discussion. It is: 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.

- Assembly facility less than 300 occupants –no definition and also thought of as a catch all Please see response above regarding the fact all uses are not typically defined in zoning ordinances.

- Guest ranch -- if further defined include a cap when not on a bona fide farm as part of agritourism. A guest ranch is defined and use-specific standards exist. The definition is: A rural lodge providing overnight accommodations for transient guests seeking a vacation experience characteristic to that of a rural ranch; onsite facilities may include lodge or cabin accommodations, dining facilities, barns, dance hall and recreational facilities, including but not limited to riding rings, trails, fishing holes and swimming facilities.

Standards for this use are in Section 5.7.6 of the UDO.

- Storage of goods outdoor – no definition available Please see response above regarding the fact all uses are not typically defined in zoning ordinances.

Alderman Slade's e-mail of Tuesday, January 13, 2015 2:26 AM. Orange County Planning staff's comments/responses are in red text.

Misc. –

- Rural special events -- is defined for both conditional use approval and by right, which is it? Use-specific standard describes that it needs to be on a bona fide farm; taking it to the level of conditional permitting may be too extreme. It is potentially allowable through both (either) review/approval mechanisms (as are several other uses). As has been mentioned in the past, a person who wants to apply for more than one ASE use on a property (e.g., a comprehensive master plan type of development) must list all uses for which they are applying and show them on their ASE-CZ rezoning site plan. Therefore, all uses that are potentially allowable in the ASE-CZ zoning district must be listed as a potential use in the Table of Permitted Uses (i.e., a * must appear next to the use in the ASE-CZ column; if a * does not appear, the use cannot be applied for in an ASE-CZ rezoning application).

NOT ALLOW

Commercial enterprises that, though, can be deemed supportive of agricultural operations are more appropriate for urban settings --especially true for the Rural Buffer which has in it's center an urban core that by fact of being at the center it is in closest proximity to the largest amount of the Rural Buffer.

- Farm equipment rental, sales and service

- Farm Supply Store

- Garden center with on premises sales

The Town can recommend uses to be removed from consideration as an ASE-CZ rezoning application in the Rural Buffer. The Town has already identified the following four uses for removal: Agricultural Processing Facility, Microbrewery with Major Events, Winery with Major Events, and Assembly Facility Greater than 300 Occupants.

Proposed Language Changes offered by Alderman Slade 1/23/15

- Winery with minor events*
- Microbrewery with minor events* – B

Language change

Winery with minor events

Use-Specific Standards:

1) If located in a RB zoning district, the microbrewery must be located on a bona fide farm.

Microbrewery with minor events

Use-Specific Standards:

1) If located in a RB zoning district, the microbrewery must be located on a bona fide farm.

--

- Cold Storage Facility add: ',cooperative'
- Feed Mill add: ',cooperative'

Language change:

Cold Storage Facility, Community

Definition: A facility used to warehouse perishable foods and products prior to transport. Perishable foods and products must be produced by no more than 5 cooperative farm partners for the consumption of others.

The definition of a Cooperative Farm Partner is: A local farmer or producer of agricultural products who forms a business arrangement with other local farmers and/or producers to collectively process, market, and/or sell agricultural goods. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Use-Specific Standards:

(1) If located in a RB zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners or must be permitted as an ASE-CZ.

~~(2) (3) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CZ.~~

Feed Mill, Community

Definition: A building with machinery and apparatus for grinding and/or bagging grain. Grain must be produced by local cooperative farm partners for the consumption of others

The definition of a Cooperative Farm Partner is: A local farmer or producer of agricultural products who forms a business arrangement with other local farmers and/or producers to collectively process, market, and/or sell agricultural goods. For the purpose of this definition, "local" means Orange County and counties that share a border with Orange County.

Use-Specific Standards:

(1) If located in an RB zoning district, facility shall be located on the bona fide farm of one of the cooperative farm partners or must be permitted as an ASE-CZ.

- Veterinary clinic

Use: Veterinary Clinic

Definition: A facility staffed by at least one licensed veterinarian for the care and treatment of large and/or small animals. Such facilities may include grooming and short-term boarding as incidental uses.

(1) In the AR and RB zoning district, this use is intended primarily for large animal facilities but may also contain an ancillary small animal component.

--

- Guest ranch

Use: Guest Ranch

Definition: A rural lodge providing overnight accommodations for transient guests seeking a vacation experience characteristic to that of a rural ranch; onsite facilities may include lodge or cabin accommodations, dining facilities, barns, dance hall and recreational facilities, including but not limited to riding rings, trails, fishing holes and swimming facilities.

Use-Specific Standards:

(1) In the RB zoning district, guest ranches that are not bona fide farms is capped at 4.



Town of Carrboro

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

Legislation Details (With Text)

File #: 14-0342 Version: 1 Name:
Type: Abstract Status: Agenda Ready
File created: 11/25/2014 In control: Board of Aldermen
On agenda: 1/13/2015 Final action:
Title: Presentation from the NC Metro Mayors Executive Director and Board Discussion of Legislative Issues for the 2015 Session of the North Carolina General Assembly

PURPOSE: The purpose of this item is to hear a presentation from Julie White, the Executive Director of the NC Metro Mayors Coalition and to request that the Board of Aldermen discuss legislative issues to present to our local delegation at the breakfast. The delegation may be able to pursue some of the issues presented during the upcoming session of the NC General Assembly.

Indexes:

Code sections:

Attachments: [Attachment A - A RESOLUTION SETTING THE LEGISLATIVE BREAKFAST AND THE 2014 SHORT](#)
[Attachment B - Draft Legislation - An Act to Enact New Markets Jobs Initiatives.pdf](#)
[Attachment C - Town of Carrboro 2013 and 2014 Legislative Priorities.pdf](#)

Date	Ver.	Action By	Action	Result
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TITLE:

Presentation from the NC Metro Mayors Executive Director and Board Discussion of Legislative Issues for the 2015 Session of the North Carolina General Assembly

PURPOSE: The purpose of this item is to hear a presentation from Julie White, the Executive Director of the NC Metro Mayors Coalition and to request that the Board of Aldermen discuss legislative issues to present to our local delegation at the breakfast. The delegation may be able to pursue some of the issues presented during the upcoming session of the NC General Assembly.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Wilson

INFORMATION: The 2014 General Assembly adjourned its 2014 Regular Session on August 20, 2014. The Senate and House of Representatives convened on Wednesday, January 14, 2015, at 9:00 AM.

This year's legislative breakfast has been scheduled for February 6, 2015 at 7:30a.m.

a

In previous years, the Board of Aldermen has developed a package of legislative issues to discuss with the delegation. Occasionally, this package has included local legislation that the Board of Aldermen would like to get passed. Included in the packet is draft legislation provided by Alderman Chaney that would establish a statewide State Tax Credit Program to augment the federal New Market tax Credit program. This bill was introduced previously but died in the Senate Finance Committee so it will require refiling. This bill is not considered a local bill.

Staff will continue to monitor legislation in the General Assembly and will report to the Board as topics arise.

Legislative monitoring will continue throughout the session by using sources including, but not limited to:

- 1) General Assembly Website
- 2) UNC School of Government monitoring and reporting service
- 3) NCLM legislative monitoring and reporting service
- 4) The NC Metro Mayors Coalition

Attachments included are:

- A. Resolution
- B. Draft New Markets Legislation
- C. 2013-2014 Legislative Goals

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: Town staff recommends that the Board discuss the resolution establishing a list of legislative issues/priorities to discuss with our local delegation and, where appropriate, to propose local legislation in the upcoming session of the General Assembly.

A RESOLUTION SETTING THE 2015 GENERAL ASSEMBLY LEGISLATIVE PRIORITIES FOR
THE CARRBORO BOARD OF ALDERMEN

Section 1. The Board provides the following comments and/or the following legislative priorities:

- 1)
- 2)
- 3)

This resolution is effective immediately upon adoption.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**FILED SENATE
Mar 28, 2013
S.B. 522
PRINCIPAL CLERK**

S

D

SENATE DRS75246-MC-129 (03/14)

Short Title: New Markets Jobs Act.

(Public)

Sponsors: Senator Gunn (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ENACT NEW MARKETS JOBS INITIATIVE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 105 of the General Statutes is amended by adding a new Article to read:

"Article 3L.

"North Carolina New Markets Jobs Initiative.

"§ 105-129.100. Short title.

The provisions of this section shall be known as and may be cited as the "North Carolina New Markets Jobs Initiative."

"§ 105-129.101. Definitions.

The following definitions apply in this Article:

- (1) Applicable percentage. – Zero percent (0%) for the first two credit allowance dates, twelve percent (12%) for the next three credit allowance dates, and eleven percent (11%) for the following two credit allowance dates.
- (2) Credit allowance date. – With respect to any qualified equity investment, the date on which the investment is initially made and each of the six anniversary dates thereafter.
- (3) Department. – The Department of Commerce.
- (4) Long-term debt security. – Any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least seven years from the date of its issuance, with no acceleration of repayment, amortization, or prepayment features prior to its original maturity date. The qualified community development entity that issues the debt instrument may not make cash interest payments on the debt instrument during the period beginning on the date of issuance and ending on the final credit allowance date in an amount that exceeds the cumulative operating income, as defined by regulations adopted under section 45D of the Internal Revenue Code of 1986, as amended, of the qualified community development entity for that period prior to giving effect to the expense of such cash interest payments. The foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument in situations where the issuer has defaulted on covenants designed to ensure compliance with this section or section 45D of the Internal Revenue Code of 1986, as amended.
- (5) Purchase price. – The amount paid to the issuer of a qualified equity investment for such qualified equity investment.



* D R S 7 5 2 4 6 - M C - 1 2 9 *

- (6) Qualified active low-income community business. – Defined in section 45D of the Internal Revenue Code of 1986, as amended, and 26 C.F.R. § 1.45D-1. A business shall be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in or loan to the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business throughout the entire period of the investment or loan. The term excludes any business that derives or projects to derive fifteen percent (15%) or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by or under common control with another business if the second business (i) does not derive or project to derive fifteen percent (15%) or more of its annual revenue from the rental or sale of real estate and (ii) is the primary tenant of the real estate leased from the first business.
- (7) Qualified community development entity. – The meaning given such term in section 45D of the Internal Revenue Code of 1986, as amended, and 26 C.F.R. § 1.45D-1 but limited to those businesses meeting the SBA size eligibility standards established in 13 C.F.R. § 121.101-201 at the time the qualified low-income community investment is made. A business shall be considered a qualified active low-income community business for the duration of the qualified community development entity's investment in or loan to the business if the entity reasonably expects, at the time it makes the investment or loan, that the business will continue to satisfy the requirements for being a qualified active low-income community business, other than the SBA size standards, throughout the entire period of the investment or loan. The term excludes any business that derives or projects to derive fifteen percent (15%) or more of its annual revenue from the rental or sale of real estate. This exclusion does not apply to a business that is controlled by or under common control with another business if the second business (i) does not derive or project to derive fifteen percent (15%) or more of its annual revenue from the rental or sale of real estate and (ii) is the primary tenant of the real estate leased from the first business.
- (8) Qualified community development entity. – The meaning given such term in section 45D of the Internal Revenue Code of 1986, as amended; provided that such entity has entered into, for the current year or any prior year, an allocation agreement with the Community Development Financial Institutions Fund of the U.S. Treasury Department with respect to credits authorized by section 45D of the Internal Revenue Code of 1986, as amended, which includes the State of North Carolina within the service area set forth in the allocation agreement. The term shall include subsidiary community development entities of any qualified community development entity.
- (9) Qualified equity investment. – Any equity investment in or long-term debt security issued by a qualified community development entity that meets each of the following requirements:
- a. Is acquired after the effective date of this act at its original issuance solely in exchange for cash.
 - b. Has at least eighty-five percent (85%) of its cash purchase price used by the issuer to make qualified low-income community investments

in qualified active low-income community businesses located in this State by the first anniversary of the initial credit allowance date.

c. Is designated by the issuer as a qualified equity investment under this subdivision and is certified by the Department as not exceeding the limitation contained in subdivision (5) of this section. This term shall include any qualified equity investment that does not meet the provisions of sub-subdivision a. of this subdivision if such investment was a qualified equity investment in the hands of a prior holder.

(10) Qualified low-income community investment. – Any capital or equity investment in or loan to any qualified active low-income community business.

(11) Secretary. – The Secretary of Commerce.

(12) State premium tax liability. – Any liability incurred by any entity under the gross premiums tax or the retaliatory premium tax levied in Article 8B of this Chapter, or, if the tax liability under the gross premiums tax or the retaliatory premium tax levied in Article 8B of this Chapter is eliminated or reduced, the term shall also mean any tax liability imposed on an insurance company or other person that had premium tax liability under the laws of this State.

"§ 105-129.102. Credit for qualified equity investment.

(a) Credit Established. – A person that makes a qualified equity investment earns a vested right to a tax credit against the person's State premium tax liability on a premium tax report filed under this Article. On each credit allowance date of the qualified equity investment, the taxpayer or subsequent holder of the qualified equity investment may utilize a portion of the tax credit during the taxable year including the credit allowance date. The tax credit amount is equal to the applicable percentage for the credit allowance date multiplied by the purchase price paid to the issuer of the qualified equity investment. The amount of the tax credit claimed by a taxpayer shall not exceed the amount of such taxpayer's State tax liability for the tax year for which the tax credit is claimed. Any amount of tax credit that the taxpayer is prohibited from claiming in a taxable year as a result of this section may be carried forward for use in any subsequent taxable year.

(b) Transferability. – Tax credits earned by a partnership, limited liability company, S-corporation, or other "pass-through" entity may be allocated to the partners, members, or shareholders of such entity for their direct use in accordance with the provisions of any agreement among such partners, members, or shareholders. Such allocation shall be not considered a sale for purposes of this section.

(c) Certification of qualified equity investments. – A qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment and eligible for tax credits under this section shall apply to the Department. The qualified community development entity must submit an application on a form that the Department provides that includes each of the following:

(1) Evidence of the entity's certification as a qualified community development entity, including evidence of the service area of the entity that includes this State.

(2) A copy of the allocation agreement executed by the entity or its controlling entity and the Community Development Financial Institutions Fund.

(3) A certificate executed by an executive officer of the entity (i) attesting that the allocation agreement remains in effect and has not been revoked or cancelled by the Community Development Financial Institutions Fund and

(ii) stating the cumulative amount of allocations awarded to the entity by the Community Development Financial Institutions Fund.

(4) A description of the proposed amount, structure, and purchaser of the qualified equity investment.

(5) Identifying information for any known taxpayer eligible to utilize tax credits earned as a result of the issuance of the qualified equity investment.

(6) Examples of the types of qualified active low-income businesses in which the applicant, its controlling entity, or affiliates of its controlling entity have invested under the Federal New Markets Tax Credit Program. Applications are not required to identify qualified active low-income community businesses in which they will invest when submitting an application.

(7) A nonrefundable application fee of five thousand dollars (\$5,000).

(8) The refundable performance fee required by G.S. 105-129.104.

(d) A qualified community development entity, on an aggregate basis with all of its subsidiary qualified community development entities, may not apply to have equity investment or long-term debt instruments designated as qualified equity investments under this section in excess of the total amount of allocations awarded to the application and its subsidiary qualified community development entities by the Community Development Financial Institutions Fund under section 45D of the Internal Revenue Code.

Within 30 days after receipt of a completed application containing the information necessary for the Department to certify a potential qualified equity investment, including the payment of the application fee, the Department shall grant or deny the application in full or in part. If the Department denies any part of the application, it shall inform the qualified community development entity of the grounds for the denial. If the qualified community development entity provides any additional information required by the Department or otherwise completes its application within 15 days of the notice of denial, the application shall be considered completed as of the original date of submission. If the qualified community development entity fails to provide the information or complete its application within the 15-day period, the application is denied and must be resubmitted in full with a new submission date.

If the application is deemed complete, the Department shall certify the proposed equity investment or long-term debt security as a qualified equity investment that is eligible for tax credits under this section, subject to the limitations contained in this subsection. The Department shall provide written notice of the certification to the qualified community development entity. The notice shall include the names of those taxpayers who are eligible to utilize the credits and their respective credit amounts. If the names of the taxpayers who are eligible to utilize the credits change due to a transfer of a qualified equity investment or a change in an allocation pursuant to this section, the qualified community development entity shall notify the Department of such change.

Once the Department has certified a qualified equity investment, the qualified community development entity may suballocate all or any portion of the amount of the certified equity investment to one or more qualified community development entities with the same controlling entity as the applicant qualified community development entity, provided that the applicant qualified community development entity files a notice of such suballocation with the Department and the recipient of the suballocation meets all the requirements of a qualified community development entity under this section. The notice of suballocation shall include the information required in the application for all suballocates.

The Department shall certify qualified equity investments in the order applications are received by the Department. Applications received on the same day shall be deemed to have been received simultaneously. For applications received on the same day and deemed complete, the Department shall certify, consistent with remaining tax credit capacity, qualified equity

investments in proportionate percentages based upon the ratio of the amount of qualified equity investment requested in an application to the total amount of qualified equity investments requested in all applications received on the same day.

The Department shall certify five hundred million dollars (\$500,000,000) in qualified equity investment. If a pending request cannot be fully certified due to this limit, the Department shall certify the portion that may be certified unless the qualified community development entity elects to withdraw its request rather than receive partial certification.

Within 30 days after receiving notice of certification, the qualified community development entity or any transferee under this section shall issue the qualified equity investment and receive cash in the amount of the certified amount. The qualified community development entity or transferee must provide the Department with evidence of the receipt of the cash investment within 10 business days after receipt. If the qualified community development entity or transferee does not receive the cash investment and issue the qualified equity investment within 30 days following receipt of the certification notice, the certification shall lapse and the entity may not issue the qualified equity investment without reapplying to the Department for certification. A certification that lapses reverts back to the Department and may be reissued pro rata to other applicants whose qualified equity investment allocations were reduced under this section and thereafter in accordance with the application process.

(e) Recapture. – The Department shall recapture from the taxpayer that claimed the credit on a return the tax credit allowed under this section if any of the following occurs:

- (1) Any amount of the federal tax credit available with respect to a qualified equity investment that is eligible for a tax credit under this section is recaptured under section 45D of the Internal Revenue Code of 1986, as amended. In such case, the Department's recapture shall be proportionate to the federal recapture with respect to such qualified equity investment.
- (2) The issuer redeems or makes principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of such qualified equity investment. In such case, the Department's recapture shall be proportionate to the amount of the redemption or repayment with respect to such qualified equity investment.
- (3) The issuer fails to invest at least eighty-five percent (85%) of the purchase price of the qualified equity investment in qualified low-income investments in the State within 12 months of the issuance of the qualified equity investment and maintain such level of investment in qualified low-income community investments in the State until the last credit allowance date for the qualified equity investment. For purposes of this section, an investment shall be considered held by an issuer even if the investment has been sold or repaid if the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within 12 months of the receipt of such capital. An issuer shall not be required to reinvest capital returned from qualified low-income community investments after the earlier of (i) the sixth anniversary of the issuance of the qualified equity investment or (ii) the date by which a qualified community development entity has made qualified low-income community investment with the proceeds of the qualified equity investment on a cumulative basis equal to at least one hundred fifty percent (150%) of the proceeds, and the qualified low-income community investment shall be considered held by the issuer through the seventh anniversary of the qualified equity investment's issuance.

(4) At any time prior to the final credit allowance date of a qualified equity investment, the proceeds were used to make qualified low-income equity investments in any one qualified active low-income community businesses, including affiliated qualified active low-income community businesses, exclusive of reinvestments of capital returned or repaid with respect to earlier investments in the qualified active low-income community business and its affiliates, in excess of twenty-five percent (25%) of the cash proceeds.

"§ 105-129.103. Notice of noncompliance.

Enforcement of the recapture under this Article shall not occur until the qualified community development entity shall have been given notice of noncompliance and afforded six months from the date of such notice to cure the noncompliance.

"§ 105-129.104. Refundable performance fee.

(a) A qualified community development entity that seeks to have an equity investment or long-term debt security designated as a qualified equity investment and eligible for tax credits under this Article shall pay a fee in the amount of one-half of one percent (.5%) of the amount of the equity investment or long-term debt security requested to be designated as a qualified equity investment to the Department for deposit in the New Markets performance guarantee account, which is hereby established. The entity shall forfeit the fee if (i) the qualified community development entity and its subsidiary qualified community development entities, if any, fail to issue the total amount of qualified equity investments certified by the Administrator and receive cash in the total amount certified under G.S. 105-129.102 or (ii) the qualified community development entity or any subsidiary qualified community development entity that issues a qualified equity investment certified under this Article fails to meet the investment requirement under this Article; provided that forfeiture for this failure is subject to the cure period established in G.S. 105-129.103.

(b) The fee required under this section shall be paid to the Department and held in the New Markets performance guarantee account until such time as compliance with the provisions of this section have been established. The qualified community development entity may request a refund of the fee from the Department no sooner than 30 days after having met all the requirements of this section. The State Treasurer shall have 30 days to comply with the request or give notice of noncompliance.

"§ 105-129.105. Letter rulings.

(a) The Secretary shall issue letter rulings regarding the tax credit program authorized under this Article, subject to the terms and conditions set forth in this section. For the purposes of this Article, the term "letter ruling" means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

(b) The Secretary shall respond to a request for a letter ruling within 60 days of receipt of such request. The applicant may provide a draft letter ruling for the Secretary's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The Secretary may refuse to issue a letter ruling for good cause but must list the specific reasons for refusing to issue the letter ruling. Good cause includes any of the following:

- (1) The applicant requests the director to determine whether a statute is constitutional or a regulation is lawful.
- (2) The request involves a hypothetical situation or alternative plans.
- (3) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise inappropriate as a basis upon which to issue a letter ruling.

(4) The issue is currently being considered in a rule-making procedure, contested case, or other agency or judicial proceeding that may definitely resolve the issue.

(c) Letter rulings shall bind the Secretary and the Secretary's agents and their successors until such time as the entity or its shareholders, members, or partners, as applicable, claim all of the credits on a North Carolina tax return or report, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

(d) In rendering letter rulings and making other determinations under this Article, to the extent applicable, the Department and the Department of Revenue shall look for guidance to section 45D of the Internal Revenue Code of 1986, as amended, and the rules and regulations issued thereunder.

"§ 105-129.106. Retaliatory tax.

An entity claiming a credit under this Article is not required to pay any additional retaliatory tax levied under this Chapter as a result of claiming the credit. It is the intent of the General Assembly that an entity claiming a credit under this Article is not required to pay any additional tax that may arise as a result of claiming that credit.

"§ 105-129.107. Decertification.

(a) Once certified under this Article, a qualified equity investment may not be decertified unless all of the requirements of this section have been met. Until all qualified equity investments issued by a qualified community development entity are decertified under this section, the qualified community development entity shall not be entitled to distribute to its equity holders or make cash payments on long-term debt securities that have been designated as qualified equity investments in an amount that exceeds the sum of (i) the cumulative operating income, as defined by regulations adopted under section 45D of the Internal Revenue Code of 1986, as amended, earned by the qualified community development entity since issuance of the qualified equity investment, prior to giving effect to any expense from the payment of interest on long-term debt securities designated as qualified equity investments and (ii) fifty percent (50%) of the purchase price of the qualified equity investments issued by the qualified community development entity.

(b) To be decertified, all of the following conditions must be met:

(1) The qualified equity investment is beyond its seventh credit allowance date.

(2) The qualified equity investment was in compliance with the requirements of this Article through its seventh credit allowance date, including any cures.

(3) The qualified equity investment has its proceeds invested in qualified active low-income community investments such that the total qualified active low-income community investments made, cumulatively including reinvestments, exceeds one hundred fifty percent (150%) of its qualified equity investment.

(c) A community development entity that seeks to have a qualified equity investment decertified under this section shall send notice to the Department of its request for decertification along with evidence supporting the request. The provisions of subdivision (2) of subsection (b) of this section are met if no recapture action has been commenced by the Department as of the seventh credit allowance date. A request under this section shall not be unreasonably denied and shall be responded to within 30 days of receiving the request. If the request is denied for any reason, the burden of proof shall be on the Department in any administrative or legal proceeding that follows.

"§ 105-129.111. Limitation on fees.

No qualified community development entity shall be entitled to pay any affiliate of such qualified community development entity any fees in connection with any activity under this Article prior to decertification under G.S. 105-129.107 of all qualified equity investment issued by the qualified community development entity. The foregoing shall not prohibit a qualified

1 community development entity from allocating or distributing income earned by it to the
2 affiliates or paying reasonable interest on amounts lent to the qualified community
3 development entity by such affiliates."

4 **SECTION 2.** This act is effective for taxable years beginning on or after January 1,
5 2013, and applies to qualified equity investments made on or after November 1, 2013.

Town of Carrboro Legislative Priorities – 2014-2013

Legislative Priorities – 2014 Short Session

1. Increase state transportation funds to support local and regional public transportation systems.
2. Avoid further weakening of gun control laws, especially with regard to school properties, college and university campuses, parks, and greenways.
3. Enhance the authority of municipalities to own and operate broadband systems serving citizens in unserved and underserved areas, and last-mile public-private partnerships.
4. Allow municipal rental inspection and registration programs.
5. Amend the Carrboro Town Charter to add sexual orientation, gender identity, and gender expression to the list of bases upon which the Board of Aldermen may, by ordinance, prohibit housing discrimination.
6. The Board endorses the North Carolina League of Municipalities municipal advocacy goals for the 2014 short session (Attached), with the exception of the item relating to “expanded uses of reclaimed water such as for recycling to surface water supplies.”

Legislative Priorities – 2013 Regular Session

1. Local legislation to amend the charter to provide that vacancies in the office of alderman may be filled by either special election or appointment in accordance with general law.
2. Focus on Transit Pass through monies from the state.
3. Encourage a ban on assault weapons and high capacity magazines with support for President Obama’s gun control initiatives.
4. Actively seek to maintain local control of water allocation. The Town should continue support for Asheville’s control of their water system.
5. Local control of telecommunications, as it relates to GigU/NCNGN, local control over Greenway designs (so that Greenways are not required to be built to same standards as roads).



Town of Carrboro

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

Legislation Details (With Text)

File #:	15-0013	Version:	1	Name:	
Type:	Abstract	Status:		Agenda Ready	
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On agenda:	1/27/2015	Final action:			
Title:	Discussion on use of town owned property located 110 East Main Street - condo located above ACME Restaurant				
	PURPOSE: The purpose of this item is for the Board to discuss next steps for town owned property located at 110 East Main Street - condo located over ACME Restaurant.				
Indexes:					
Code sections:					
Attachments:	RESOLUTION for utilization of condo Board Notes 110 E. Main St. Carrboro, NC Property Listing				

Date	Ver.	Action By	Action	Result
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TITLE:

Discussion on use of town owned property located 110 East Main Street - condo located above ACME Restaurant

PURPOSE: The purpose of this item is for the Board to discuss next steps for town owned property located at 110 East Main Street - condo located over ACME Restaurant.

DEPARTMENT: Economic and Community Development

CONTACT INFORMATION: Annette D. Stone, AICP Economic and Community Development Director 919 918 7319

INFORMATION: The Town acquired the second floor condo located 110 East Main Street in July of 2013 as part of an economic development agreement with Fleet Feet Inc. The Town then leased the property back to Fleet Feet at a rate of \$17 per square foot, TICAM not included. Fleet Feet vacated the property in November 2014. The Board has an opportunity to decide what to do with the property next. Options include, but are not limited to, developing it for co-working space, offering it for lease on the open market, selling the property or assessing it for future Town needs.

In December 2014, the Board of Aldermen discussed a proposal from the owner of Perch Studios, Betsey Elobgen, to utilize the condo for expansion of Perch Studios, a coworking space in Carrboro. Since that time, Ms. Elobgen has withdrawn her proposal; however, the Town has been approached by other coworking operators with interest in the space. And further, the Economic Sustainability Commission voted to recommend the Board of Aldermen consider putting the condo out for RFP seeking a coworking operator to occupy the space.

According to Forbes.com freelancers make up and estimated 34% of the total workforce in this country and that number is expected to increase to 50% by 2020¹. The advantage to freelancing is the freedom to live wherever you choose. Carrboro offers an attractive quality of life and so is a perfect environment for freelancers. This has fueled a need for affordable working space where small start-ups, entrepreneurs and freelancers can network, collaborate, share resources, generate new ideas, socialize, learn and grow as a workforce. The Board of Aldermen recognized this need at their 2012 Board of Aldermen retreat where they sought to support “the Second Wave.” Notes from that retreat can be found as Attachment 2.

Cultivating this type of workforce supports the local economy, and makes Carrboro an attractive location for companies to locate, because of the availability of a quality and flexible workforce. The ESC voted at its January 14th meeting to recommend the Board of Aldermen issue an RFP that seeks a coworking operator to operate a coworking space focusing on the following requirements; 1) the operator provide wrap-around services, including education, business support, mentoring, and other programs to support workers; 2) the operator collect data that would help to establish measureable performance outputs; 3) the operator assist the town in marketing the RLF to entrepreneurs and growth oriented start-ups to encourage expansion of companies and jobs in Carrboro; 4) and that the space focus on supporting the arts and creativity, innovation and technology, and health, healing and wellness. 5) The operator should make meeting space available to the Carrboro Business Alliance and other Town related meetings as needed.

The practice of public-private partnerships in the creation of incubators, accelerators and now more recently coworking spaces is common among local governments. The financial model of renting space at market rate and then renting to coworkers is not a sustainable practice; therefore many governmental agencies provide financial support in various ways to coworking spaces to make them sustainable. Chapel Hill is discussing providing similar support to coworking spaces. The following links are examples of RFPs sponsored by the cities of Boston and New York;

<http://www.cityofboston.gov/news/default.aspx?id=15863>

<http://nycedc.tumblr.com/post/12888312953/request-for-proposals-harlem-business-incubator>

Through an RFP process the Town could ask operators to propose a monthly lease rate that would allow for their profitability and sustainability. This would allow the proposals to be competitive among coworking groups. It is also recommended that experience in operating coworking space, social/purpose driven mission, and performance of the operator should contributing factors in selection of a vendor.

If the Board does not want to pursue a coworking operator for the space, other options include leasing the space at market rates which vary greatly, but generally are anywhere from \$16-\$17 for space in offices on Lloyd Street, \$19-\$25 in Carr Mill Mall, to \$35 (including TICAM) for upper story offices on Weaver Street. The Town was getting \$17 per square foot from Fleet Feet, which did not include TICAM.

The Board also might consider putting the property on the market for sell. The property was last listed in 2006 for \$625,000.00 and did not sell. Attachment 3 is a copy of the listing and a floor plan for the space. The tax value is \$562,898.00. The Town paid \$537,898.00 for the property, tax value less \$25,000 to repair the roof. After talking to several commercial real estate agents the property could probably be listed between \$540,000.00 to \$600,000.00.

Finally, the could Board to direct staff to access the space for possible Town offices. Attached is a resolution that the Board may use to consider any of these options.

1 <<http://www.forbes.com/sites/waldleventhal/2014/11/24/5-predictions-for-the-freelance-economy-in-2015/>> .

FISCAL & STAFF IMPACT: The financial impact is dependent on which option is selected by the Board of Aldermen.

RECOMMENDATION: The ESC recommended the Board consider leasing the space to a coworking operator through a competitive RFP process.

RESOLUTION
ON THE USE OF THE PROPERTY LOCATED AT SECOND STORY CONDO LOCATED
110 EAST MAIN STREET

January 27, 2015

WHEREAS, the Town of Carrboro owns a second story condo located 110 East Main Street

WHEREAS, the Town wishes to make the best use of the property;

NOW THEREFORE BE IT RESOLVED, The Board of Aldermen direct staff to

___A. Prepare an RFP to solicit a coworking operator for the condo with the following requirements;

- 1) the operator provide wrap-around services, including education, business support, mentoring, and other programs geared toward supporting workers;
- 2) the operator collect data that would help to establish measureable performance outputs;
- 3) the operator assist the town in marketing the RLF to the growth oriented start-ups to encourage expansion of companies and jobs in Carrboro;
- 4) and that the space focus on supporting the arts and creativity, innovation and technology, and health, healing and wellness.
- 5) the operator propose a monthly lease rate that would allow for a sustainable and profitable business model.
- 6) Operators will be evaluated based on experience as a coworking operator, social/purpose driven mission, and performance of coworking operator.
- 7)Provide meeting space for the Carrboro Business Alliance or other Town related meeting space needs.
- 8)
- 9)
- 10)

___B. Direct staff to list the property with a real estate agent for lease, or

___C. Direct Staff to list the property with a real estate agent for sell, or

___D. Direct Staff to assess the need to use the space for other Town purposes.

This 27th day of January, 2015.

June 23, 2012 – Board of Aldermen Retreat at Stone House in Mebane, NC.

Notes from the meeting

- Jobs- the Board would like to cultivate a positive environment for businesses that have more professional career ladder oriented positions with opportunities for growth in salaries.
- Are there interesting companies in Carrboro that we are not aware of?
- Consider holding an event at the Century Center for home based business or those that are under the radar – provide a networking opportunity – group questioned what the benefit would be to the Town to host and put resources into providing a forum for these folks.
 - Locally grown tech business – “the Unconference”
 - Knowledge about the local “geek economy” will be a tool to other businesses – ***Develop the Cluster***
- Cultivate the “Second Wave” by providing support and encouragement.
- Second Wave includes businesses and owners – there was a discussion that any recruitment or encouragement would be geared toward locally owned and operated business opportunities.
- Think Local First Campaign engage the community as citizens and as consumers.
 - ✚ An action item is to create local va-cation or even staycation packages to let folks know what they can do in a day or two in Carrboro.
- Messaging/branding
 - ✚ Mayor’s idea **The Left of the Tracks!**
- Are we targeting tourist or a specific business sector? – there was a discussion where the board agreed there is an overall identify the Town needs to develop as a umbrella campaign and have other specific more focused campaigns for various sectors, business, arts, etc. From the notes – All of this / these are building blocks – part of the strategy.
- Development is not just in the Downtown.
- The Board discussed opportunities to seek out locations outside the downtown – focused in the northern area - that could be rezoned and targeted for commercial development – at an appropriate neighborhood scale – without such dramatic impacts to surrounding neighbors.
 - ✚ East 54 or Meadowmont – are they thriving? Do these models work?
 - ✚ What tools do we have to incentivize local business development?
 - ✚ Guiding document for potential changes in zoning
 - Don’t have to start with changing zoning on large parcels
 - Prime the pump- identify small parcel and what we would like on it
 - Consider a Co-op style space
 - Focus development near/at places where there is public transportation

ACTION ITEMS

- Focus Areas for Economic Development Support
 - Entertainment venues
 - Local Living Economy Network – Follow BALLE Guidelines for Starting a Local First Campaign
 - Commercial Development in Non-Downtown Areas
 - Second Wave
 - Arts
- Entertainment Venues – high value to the Town’s identity and character – support them!
 - Continue to work with the visitors bureau
 - Follow through on the various next steps for implementing the hotel tax
 - Development of a Carrboro Arts and Entertainment Mobile Application
 - Mobile Application with details on locally owned and locally made goods in goods
 - Maybe develop a certification for locally owned stores? Something they can display in a window or use in an ad?
- Local Economy Initiatives
 - Branding and Messaging for the Local First Campaign
 - Start with the food and entertainment sectors
 - Use BALLE Toolkit
 - Focus on businesses as sectors – hold separate meetings for them?
 - Get Board members a copy of the BALLE Manual on Local First Campaigns
 - Look into re-initiating the Town’s BALLE Membership
 - Again, what is the benefit to local businesses to be identified as “locally grown”
 - Find ways to use larger businesses (i.e. hotel) to benefit local business?
 - Not Marin? What are our needs? Is there a way for local government to facilitate/cultivate local businesses that supply those things at a low cost?
 - Consider a flea market for variety of goods.
- Commercial Development in Non-Downtown areas
 - Identify locations – small parcel ripe for re-zoning and involve stakeholders engage early on
 - Facilitate a cooperative development for businesses
 - If there is a small parcel available, explore an open space concept – for truck rodeo and flea market
 - Schedule a work session within the next 6 to 12 months to discuss redevelopment of existing commercial spaces i.e. Willow Creek, Carrboro Plaza, Estes Drive etc.
 - Develop a long term vision town wide (Comprehensive Planning) given constraints on development
- Second Wave Businesses (i.e. RTS, Blog Ads, etc.)
 - Identify Sectors and bring businesses to together to network

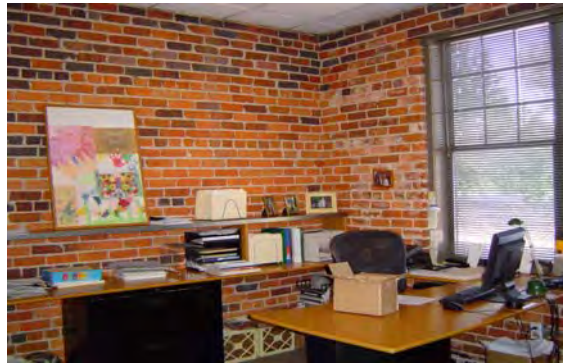
- Survey – why did you locate here? What makes you stay? Would they be willing to urge others to come?
 - Inventory Second Wave businesses
 - Deploy Broadband to attract more tech businesses.
- Arts!
 - Leverage annual arts tour to draw tourist to Town of Carrboro
 - Hold networking meeting
 - Set up mentor relationships for artist with businesses
 - Appendix 4.2 – 4.3 – explore micro-fund investment idea to determine utility

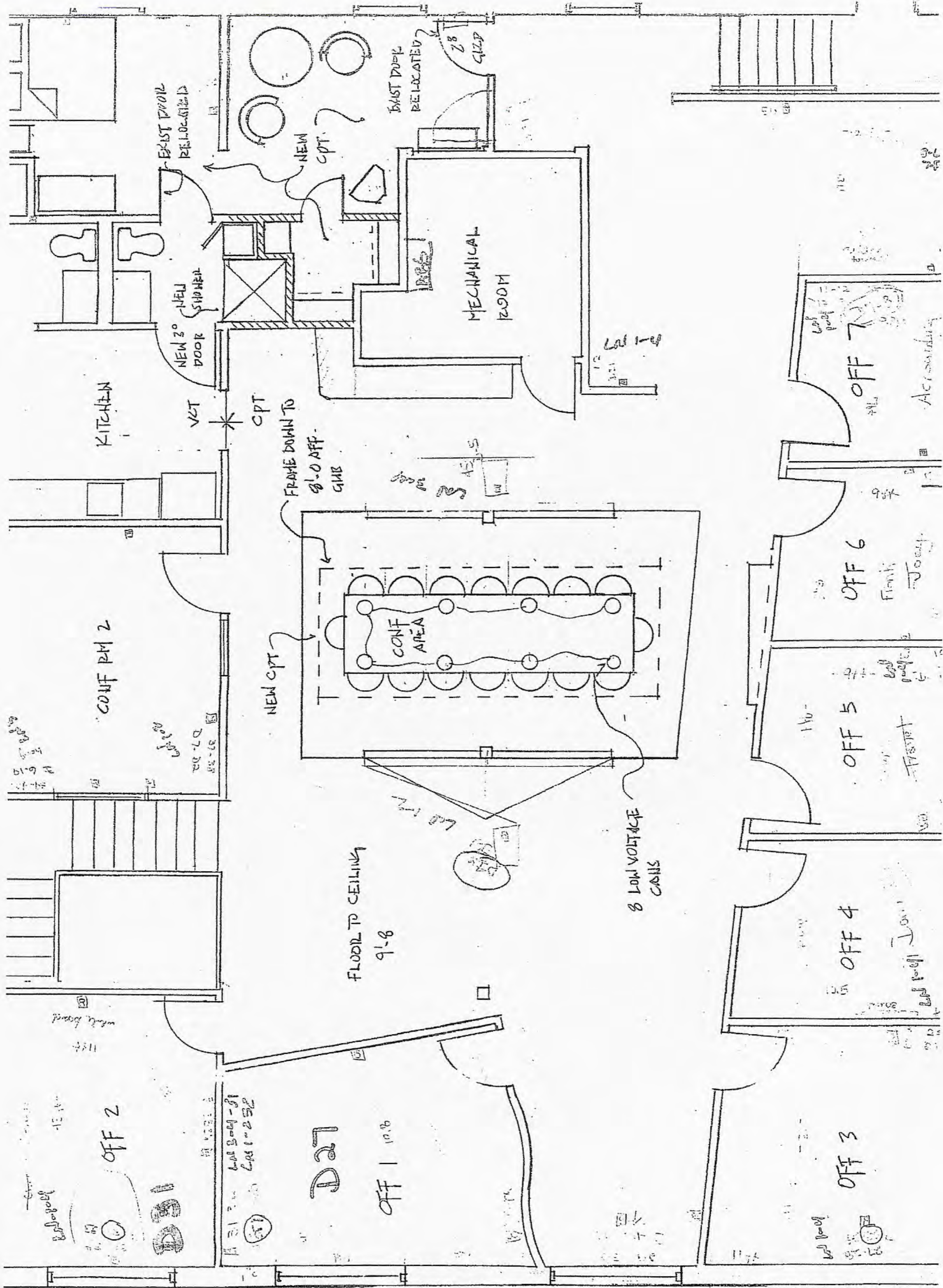
OFFICE FOR SALE
110 East Main St. Suite 200
Carrboro, NC



Unique second floor office space in heart of downtown Carrboro. Renovated in 2002, this space features exposed brick walls combined with beautiful woodwork to create a positive and enjoyable work environment.

- **Sales Price:** \$625,000.00
- **Floor Area:** Approx. 3300 sf.
- **Features:**
 - Located in the heart of Downtown Carrboro above Acme Grill
 - Beautiful built-in wood desks and shelving
 - Near Shops & Restaurants
 - Kitchenette
 - Bathroom with shower
 - T-1 cable ready
- **2006 Real Property Taxes - \$8,723.08**
- **Agent: Mike Lewis**
919-942-1141 office
919-730-5318 cell







Town of Carrboro

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

Legislation Details (With Text)

File #: 15-0017 Version: 1 Name:
Type: Abstract Status: Agenda Ready
File created: 1/21/2015 In control: Board of Aldermen
On agenda: 1/27/2015 Final action:
Title: Discussion of Board of Aldermen Retreat Subcommittee Proposed 2015 Retreat Agenda
PURPOSE: The purpose of this item is to allow the Board of Aldermen Subcommittee to submit and discuss the proposed 2015 Board of Aldermen Retreat Agenda with the full Board.

Indexes:

Code sections:

Attachments: [Board Subcommittee Draft Retreat Agenda.pdf](#)

Date	Ver.	Action By	Action	Result
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TITLE:

Discussion of Board of Aldermen Retreat Subcommittee Proposed 2015 Retreat Agenda

PURPOSE: The purpose of this item is to allow the Board of Aldermen Subcommittee to submit and discuss the proposed 2015 Board of Aldermen Retreat Agenda with the full Board.

DEPARTMENT: N/A

CONTACT INFORMATION: The Board Retreat Subcommittee includes Alderman Gist, Alderman Haven-O'Donnell, and Alderman Johnson

INFORMATION: The Board Retreat Subcommittee met on several occasions and developed a draft agenda. That agenda is attached for the Board's consideration and discussion.

FISCAL & STAFF IMPACT: Staff will need time to gather supplemental information for the retreat after it has been finalized. The costs for the retreat and facilitation have been budgeted for in FY 14/15.

RECOMMENDATION: It is recommended that the Board of Aldermen discuss the draft agenda and adopt a final version.

12/3/2014 Meeting 1 Board Retreat Planning Sub-Committee Meeting notes
Committee: Alderwomen: Gist, Johnson, Haven-O'Donnell

Board Retreat: Sunday, February 15th 2015
Facilitator: Mr. Andy Sachs

Location suggestions

- Greenbridge: Michelle will look into availability and cost
- Rizzo at Meadowmont: Jacquie will share information on Rizzo with Cathy Wilson
- Town of Carrboro Condo: Inquire as to availability and furnishings
- Hampton Inn: Consider if a windowed room were available, committee is not aware that there is a windowed meeting room large enough to accommodate Town Board and Staff

Lunch:

Vimala's catering is the first choice. The Planning sub-committee considered that food service might be connected to location as in the Rizzo at Meadowmont.

Retreat Content Considerations:

Areas for update:

Area	Resource
Continuation from Retreat '14: <ul style="list-style-type: none">• Board Relations• How the Board makes decisions• Values for making decisions	Andy Sachs Request Andy design a session time to get at values-goal: touchstone statement. Ex: How does this (a decision being contemplated) affect the least wealthy of our community? <ul style="list-style-type: none">• See John Rawls material on ethic of "veiled ignorance" http://plato.stanford.edu/entries/original-position/
Economic Development: <ul style="list-style-type: none">• Branding and Marketing• Business Alliance	Annette Clay Sachow
Arts District: Discussion of Capstone Signage questions: <ul style="list-style-type: none">• Off Premises• Wayfinding• Non-retail business signage	
Affordable Housing <ul style="list-style-type: none">• Update• Strategies and Timeline• Open Space• Auxiliary Units	Nate Michelle
Downtown Neighborhood Protection and Commercial Development Discussion Buffers Defined transitional buffer area designs (ex: linear parks, open space)	Trish and Annette

Possible schedule based on February 2, 2014 outline:

11:00-3:30 (last year we scheduled for 4:00 adjournment, ended at 3:45)

11:00- Andy-Convene

Introductions

Recognition of public

Agenda and meeting procedures (20 minutes?)

11:20 Board Relations-How the Board Makes Decisions Part 1?

- Board Relations
- How the Board makes decisions
- Values for making decisions

12:00-12:30 Lunch

12:30 Board Relations-How the Board Makes Decisions Part 2?

- Board Relations
- How the Board makes decisions
- Values for making decisions

3 Hours to work with to potential address:

UPDATES:

I. Economic Development Update:

- Branding and Marketing
- Business Alliance

II. Arts District:

Discussion of Capstone

Signage questions:

- Off Premises
- Wayfinding
- Non-retail business signage

III. Affordable Housing

- Update
- Strategies and Timeline
- Open Space
- Auxiliary Units

IV. Downtown Neighborhood Protection and Commercial Development Discussion

Buffers

Defined transitional buffer area designs (ex: linear parks, open space)

Check-in/evaluation

Wrap-up

Adjourn