

**07-15-2019 Town Council Meeting**  
**Responses to Council Questions**

**ITEM #1: Consider Adopting a Greene Tract Resolution**

1. **Council Question:** Regarding Option A (original resolution), were we to approve the sections not already approved, what would the legal effect be in terms of future land use: Would it have any effect on our comprehensive plan?

**Staff Response:** *Approval of the sections that the Council has not already approved in Option A would not create a legally binding commitment to particular land uses, but instead would represent policy direction from the Council on how to proceed with planning for the use of the property. In terms of the Charting our Future efforts, the Greene Tract is part of the North Martin Luther King Jr. Future Focus Area, but is labelled as "Area Subject Concurrent Planning Process." Consequently, the Greene Tract process will inform Charting Our Future and the revised Future Land Use Map.*

*Currently, the Greene tract is zoned for Rural Transition (RT), which is intended for agricultural, very low-intensity residential, and open space uses, but which is projected for conversion to more urban uses when community services are available and community needs are present. To create legal entitlements to use the Greene tract for these more urban uses, the project would need to come through the Town's development review process, and would likely require a Development Agreement or Conditional Zoning to be approved by the Town Council.*

2. **Council Question:** Would it confer any rights on the properties in terms of future development?

**Staff Response:** *The proposal in Resolution 1A would not confer any rights on the property in terms of future development. The proposal is not before the Council for action as a development proposal (Development Agreement or Special Use Permit). The proposal is for a joint agreement by the three property owners (the Towns of Carrboro and Chapel Hill and Orange County) of a proposed development to chart the direction for future use of the property.*

3. **Council Question:** Would it impose any obligations on the Town or would it restrict our land use planning authority over it (i.e., since it is part of the ETJ and we currently have sole zoning authority over it, would that change)?

**Staff Response:** *Staff does not believe that the proposal in Resolution A would create any obligations on the Town or restrict our land use planning authority. Chapel Hill would continue to have sole zoning authority of the property under either Resolution.*

4. **Council Question:** What is the timing currently contemplated for the master planning process (i.e., when would it start) specified in Option A and how would the alternate resolution affect that timing, if at all?

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***Staff Response:*** Resolution 1A does not indicate a specific timeline. The Resolution 1B (Alternate Proposal) could potentially initiate components of the master planning process earlier to help inform the discussion on future uses.

5. **Council Question:** What is the timing contemplated for the planning/community involvement specified in Option B and would it be a solely Chapel Hill process or would the other two jurisdictions participate?

***Staff Response:*** Staff anticipates coordinating the planning/community involvement with the Town of Carrboro and Orange County, and initiating the process this fall.

6. **Council Question:** On page 13, the table "History of the Greene Tract" states that on Oct 2017, "Environmental scan of the Greene Tract was completed by Towns of Carrboro and Chapel Hill and Orange County planning, stormwater, engineering, and environmental staff."

Is there a formal report from the environment scan? I'd like to know the methodology for the environment scan

***Staff Response:*** There is not a formal report from the environmental scan. Representatives from each jurisdiction participated in the environmental scan. The attached map is the summary of the efforts. Field work along with desktop analysis were used as part of the effort.

7. **Council Question:** Would like to know the methodology for Exhibits 1 and 2. How different areas were drawn and rationale.

***Staff Response:*** Using the environmental scan, staff considered a recombination of the parcel lines with the intent to place the more environmentally-sensitive lands within the Orange County "Headwaters Preserve". Staff believed this consideration offers a path for these environmentally-sensitive areas to be preserved in perpetuity. Using the proposed recombined property lines, staff proposed the different land use areas based on the following goals:

- *Preserve valuable environmental features and corridors*
- *Protect historical and cultural resources*
- *Promote cost effective infrastructure*
- *Incorporate school and recreation site*
- *Earmark development areas for mixed income housing and mixed use potential.*

8. **Council Question:** How does the environment scan compare to the biological resources survey by Goldstein and Associates in 2000? The full report is at the town's website <https://www.townofchapelhill.org/home/showdocument?id=43269>

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**Staff Response:** *The 2000 report was referenced and used as a resource during the environmental scan phase.*

9. **Council Question:** What's the status of Eubank's landfill sites? What's the town/county's plan to deal with the additional solid waste with new developments around the town?

**Staff Response:** *Staff is researching this question and will provide a response when available.*

10. **Council Question:** What water/sewer infrastructure do we need for different development scenarios, at what cost?

**Staff Response:** *There is potential connection to water and sewer at different locations on the Greene Tract. As the master planning process moves forward, considerations will be made for cost effective extensions to infrastructure. The new sewer lines have been installed with sufficient capacity to serve the Greene Tract.*

11. **Council Question:** What road/connectivity infrastructure do we need for different development scenarios, at what cost?

**Staff Response:** *Staff believes that the connectivity to the site for all modes of transportation is essential. No formal analysis of the cost or the location of access to the site has been conducted to date, and a multi-modal connectivity analysis will be important to conduct moving forward.*

12. **Council Question:** What is the current status of the Neville tract? I believe it is wholly owned by the county? What are their plans for it in the future?

**Staff Response:** *The Neville Tract, an asset and owned by the Orange County Solid Waste Fund, is located immediately northwest of the Greene Tract and serves as an essential component for ongoing landfill operations. The Neville Tract is used as a soil bank to provide cover for the existing C&D landfill which is part of a state permit.*

*Current expectation is that Orange County Solid Waste Department's borrow pit use of the Neville Tract will need to continue for several more decades. Using this area for fill supports community environmental goals by utilizing existing resources, reducing truck traffic on adjacent roads, and reducing air pollution.*

*Due to landfill operations, soil contained on the existing site, specifically in the cleared areas along the southern and eastern property lines, is predominantly fill soil which is not suitable for structural applications such as supporting roadway infrastructure or buildings. In order to allow for future development in the long term, the unsuitable soil would need to be removed and structural fill would need to be brought in.*

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*A portion of the Neville Tract is required to remain intact due to an existing Special Use Permit issued by the Town of Chapel Hill in 1997. This includes a 100-foot buffer along the western property line, a 100-foot stream buffer, and a 100-foot buffer for an existing oak tree located on the northern portion of the property. These buffers limit development potential on the Neville Tract and would require a modification to the existing Special Use Permit.*

13. **Council Question:** My understanding is that the option before us on Monday is to vote on the resolution that the other jurisdictions have already supported. If we do not, the current planning effort that Chapel Hill has jointly participated in for the past two+ years will not move forward, since all three jurisdictions would need to support the same resolution. Any other resolution is therefore symbolic. Is that correct?

**Staff Response:** *Resolution 1A in your packet has been adopted by Orange County and the Town of Carrboro. Resolution 1B, the alternative resolution, proposes additional community input sessions and environmental and connectivity analysis to build agreement on how to move forward with master planning the property. Both resolutions would provide a pathway for how to move forward collaboratively with our jurisdictional partners. Staff is preparing a schedule and will forward that when available.*

14. **Council Question:** Please explain where the "alternate resolution" in our packet came from and why it was not shared with Council prior to inclusion in the meeting materials.

**Staff Response:** *The alternative resolution was the outcome of conversations with some community stakeholders, which were taking place through last week, just prior to the publishing of the packet.*

15. **Council Question:** Why does the new resolution call for an environmental assessment when one has already been completed by staff representing all three jurisdictions?

**Staff Response:** *The environmental scan conducted by staff from the three jurisdictions was an initial effort including some field work and desktop work. An environmental analysis would be in-depth and use the already completed work as a starting point but provide significantly more analysis.*

16. **Council Question:** Is it accurate that because the tract falls in the Chapel Hill planning district, any proposed development would go through the Town's development process, which would, as usual, include community and advisory board input?

**Staff Response:** *Yes, that is accurate. Any proposed development would follow Chapel Hill's development review process and would include community and advisory board input.*

17. **Council Question:** Is it accurate to say that if Council approves the original resolution and the joint planning process moves forward, the conceptual map could, and likely will, be

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modified as more detailed work is done - for instance, as discussion with the school system moves forward, and more in-depth work is done to understand the development potential of specific parcels, etc.?

***Staff Response:*** *Yes, it is likely that the conceptual map would continue to evolve as more detailed work is conducted on the project. For example, the Chapel Hill Carrboro City Schools has stated that the proposed school site is not sufficient for its needs, so more discussion will need to occur on this and other topics*

18. **Council Question:** If we pass an alternative resolution, what does that do to the resolutions already passed by the other two jurisdictions? Will they need to redo/revote on theirs? How does this affect the timeline moving forward? The concern is that, even if our resolution is perfect, it will set the whole process back by months because the other two jurisdictions will need to reconvene, etc.

***Staff Response:*** *We will share the alternate resolution with the other jurisdictions if the Council adopts it. We are planning to do a check-in with them in the next month. Yes, there will be a delay but some of these items would need to be done in light of the school system's most recent request and some community concerns.*

19. **Council Question:** Can we pass the same resolution as the other 2 jurisdictions, just without reference to the map? How "legally binding" is that map anyway? Was it created after they passed their resolutions?

***Staff Response:*** *We could pass the original resolution without the map however it does still have a breakdown of the dedicated acreage for each identified use. The map is a concept plan that is potentially subject to change based on an environmental analysis, connectivity needs and the availability of public and private sector funding. It was approved by the BOCC and BOA.*

20. **Council Question:** How "legally binding" is the existing resolution? Many in the community see any alternative resolution created without the other two jurisdictions as an act of bad faith. Can we pass the original as an act of good will/message of moving forward together, with some stipulation of amending it in the fall?

***Staff Response:*** *The resolution is an expression of a commitment to move forward and it is as binding a commitment as the parties choose to make it. The legal ramifications of passing the alternative resolution are similar to passing the original resolution. Council could pass the original resolution with the commitment to return this fall to amend the document.*