

APPROVED 6/24/2008

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
TRANSFER STATION SITING WORK SESSION
May 20, 2008
5:30 p.m.

The Orange County Board of Commissioners met for a Transfer Station Siting Work Session on Tuesday, May 20, 2008 at 5:30 p.m. at the Southern Human Services Center in Chapel Hill, N.C.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Moses Carey, Jr., Valerie P. Foushee, Alice M. Gordon and Mike Nelson

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: Geof Gledhill

COUNTY STAFF PRESENT: County Manager Laura Blackmon, Assistant County Manager Gwen Harvey and Willie Best, and Clerk to the Board Donna Baker (All other staff members will be identified appropriately below)

NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT AGENDA FILE IN THE CLERK'S OFFICE.

1. Call to Order/Introductions/Opening Comments

Assistant County Manager Gwen Harvey said that the focus of tonight's meeting is on the exclusionary criteria only. She said that Olver, Inc., following the Board's direction at the last work session in April, has worked diligently to address the Board of County Commissioners' concerns and to bring closure to this topic. Ed Shuffler, Bob Sallach, and Louis Watts from Olver, Inc. were in attendance.

Chair Jacobs said that this packet is much more inclusive and clear. He wants to keep this moving because the landfill is quickly coming to its end, but this process is far from coming to its end.

Commissioner Carey and Commissioner Foushee agreed with Chair Jacobs.

2. Receive and Discuss Preliminary Exclusionary Criteria (along with accompanying maps (figures) and Professional Recommendations from Olver, Inc. (See [Agenda Abstract attached](#))

Ed Schuffler went over these criteria, as shown in the agenda packet and given below.

1) County Boundary

Everything outside of the County boundary is being excluded.

2) Sites within "Critical Area Overlay District" of Protected Watershed Overlay District of Water Supply Watersheds

Protected Watershed/Overlay Districts are defined in Article 22 of the Orange County Zoning Ordinance as "Land that drains to existing reservoirs which are public water supplies or potential reservoir sites or stream intakes which have been designated for protection. All such lands have been classified by the [North Carolina] Environmental Management Commission as WS-II, WS-III or WS-IV watersheds and require protection in accordance with the State Mandate."

Critical Areas Overlay District (within Protected Watershed) are defined in Section 4.2.27 of the Orange County Zoning Ordinance as, “The land area within one-half mile of the normal pool of an existing or proposed water supply impoundment, or the ridgeline of the watershed, whichever is less.”

3) Sites located beyond 3 miles of US 15-501, NC 54, NC 86 (excluding NC 86 North of Hillsborough), US 70, I-40, or I-85 and beyond 12 road miles of the projected waste generation centroid (figures 3a and 3b)

Three-mile corridor on either side of the centerline of the following major transportation routes: US 15-501, NC 54, NC 86 (excluding NC 86 North of Hillsborough), US 70, I-40, or I-85.

The 12 distance shall be road miles measured from the proposed site to waste generation centroid – 2025 Mean Center (weighted by population and employment.)

Commissioner Gordon said that the Board talked about 3a and 3b being two different criteria – one is access to major transportation routes and the other central location with respect to the 12-mile distance from the centroid. She asked that 3a and 3b be separate criteria. She thought that the Board had agreed on this. Ed Shuffler said that he would change this to make two separate criteria.

Ed Shuffler made reference to the 10 miles that was in the analysis, and he said that they drove the routes and it is not as much a mileage thing as it is a time issue. Since the Board had approved 12 miles, the recommendation is to maintain the 12 miles.

Commissioner Gordon said that she felt that, based on the citizens’ comments at the public comment session, she needed to bring this up. Citizens wanted the transfer station site to be already zoned for a transfer station, and not be residential. However, almost all of the places that would be most suitable for a transfer station (i.e. non-residential areas) are more than 12 miles from the waste generation centroid.

Chair Jacobs said that the 12 miles was a compromise of the Board of County Commissioners and the County has not heard from Chapel Hill or Carrboro regarding feedback.

Chair Jacobs asked Solid Waste Director Gayle Wilson about his professional judgment on the mileage. Gayle Wilson said that there is not a lot of difference in the 10 and 12 miles from the point of waste generation. The center of waste generation is close to where the landfill is now, and that is where the 12-mile measurement begins.

4) Sites with Wetlands and Flood Plains (Figure 4)

Wetlands – as defined in the Open Space Standards of the Orange County Subdivision Regulations (Section IV-C.3b.) in the following manner: “Including, but not limited to, streams, creeks, ponds, reservoirs, stormwater management facilities for watershed protection purposes, and adjoining land areas identified as part of:

- The National Wetlands Inventory Maps for the county, prepared by the U. S. Fish and Wildlife Service (see LUE page 2.2.15, 1981);
- The “Orange County, N. C. Soil Survey,” prepared by the USDA Soil Conservation Service (1977);
- The “Inventory of Natural Areas and Wildlife Habitats,” as prepared by the Triangle Land Conservancy;
- LANDSAT satellite data collected and analyzed under the Albemarle-Pemlico Estuarine Study;
- Results from any required environmental assessment or environmental impact statement; and/or
- Results from any site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using data from the U. S. Army Corps of Engineers.”

Wetlands are further defined in Article 22 of the Orange County Zoning Ordinance as, “Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

Floodplain – as defined in the Orange County Flood Damage Prevention Ordinance, “Any land area susceptible to being inundated by water from any source.” Floodplains in Orange County are delineated on an official map of Orange County, issued by the FEMA, on which FEMA has delineated the Special Flood Hazard Areas and the floodways. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map, effective February 2, 2007, and as amended from time to time by Letters of Map Amendment and Letters of Map Revision.

Ed Shuffler said that this means that 25 acres are needed for the sites that are unencumbered by these types of criteria.

Commissioner Gordon said that she noticed in Attachment 2-a that the following was added: “Results from any required environmental assessment or environmental impact statement; and/or results from any site analysis conducted by a registered engineer, land surveyor, landscape architect, architect or land planner using data from the U. S. Army Corps of Engineers.” She asked why this was added. Ed Shuffler said that as development continues, people have sites reviewed and there are delineations, so the existing data would be used.

Commissioner Gordon suggested that the language be changed to say, “results from any site analysis recognized by Orange County....”.

Chair Jacobs asked Craig Benedict if he was involved in the definition and Craig Benedict said yes and that any analysis that is done is funneled to the partners in the Army Corps of Engineers and other entities, and if it is a credible report, then it is added to Orange County maps. There is a protocol for this process.

Commissioner Gordon said that she would be satisfied to add to these criteria “results recognized by the Orange County Planning Department.”

Ed Shuffler said that he would change this.

5) Sites with Areas Having Steep Topographic Slopes (>15%)

Definition: Areas having steep topographic slopes (>15%). At least 25 acres of the site must be unencumbered with respect to these criteria.

6) Sites with Endangered and Protected Flora and Fauna Habitats (Figure 6)

Definition: Natural, Areas and Wildlife Habitats [PKA Endangered and Protected Flora and Fauna Habitants] – as defined in the Open Space Standards of the Orange County Subdivision Regulations (Section IV-C.3b.) in the following manner: [Those areas] “identified as part of:

- The “Inventory of Natural Areas and Wildlife Habitats of Orange County,” as prepared by the Triangle Land Conservancy in coordination with the NC Natural Heritage Program (see LUE Map page 2.2.36 and Table 2-2.38-40) [1988];
- The habitats are rated by significance integrity and threat
- These areas are lands designated as....containing sensitive environmental resources...(part of LUE RPA definitions page 3.3.3).

7) Sites with Protected Sites of Historical, Archaeological, or Cultural Significance (Figure 7)

Definition: Historic and Archaeological Sites [includes cultural] – As defined in the Open Space Standards of the Orange County Subdivision Regulations (Section IV-C.3b.) in the following manner: [Those properties] “listed on the National Register of Historic Places or included on the state’s national register study list, designated as a local historic landmark, designated as a local historic district, and/or identified as having a high potential for archaeological remains as part o:

- The “Chapel Hill Township Architectural Survey: Final Report” (1992);
- The “Orange County Multiple Property Documentation Form: Historic Resources of Orange County” (1993);
- “An Archaeological Survey of Portions of Orange County, N. C.”;
- Land Use Element (LUE) [2.2.49]

Source: Land Use Element (LUE) [1981] – Primary Conservation Area – Historic and Archaeological sites including:

- sites listed on the National Register of Historic Places;
- sites included on the State’s National Register study list;
- sites designated as a local historic landmark;
- areas designated as a local historic district; and
- areas identified as having a high potential for archaeological remains.

8) Sites with County Owned Lands or Easements Designated for Preservation (Figure 8)

Definition: County-owned lands acquired for parks and/or nature preserves – Lands that have been purchased by the County through the Lands Legacy Program (or other mechanism) for the protection of natural and cultural resources and as future park sites. These sites may have an approved Master Plan or Preliminary Concept Plan (for parks) or Stewardship Plan (for nature preserves).

Site(s) with deed restriction or with permanent conservation easements will be excluded.

Chair Jacobs asked what function the second sentence serves because these sites may have approved concept plans or approved preliminary concept plans for parks or stewardship plans for nature preserves, or they may not have plans, but the purposes for which the County acquired them have already been defined.

Gwen Harvey said that this was a staff composition on this definition. Craig Benedict said that it was a compilation of staff input, but if the sentence were taken out, it would still be controlled by why the Board of County Commissioners purchased this property. He said that this criterion can survive without the second sentence.

The Board agreed to remove this sentence.

Ed Shuffler showed Composite 9 (Figures 1-8). He said that this map is what Olver, Inc. recommends that the County proceed with, based on the exclusionary criteria.

Chair Jacobs made reference to criterion #3, and the actions associated with that, regarding removing railway access from consideration. He said that at least one advisory board and one citizen advocated for rail access and he did not want to leave it unaddressed.

Bob Sallach said that they ran some numbers and rail only becomes cost-effective if you are trying to transport the waste a distance greater than 250 miles. He said that the distance is not great enough to justify the rail aspect as an exclusionary criterion.

9) Sites with Less than 25 Acres in Size Unless Transportation Access, Existing Buffers, and Preliminary Transfer Station Layout Demonstrates the Adequacy of a Smaller Site

Definition: 25-acre single parcel or combination of parcels

Commissioner Gordon made reference to Attachment 2-a and the action: “Recommend minimum 25-acre site unless co-located with other municipal facilities or operations which provide access and/or buffers to reduce this size requirement.” She asked how that was addressed. Ed Shuffler said that the currently proposed wording was included in response to comments from the Board about possibly having a smaller site with co-location.

Criteria Under Consideration:

10) Sites with “Protected Watershed Overlay District” Exempting Therein Those Non-Residential Land Use Activity Nodes (i.e., Commercial/Industrial, Commercial, Industrial, and Economic Development) [LUE 1981-1994] (Figure 9)

Definition: Exclude residential areas with protected watershed overlay districts, and include non-residential activity nodes with Protected Watershed Overlay District.

Ed Shuffler pointed out Composite 9, which includes Figures 1-9.

Commissioner Gordon said to revise Figure 3b and bring it back so that the Board can see what it would look like without the three-mile street buffers as shown in Figure 3a. Ed Shuffler said he would do that.

Commissioner Gordon asked clarifying questions about the process, which were answered by Ed Shuffler.

3. Receive Public Comment on Preliminary Exclusionary Criteria and Professional Recommendations

Chair Jacobs pointed out that there will be other criteria that follow this that will address additional issues involving technical criteria and community criteria.

Bob Nutter said that he is a taxpayer in Orange County, he is interested in projects that cost money to Orange County, and this project will be costly. He suggested transferring waste by rail versus roads, since the cost of oil is drastically changing. He said that this project will hopefully be for the long term and he would like the Board to take into consideration the cost of fuel of transferring waste.

Tish Galu is a resident of Orange County. She made reference to the exclusionary criteria and asked how the 2025 mean center population was being applied here. Craig Benedict said that, in order to determine the centroid of waste generation in the County, they took all census tracts in the County, they took the population projections for each set of tracts, and ran the data through a GIS system to determine the shortest distance to take all trips to one focal point in the County. The most efficient place, based on this calculation, is the centroid of waste generation. The 12-mile distance was based on the centroid. The source of the data was the Metropolitan Planning Organization projections.

Stan Cheren made reference to page 11, #9 and asked how small a space could be used for a transfer site. Bob Sallach said that, according to comments that came from the public sessions, as they look at buffers, they need to look at buffer width as well as what they want to buffer. It is hard to project at this point a minimum size.

Commissioner Foushee asked for a ballpark figure and Bob Sallach said that the minimal area for just the transfer station could be 10-15 acres at the minimum.

Chair Jacobs said that Commissioner Nelson is an expert on the energy efficiency of rail. He also said that the Board is setting aside Figure 9, the sites within the protected overlay, for now, so that it is not too exclusionary. He suggested a bookmark of this, in case we want to come back to this criterion later.

Commissioner Nelson asked if there was a way to include rail access in the weighted criteria later on and Bob Sallach said yes. Commissioner Nelson said that you can move one ton of freight 436 miles on one gallon of fuel. He would like to keep this in the technical criteria.

Commissioner Gordon made reference to the comment about the centroid generation and said that she noticed that something was missing. Regarding the definition on #3, the second definition should be the 12-*mile* distance. It just says the "12 distance."

Another speaker made reference to the 2025 mean center, and said that it indicates that it includes Durham-Chapel Hill-Carrboro and asked why it did not include Mebane, since there is a big development coming in at Buckhorn. Craig Benedict said that it includes all of the census tracts in Orange County. The purpose for putting together the information was for the DCHC-MPO area, but it included areas of Mebane that are in Orange County.

4. Approve Manager's Recommendation to Adopt Exclusionary Criteria, incorporating any additional changes to the Preliminary Draft as the BOCC may desire

A motion was made by Commissioner Nelson, seconded by Commissioner Foushee to adopt the Final Exclusionary Criteria incorporating the changes as stated above.

VOTE: Ayes, 4; No, 1 (Commissioner Gordon – She disagreed because the 12-mile radius from the centroid criterion excludes almost all places in Orange County that have commercial or industrial zoning instead of residential zoning and therefore excludes most of the places that are most suitable for a transfer station)

Bob Sallach said that the next step is to review these criteria and incorporate public comment, and then to finalize weighting factors.

Chair Jacobs said that he would be interested in knowing if things come up at the public information meetings related to the technical and community-specific criteria that have not previously been considered.

Bob Sallach read some of the technical criteria from the PowerPoint on page 12.

- Central location to waste collection routes
 - o Maximize waste collection efficiency – minimize costs
 - o Distance from end of collection route (general guideline)

Assistant County Manager Gwen Harvey said that this was moving faster this evening than staff expected. She said that there has been minimal discussion about these technical criteria with the Board of County Commissioners, so they were not prepared to go into the next stages.

Chair Jacobs said that if the public is going to be asked to comment on something, then it should be made available.

Bob Sallach said that he would be presenting this information at the next meeting.

Commissioner Gordon made reference to page 33 that showed the presentation by Karen Lincoln of a letter from the OUTBoard. She said that the letter was signed by "Sam Lasris" and not the "Sheriff." She noted that the OUTBoard asked that, as part of the technical criteria, that roads that were priority bicycle routes be excluded.

6. Provide Additional Feedback or Instructions to County Management and/or Olver, Inc. for next Transfer Station Siting Work Session Meeting to be held on June 24, 2008

Commissioner Gordon asked clarifying questions about the technical criteria process, which were answered by Bob Sallach. Eventually, the top 4 sites will be selected.

Gwen Harvey said that this process will be dealt with more specifically at the June 24th meeting.

Chair Jacobs suggested that the Board and the public have sufficient time to review the materials so that they can be efficient with their time.

Commissioner Foushee said that, regarding the schedule, there may be a scheduled meeting on June 30th.

Discussion ensued on additional meetings.

The Clerk will send out an email about other possible dates for a work session besides June 30th.

Commissioner Gordon said that the next meeting of the transfer station is on June 24th, the last regular meeting before the summer break. These last scheduled meetings are always long and stressful. She does not envision the Board finishing this up on the 24th before 7:30 p.m.

Bob Sallach said that Olver could get the information ahead of time to assess the time needed.

Commissioner Nelson said that he is growing weary of two meetings a night and his preference is to have it on June 30th.

Commissioner Carey said that he would be away on the 30th.

Chair Jacobs said that another alternative is to meet one night before June 24th on the land use plan and one night before the 24th for the transfer station, and do away with the other session altogether. The Clerk will survey the Board about the 10th, 11th, 18th, and 19th.

5. Receive Additional Public Comment regarding future phases of the Transfer Siting Process

Reverend Campbell asked if it was possible to exclude the Eubanks Site. Also, he asked how the transfer station being located in the incorporated area of the Town or the Rural Buffer Zone would work in the long-term comprehensive plan. He asked if anything would have to be changed in the plan to allow a transfer station to be located in a rural area where there is no infrastructure, or in an incorporated area.

One of the citizens in attendance said that it has been frustrating to not have materials in a timely manner and it is counterproductive.

David Hunt said that for this meeting, the materials went on the website first thing Friday morning, with notification to the public.

Chair Jacobs said that staff will get answers to Rev. Campbell's questions.

Gwen Harvey thanked Craig Benedict and his staff, Miriam Coleman, who produced the maps. She also thanked Shoshannah Smith, Director of Human Rights and Relations.

Craig Benedict pointed out that Brian Carson also helps out with GIS maps.

7. Adjournment

The meeting was adjourned at 7:03 pm.

Barry Jacobs, Chair

Donna S. Baker

Clerk to the Board