

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: April 29, 2008

**Action Agenda
Item No.** _____

SUBJECT: Greene Tract Development and Conservation – Summary of Issues for Joint Discussion

DEPARTMENT: County Manager’s Office

PUBLIC HEARING: (Y/N)

ATTACHMENT(S):

1. Solid Waste Management Inter Local Agreement
2. Inter Local Agreement Amendment
3. Greene Tract Work Group Resolution & Concept Map
4. County Attorney Memo to the BOCC
5. BOCC Greene Tract Minutes
6. BOCC Greene Tract Correspondence
7. Greene Tract Environmental Assessment
8. Sewer Service to Greene Tract
9. Report from Affordable Housing Partners re: Greene Tract
10. School Site Selection Report re: Greene Tract

INFORMATION CONTACT:

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Tara Fikes, Director, H/CD

Gayle Wilson, Director, Solid Waste

Geoff Gledhill, County Attorney

PURPOSE:

To present for discussion among the jurisdictions a summary of various aspects and alternatives associated with the development and preservation of the Greene Tract, and receive collective input and common direction on next steps.

BACKGROUND:

The use of the Greene Tract is subject to the Solid Waste Inter Local Agreement of 1999, as Amended 2000, and the Greene Tract Work Group Resolution of 2002. The Inter Local Agreement (ILA) describes ownership and land use of the Greene Tract as follows: “The Greene Tract will remain a landfill asset. Sixty acres of the Greene Tract will be reserved for solid waste management purposes, and the three owners will work together to determine the ultimate use of the remainder”. (Page 8, ILA)

The ILA further states: “The Parties agree that any non System use of any portion of the remainder of the Greene Tract or any disposition of any portion of the remainder of the Greene

Tract shall result in payment to the County of the Reimbursement Amount for deposit in the System enterprise fund.” (Page 9, ILA)

“A Resolution Reporting the Recommended Concept Plan for the Portion of the Greene Tract that Remains in Joint Ownership” developed by the Greene Tract Work Group and adopted in June 2002, provides the following direction and accompanying concept map:

Tract 1: Orange County – 60 acres

(“The BOCC should consider protecting its 60 acre portion of the Greene Tract by executing a conservation easement with an appropriate party”)

Tract 2: Joint Affordable Housing – 18.1 acres

Tract 3: Joint Open Space – 85.9 acres

NOTE: The BOCC adopted the ILA on September 29, 1999; the ILA Amendment on March 14, 2000; and but there are no records to indicate that the Green Tract Work Group Resolution was ever formally adopted by the BOCC. Minutes from the BOCC meeting on October 15, 2002 show that “the Board accepts the basic tenets of what the group came up with and we are asking for more information on what the legal agreement was previously regarding repayment and what steps the managers might recommend in the future regarding how and when the reimbursements would kick in”.

Discussion and development of the Greene Tract has come up regularly at the Assembly of Governments (AOG). In spring 2007 however the AOG agreed to use a subcommittee of the Chair, Mayors, and Managers to examine more vigorously issues prerequisite and surrounding the development and preservation of the Greene Tract. This was deemed especially important since the Town of Chapel Hill was about to initiate its Small Area Plan of the Rogers Road community whose boundaries embrace the Greene Tract.

Two meetings were convened by County and Town elected and management officials – October 3, 2007 and February 14, 2008 – to re-examine development feasibility options and reimbursement to the Solid Waste Enterprise Fund. County, Town, and OWASA staff were tasked with drafting various options and opportunities for locating the affordable housing on site and providing road entry and sewer services as background to the work of the elected officials and managers between meetings. During the February meeting, since much discussion centered on a proposed school site for the Chapel Hill Carrboro City School District and its impact on acreage reserved for conservation, County staff was asked to draft a set of guiding principles and parameters for enacting the conservation easements identified within the Inter Local Agreement in anticipation of greater discussion on or before the AOG meeting on March 28.

There was insufficient time for consideration of the Greene Tract item and its component parts at the AOG meeting on March 28, therefore the County, Carrboro, and Chapel Hill agreed to schedule the topic for the joint public hearing/ meeting set for April 29.

The BOCC, in preparation for April 29, in a work session on April 8 began review of the updated information postponed from the AOG meeting, and held preliminary discussion of the Greene Tract development and preservation issues previously identified by the joint staffs. As a result, County staff was asked to research and provide additional information for the joint meeting on April 29 in respond to the following questions:

What was the thinking about the 60 acres (BOCC minutes and correspondence)?

NOTE: There was concern at the BOCC work session on April 8 about the original intent or underlying philosophy to guide disposition of the County's 60 acres, and a question as to whether or not the County's 60 acres should be re-addressed as a policy consideration at this time.

What would be the possible impacts of a public school site?

- What would be the impacts of a public school site on affordable housing and conservation interests and objectives?

What would be the best means of providing public sewer service?

The following points appear relevant to the discussion of Greene Tract development and conservation issues on April 29:

1. The ILA does not address disposition or reimbursement of the County owned 60 acres
2. The Greene Tract Workgroup Resolution recommended "protection" of the 60 acres
3. The BOCC never officially adopted the Workgroup Resolution
4. The formal "protection" or conservation of Greene Tract acreage – through The Land Conservancy, for example – has been commonly accepted as the "trigger" for invoking reimbursement to the Solid Waste Enterprise Fund
5. Talks among County and Town elected and management officials that began in the fall of 2007 and continued into the spring of 2008 have raised the importance of having a full and open dialog among the jurisdictions about the disposition of the 60 acres
6. Environmental Resource and Conservation Department (ERCD), at the request of the County and Town elected and management officials, has drafted a set of principles and parameters to *potentially guide both* the 60 acre and the 85.9 acre tracts
7. The County Attorney has recently opined that should the jurisdictions wish to address jointly the issue of the 60 acres, they should address as well sharing with the County in the costs of reimbursement to the Solid Waste Enterprise Fund
8. Reimbursement amounts discussed and distributed to date (October 3, 2007) among the jurisdictions do not establish a cost sharing by the Towns in the 60 acres
9. The question of the 60 acres is also relevant to other Greene Tract topics – the possibility of carving out a future public school site and resulting impacts on areas designated by the Workgroup Resolution for affordable housing development and conservation. To this extent, discussions among County and Town elected and management officials have also covered feasibility options and projected costs for road access to the Greene Tract (other than Purefoy Road) and providing public sewer to the Greene Tract (and potential environs).

FINANCIAL IMPACT:

Reimbursement to the Solid Waste Enterprise Fund triggered by the actual transfer of portions of the Greene Tract for other purposes has been a linchpin of the Inter Local Agreement. Changes to portions of the Greene Tract would have to be agreed upon and codified, most likely in another ILA amendment, with resulting financial impact recognized and accepted by all parties.

RECOMMENDATION (S): The Manager recommends that the BOCC and its municipal partners

1. Discuss County and/or Joint County and Towns Objectives (i.e., plans and intentions) for the County-owned 60 acres (Tract 1, "Solid Waste System Purposes") and any Concerns or Considerations for How/When they Ought be Pursued
2. Discuss Joint Objectives (i.e., plans and intentions) for the 18.1 acres and 85.9 acres (Tracts 2, "Affordable Housing", and 3, "Open Space") and any Considerations for How/When they Ought be Pursued
3. Discuss any Concomitant Modifications to the Inter Local Agreement and/or Work Group Resolution Concept Plan and Map, and any Considerations for How/When They Ought be Pursued
4. Discuss any Related Adjustments/Recalculations in the Reimbursement Amounts (Identified in October 2007) to the Solid Waste Enterprise Fund, and any Considerations for How/When They Ought be Pursued
5. Provide any Additional Policy Direction and Feedback to County and Town Management and County and Town Attorneys, as May be Desired