

**ORANGE COUNTY PLANNING DEPARTMENT  
131 W. MARGARET LANE, SUITE 201  
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA  
ORANGE COUNTY PLANNING BOARD**

**NOTE MEETING LOCATION!!**

**WEST CAMPUS OFFICE BUILDING  
PLANNING DEPARTMENT CONFERENCE ROOM  
131 W. MARGARET LANE, 2<sup>ND</sup> FLOOR  
HILLSBOROUGH, NORTH CAROLINA 27278**

**Wednesday, June 5, 2019**

**Regular Meeting – 7:00 pm**

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		<b>CALL TO ORDER</b>
2.	3 – 4	<b>INFORMATIONAL ITEMS</b> a. Planning Calendar for June and July <ul style="list-style-type: none"><li>• The July 10 Planning Board meeting is likely to be canceled unless an application is received</li></ul>
3.	5-20	<b>APPROVAL OF MINUTES</b> May 1, 2019 Regular Meeting
4.		<b>CONSIDERATION OF ADDITIONS TO AGENDA</b>
5.		<b>PUBLIC CHARGE</b> Introduction to the Public Charge

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its residents and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

**Public Charge**

The Planning Board pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, County staff, and Board members. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
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meeting until such time that a genuine commitment to this public charge is observed.

The Planning Board asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

Please be kind to everyone.

**6. CHAIR COMMENTS**

**7. ADJOURNMENT**

**IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR PERDITA HOLTZ (919-245-2578).**

June 2019						
<May						July>
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
Notes: * Planning Board Member Attendance Required or Encouraged WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough) Whitted = Richard Whitted Building (300 W. Tryon St., Hillsborough)						
2	3	4	5	6	7	8
		Regular BOCC Meeting 7:00 pm Whitted Building	Planning Board Meeting 7:00 pm* WCOB 204	BOCC Budget Work Session 7:00 pm Southern Human Services		
9	10	11	12	13	14	15
		BOCC Budget Work Session 7:00 pm Whitted				
16	17	18	19	20	21	22
		Regular BOCC Meeting 7:00 pm Southern Human Services	OUTBoard Meeting 6:30 pm WCOB 204 <b>CANCELLED</b>			
23	24	25	26	27	28	29
30						

July 2019						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
				HOLIDAY OFFICES CLOSED		
7	8	9	10	11	12	13
			Planning Board 7:00 pm* Whitted Building			
14	15	16	17	18	19	20
			OUTBoard 6:30 pm West Campus Office Bldg Room 204			
21	22	23	24	25	26	27
28	29	30				
				Notes: * Planning Board Member Attendance Required WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough) Whitted = Richard Whitted Building (300 W. Tryon St., Hillsborough)		

## DRAFT

EXCERPT MEETING MINUTES  
ORANGE COUNTY PLANNING BOARD  
MAY 1, 2019  
REGULAR MEETING

1  
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6 **MEMBERS PRESENT:** David Blankfard (Vice-Chair), Hillsborough Township Representative; Hunter Spitzer, At-Large;  
7 Jessica Aguilar; At-Large; Hathaway Pendergrass, At-Large; Susan Hunter, Chapel Hill Township Representative;  
8 Adam Beeman, Cedar Grove Township Representative; Patricia Roberts, Cheeks Township Representative; Randy  
9 Marshall, Bingham Township Representative; Melissa Poole, Little River Township Representative; Kim Piracci, Eno  
10 Township Representative;  
11  
12 **MEMBERS ABSENT:** Carrie Fletcher, Bingham Township Representative; Lydia Wegman (Chair), At-Large Chapel Hill  
13 Township Representative;  
14  
15 **STAFF PRESENT:** Craig Benedict, Planning & Inspections Director; Michael Harvey, Current Planning Supervisor; Pat  
16 Mallett, Planner II; Tina Love, Administrative Assistant III  
17  
18 **OTHERS PRESENT:** Tim Smith, Summit Engineering; Stan Lawton; Property Owner; Jim Parker, Owner-Developer;  
19 Mark O'Neal, Pickett-Sprouse; Cyrus Griswold, Linda Nathansen, Jim & Donna Ray, Zelda Lockhart; Alois & Kim  
20 Callemyn  
21  
22 **AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**  
23 Vice Chair David Blankfard called the meeting to order.  
24  
25 **AGENDA ITEM 2: INFORMATIONAL ITEMS**  
26 a. Planning Calendar for May and June 2019  
27  
28 **AGENDA ITEM 3: APPROVAL OF MINUTES**  
29 April 3, 2019 Regular Meeting  
30  
31 **MOTION** by Randy Marshall to approve the April 3, 2019 Regular Meeting Minutes. Seconded by Hunter Spitzer.  
32 **VOTE:** Unanimous\*  
33  
34 Hathaway Pendergrass: Are we allowed to vote, the new people.  
35  
36 Michael Harvey: The question was should the new members vote on the minutes and the answer is no since they  
37 weren't at the meeting they shouldn't vote on the minutes.  
38  
39 *\*In reviewing the guidelines, it was determined that all members vote on minutes regardless of whether they were in*  
40 *attendance at the meeting or when they were appointed to the Board*  
41  
42 **AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**  
43  
44 **AGENDA ITEM 5: PUBLIC CHARGE**  
45 Vice Chair David Blankfard the read the Public Charge.  
46  
47 **AGENDA ITEM 6: CHAIR COMMENTS**  
48 No Comments  
49  
50 **AGENDA ITEM 7: ZONING ATLAS AMENDMENT (GENERAL USE REZONING)** – To review and make a recommendation on  
51 an owner initiated application seeking to rezone 4.08 acres of property (PIN 9758-42-4098) located in Bingham  
52 Township on the south side of Old Greensboro Road from Rural Buffer (RB) (2.65 acres) and Existing Commercial  
53 (EC-5) (1.43 acres) to Existing Commercial (EC-5) (4.08 acres). The purpose of the rezoning is to resolve a split  
54 zoning by applying one zoning district to the entire parcel on which an existing commercial use is located.  
55

56 PRESENTER: Patrick Mallett, Planner II

57

58 Patrick Mallett: Welcome new members; welcome old members. I am the staff person that will be presenting items 7  
59 and 8 tonight. The first one is a general use zoning case. In your packet, you've got an abstract which starts on  
60 page 11 of your packet. It goes through some of the basic information and includes five attachments; the application,  
61 map of the subject parcel, the zoning exhibit showing any existing conditions of the property, the Statement of  
62 Consistency, and then the ordinance amending and the zoning atlas with the zoning map. As I said, this is a General  
63 Use Rezoning request. The property owner is Mr. Stan Lawton who is here with Alois Callemyn a surveyor and his  
64 wife, Kim. The subject property is Lawton Storage. As you can see from this photo, the issue at hand is that the  
65 commercial zoning goes right through the existing building, and the building has been operating as a storage facility  
66 since 1977. What the applicant is seeking to do is to take the 2.65 acres of Rural Buffer zoning and rezone the entire  
67 parcel as Existing Commercial (EC-5). It's all within the University Lake Watershed and would all remain within that  
68 watershed. So, 4.08 the existing parcel size is proposed to be rezoned to existing commercial. The summary is that  
69 most of you were not on the Planning Board at the time, but in 2016 the Board of Commissioners directed staff to  
70 take a comprehensive look at not just this township and others and evaluate look at properties that had zoning  
71 issues, namely split zoning. This was one of those cases. At that time, Mr. Lawton wanted to stop and consider his  
72 long-term goals and figure out what he wanted to do regarding the implications for the property and the business he's  
73 been operating since 1977. So, we pulled his case out of that stack. Since that time, he's decided to proceed with  
74 what the staff was recommending in 2016 which was to rezone the entire existing parcel to EC-5. Zoning in Orange  
75 County rotated around various Townships and Bingham zoned for the first time in 1981. His storage business, the  
76 proceeding woodworking, and truss operation well preceded the original zoning in this township. The policy at that  
77 time was quite literal, and I think it was a common practice to draw a line around a building that was non-residential  
78 use and leave the remainder to a residential zoning category. That's created a number of issues namely conformity,  
79 the ability to meet the landscape requirements, and a series of other things. Our recommendation is that you review  
80 the amendment, deliberate on the petition, consider the director's recommendations and then make a  
81 recommendation for the Board of Commissioners for their June 4<sup>th</sup> meeting.

82

83 Alois Callemyn: My name is Alois Callemyn, I've been doing this for a little while. I wanted you to meet Stan; he  
84 zoned this property. I get to see a lot of different parts of the County and this is one of the most scenic lots I've ever  
85 surveyed.

86

87 Stan Lawton: I'd like to get it straightened out. I've put a lot into it over the years. Everything is a mess the way it is.  
88 Just in general, it would be a good idea.

89

90 Alois Callemyn: If you have any questions, we'll be glad to answer.

91

92 Patricia Roberts: How much impervious surface has been used of the percentage allowed?

93

94 Patrick Mallett: Mr. Lawton has got a fair amount of impervious surface, but most of that was probably built with the  
95 original facility back in the 70's and 80's.

96

97 Patricia Roberts: Does he have enough to build anymore?

98

99 Patrick Mallett: Probably not. The short answer is what you see is probably the maximum.

100

101 Patricia Roberts: So basically, he's not going to be able to add more storage buildings without coming up with a  
102 different plan.

103

104 Patrick Mallett: Not without utilizing what's already there, a repurposing of the site.

105

106 Randy Marshall: My previous recollection was that there's a lot of restrictions on the rural buffer, and I didn't see that  
107 addressed in any of my materials. You're taking something from the rural buffer and putting it into commercial even if  
108 it's existing commercial. Is there any concerns there that would need to be addressed?

109

110 Patrick Mallett: Normally, there would be concerns. However, given the fact that the date of this non-residential use  
111 well predates the original zoning and Rural Buffer. It does solve the split zoning issue. When we did the cases in  
112 2016, there were three other cases that were resolving split zoning in the Rural Buffer. While not common, this is  
113 probably a good example of one of the rare exceptions.

114

115 Randy Marshall: So Chapel Hill and Carrboro wouldn't jump up and down when they found Orange County took  
116 some rural buffer land and put it in commercial.

117

118 Patrick Mallett: We sent a courtesy review per the Joint Planning Agreement.

119

120 Hunter Spitzer: Have either Carrboro or Chapel Hill responded to the date?

121

122 Patrick Mallett: Nothing.

123

124 Hunter Spitzer: Are you concerned that haven't responded?

125

126 Patrick Mallett: They acknowledged they got it and that they would respond if they had any issues and no comment  
127 or response yet. Maybe I'm reading between the lines here but given the fact that it's an existing use, it's a known  
128 use and the nature of the time frame and the history of the property.

129

130 Hunter Spitzer: By expanding the entire lot to EC-5, what does that change about what can be done with the  
131 property?

132

133 Patrick Mallett: In the zoning world, you have typically three types of nonconformities. There are nonconforming lots.  
134 This is not a nonconforming lot. You have nonconforming uses. We currently have nonconforming uses that would  
135 not otherwise be allowed in the table of permitted uses in the Rural Buffer portion of the property. Then you have  
136 nonconforming structures. The original wood working shop is a nonconforming structure because it lies within  
137 what would otherwise be a landscape buffer. This rezoning would solve at least the nonconforming use. This was a  
138 nonresidential use that was probably dating back to the early 60s that was never captured.

139

140 Hunter Spitzer: When you say it's a nonconforming structure, what do you mean by that?

141

142 Patrick Mallett: Along here, you're required a 30-foot landscape buffer. Along this edge and along this edge you're  
143 required a 100-foot buffer and a 30-foot buffer along this private road here. This would be in the buffer here. So that  
144 would still be a nonconforming structure. You can't really expand that structure in the landscape buffer.

145

146 Hunter Spitzer: I understand.

147

148 **MOTION** by Randy Marshall to recommend from the Planning Board that the County Commissioners consider  
149 adoption of the proposed zoning atlas amendment. Patricia Roberts seconded.

150

151 Patrick Mallett: I do want to point out one minor thing. This represents the zoning on his lot, the existing commercial  
152 zoning and then theoretically, if it changed, the zoning goes to the centerline of the road. It would be customary for  
153 the County to also rezone to the centerline of the road.

154

155 Randy Marshall: Do I need to say that we want to rezone the entire 4.08-acre parcel to EC-5?

156

157 Patrick Mallett: Yes.

158

159 Randy Marshall: I change my motion to include that.

160

161 Patricia Roberts: Seconded.

162

163 Hathaway Pendergrass: I abstain from voting as I have had previous professional dealings with the owner.

164

165 Craig Benedict: As part of a teaching moment, we're not going to labor tonight, but for something like what is an EC-5  
166 and why it is a more unique designation than our other commercial zoning designations, we'll put a little white paper  
167 together. We'll give you an explanation of existing commercial designations possibly in Rural Buffer, land uses and  
168 how that occurs, and how EC-5 occurred in other parts of the County. It is a nuance to our land use and zoning  
169 code.

170

171 David Blankfard: As a point of reference, it is true that if you abstain that's a vote for?

172

173 Craig Benedict: Yes, that is true.

174

175 Patrick Mallett: Technically speaking, I think you probably should make a motion that you are acting on Attachments  
176 4 and 5, the statement of consistency and the actual ordinance.

177

178 David Blankfard: Moved.

179

180 Randy Marshall: Seconded.

181

182 **MOTION** by David Blankfard to agree with the Statement of Consistency (Attachment 4) and recommend to the  
183 County Commissioners to consider adoption of the proposed zoning atlas amendment (Attachment 5) to rezone the  
184 entire 4.08-acre parcel to EC-5. Randy Marshall seconded.

185 **VOTE:** Unanimous. (Hathaway recused himself due to previous professional relationship)

186

187 **AGENDA ITEM 8: MAJOR SUBDIVISION PRELIMINARY PLAT** – To review and take action on a preliminary plat application  
188 for a Major Subdivision called Fairway Hills. The proposal is for a 20-lot single-family Flexible Development  
189 subdivision on 41.97 acres (PINs 9884-32-3275 and 9884-31-9874) located in Eno Township on the north side of US  
190 Highway 70 across from the Occoneechee Golf Club. The Concept Plan request for this subdivision was approved  
191 by the Planning Board at its April 3, 2019 meeting.

192

193 **PRESENTER:** Patrick Mallett, Planner II

194

195 Patrick Mallett: You have your staff report which we call an abstract which this case starts on page 31. This has four  
196 attachments: An application package; Vicinity map; Site assessment; Staff generated correspondents; and Excerpts  
197 from the Planning Board case last month in April. Under a separate cover, you also have the plan. Some you have  
198 large plans. Some have small plans. This case was heard last month as a concept plan approval request. This  
199 request was originally submitted as a 27-lot subdivision under a different name called Occoneechee Hills. As it  
200 started moving through the process, the applicant changed the request to go from 27 lots down to 20 lots which  
201 removed the requirement for a Special Use Permit in addition to the major subdivision approval. It changes the  
202 cadence of how the case is processed. Last month the consideration was for the Concept Plan. We are at Part Two  
203 of the process. They basically had already done a significant amount of the Preliminary Plat work, so they were able  
204 to get the final touches in and then get on to the agenda for this month, so the Planning Board is hearing this case in  
205 back-to-back months.

206

207 Patrick Mallett: *Reviewed a PowerPoint presentation on Fairway Hill's preliminary plat review.* The flexibility design  
208 option requires you to share the existing additions namely the stream buffer's steep slope, vegetated areas and  
209 existing structures. This is the preliminary plat subplan, very similar to what was reviewed with the concept plan that  
210 added more details in terms of Storm Water Control measures, or BMP, storm water devices. With the Concept  
211 Plan, it shows treatment for lot clearing, street trees along the two public streets, and then landscaping preserved  
212 areas and they're additional plantings along the 75-foot buffer along US 70. It also shows theoretical plantings for  
213 both either a cleared lot or a preserved lot within the subdivision. The Plan summary including the two parcels is  
214 41.97 acres, and the total number of proposed lots is 20. The average lot size is 56,594 square feet, 1.3 acres. The  
215 area and open space is 15.54 acres. It's 37 percent of the site. This is just a summary of the same attributes with  
216 breakouts on the primary and secondary open space. Around the perimeter of the project there's a hundred-foot  
217 building set back. Along US 70 they have 120-foot building set back and they also reserved a five-foot area along  
218 US 70 anticipating unrelated to this project a NCDOT right of way, road improvements that would theoretically require  
219 five feet of additional right of way. The planning director recommends that the Planning Board receive the



220 Preliminary Plat application, discuss the proposal as desired and then recommend approval of the plat. The way this  
221 process would work is you would make a recommendation either way. You would consider the case or continue the  
222 case. Ultimately, it would have to go to the Board of Commissioners for a final determination, and they would make a  
223 vote on the major subdivision. After that, there many other steps, certifications, permits that have to be obtained; well  
224 permits, septic permits, road construction, coordinating with DOT, and the right of way has to be dedicated and  
225 accepted by DOT. There would be a storm water permit, a land disturbance permit. It would be reviewed and  
226 approved in terms of erosion control and water quantity, and water quality. As part the project, all of those things  
227 would basically have to occur prior to the reggeridation of the lots.

228

229 Adam Beeman: Can you just give me a reference as to where the existing driveway is; to where Birdie Lane is? Are  
230 they on top of each other?

231

232 Patrick Mallett: They actually moved. The existing driveway, there's an area where they are proposing to plug in that  
233 existing hole with some evergreen trees and shrubs. This public road is further north and west. The reason being is  
234 both the applicant and NC DOT wanted to avoid this box culvert.

235

236 Adam Beeman: Is that just short of that grade change that you were showing in the pictures?

237

238 Patrick Mallett: That's roughly in that general area, but I think they've spent a significant amount of time trying to  
239 properly locate where that road should go in terms of site distance, with minimal disturbance to the existing right of  
240 way and meeting with NC DOT standards for the roads. I think that also involved discussions and meetings with  
241 Chuck Edwards the NC DOT engineer.

242

243 Tim Smith: Looking at the site again, you can see it highlighted here. It is adjacent to across the street off Highway  
244 70 from the golf course and it's in between Palmer's Grove Church Road and Lawrence Road on the north side of  
245 Highway 70. Highlighted in red on the exhibit you will see the surrounding area and what's there now. There's  
246 several very similar developments in the area. One acre, plus or minus, lots that are on well and septic up along  
247 Palmar Grove Church Road. There's several little pockets of subdivisions that have one acre lots with well and  
248 septic. Off of Lawrence Road there is also a woodland trailer park that has 23 trailer sites on that property, and that's  
249 served by well and septic although they do have a community well for that site. Back in February of this year, we had  
250 neighborhood information meeting for the public to come. This shows the limits of the notification of a thousand feet  
251 around the property. Those property owners were notified of the development and were sent letters to the  
252 neighborhood meeting. We met and discussed and heard their concerns and so forth, and their comments. We've  
253 taken all those into consideration as we've continued to adjust and work with the layout and the proposal for the  
254 subdivision. As Pat mentioned, the existing conditions of the site and showed you some pictures along the frontage  
255 the property. Patrick also went over most of the site data for the property, the zoning, the density, all those numbers  
256 are the same here. We are proposing about 2,300 linear feet of roads for the two cul-de-sac roads including the  
257 entrance coming up off Highway 70, and we are at 17 percent impervious proposed right now. That's for the road  
258 construction and the proposed houses an estimate of what would be on each lot. Out on Highway 70 as we  
259 mentioned, there is a 75-foot type E buffer required out there. It is rural, but we're proposing to add additional  
260 plantings along highway 70 to increase the opposity of that buffer to give more screening for that area that will  
261 include the area where the existing driveway is now. As Pat mentioned, we are proposed well sites on each lot. We  
262 have laid out a potential well site for each lot that meets the setback requirements for the property lines per the code  
263 with Orange County environmental health. Again, the shaded areas with the hatching lines is where we're identified  
264 some suitable Soils for the property.

265

266 Hunter Spitzer: Are wells permitted within the Type E buffer?

267

268 Tim Smith: They are not permitted within the Type E buffer. We are showing some that are right on the line, but  
269 they're not propose to be in the type E buffer.

270

271 Tim Smith: Back on Highway 70, per our conversation back and forth with NCDOT regarding what they want to  
272 require for this entrance off Highway 70, we are showing a symmetrical widening of Highway 70 as you're headed  
273 east. There would be a left turn lane to get into the subdivision. As your headed west, there will be what we call a  
274 deceleration lane or a right-turn lane to get traffic off of the through lane and able to turn into the entrance. NC DOT

275 has approved this layout as we continue on we'll be adding the grading for that and all the details that go with it. As  
276 Pat mentioned, we did keep the entrance location far enough west so that none of the widening would impact this  
277 box culvert that crosses under Highway 70. We are staying far enough west that our widening will not impact any of  
278 that box culvert. Since last month, we've continued on and added the required landscaping to show on our  
279 landscape plan for you. As Pat mentioned, we have the required street trees that would be planted along each of the  
280 streets. This is per the ordinance requirements that you have to have a street tree spaced primarily every 100 feet  
281 with other small plantings between. This is a rendering of how we feel it would look once all is in place. The primary  
282 goal would be the preserve all the trees that are out there now along that buffer. To go over the stormwater  
283 managements for Orange County, this is Section 6.14 from the ordinance, we have to follow and meet the guidelines  
284 for Orange County which are all based on state regulations. We would need to protect the repairing areas, monitor  
285 the nitrogen and phosphorous load contributions that are proposed based on the development, and attenuate the  
286 flow which means we can't have any more flow leaving the site than prior to the development. Our devices need to  
287 manage that stormwater runoff and control the first inch of rainfall from all the project areas on the site. To treat the  
288 nitrogen and phosphorous we have to have a 85 percent TSS, total suspended solids, removal achieved through the  
289 devices that we install. These are the standards pretty much state wide. Orange County implements these same  
290 standards based on where they are in each river basin and each watershed. In that regard, we are proposing a  
291 multiple attack on stormwater. One would be disconnected impervious services on each lot which kind of covers the  
292 runoff from each roof, having treatment swells in areas where the runoff can't get to our primary stormwater devices,  
293 and level spreader filter strips used in connection with other stormwater devices including in buyer retention basins.  
294 Some folks were concerned about the stormwater and had discussed low impact development. We approach every  
295 project with a low impact development, approach. If we can meet stormwater requirements and treat stormwater  
296 based on a low impact design, this is our primary goal. In a true sense of a Lid analysis, you check your site prior to  
297 development, see how much trees are there, how much open areas there are, how much pasture, the types of land  
298 cover, and then you look at it again after proposed development with the houses, yard areas, in preserving tree areas  
299 and so forth. You check and see what the differences are in the different rates and these involve: infiltration of water  
300 into the ground; and then the runoff that occurs from the impervious that's added. We run it for this site, and it did  
301 not meet the percentage threshold for a true Lid design. In the rural design requirements, per this manual that was  
302 started back in 2009, they referred to the Best Management Practices to use devices like infiltration devices, level  
303 spreaders, sand filters, pocket wetland, and permeable pavers to manage stormwater in a low impact manner.

304  
305 Hunter Spitzer: You said for the Lid on the water treatment that you did not meet the percent required.

306  
307 Tim Smith: The LID manual is not a regulated booklet. It's a guideline for how you would do a LID analysis. It was  
308 just a little over the threshold of what it needed to be. If it met the requirements, we wouldn't have to do anything.  
309 Because of the type of development it is, we are above that threshold and so we have to implement stormwater  
310 control per the UDO.

311  
312 Patrick Mallett: Low impact design in terms of Orange County and stormwater and erosion control is a classification.  
313 By virtue of the amount of land disturbance just for the roads, it brings it out of that category in terms of the  
314 stormwater classification. In Orange County, whether you are a low impact designer or not, determines the cost per  
315 acre for your stormwater permits and how you are classified. There is also a difference between low-impact design  
316 as it's classified, required, or evaluated which causes the requirements for your stormwater and erosion control. You  
317 can still do low impact principals. Two points I would like to clarify. When I discussed the building setbacks around  
318 the perimeter, that's the perimeter setback which is 100-feet around the perimeter of the project. You also have an  
319 offered 120-foot building setback along US 70. You have single family lots; those also have building setbacks.  
320 They're proposing you have 30-foot front set back, and 15-foot side and rear setbacks. There are four lots along US  
321 70 that technically could have a well as close to 50 feet to the right of way, but you still have to meet the landscape  
322 requirements so in essence they would tread lightly and use that as a last resort, because if you take out a tree or  
323 don't meet the landscape requirements, and you put in a well or a septic system that you can't put landscaping in,  
324 you have to find some other place to put it. That can eventually become mathematically impossible.

325  
326 Tim Smith: We are looking to approach to our stormwater management where we'll have multiple treatments from  
327 several different types of devices which are all in the realm of low impact devices with how we treat the water. I just  
328 wanted to go over this to give you a further perspective on how we propose to finish our design with regards to  
329 stormwater.

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Adam Beeman: Are there any sidewalks proposed inside this development?

Tim Smith: There are not sidewalks proposed. I know they're required, and we're not proposing to do any. Sidewalks would be added impervious so we're trying to minimize impact from impervious.

Hunter Spitzer: I see you have a 20-foot storm easement running between the upper cul-de-sac and the lower between lots 13, 14, 7 and 6. Have you considering make any sort of pedestrian access between these two ends?

Tim Smith: We sure could do that.

Kim Piracci: I'm asking for clarity. I think I read that your stormwater control measures are for one inch of rainfall in 24 hours and that's the regulation; is that correct?

Tim Smith: That's correct. That's one of the goals we have the meet per the ordinance. There are different intensities for different storm events. This is a one year 24-hour storm event, so one year of rainfall intensity over 24 hours that volume of water we have the attenuate and not release any more than what would occur prior to our construction.

Kim Piracci: Okay, so it's one inch in 24 hours and that's the minimum? Have you given any thought to building for more than that because of this recent rainfall we had? What we're building for isn't going to accommodate that so there's going to be flooding, right?

Tim Smith: Potentially, yes. This is what the ordinance regulations require and it's what we designed to. We followed Orange County's regulations. We run analysis and check what other storm events would do, but we're required to submit to them and to get proof as to what's here in the ordinance.

Kim Piracci: I have one more concern. My house is right near the corner of Route 70 and University Station. You take your life in your hands to turn left on Route 70 and there are accidents weekly. I'm wondering what happens when they want to turn left out of this? I might be the person heading east that they hit. Is any consideration being given to that?

Tim Smith: For this project we're doing what is done on all projects similar in nature. They have the analysis of the thresholds, based on the use and the number of trips to be generated. Orange County has a pretty high threshold for requiring a transportation impact analysis which would be a full-blown study. In this case, Highway 70 needs improvements and DOT does have on the books in the future to do things to Highway 70. In the meantime, we are doing what DOT requires for us to put in this road for this development to provide as safe as we can access lanes for each direction to get in and out.

Kim Piracci: I'm not allowed to vote against this because he's acting within their parameters even though I don't have to use much imagination and see problems in the future. Technically, I'm not allowed to say, this doesn't sound good, but because they're meeting the requirements.

Michael Harvey: Well, they are meeting the UDO and the department of transportation has indicated that these are the necessary improvements to accommodate the traffic flow. You as a board member can vote your conscience in whatever way, manner, shape or form but without any direct evidence to prove that DOT's recommendation with respect to access is flawed, a decision to deny this project based on roadway access issues is not based on the information was have available and is inconsistent with the provisions of the UDO. The practical reality is that without any documented evidence proving that it's a faulty model, the staff can't take that position because DOT has already certified that this is an acceptable proposal. They have already required them to do offsite improvements consistent with their model and data.

Jessica Aguilar: I wanted to applaud you for looking at how this would affect the school system. I see a lot of these new developments and they're posting price range of these homes in the \$300s to \$700s. What population are you looking to populate this area?

385  
386 Tim Smith: I apologize. I forgot to introduce the developer who is here tonight, Mr. Jim Parker. I'm not sure there's  
387 any direct market that they're targeting.

388  
389 Jim Parker: The builder for these lots will be Drees Homes who has built a lot of homes in Orange County. The  
390 homes will be similar to those that they have been building here. I would estimate your price range is about right.

391  
392 Jessica Aguilar: That's my concern. People in my situation, my socio-economic strata, are being edged out. We're  
393 looking for a home right now and we can't find anything affordable in this area. We are at risk of having to move after  
394 being here for almost two decades because these kinds of developments are coming in and taking up lands that we  
395 can't even dream of being a part of.

396  
397 Patrick Mallett: I would like to add on to the school comments. We have a fairly regimented system, database, and  
398 tracking system to verify if a project will or will not have an impact on school capacity issues. Our system, a copy of  
399 the report is contained within your packet, tells us if we are getting close to having a capacity issue. In this case, that  
400 CAPS form, and data is submitted to the school board for their review and processing as well. Bottom line is this  
401 project does not increase school capacity beyond what can be handled within existing facilities. There is no  
402 anticipated impact to the Orange County school system. We've done this prematurely to let them know this is being  
403 moved through the process and as they move through, this would get adjusted and tracked over time. The main  
404 point is the dashboard isn't showing a red light or even yellow light yet.

405  
406 Randy Marshall: Is there anything in the Orange County UDO that requires affordable housing since I don't see any  
407 reference to it?

408  
409 Patrick Mallett: No, we don't. What we're focused on at this level is the process for the subdivision part of it. We  
410 cannot compel a developer to develop what is defined as affordable housing. There are incentive programs in the  
411 UDO to encourage the development of affordable housing, primarily through increases in allowable density, but this  
412 is not applicable to this project.

413  
414 Randy Marshall: Municipalities often require payment in lieu of recreational facilities. I don't see any mini play  
415 grounds or recreational facilities within this development.

416  
417 Patrick Mallett: That we can require and we do collect. We still collect a Park and Recreation fee based on the park  
418 district that they are in. It's in the \$455 range times each lot. Most jurisdictions have realized that it doesn't pay in  
419 the public sense to put hundreds of little parks that are public parks within smaller subdivisions. Park districts have  
420 been created and then that money is collected. You would have the open space for the project and then you have  
421 public recreation which is the park fee.

422  
423 Michael Harvey: I wanted to expand on the answer of affordable housing. Orange County does indeed have a  
424 program that allows for density bonuses for projects that provide affordable housing units. The problem is those  
425 density bonuses are not applicable in watershed protection overlay districts. We establish density limitations as part  
426 of our watershed management program to control overall development of property and to ensure we are effective  
427 with managing water quality issues. You will recall from the concept plan meeting where we had discussed that the  
428 applicant had investigated the potential to maximize the total number of lots that could be developed on these  
429 properties, which would have been 27. The chief factors leading to the developer choosing not to develop the 27  
430 individual lots were concerns about well and septic system development, potential traffic impacts, the preservation of  
431 open space, and adjacent property owners concerns that 27 lots was too intensive of a development for the area.  
432 From my standpoint all of these factors go into the development cost and the ultimate price point for the homes that  
433 will be developed on this property. There is not a lot of opportunity in the rural areas of the County where there's not  
434 easy access to water, sewer, public utilities to have intensely developed projects that might be able to have a price  
435 point that could be construed as affordable based on applicable guidelines. Part of the duality in Orange County's  
436 planning program is the need to properly manage or protect the natural environment and the tradeoff for that  
437 sometimes does result in projects that may not necessarily focus or factor on an addressing an affordability concern  
438 due to the low densities of the project, larger lot sizes, and need to rely on private well and septic systems.  
439 Ultimately this property will not yield sufficient density to make development of what some might construe an

440 affordable housing project viable but this project does focus more on the preservation and protection of the  
441 environmental components related to the property, which current policy mandates.

442

443 David Blankfard: In the packet on-pages 40 and 41, you have a memo from Mr. Fleming, the stormwater supervisor.  
444 Can you explain what his conclusions were?

445

446 Michael Harvey: I can try. I'll remind you about what I told you last month when the concept plan was reviewed. This  
447 project will have to go through a stormwater permitting process. The process will have to demonstrate that proposed  
448 stormwater facilities will not only comply with our code, but also address nutrient reduction requirements. I think that  
449 what Mr. Fleming is attempting to identify is that he would like to see the SCM, stormwater control measure, to  
450 accommodate more of the potential development on the housing side not just the roadways and overall land  
451 disturbance activity for the project. Mr. Smith has indicated this evening that they are going to be looking at each  
452 individual lot in terms of some disconnected stormwater flow feature to address actual on lot development activities,  
453 so you don't have to over design the stormwater feature which actually incorporates some of the low impact design  
454 elements. This is an attempt to try to address some of the duality of the ordinance with respect to how do we comply  
455 with the stormwater standard, and at the same time, how do we achieve reasonable development of property.

456

457 David Blankfard: What I'm understanding is you are going to take care of some of the runoff on the individual pieces  
458 of property.

459

460 Tim Smith: The ones we can, yes.

461

462 David Blankfard: If you can't take care of it on the property you're going to pipe it over to the SCM.

463

464 Tim Smith: Since this letter, we've done more in regard to what his concerns were, and we're headed in the direction  
465 that we need to be for the overall project. We're increasing the size of our primary device areas, so they have more  
466 capacity and we're also incorporating a tiered approach to stormwater to obtain the treatment required for the entire  
467 property.

468

469 Michael Harvey: Just to reiterate, Mr. Smith has gone through a rather detailed recitation of the various techniques  
470 they're looking at. As part of your recommendation, you can ask the Board to consider that if they choose to adopt  
471 this project, that those suggestions be incorporated in the resolution of approval and that these are the steps that the  
472 applicant will take in terms of addressing and incorporation of low impact design elements. This project cannot be a  
473 process of low impact design development because it exceeds thresholds. I think it's perfectly reasonable for this  
474 Board to recommend to the County's Commissioners to consider making that a requirement as part of the resolution  
475 of approval if it gets approved.

476

477 Kim Piracci: Even if they build in three, four, different ways to control flooding, it's still only stormwater  
478 measurements of one inch of rainfall in 24 hours. They don't have to accommodate three inches of rainfall.

479

480 Michael Harvey: No, that's the minimum base standard as currently contained within the UDO.

481

482 Hunter Spitzer: Is that standard set by the state or can we change that?

483

484 Michael Harvey: The State establishes minimum guidelines and requirements. If we choose to be more restrictive we  
485 can do that, but the State would have to give us the authorization to do that. If this Board is interested, it could  
486 request the County Commissioners to study whether or not there's an opportunity to implement a higher stormwater  
487 management standard that should be adopted recognizing that there are impacts. Of course with more restrictive  
488 standards comes higher development costs, which can translate to more expensive homes.

489

490 David Blankfard: Tim, if you did treat it more than one inch, what would that impact be on your SCMs?

491

492 Tim Smith: It would be bigger SCMs, more disturbance area. We're trying to do low impact, minimize our  
493 disturbance, minimize our impervious areas. We would have to cut more trees and make a bigger space to provide  
494 that control.

495  
496 Patricia Roberts: If you have a lot of pervious ground, then you are not going to need as much as you think. You've  
497 got the natural way for water to be absorbed into the ground and you're just trying to take over probably what you  
498 have made impervious. The tradeoff, I would rather have more trees.  
499

500 Tim Smith: With the one inch, they also call it water quality also. They call it the first flush. That first hard one inch  
501 of rain hits all the pavement areas where all the nasty stuff is and that's what runs off first and that's what we're  
502 required to treat first for nutrients and water quality.  
503

504 Kim Piracci: Is the impervious, pervious areas taken into consideration when you decide how much?  
505

506 Tim Smith: the project as a whole, we're very low on total amount of impervious. The allowed maximum for this  
507 property is 36 percent and we're only proposing about 17 percent.  
508

509 Kim Piracci: What would happen if you made 15 units instead of 20; would you then still have the cut down as many  
510 trees?  
511

512 Tim Smith: Potentially not, but that's all a balance of everything else we've talked about.  
513

514 Patrick Mallett: The way this typically works for a single-family residential subdivision is it's a bit of a calculated right  
515 sizing in terms of runoff and stormwater. Looking back at the layout. You want to put your open space and the  
516 devices in the right place and then routing stormwater that would go through ditches into pipes. A big part of their  
517 design and a analysis is to locate them in the right place, right size them, and assume that they built it and designed  
518 it and located it appropriate for the initial clearing, the initial impervious to carry the freight for the public roads, and  
519 then assume a theoretical clearing and an impervious amount for each of the lots. Part of the analysis is to factor in  
520 the impervious water quality, water quantity and then the rate of runoff.  
521

522 Jim Ray: My name is Jim Ray. I'm Occoneechee Golf Club. We were the ones going to get the water. I just want  
523 to ask Tim how much more water are we actually going to get then we're getting now? If you can get the state to  
524 build a culvert the first one west of where you all going to build, that would solve a whole lot of our problem.  
525

526 Tim Smith: It's hard to say. The intent is always in following the guidelines that we have to follow. To keep it  
527 basically as it was before the development was there.  
528

529 Jim Ray: That's too much.  
530

531 Tim Smith: The numbers that we are required to adhere to are no more post development than predevelopment.  
532

533 Jim Ray: I'm not against the development, but I would like to have as much help as we can to stop the water.  
534 The left turn lane, how much more pavement is going on our side of the road and where is the ditch line going to be  
535 then?  
536

537 Tim Smith: We don't have the final design. We're doing a proposed symmetrical widening. On your side right now,  
538 the pavement will get about three feet wider than where it is right now. If it looks like it's going to be a problem on  
539 your side of the road, we can shift the widening to be more on the project side with less impact on your side so we're  
540 not having to push ditches and that sort of thing.  
541

542 Jim Ray: We don't need to lose anymore property.  
543

544 Tim Smith: Everything we do has to be within DOT's right of way. It's not going to be on your property. Hearing your  
545 concern, we want to keep everything we can away from you.  
546

547 Zelda Lockhart: Good evening, I would like to read a letter that I'd like to have entered into the public record. *Ms.*  
548 *Lockhart read her letter to the public.*  
549

550 Linda Nathansen: Good evening. Tim, as they are doing the work in a protected watershed area, is there going to  
551 be any type of safe guard? Will there be certain precautions set up to be able to halt the work at a stage so there's  
552 not any endangerment to the Eno or to residents with the stormwater runoff or for flooding in general?  
553

554 Tim Smith: Yes, we monitor that and when we know something significant is going to happen we instruct contractors  
555 to make adjustments to what's in place on site.  
556

557 David Blankfard: How soon after a weather event do your erosion control measures get inspected?  
558

559 Tim Smith: They are required to be inspected after, I think, it's every significant rainfall event which is like a one inch.  
560 They get inspected interim on a daily, weekly basis.  
561

562 David Blankfard: If they find problems what do they do?  
563

564 Tim Smith: They instruct the contractor to fix them or else they're done with the job.  
565

566 Adam Beeman: Do you have to put up silt fence and if so how much do you have to put up?  
567

568 Tim Smith: A silt fence is used almost every project for land disturbance areas to prevent runoff. When you have  
569 bigger areas that are disturbed, you have to put in a sediment pond which is an erosion control pond.  
570

571 Melissa Poole: Going back to the well issue. Are they testing wells around where they're going to subdivide this?  
572

573 Tim Smith: At the concept Planning Board meeting we discussed this very extensively. We had testimony from the  
574 Phil Valero from the environmental health department as to what the County does for testing of wells. I think they do  
575 test on an interim basis. To respond to Zelda's letter, it's the same issues we discussed last meeting. Phil's  
576 testimony in the record sets the stage for how that's done. This is not an out of the ordinary development in Orange  
577 County. One acre lots are created on a regular basis with wells and septic. You go through the permitting process  
578 the County, that's required. I know there's concerns about the neighboring properties as far as what their conditions  
579 are now and the way the aquifers and so forth. On behalf of the developer, we can't make any promises that nothing  
580 is going to happen. Based on standard procedure and what is done on a regular basis through the County if we're  
581 issuing permits for wells, this is done every day.  
582

583 Jessica Aguilar: Is there some sort of good faith kind of agreement or offering that the developer could make  
584 asserting that any fall out that is definitely from the construction of this thing that does hit existing properties will be  
585 addressed. Just out of respect for the people who have already been there for decades.  
586

587 Tim Smith: When you say fallout, are you speaking of something specific?  
588

589 Jessica Aguilar: Such as the wells being contaminated or somebody downhill getting a whole bunch of construction  
590 runoff. Just a good faith that we won't deliberately destroy your property, but if we did and it's obviously us then we  
591 will assist in undoing the damage.  
592

593 Tim Smith: I would let the develop respond if he may or not. No response.  
594

595 Linda Nathansen: That was brought up at the last meeting, and I would like to respond to what happened. The  
596 possibility of having some type of bond was brought up which would ensure that if anything happened to the drinking  
597 water that there would be some kind of assurance from the developer. Michael brought up that no developer would  
598 be able to agree to something like that, and it was an unreasonable request. Along with that question, the HOA is  
599 going to be responsible for this subdivision. Directed to Mr. Smith, if an event happens ten years from now or less,  
600 who do we contact, the County or the Board who has approved it?  
601

602 Michael Harvey: I think that the minutes are very clear, and I think they can be read. It is the mischaracterization of  
603 my comments I will address at this time. The first issue that we have is there were a lot of comments at the last  
604 meeting that there's existing wells in this area that are already impaired. Individuals that have well concerns or

605 impaired wells need to contact the Orange County health department and address those issues regardless of  
606 whether this development is or is not approved. If there are issues with wells that were installed inconsistent with  
607 current regulations due to when they were installed, they may need to be redrilled. That is a reality for a county that  
608 is going to rely on individual wells and septic systems to address potable water and the treatment of waste water.  
609 With respect to stormwater, developers are required to post sureties to deal with pre and post construction issues.  
610 As a developer is constructing the stormwater features for this project, he is obligated and required by the ordinance  
611 to post a bond with Orange County erosion control engineering division to ensure those stormwater features are  
612 installed per an approved plan. The second thing to keep in mind is that the developer is responsible for posting  
613 what is known as a maintenance bond that exists in perpetuity. As the Home owner's association assumes the  
614 responsibility for maintenance of the stormwater on site they're obligated to submit biannual reports demonstrating  
615 the viability and continued effectiveness of the stormwater feature because that is the required under the UDO and is  
616 part of the requirement of ensuring the perpetual responsibility for maintenance of the stormwater system. If they fail  
617 in their obligations to maintain the system, we (the County) cash in the bond and bring the feature back into  
618 compliance with applicable standards. Local home owner's associations are obligated by an operations and  
619 maintenance plan that is approved (by the County) to abide by the perpetual maintenance and up keep of the  
620 stormwater feature. That includes individual property owners who have to get stormwater features on their property  
621 to support development of their lot. You are looking at two different systems, the communal system and systems per  
622 individual lot. There are mechanisms in place to address concerns over stormwater. As it relates to well and septic  
623 or specifically a well, if you already have impaired wells in the area, prior to this development coming online, it's going  
624 to be difficult for the County or the resident's to prove it's Fairway Hills that created the problem. I also think that if  
625 Fairway Hills were somehow required to go test wells on adjacent parcels, and if the wells are contaminated and  
626 have to be condemned, what happens then? The project is not built and the applicant is not responsible for the  
627 damage. There is a lot of talk about what liabilities the developer should accept in order to get this project approved.  
628 My problem is that if there are already well issues, the liability falls to the current property owner and the applicant for  
629 Fairway Hills should not be expected to fix wells that are already broken.

630

631 Hathaway Pendergrass: You mentioned that in conjunction with the stormwater requirements I think that is what we  
632 were talking about earlier.

633

634 Michael Harvey: I think that one of the things that you had expressed interest in is to make a recommendation that  
635 the developers' commit to following to ..... adhering to low impact design practices for stormwater features if the  
636 County Commissioners see fit to approve this project. Staff suggested that language be included within the  
637 resolution of approval to compel the developer to abide by the various practices he identified during the preliminary  
638 plat review articulated in his PowerPoint. You can piece meal this to say your first motion is to say that regardless of  
639 what else happens, you are recommended that the developer be held to his offer to incorporate low impact design  
640 elements consistent with his presentation at this Planning Board meeting.

641

642 **MOTION** by Hunter Spitzer to adopt Michael's statement to require that the developer utilize the low impact design  
643 elements he has recommended. Randy Marshall: Seconded.

644 **VOTE:** 9-1 Passed; (Piracci)

645

646 Kim Piracci: Well, I understand he was going to do that anyway. He was talking about low impact strategies anyway,  
647 so this is almost like going through the motions of something that was already there.

648

649 David Blankfard: This is more of making sure that they were going to do it.

650

651 Kim Piracci: They were going to do it.

652

653 David Blankfard: They weren't required to do it.

654

655 Kim Piracci: That's what they were talking about. They were planning to do it.

656

657 David Blankfard: Right, and this way it's written down that they are going to do it.

658



659 Kim Piracci: I would like to make a little speech to the Planning Board. I know there's a question of legality, but I also  
660 have a conscious. If there's one thing I'm conversant on is climate mitigation. This development is everything that  
661 doesn't address what we need addressed moving forward. Any language, that I have in quotes "properly protect the  
662 environment" are hollow words. This area except for that original homestead area is completely wooded and it's the  
663 very definition of urban sprawl. One inch of rain in 24 hours is something in the past year we've probably gotten once  
664 a week or more. Who is going to get hurt from that? Are people going to start being hurt? Mr. Smith admitted that  
665 the intersection will be dangerous, not his word, mine, but I think his word was difficult. Turning left out of that  
666 development, not so good. There's no affordable housing and that's for reasons beyond our discussion, but it's not  
667 good. It's not a good thing to be building so much expensive housing in this one area without building the other kind  
668 of housing. There's no mention of green building strategies of any kind, lead building or solar panels. I'm going to  
669 vote no on this.

670  
671 Hunter Spitzer: Michael, you said that we could recommend to the Board of County Commissioners that they  
672 investigate increasing the one inch in 24 hours rainfall requirement that they also be required to mitigate a more  
673 extreme event. How would be go about making such a request?

674  
675 Michael Harvey: I think you would do it after you have made some sort of motion (on this application). The motion  
676 can be made that the County Commissioners be asked to initiate a study on the impacts of increasing the stormwater  
677 design threshold for developments. I'm going to remind you that that's not just new development that's any existing  
678 property owner who exceeds the established thresholds would then have to abide by that standard. Be forewarned  
679 of some of the issues that we're going to be bringing back to you in terms of the pros and cons because as I  
680 indicated there's opportunities and constraints, but I think that once you've concluded action on this particular project,  
681 someone can make a motion to ask the County Commissioners to direct staff to begin a comprehensive assessment  
682 of additional stormwater opportunities.

683  
684 Patrick Mallett: If you start evaluating the existing wells around the perimeter and you find things that would cause  
685 them to have to be modified, these would have to be enforced. You could be looking at wells that are condemned. I  
686 would also reiterate his analogy with regard to the difference in standards over time.

687  
688 Zelda Lockhart: As a person who is being spoken about who might therefore be further impacted. If my well is  
689 inspected now and then hypothetically needs work, that's still a win, win for everybody. Let's say that the drinking  
690 water isn't as great as I think it is. If the developer has to pay for that to see the condition of my well, and they find  
691 out it's not in as great condition as they thought, I don't lose. I'm good with that.

692  
693 David Blankfard: So you would have to pay for your own well to be upgraded if found deficient.

694  
695 Zelda Lockhart: If it was found deficient. I think that argument is being put over as almost a shadow over the  
696 concern that I have. That is not a concern. So, if I understand what Michael is saying, he is saying that if there was  
697 something put in place to assure that the development, the construction of the development, and the digging of the  
698 wells in some way condemned my well, that that's not something similar as to who could know what condemned my  
699 well. I think that's what the argument is. That doesn't take away my concern. If I have my tap on today and then  
700 tomorrow begins the pounding into the wells, I think it is a pretty good legal argument that there's a cause and effect.  
701 The aquifers don't just run one day and go dry the next. What I'm saying is that that secondary argument of now  
702 you wouldn't want those citizens to have to go paying for better drinking water now; would you? That's a shadow on  
703 top of the issue that I'm raising.

704  
705 Kim Piracci: I'm kind of agreeing with her. I was thinking, there's a downside to knowing if I have bad water? If I had  
706 bad water I would want to know about it.

707  
708 Patrick Mallett: What I'm saying is that Michael and Phil and the discussion last month pointed out that part of that  
709 investigation could reveal deficiencies that have to be resolved.

710  
711 Kim Piracci: And what's the downside of that?

712

713 Patrick Mallett: There isn't a downside, but his point is they would be forced to possibly condemn some wells. Also I  
714 think the message here is that there is already a mechanism to get wells inspected to address this issue even before  
715 the project is developed, if approved. If wells are already impaired, they are impaired prior to this project being  
716 approved. I do not think we can compel a developer to pay for well testing where property owners have already  
717 admitted there are problems. Why should they pay for such an evaluation if the issues are already known?

718  
719 Kim Piracci: So people would dig deeper at their cost. In my opinion, that's better than drinking bad water.  
720

721 Adam Beeman: If you condemn my well, and I had to drill another \$3,000 well, I'm going to be mad.  
722

723 Kim Piracci: But you'd rather drink water with GenX in it?  
724

725 Adam Beeman: If that's what was in my water then I would redrill because the water was contaminated. If they came  
726 out and said that there was a reason my well would need to be condemned, and I need to spend 3 to \$4,000 to drill a  
727 new one, I'm going to be mad. If you increase your one inch for 24 hours to two inches, you're rippling everything  
728 and now everybody else has to abide by this which could put a huge financial burden on any number of land owners  
729 in this place and that all of a sudden, their well is no good.  
730

731 David Blankfard: They are already saying that these new wells are not going to impact the aquifers of their  
732 neighbors.  
733

734 Adam Beeman: The restrictions that Orange County has in putting a well and septic in are so high that as the  
735 likelihood of putting the straw in the same aquifer isn't going to happen. By forcing a developer to put money up front  
736 and say, if I cause any problems to you guys, they're not going to develop. They're just going to go on to the next  
737 county. You have to realize that the \$300,000 to \$700,000 home range is what it costs to buy the land, to develop it,  
738 and everything else because they have to put separate septic systems and separate wells. There are all those costs  
739 associated so if you make it more and more difficult the developer is going walk away and this county is going to die.  
740 No one is going to want to pay that money.  
741

742 David Blankfard: If you look that record, Mr. Valero did not believe development of this project would impact water  
743 pressure or the water capacity of the surrounding wells.  
744

745 Kim Piracci: For me personally, the wells are not by biggest concern, but I agree with Zelda.  
746

747 Patrick Mallett: I want to clarify. Either way, good water quality is what everyone wants. I'm just pointing out what  
748 was said that last meeting for the benefit of those who were not here and the implications.  
749

750 Randy Marshall: The other comment that I will make based on some of the things that you suggested is that all of  
751 these issues come up after the fact. If these are issues that we're concerned about, we need to be proactive. Get  
752 them into an ordinance or get them into a state law or federal law so they are considered before developments come  
753 in.  
754

755 Kim Piracci: It starts pretty easy by introducing a resolution to your county. However, there is a such a thing that  
756 developers developing above lowest minimum standards, and I don't think there's anything wrong with developers  
757 doing that.  
758

759 Randy Marshall: But there's a cost to doing that. That's going to raise the cost of the houses even further.  
760

761 Patricia Roberts: Didn't we have this discussion about the burden of proof. I think they've met the burden of proof.  
762

763 Jessica Aguilar: My concern is that the current residents are going to have to have to deal with any fallout there may  
764 be. Not to mention they are going to be surrounded by this project that brings gentrification into their lives. That's a  
765 big deal for a person who has been in their home for 15-20 years.  
766

767 David Blankfard: This project allowed in this zoning district.

768  
769 Jessica Aguilar: That's the question of meeting standards versus best practice.  
770

771 David Blankfard: I don't think this Board can dictate everyone going above and beyond what is stated in the code  
772 that's already been voted for and approved by multiple agencies.  
773

774 Jessica Aguilar: I understand that the project is going to happen. I think that maybe it would be possible for some  
775 sort of conversation for the developers to be somehow aimable in accommodating to the current residents as a show  
776 of good faith and show of appreciation for changing the nature of their day. You can say it's just a new gated  
777 community but that's going to change the nature of the school. Sixty new kids in the school system is going to  
778 change the tone of their schools. Especially if 60 new kids are from \$300,000 homes going to school with kids who  
779 are from \$100,000 homes. That's a social divide and it's going to happen, and it's going to affect things in the  
780 community. It's something that needs to be thought of.  
781

782 David Blankfard: Thank you for the comment. There's nothing else I can say about that.  
783

784 **MOTION** by Randy Marshall to recommend approval that the Fairway Hills development go to the County  
785 Commissioners as a major subdivision preliminary plot application proposing a 20-lot single family residential  
786 subdivision in the Eno Township of the County in accordance with the provision to Section 2.15 In Article 7  
787 subdivisions of the Unified Development Ordinance. Adam Beeman seconded.

788 **VOTE:** Passed (7-3) (Spitzer, Piracci, Aguilar)  
789

790 Craig Benedict: Before we adjourn, regarding the topics addressed, we can bring material to you that's independent  
791 of a project and if we have the opportunity for new and old members to explain some of the science behind these  
792 issues. We went through an orientation tonight about the background and planning. The topics of what you can  
793 issues are permitted by right, what regulations we have, and can you exceed them or not. Those are all topics that  
794 we need to get to so that everybody understand how a development process is reviewed. As was suggested tonight,  
795 if the Board as an idea to raise a standard up, they can vote to have us bring something forward to the  
796 Commissioners. We might forward it to another advisory board. If we get authorization from the Board to move  
797 forward with this that's what we do. Once those standards are established, that's what we hold the development  
798 community to and then we move forward on known information with clarity.  
799

800 Hathaway Pendergrass: That first I had, I said the word abstain I meant to say recuse just because of the potential  
801 conflict that I would have. That's why I didn't vote.  
802

803 Michael Harvey: Those with an interest in having a motion made to ask the County Commissioners to direct to staff to  
804 initiate a comprehensive discussion of the existing stormwater standards.  
805

806 Kim Piracci: I feel like the staff like Brennen Bouma, I would like to see these people involved in this.  
807

808 Michael Harvey: That's up to the County Commissioners to decide.  
809

810 David Blankfard: Do we have a recommendation to send that to the Board of the County Commissioners?  
811

812 Kim Piracci: I don't know. I just feel like the Planning Board has a different agenda than an environmental board.  
813

814 **MOTION** by Hunter Spitzer to request the Board of Orange County Commissioners to commission a study within the  
815 planning department to review the existing stormwater standards. Hathaway Pendergrass seconded.  
816

817 Craig Benedict: I mean the Board would have to have consensus to at least make that suggestion. What we'll do if  
818 the Board does so vote on that to move it forward you can have us in advance of that provide where those standards  
819 come from, what other standards are just so you have an idea of the context of where the standard came from and  
820 then if you decide to move forward you can still do that. We'll bring in the experts and things like that, so everybody  
821 has the context of where existing standards came from.  
822

823 Hunter Spitzer: I would like to request that, please, the bringing forward of experts to better explain the current  
824 standards.

825

826 Craig Benedict: We'll bring back kind of a white paper on where the standard came from and you can decide. If the  
827 Board wants to vote on that motion now, we have a first and second to have staff bring back a report.

828

829 Hunter Spitzer: Motion.

830

831 **MOTION** by Hunter Spitzer to request the Planning Department staff to do a study to review the existing stormwater  
832 standards. Hathaway Pendergrass seconded.

833 **VOTE:** Unanimous.

834

835 **AGENDA ITEM 9: ADJOURNMENT**

836 The meeting was adjourned by consensus

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David Blankfard, Vice Chair