

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



**AGENDA
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278
Wednesday, November 2, 2016
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
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- 1. **CALL TO ORDER**
- 2. **3 - 4** **INFORMATIONAL ITEMS**
 - a. Planning Calendar for November and December
 - November 21 – Quarterly Public Hearing
 - December 7 – Regular Planning Board meeting
- 3. **5 - 14** **APPROVAL OF MINUTES**
October 17, 2016 Special Meeting
- 4. **CONSIDERATION OF ADDITIONS TO AGENDA**
- 5. **PUBLIC CHARGE**
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 to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time, should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

- 6. **CHAIR COMMENTS**

No.	Page(s)	Agenda Item
7.	15 - 53	<p>ZONING ATLAS AMENDMENT - To make a recommendation to the BOCC on government-initiated amendments to the Zoning Atlas modifying the existing zoning boundaries for non-residentially zoned parcels within the Bingham, Cheeks, and Cedar Grove Townships to address nonconforming issues. This item is scheduled for the November 21, 2016 quarterly public hearing.</p> <p>The amendments will involve approximately:</p> <ul style="list-style-type: none"> • 3 parcels within the Bingham Township, • 8 parcels within the Cheeks Township, and • 5 parcels within the Cedar Grove Township, <p>Presenter: Michael Harvey, Current Planning Supervisor</p>
8.	54 - 90	<p>PLANNING BOARD ANNUAL REPORT AND WORK PLAN: To discuss the annual input form which informs the BOCC of the past year's activities of advisory boards/commissions and assists in overall County work planning.</p> <p>Presenter: Craig Benedict, Planning Director</p>
9.		<p>COMMITTEE/ADVISORY BOARD REPORTS</p> <ol style="list-style-type: none"> a. Board of Adjustment b. Orange Unified Transportation
10.		<p>ADJOURNMENT</p>

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

< October		November 2016					December >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
		1 Regular BOCC Meeting 7:00 pm Whitted Building	2 Planning Board meeting @ 7:00 pm WCOB 004*	3	4	5	
6	7 Board of Adjustment 7:30 pm WCOB 004	8	9	10 BOCC Work Session 7:00 pm Southern Human Services Center	11	12	
13	14	15 Regular BOCC Meeting 7:00 pm Southern Human Services Center	16 OUTBoard meeting @ 6:30 pm WCOB 004	17 Assembly of Governments 7:00 pm Whitted Building	18	19	
20	21 Quarterly Public Hearing 7:00 pm Whitted Building*	22	23	24 Holiday	25 Holiday	26	
27	28	29	30				
					Notes: * Planning Board Member Attendance Required or Expected WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough)		

< November		December 2016					January>
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
				1	2	3	
Notes: * Planning Board Member Attendance Required or Expected WCOB = West Campus Office Building (131 W. Margaret Lane, Hillsborough)							
4	5	6	7	8	9	10	
	Regular BOCC Meeting 7:00 pm Whitted Building		ORC - TBD Planning Board meeting @ 7:00 pm WCOB 004*				
11	12	13	14	15	16	17	
	Board of Adjustment 7:30 pm WCOB 004	Regular BOCC Meeting 7:00 pm Southern Human Services Center					
18	19	20	21	22	23	24	
			OUTBoard meeting @ 6:30 pm WCOB 004		Holiday		
25	26	27	28	29	30		
	Holiday	Holiday					

MINUTES
ORANGE COUNTY PLANNING BOARD
OCTOBER 17, 2016
SPECIAL MEETING

MEMBERS PRESENT: Tony Blake (Vice-Chair), Bingham Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Laura Nicholson, Eno Township Representative; Kim Piracci, At-Large; Buddy Hartley, Little River Township Representative;

MEMBERS ABSENT: Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township;

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz; Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Patrick Mallett, Planner II; Molly Boyle, Planning Technician;

OTHERS PRESENT: Emily Bane, Member of the Public; Curtis Bane, Member of the Public;

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Tony Blake called the meeting to order.

AGENDA ITEM 2: INFORMATIONAL ITEMS

a) Planning Calendar for October and November

Tony Blake informed there's a Planning Board meeting November 2nd and a quarterly public hearing November 21st.

**AGENDA ITEM 3: APPROVAL OF MINUTES
SEPTEMBER 7, 2016 ORC NOTES
SEPTEMBER 7, 2016 REGULAR MEETING**

MOTION by Lisa Stuckey to approve the September 7, 2016 Planning Board minutes. Seconded by Laura Nicholson.
VOTE: UNANIMOUS

AGENDA ITEM 4. CONSIDERATION OF ADDITIONS TO AGENDA

No additions to Agenda

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

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56

57
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62 public charge, the Chair will ask the offending member to leave the meeting until that individual
63 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
64 until such time that a genuine commitment to this public charge is observed.
65

66
67 **AGENDA ITEM 6: CHAIR COMMENTS**

68
69 *No comments*
70

71 **Agenda Item 7: Unified Development Ordinance (UDO) Text Amendment** - To review revisions suggested
72 at the September 12 quarterly public hearing and make a recommendation to the BOCC on
73 government-initiated amendments to the text of the UDO that would modify existing
74 regulations the pertain to the Hillsborough Economic Development District.
75 **Presenter:** Perdita Holtz, Planning Systems Coordinator
76

77 *Perdita Holtz reviewed the abstract.*
78

79 Tony Blake: And when you say prohibited do you mean not allowed by right but people could still apply for it?
80

81 Perdita Holtz: Not allowed by right but they could apply through other means.
82

83 *Perdita Holtz continued presentation.*
84

85 Tony Blake: Has this list been gone over with Steve Brantley from economic development? My concern is this might
86 prevent economic development for a wet lab or something like that where there's actually a demand.
87

88 Perdita Holtz: I did not show this specifically to Steve but things wet labs and pharmaceutical fall under entirely
89 different categories. I do not have any concerns with things being removed these are not uses we had envisioned for
90 the economic development district. But the way that the district was done by NAICS code, it made the tables much
91 longer to start listing all of the subcategories. I should tell you that how we're doing the whole overhaul of the tables
92 of permitted uses that Michael talked about last month, the Attorney's Office is strongly feeling that we should go to
93 using the NAICS Code throughout all of the tables. And it has to do with having all of your prohibited uses listed in
94 your table so that everybody knows that it's listed, there are no stars, it's prohibited. We've done some initial cutting
95 and pasting and it's about a 70 page long table of permitted uses. So it's pretty significant. But it looks to be the
96 direction we're moving in.
97

98 Tony Blake: Ok because the first four on the list seem to run counter to some of the initiatives that we've had to
99 increase agriculture and that sort of thing.
100

101 Perdita Holtz: But if you actually look at the table of permitted uses, it starts on page 32, when you have food
102 manufacturing and there are still a lot of agricultural product manufacturing that would still be allowed.
103

104 Tony Blake: Ok.
105

106 Craig Benedict: Let me just add on to that. As Perdita said you'll see more lists uses and it'll be organized by certain
107 sectors of the NAICS Code and in there it'll be very specific. I do work with Steve Brantley on a regular basis and

108 we've had titles in there before like Light Manufacturing and they said, "What's that?" so now there will probably be
109 50 listings of what that means. But we can have it as a document that can be put all together and will be part of the
110 code. The specificity, although it adds 40 pages or so, is going to be helpful. And let's say there is a use that we
111 want to pop back in there; we have to be flexible enough to be able to do that. This was part of the Commissioners
112 request from the September meeting, to develop consistency across the EDDs.

113
114 Lisa Stuckey: I have one little question. Wasn't one of the concerns the asphalt plant? Is that covered with coal
115 product?

116
117 Perdita Holtz: Yes. It is. It's like cement and concrete. It's listed as a subcategory to that main category.

118
119 Lisa Stuckey: Ok. I thought it was probably petroleum.

120
121 Kim Piracci: What do these all have in common?

122
123 Lisa Stuckey: Noxious.

124
125 Kim Piracci: The animal food manufacturing is noxious?

126
127 Perdita Holtz: When we looked at the sub sector 311 food manufacturing and there are nine different uses under
128 there and animal food manufacturing is one of them. Grain, sugar and confectionary product, vegetable and fruit
129 preserving, specialty food manufacturing, dairy product manufacturing, animal slaughtering and processing, seafood
130 product preparation and packaging, bakeries and tortilla manufacturing and other food manufacturing are the nine
131 subcategories and most of those would be allowed. Animal food manufacturing we would take out because they do
132 tend to have smells associated with them.

133
134 Craig Benedict: And the other similarity... We have performance standards for a lot of uses that were permitted by
135 right. Fumes, vibration, dust, noise, and light. So you'll see a lot of similarities here that could be some sort of odor or
136 fumes and we didn't have them specifically prohibited and now we're being more specific.

137
138 Tony Blake: Curtis Bane had a question, I believe.

139
140 Curtis Bane: What's the impact fee going to be on these businesses?

141
142 Perdita Holtz: What kind of impact fee?

143
144 Curtis Bane: There's not going to be an impact fee for these?

145
146 Perdita Holtz: Orange County charges school impact fees but only new residential construction pays school impact
147 fees because residential is what causes school impacts.

148
149 Craig Benedict: So there'll be no impact fees on any non-residential uses in the County.

150
151 Curtis Bane: What about buffer zoning?

152
153 Craig Benedict: Buffers on streams?

154
155 Curtis Bane: In between properties, on streams next to the residential.

156
157 Perdita Holtz: They all still apply.

158
159 Tony Blake: And these restrictions would not apply to farms, right?

160

161 Perdita Holtz: If it's a bonafide farm and it's a farming activity that's happening then they are exempt from zoning,
162 yes.

163
164 Craig Benedict: We are in the process of examining all of our stream buffer requirements to make sure that what we
165 require now meets the intended purposes of the water quality protection. Presently they're not suggesting any
166 changes. We are authorized to make changes for setbacks, stream buffers and things like that but we regularly
167 readdress our existing standards to make sure they're meeting their intended purpose.

168
169 Curtis Bane: It's my understanding that in between the two different properties there are buffer zones on each
170 property.

171
172 Craig Benedict: I can speak to you separately about it. I'll give you my card and we'll talk about some of our
173 standards. We do have standards if the uses are similar the buffers are usually less. If they're dissimilar sometimes
174 the buffer varies.

175
176
177 **MOTION** by Kim Piracci to recommend the proposed amendment package regarding the UDO ordinance
178 amendments Hillsborough Economic Development District to the BOCC. Seconded by Lisa Stuckey.

179 **VOTE: UNANIMOUS**

180
181
182 **Agenda Item 8: Unified Development Ordinance (UDO) Text Amendment** - To make a recommendation to
183 the BOCC on government-initiated amendments to the text of the UDO pertaining to
184 subdivisions, particularly minor subdivisions, flexible development options, and open space.
185 This item is scheduled for the November 21, 2016 quarterly public hearing.
186 **Presenter:** Patrick Mallett, Planner II

187
188 *Patrick Mallett reviewed the abstract.*

189
190 Craig Benedict: Also, with environmental health the state is also improving additional innovative systems that go
191 beyond these conventional, off site or not... But there is major trend that the state's hoping looking to look at.
192 Engineer systems that might be more expensive but they're a lot more innovative. We're encouraged by some of
193 the new things that are being suggested.

194
195 Tony Blake: Like the pods?

196
197 Craig Benedict: Yeah. Pods, and systems that actually provide the liquid that could be used for irrigation on site.
198 And that's something that really hasn't been used but the technology is there. There are some systems that the
199 state still hasn't improved yet that we're trying to become a test area for them because they work in other parts of
200 the United States and other countries. So, let's try that too. It's not a major risk. In any.. you do with these
201 innovative pilot programs they're trying to get the approval that the state let us do it at a local level. We'll have ways
202 of backing up the system with land so it doesn't become a problem.

203
204 Kim Piracci: So that would be done on individual house level?

205
206 Craig Benedict: Yeah, it would probably be a pilot program. We're trying to think of some lands up near Lake
207 Orange that have had failing conventional septic systems and put something in. And it would be something that if
208 you had to pump into it off site, a repair area, you could.

209
210 Lisa Stuckey: An off site septic is new to me. What is that? How off site can it go?

211
212 Patrick Mallett: Well we follow the state guidelines. And basically think of if in terms of, "I buy lot one of a
213 subdivision. I would have a corresponding, there would be an easement that would go through the open space and
214 then there would be a corresponding deed to 1A, which would be my septic field. It would simply be out in the open

215 space and combine with other septic systems. It's not a package plan, it's not a community system, but there's a
 216 deeded area out there that's made this fenced in and I basically own the deed but the HOA has the open space.

217
 218 Lisa Stuckey: The tank?

219
 220 Patrick Mallett: No. You would buy your house. I would buy lot 1 and I would build my home and the builder would
 221 be responsible for installing the tank and then gets hooked up to the tank system and then it either goes gravity flow
 222 or it gets pumped through a trench that has lines. To meet a state standard they have to be labeled a certain way,
 223 the trench has to be constructed a certain way and then it goes out to the drain field. But specifically, physically,
 224 legally lot1/lot 1A it goes out to that drain field.

225
 226 Kim Piracci: So 1A is a piece of the drain field? Everybody has a piece of it?

227
 228 Patrick Mallett: Yeah. So if I bought lot 2 then I would have lot 2 and then 2A would be my area so there's direct
 229 accountability. The probably with a community package systems is that it's kind of an all or nothing proposition. If
 230 the system fails everybody goes down. With this, it's the same as if it was on the lot and one of the benefits is... So
 231 I've got a 5 acre lot and I know where my drain field is, pretty much but I've got 5 kids that like to play football... I
 232 would rather that area be in an open space where it's there's no ambiguity to be fenced in and maintained.

233
 234 *Patrick Mallett showed schematics.*

235
 236 Kim Piracci: But no trees. Is that sort of the idea as well?

237
 238 Patrick Mallett: Yeah. You don't want to have infiltration. There are systems that you can work around trees but
 239 ideally you wouldn't want a tree.

240
 241 *Patrick Mallett continued presentation.*

242
 243 Lisa Stuckey: Can you explain that first one?

244
 245 Patrick Mallett: So there's no incentive for you to do a flexible design on a minor subdivision. Technically, you can
 246 dedicate open space today but there's no reason for.. You're not going to get any benefit out of it from a regulatory
 247 standpoint. With this provision you can go above 5 lots but you're going to have to provide open space and other
 248 measures to best take care of... It wouldn't be against the increase because, quite honestly, I would say your
 249 average minor subdivision probably leaves 50% of the theoretical allowed density on the table because they don't
 250 want to make that leap into a major subdivision.

251
 252 Craig Benedict: If I can summarize, the incentive is you have a staff approval for more lots down there so people
 253 would be very encouraged to have that staff approval and do a minor subdivision. They're not gaining any more lots
 254 as we say. In the past you could only do 5 by staff approval, now you can go up to 12.

255
 256 Patrick Mallett: Yeah. The reason we picked 12 is because once you go above 12 you have to have a public street.
 257 And so another example is, in the current UDO, if you do a private street and you go above 4 lots you have to go
 258 through what I call a Chinese menu of requirements that allow you to do a private street and there are things like
 259 double the minimum lot size, double the setbacks, increase your stream buffers by 125% and things that you can't
 260 really do that and have a flexible development that encourages open space.

261
 262 Kim Piracci: So developers won't have to come to you and get special permission, up to 12 lots?

263
 264 Patrick Mallett: They would go through the minor subdivision process. You have to get a Concept Plan approved by
 265 the Development Advisory Committee, the Preliminary Plan reviewed and approved by the Development Advisory
 266 Committee, and then prepare a plat.

267
 268 Craig Benedict: But you won't have to go in front of the commissioners.

269
 270 Kim Piracci: And do you still have to go in front of the commissions if you use a convention design option?
 271
 272 Patrick Mallett: Yeah. So if you wanted to do a conventional subdivision with 8 lots and you have no open space,
 273 you didn't meet the flexible design criteria then that would be a major subdivision. You'd have to go to the BOCC.
 274
 275 Kim Piracci: Ok. And so these flexible development types of subdivisions aren't.. This is only when they're using
 276 their own septic, it's not city water?
 277
 278 Patrick Mallett: Well, environmental health regulates the wells and you can do that in an individual well, a shared
 279 well, a community well, different specials that they allow for. They basically stay to the state guidelines.
 280
 281 Kim Piracci: No, but I mean like if this development was going to use city water.
 282
 283 Patrick Mallett: Yeah, they could do that and that would be the easier way to deal with the water part of it.
 284
 285 Lisa Stuckey: How many subdivisions come to the County that have any form of city water?
 286
 287 Patrick Mallett: They're rare but I would say 90% of the time it's going to be a well system that may or may not be
 288 provided that two owners are sharing together. That's almost always a "families" type scenario or you've got a well
 289 provider that's meeting the states standard.
 290
 291 Tony Blake: The important thing is that this doesn't allow you to bypass any of the health regulations, building
 292 codes, or any of the other things that are associated with the subdivision. This is a yearly dividing of the lots in a
 293 more logical versus physical way.
 294
 295 Kim Piracci: That does seem like it increases density so if you had 50 acres you could do 5 lots, right?
 296
 297 Patrick Mallett: You could do 5 10-acre lots.
 298
 299 Tony Blake: Or you could do more.
 300
 301 Kim Piracci: You could do 12 lots.
 302
 303 Patrick Mallett: Or you can do 5 and 5. You can do 2 minor subdivisions and 5 lots each.
 304
 305 Kim Piracci: So the same sets of neighbors you have now more houses on 50 acres.
 306
 307 Tony Blake: The minimum acreage for a house for Orange County 3 acres, isn't it?
 308
 309 Patrick Mallett: .It's dependent on the watershed. A lot of the watersheds allow 1 unit per acre, some 2.
 310
 311 Kim Piracci: The result will probably be more density.
 312
 313 Patrick Mallett: I'm going to give you a biased answer.
 314
 315 Kim Piracci: I mean, it's going to feel less dense because you're going to have all this open space but in fact there'll
 316 be more houses.
 317
 318 Patrick Mallett: That's right. I see it as kicking the can to some extent. I've come to Orange County from a private
 319 sector world and having dealt with developments of all shapes and sizes for 15 years. All over. In high-density
 320 areas like Cary and rural areas of the County. If there's a market for 10 houses then 10 houses are going to get
 321 built in that area because they're honing in on a school or an address or something that's driving the price point in
 322 that market. And it's a matter of do you put all of those together or do you spread them out and kick the can

323 physically further down the road. That probably has a tinge of bias to it... Larger over lots lead to moving
 324 development further and further towards the County.

325
 326 Kim Piracci: If there's a big development it requires more homeowners associations.

327
 328 Patrick Mallet: Well it's pretty rare unless you're doing the other variation of subdivisions that we get being that are
 329 typically the 2 lot subdivisions and it's The Leda's Egg Ranch and Grandma Leda is subdividing to give the
 330 grandson a 2 acre lot. The vast majority of them are going to be the 5 lot subdivisions or the 4 lot subdivisions and
 331 because they have to maintain a private road they'll reform a HOA to enforce the road maintenance agreement.

332
 333 Kim Piracci: But that slide that you had that you showed that everybody has their own lot and the lots go to the
 334 creek and all of this is open land. Who owns that open land?

335
 336 Patrick Mallet: It can come in different shapes but basically the property owners association would own it or at least
 337 control it and they would maintain it and if it's a natural area it's a wooded area there is no real maintenance. If
 338 there's a pastoral area they...

339
 340 Craig Benedict: They would have a 1/12th interest in that land.

341
 342 Tony Blake: Or shares in a corporation or...

343
 344 Patrick Mallett: Interesting nuance is that they could theoretically be smart about it and possibly explore a
 345 conservation easement or they could take a rolling pasture land and work out an agreement with a farmer and then
 346 they can raise grass or hay and then they get some income from that and the farmer benefits from that.

347
 348 Kim Piracci: So that County or the State has oversight over what HOA's can and can't do?

349
 350 Patrick Mallett: Well part of it is the regulatory aspects of the subdivision section about ordinance. Part of it has to
 351 do with zoning and that part of the development and when they come in to be able to get a building permit there are
 352 different rules that apply. We do record in conjunction with subdivisions things that are called declarations of
 353 restrictions. They cannot neglect restrictive covenants but they don't speak to things like you can't have a purple
 354 door or polka dots on the mailbox. Declarations have to deal with what their setbacks are specifically.

355
 356 Tony Blake: But this does bring to mind one question that I had. A lot of times subdivisions are owned by the
 357 developer until a sufficient amount of the houses are sold. I guess they would just be transferred?

358
 359 Patrick Mallett: Yes. Your typically subdivision has some magic number. It's quite often 20-30% of the homes get
 360 built.

361
 362 Tony Blake: So that leads to the second half of my question which is when we worked with the second fire station
 363 we had had a water garden and we had to deed and access to the County so that if we went bankrupt or something
 364 like that you guys had access and could come in and clean it and charge us for it or charge whatever. Is that same
 365 sort of regulation?

366
 367 Patrick Mallett: Sort of. This is kind of a better scenario because that easement that would go to those deeded
 368 septic systems. It has a requirement for all weather assistance and all weather access. So someone could get out
 369 there, through the field to get to the actual site and you could point to, if a system fails, it is definitively locked under
 370 the owner lot 1. The fines are directly attributed to that owner versus having the HOA responsible.

371
 372 Craig Benedict: Even more importantly, when we rewrote the UDO 4 years ago now we require a meeting from the
 373 developer to the home owners. Some homeowners moving to a rural area don't know what's their responsibility or
 374 what's a common responsibility and so this will be more important because they'll be having off site septic's, access
 375 areas, fencing. So these developing restrictions are going to say you can't necessarily commercialize your open
 376 space but you can have certain agreements.

377
378 Tony Blake: So the septic counts in the open space but it's not owned by the HOA?
379
380 Craig Benedict: There may be an HOA requirement for a common maintenance so that they all hire the same
381 person.
382
383 Tony Blake: Could be governed by the HOA...
384
385 Craig Benedict: ...Or if you had a community well. That could be governed by the HOA. But yet it doesn't count as
386 open space, but it kind of looks like open space.
387
388 Patrick Mallett: Yeah, it's a bonus in terms of what we get in terms of the open space. And it's just like a road, the
389 other nice thing is you're doing off site septic systems that would be a requirement and if you're doing a subdivision
390 you have to build the road before you can record the lots and it has to be certified. They would have to build the
391 septic systems, the fence around it and then you come in and the homebuilder builds the house and the tank and
392 then you hook the system up.
393
394 Tony Blake: One more question. Is there any size... we're starting to see some of these 5,000 square foot houses
395 out where we are and if they ever caught on fire we wouldn't be able to put them out.
396
397 Patrick Mallett: It's driven as it is today with any developments, it's driven by the watershed. If you're in University
398 Lake you have some pretty stringent impervious limitations.
399
400 Craig Benedict: There is not a requirement on the house size. It's a matter of imperviousness and... They tried that
401 in Florida to dictate house sizes by zoning district and that could not be done.
402
403 Curtis Bane: Will the open space be taxed the same as the rest of the development?
404
405 Patrick Mallett: Theoretically open space would be held by an association or if they worked collectively to get a
406 conservation easement it would be valued at a lesser rate than it would be if you owned 2 acres. If I have a 1-acre lot
407 and the other acre is in the open space.
408
409 Curtis Bane: If your open space is trees could you harvest those trees?
410
411 Patrick Mallett: Theoretically yes, as you could anywhere in Orange County by state law.
412
413 Tony Blake: The HOA could restrict that?
414
415 Patrick Mallett: That's right. They could restrict that.
416
417 Craig Benedict: If it was a farm field and they want to forest that, they could do that, but if it's a native forest and it
418 has some value, near a stream, we'd probably say, "You have to do selective clearing in there."
419
420 Kim Piracci: So you're here talking to us tonight to get permission to do this? Or to not?
421
422 Patrick Mallett: To get a recommendation.
423
424 Kim Piracci: Is there an example of this around here?
425
426 Craig Benedict: Maybe on a smaller scale, we can show you where we've had 33-40% open space and you can
427 see where we've preserved stream buffers and trees and things like that and the reason we're bringing this forward
428 is this is suggesting to cluster down even more. We've been limited by 1-acre minimum in rural areas. The density
429 and the lot size are 2 different things.
430

431 Tony Blake: But your utilities can be shrunken down and concentrated.

432
433 Patrick Mallett: Yeah. Examples would be Henderson Woods...

434
435 Kim Piracci: Is there a sweet spot between too close and... Because I've lived in a subdivision and I loved it until I
436 didn't. My son couldn't practice drums, I couldn't leave my house without getting barked at by a vicious dog, it was a
437 great idea until it became difficult to live there and so I can see the idea but I suspect there's a sweet spot. Like half
438 an acre is a good size.

439
440 Craig Benedict: It depends on the residence. Sometimes we've had occasions where people bought rural areas and
441 complained about rooster noises. Or somebody would say, "Don't you have required street lights?" and in rural
442 areas we don't require street lights so it becomes a choice and sometimes it's a transition. So there are some pretty
443 close environments so it's just consumer choices. What we should do is just not directly related to this but just to
444 give you an example, we'll bring some maps and show you the conventional and then we'll take you in the field, just
445 yesterday it was such a beautiful day, I was driving around to some subdivisions that we approved back in early
446 2000. I'll show you but I won't mention it but they're not pretty. They backed on roads onto roads and they're
447 supposed to have some landscaping and trees back there and it just never happened. They died. So this, we
448 should be able during the process to tuck these away off the road so when you go down a rural area you're going to
449 still see the roadside trees and most likely we'll be able to tuck them off the road. Not too far to make the road cost
450 but enough to take a rural character.

451
452 Patrick Mallett: And I think if there's some people that want the 2 acres and more and then there's another group of
453 people that kind of want to be in a rural setting but they don't necessarily want to maintain it all. I think maintaining 5
454 acres is a lot of work.

455
456 Craig Benedict: And they might want a neighbor within a certain distance, versus so isolated.

457
458 Patrick Mallett: This gives it more choices. I think that the realization that it doesn't need to be such a short drop off
459 from Southern Village to the rural area.

460
461 Tony Blake: Just as a comment; I like the fact that small family farms can set up an area like this, still keep the farm,
462 and use this as an annuity, sell 1 lot one year, sell another lot the next year and so on.

463
464 Kim Piracci: Are they going to be able to do that though?

465
466 Patrick Mallett: So part of what this would allow, and that's another sort of short coming to the minor subdivision, is
467 that you have to build it all at once and that includes the road. It sort of forces you to do all of it 100% up front. With
468 this, just like with the major, you could include with your request a phasing plan. Many farms are faced with the
469 proposition of... The average age of the farmer is pretty high. They're facing 300-acre family farm that's been in the
470 family for generations and generations...

471
472 Curtis Bane: And have to get put in there as a tenant farmer and never get anything in your name. And a lot of people
473 can't even put their children in a place on their farm.

474
475 Patrick Mallett: So this would allow them to maybe do some.. Let's just say that they get a subdivision approved for
476 8 units on 30 acres of the 300-acre farm and it's off to the farm. It doesn't gut the farm, it doesn't require 80 acres
477 under the exempt subdivisions to get done, and it doesn't require them to sell all of those 8 lots at a time... And
478 that's one of the other realizations to this. Just the land cost, I'm speaking very general terms, if you go way out
479 past Hurdle Mills you're going to get a land cost that's cheaper but closer in you're going to get anywhere from
480 \$15,000-\$30,000 an acre in land basis. If you got in the rural buffer a minimum density requirement and lot size of 2
481 acres or 5 acres, that's a lot of money in the land that a working or even a middle class person may not be able to
482 afford. This isn't going to be 100% cheaper but it, theoretically, would allow them to get into a rural setting without
483 having to pay such an exorbitant land cost.

484

485 Craig Benedict: So we're looking for a recommendation from you.

486

487 **MOTION** by Laura Nicholson to approve the proposed modifications to the regulations regarding the subdivisions
488 and find that the amendment is consistent with the comprehensive plan. Seconded by Patricia Roberts.

489 **VOTE: UNANIMOUS**

490

491

492 **AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS**

493

494 a) Board of Adjustment

495 b) Orange Unified Transportation

496

497 *No Comments*

498

499 **AGENDA ITEM 10: ADJOURNMENT**

500

501 *Planning Board meeting was adjourned by consensus.*

502

503

Lydia Wegman, Chair

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: November 2, 2016

**Action Agenda
Item No. 7**

SUBJECT: Modification of the Existing Zoning Boundaries for Non-Residentially Zoned
Parcels

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Amendment Outline for Modifications to the Orange County Zoning Atlas (UDO/Zoning 2016-11)
2. Maps of Studied Properties – Bingham, Cheeks, and Cedar Grove Townships
3. Statement of Consistency
4. Ordinance Amending Zoning Atlas

INFORMATION CONTACT:

Michael Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2585

PURPOSE: To review and make a recommendation to the Board of County Commissioners (BOCC) on Planning Director initiated amendments to the Zoning Atlas within the Bingham, Cheeks, and Cedar Grove Townships.

BACKGROUND: Staff has been reviewing the zoning of several non-residentially zoned properties and discovered existing designations do not encompass all required land area necessary to allow for the use of property. In many instances zoning district boundaries were drawn by former staff in a manner that encompassed only the actual land use (i.e. building and parking area) while excluding other required areas, most notably septic fields and required land use buffers.

Many of these boundaries were designated when zoning was originally put into effect over 20 years ago.

Staff has been working with several property owners impacted by this situation to address the problem. This proposal seeks to modify zoning district boundary lines to ensure all elements of the non-residential land use are located within the appropriate general use zoning designation.

For more information please refer to Attachment 1. Maps denoting the properties reviewed as part of this project are contained within Attachment 2 and broken down by township.

After conferring with property owners, staff is recommending action on the following 16 properties:

Township:	Township Property Map Number (as contained in Attachment 2):	PIN:	Owner:	Existing Zoning:	Recommendation:
Bingham	Bingham Map Site ID – 2	9739-24-2674 Approximately 13.95 acres in area	James Allen 7010 Gold Mine Loop Road Chapel Hill, NC 27516	Agricultural Residential (AR) – approximately 12.76 acres Existing Commercial (EC-5) – approximately 1.19 acres	Expand the existing EC-5 zoning designation to ensure all structures associated with operation are located within district (proposal detailed within Attachment 4). Portion of property zoned EC-5 would be increased to approximately 2.7 acres in total.
Bingham	Bingham Map Site ID – 23	9822-87-6580 Approximately 5.08 acres in area	Norma Reed PO Box 355 Mebane, NC 27302	Agricultural Residential (AR) – approximately 3.8 acres Neighborhood Commercial (NC-2) – approximately 1.28 acres Cane Creek Protected Watershed Protection Overlay	Eliminate the NC-2 zoning district designation and rezoned entire property to AR (proposal detailed within Attachment 4). Entire 5.08 acre parcel would be zoned AR.
Bingham	Bingham Map Site ID – 26	9841-20-4341 Approximately 0.6 acres in area (26,136 sq.ft.)	Steven Watson 6933 Orange Grove Road Hillsborough, NC 27278	Agricultural Residential (AR) – approximately 8,276 sq.ft. Existing Commercial (EC-5) – approximately 17,860 sq.ft. Cane Creek Critical Watershed Overlay District	Expand the existing EC-5 zoning designation to cover entire property to ensure septic and buffer areas are properly zoned (proposal detailed within Attachment 4). Entire 0.6 acre parcel would be zoned EC-5.

Township:	Township Property Map Number (as contained in <u>Attachment 2</u>):	PIN:	Owner:	Existing Zoning:	Recommendation:
Cheeks	Cheeks Map Site ID – 9	9835-30-0230 Approximately 0.45 acres in area (19,602 sq.ft.)	Minhas, Inc. 2040 Webster Grove Drive Mebane, NC 27302	Rural Residential (R1)	There is an existing gas station on the property. Staff is recommending the entire 0.45 acre parcel be rezoned to Neighborhood Commercial (NC-2) to ensure the existing commercial land use constitutes a permitted use of property.
Cheeks	Cheeks Map Site ID – 11	9835-80-9550 Approximately 40 acres in area.	Thomas Bradley (Trustee) 136 Louise Drive Mebane, NC 27302	Rural Residential (R1) – approximately 36.8 acres Existing Commercial (EC-5) – approximately 3.2 acres	The EC-5 zoning boundary shall be expanded so that the existing non-residential land use has road frontage. The expansion will also ensure required infrastructure supporting (i.e. septic) will be properly zoned (proposal detailed within <u>Attachment 4</u>). The EC-5 zoned area on the property shall be increased to 4.3 acres in size.
Cheeks	Cheeks Map Site ID – 13	9844-78-6326 Approximately 0.06 acres in area (2,613 sq.ft.) 9844-78-6242 Approximately 0.46 acres in area (20,037 sq.ft.)	Efland Real Property, LLC C/O Gail Wilkerson 708 Hwy 57 Hillsborough, NC 27278	Existing Commercial (EC-5) (Note: this is for PIN 9844-78-6326) Rural Residential (R-1) (Note: this is for PIN 9844-78-6242)	After reviewing the situation with the owner they have requested, and staff is recommending, rezoning both properties to General Commercial (GC-4) (proposal detailed within <u>Attachment 4</u>).
Cheeks	Cheeks Map Site ID – 14	9844-78-8137 Approximately 3.25 acres in area	Efland Real Property, LLC C/O Gail Wilkerson 708 Hwy 57 Hillsborough, NC 27278	Rural Residential (R-1) – approximately 2.21 acres in area Existing Industrial (E-1) – approximately 1.04 acres in area	After reviewing the situation with the owner they have requested, and staff is recommending, rezoning the entire 3.25 acre parcel of property to General Commercial (GC-4) (proposal detailed within <u>Attachment 4</u>).

Township:	Township Property Map Number (as contained in <u>Attachment 2</u>):	PIN:	Owner:	Existing Zoning:	Recommendation:
Cheeks	Not identified on map – added at request of property owner	9844-88-1230 Approximately 1.35 acres in area	Efland Real Property, LLC C/O Gail Wilkerson 708 Hwy 57 Hillsborough, NC 27278	Rural Residential (R-1)	After reviewing the situation with the owner they have requested, and staff is recommending, rezoning the entire property to General Commercial (GC-4) (proposal detailed within <u>Attachment 4</u>).
Cheeks	Cheeks Map Site ID – 17	9844-95-4403 Approximately 0.65 acres in area (28,314 sq.ft.)	NC DOT – right-of-way	Existing Commercial (EC-5)	Rezone entire property to R-1 since there is no existing commercial operation on this lot and it is part of the NC DOT right-of-way (proposal detailed within <u>Attachment 4</u>).
Cheeks	Cheeks Map Site ID – 20	9854-28-0393 Approximately 0.56 acres in area (24,393 sq.ft.)	Lucky 4 Properties, LLC 3131 US 70 W Efland, NC 27243	Neighborhood Commercial (NC2) – approximately 0.47 acres in area (20,473 sq.ft.) Rural Residential (R-1) – approximately 3,920 sq.ft. in area	Rezone the entire property to NC-2 (proposal detailed within <u>Attachment 4</u>).
Cedar Grove	Cedar Grove Map Site ID – 2	9828-49-6869 Approximately 0.93 acres in area (40,510 sq.ft.)	James Thomas Wilson 3503 Mt. Zion Church Road Mebane, NC 27302	Existing Commercial (EC-5) Back Creek Protected Watershed Overlay District	Eliminate existing EC-5 zoning designation and rezone entire property to AR (proposal detailed within <u>Attachment 4</u>).
Cedar Grove	Cedar Grove Map Site ID – 7	9848-21-5483 Approximately 34 acres in area	Mark Harris, Trustee, and Penny Harris, Trustee 687 James Griffin Drive Graham, NC 27253	Agricultural Residential (AR) – approximately 33 acres in area Existing Commercial (EC-5) – approximately 0.95 acres in area (41,382 sq.ft.) Upper Eno Critical Watershed Overlay District	Eliminate existing EC-5 zoning designation and rezone entire property to AR (proposal detailed within <u>Attachment 4</u>).

Township:	Township Property Map Number (as contained in <u>Attachment 2</u>):	PIN:	Owner:	Existing Zoning:	Recommendation:
Cedar Grove	Cedar Grove Map Site ID – 13	9858-04-5397 Approximately 6.4 acres in area	Richard J. Sims 5918 Efland Cedar Grove Road Cedar Grove, NC 27231	Agricultural Residential (AR) – approximately 4.8 acres Existing Industrial (EI) – approximately 1.6 acres Upper Eno Protected Watershed Overlay District	Eliminate existing EI zoning designation and rezone entire 6.4 acre property to AR (proposal detailed within <u>Attachment 4</u>).
Cedar Grove	Cedar Grove Map Site ID – 18	9866-58-6953 Approximately 2.92 acres in area	Charles and Mary Beth Helgevold 214 Phelps Road Hillsborough, NC 27278	Agricultural Residential (AR) – approximately 1.62 acres in area Existing Commercial (EC-5) – approximately 1.3 acres Little River Protected Watershed Overlay District	Rezone entire 2.92 acre parcel to EC-5 ensuring septic and land use buffer areas are properly zoned (proposal detailed within <u>Attachment 4</u>).
Cedar Grove	Cedar Grove Map Site ID – 23	9867-41-7347 Approximately 5.4 acres in area	PCDP, LLC 2606 Highland Farm Rd. Hillsborough, NC 27278	Agricultural Residential (AR) Little River Protected Watershed Overlay District	Rezone entire property to Existing Commercial (EC-5) to accommodate existing automotive repair business (proposal detailed within <u>Attachment 4</u>).

As previously indicated maps denoting the proposed zoning modifications are contained within Attachment 4.

We are moving forward with those properties where owners have indicated an interest. We are still working to address questions from remaining owners who have not made a final decision. Work on these remaining properties will continue and staff will provide periodic updates as necessary.

Planning Director's Recommendation: The Planning Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public interest, contained in Attachment 3 and proposed zoning atlas amendment package contained in Attachment 4.

FINANCIAL IMPACT: Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement will be paid from FY2016-17 Departmental funds budgeted for this purpose. As this project involves modifying the Zoning Atlas staff will notify property owners within 1,000 feet of all subject properties of the Planning Board and Public Hearing where the item is reviewed. Costs for the mailings will be paid from FY 2016-17 Department funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process these amendments.

RECOMMENDATION(S): The Planning Director recommends the Planning Board:

1. Review the proposed Zoning Atlas amendments,
2. Deliberate on the petition as desired,
3. Consider the Planning Director's recommendation, and
4. Make a recommendation to the BOCC on the Statement of Consistency (Attachment 3) and proposed ordinance (Attachment 4) for the 16 atlas amendments in time for the **November 21, 2016** Quarterly Public Hearing.

Attachment 1

COMPREHENSIVE PLAN / FUTURE LAND USE MAP AND UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENT OUTLINE

UDO / Zoning-2016-11

Modification of the existing zoning boundaries for non-residentially zoned parcels within the Bingham, Cheeks, and Cedar Grove Townships to address nonconforming issues.

A. AMENDMENT TYPE

Map Amendments

- Future Land Use Map:
From:
To:
- Zoning Map: Multiple atlas amendments on numerous individual properties. Maps of the subject properties are contained within Attachment 2.
From:
To:
- Other:

Text Amendments

- Comprehensive Plan Text:
Section(s):
- UDO Text:
 UDO General Text Changes
 UDO Development Standards
 UDO Development Approval Processes
 Section(s):
- Other:

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the County is reviewing the potential of modifying existing zoning boundaries on approximately 75 properties within the Bingham, Cheeks, and Cedar Grove Townships to address existing nonconformities, including the location of required land use buffers and septic area supporting non-residential land uses. At this time, 14 property owners have agreed to rezone their properties.

This item is in response to previous requests made by Commissioner(s) McKee and Pelissier.

Please note there will similar efforts within the remaining townships in the near future.

2. Analysis

As required under Section 2.8.5 of the UDO, the Planning Director is required to: *'cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners'*.

Over the years there has been different methodologies employed by former planning staff and the County Attorney related to the establishment of general use zoning district boundaries, most notably those associated with Existing Commercial (EC-5) zoned parcels.

In many instances zoning district boundaries were drawn in a manner that only encompassed the actual land use (i.e. building and parking area) while excluding other required areas, most notably septic fields and land use buffers.

The County had previously processed a request for Mr. Vernon Davis to rezone a portion of his property off of NC Highway 54 West to address this very issue. In this instance the septic area, used to support non-residential activities, was located on a portion of the property zoned residential. Land use regulations do not allow for residentially zoned property to be used in support of non-residential activities.

As a result, Mr. Davis could have been prevented from completing required improvements to the existing septic system due its location. The County rezoned the portion of the property supporting the septic system to address this concern. Minutes from the May 24, 2010 Quarterly Public Hearing where this item was reviewed can be viewed at: <http://server3.co.orange.nc.us:8088/weblink8/0/doc/18759/Page1.aspx>.

Staff has been, and will continue to, work with numerous property owners whose existing non-residential zoning boundaries do not fully capture the necessary land area allowing the use to be considered conforming and/or prohibiting expansion.

This proposal seeks to modify zoning district boundary lines to ensure all elements of the non-residential land use are located within the appropriate general use zoning designation.

This process is voluntary meaning zoning district boundaries are being modified only with the full understanding and approval of the property owner(s).

It should be noted there are existing non-residential general use non-residential

zoning district designations that exist in contradiction to the adopted Comprehensive Plan. Staff will be working to address these matters as well.

3. Comprehensive Plan Linkage (i.e. Principles, Goals and Objectives)

Chapter 3: Economic Development Element - Section 3.5 Goals

- **Objective ED-1.5:** Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Chapter 5: Land Use Element - Section 5.6 Goals

- **Land Use Overarching Goal:** Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.
- **Land Use Goal 1** – Fiscally and environmentally responsible, sustainable growth consistent with the provision of adequate services and facilities and a high quality of life.
- **Land Use Goal 4:** Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

4. New Statutes and Rules

Not Applicable

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

June 7, 2016

b. Quarterly Public Hearing

November 21, 2016

c. BOCC Updates/Checkpoints

June 7, 2016 – Approval of Amendment Outline Form

October 5, 2016 – Planning Board Recommendation (receive materials) – NOTE: meeting cancelled due to lack of quorum

November 2, 2016 – Planning Board Recommendation (receive materials)

d. Other

Not applicable

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements

a. Planning Board Review:

October 5, 2016 – Recommendation (NOTE: meeting cancelled due to lack of quorum)

November 2, 2016 - Recommendation

b. Advisory Boards:

Staff will forward this proposal to the Economic Development Commission to keep them apprised of our efforts.

c. Local Government Review:

Not applicable.

d. Notice Requirements

Planning Board meeting notices were mailed to all property owners within 1,000 feet of all affected properties on October 17, 2016. Signs were posted on the properties subject to rezoning on October 21, 2016.

Legal advertisement for the public hearing shall be in accordance with the provisions of the UDO. Also mailed notifications to property owners within 1,000 feet of all affected properties will also be sent.

e. Outreach:

General Public: Staff notified impacted property owners of the proposal to adjust district boundaries and held individual meetings through the month of September 2016 to review options.
We met with a total of 40 people, some requesting additional time to review options.

Small Area Plan Workgroup:

Other:

3. FISCAL IMPACT

Consideration and approval of the various atlas amendments will not create the need for additional funding for the provision of County services. Costs for outreach and required legal advertisement/adjacent property owner notification will be paid from departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this

amendment.

D. AMENDMENT IMPLICATIONS

The proposed atlas modifications will work towards the addressing existing nonconforming situations and eliminate the need for individual property owners to bear the expense of rezoning property on their own.

E. SPECIFIC AMENDMENT LANGUAGE

N/A

Primary Staff Contact:

Michael D. Harvey

Planning

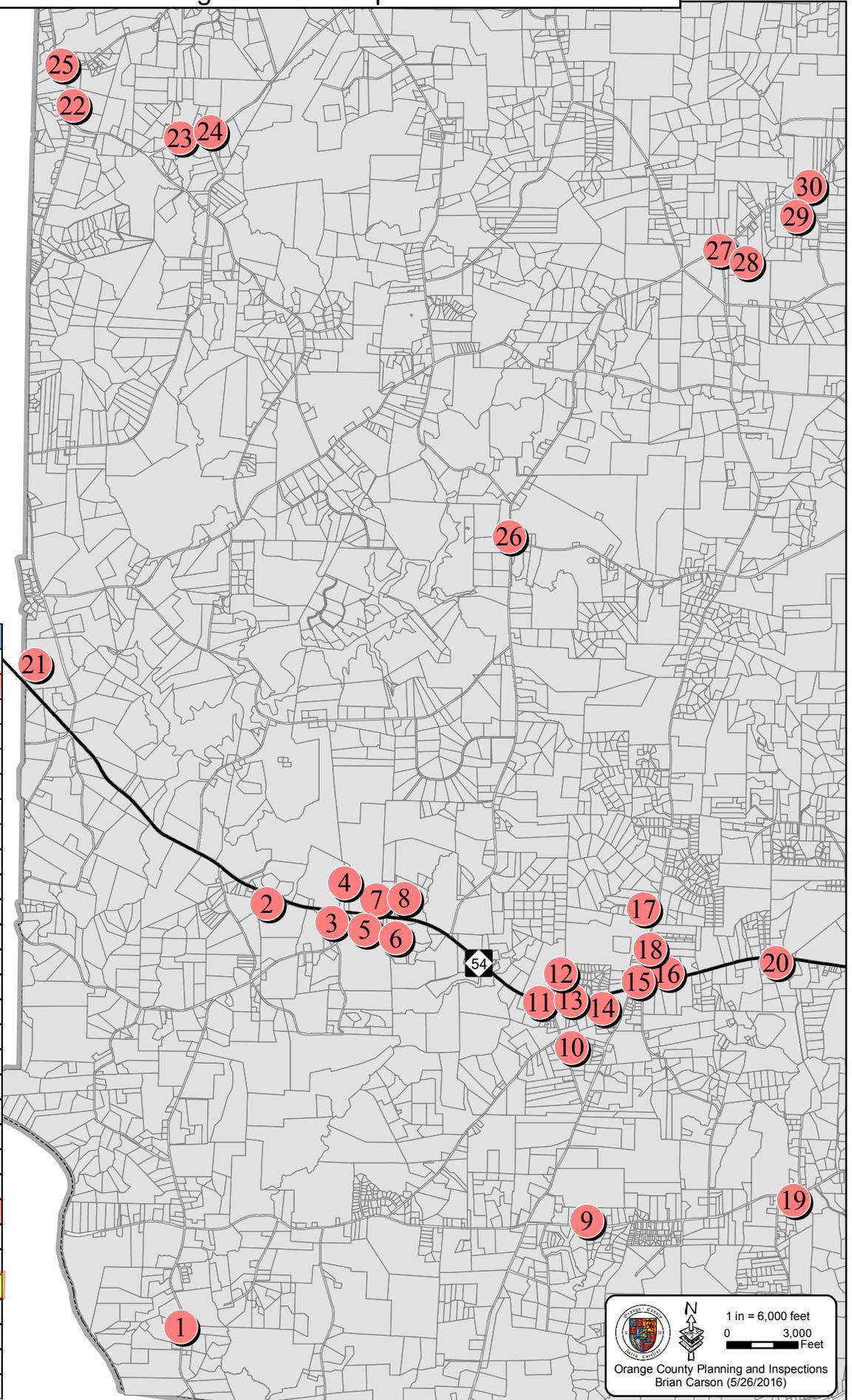
(919) 245-2597

mharvey@orangecountync.gov

Attachment 2 - Map of Properties Studied for Possible Zoning Modification Bingham Township

Please note yellow highlighting denotes a parcel being rezoned

ID	PIN	ZONING
1	9727864695	EC-5 ; AR
2	9739242674	EC-5 ; AR
3	9739536914	NC-2 ; AR
4	9739554446	GC-4 ; AR
5	9739637908	LC1 ; NC-2; GC-4; AR
6	9739731940	GC-4
7	9739740550	NC-2 ; AR
8	9739742504	NC-2 ; AR
9	9748517189	EC-5 ; AR
10	9748581760	EC-5 ; R-1
11	9749402837	LC-1 ; NC-2 ; R-1
12	9749408985	LC-1 ; NC-2 ; R-1
13	9749501789	EC-5 ; R-1
14	9749602419	EC-5
15	9749719414	NC-2 ; R-1
16	9749828015	NC-2
17	9749843622	EC-5 ; R-1
18	9749920296	NC-2
19	9758424098	EC-5 ; RB
20	9759410858	EC-5 ; RB
21	9820253261	EC-5 ; AR
22	9822388648	EC-5
23	9822876580	NC-2 ; AR
24	9822975424	I-1
25	9823503482	EC-5 ; AR
26	9841204341	EC-5 ; AR
27	9852123591	EC-5
28	9852127238	GC-4
29	9852540259	EC-5
30	9852543933	EC-5 ; RB



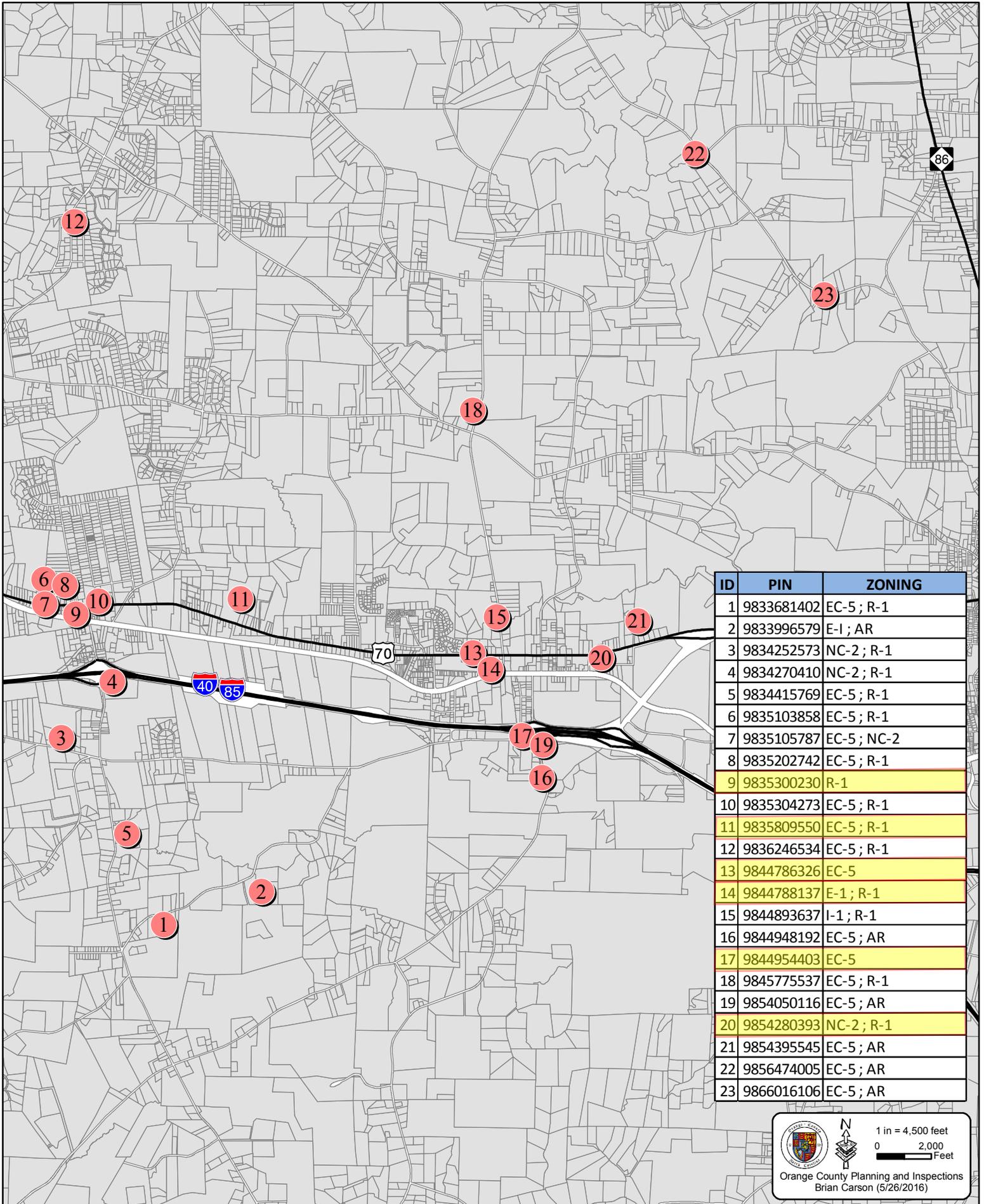
1 in = 6,000 feet

0 3,000

Feet

Orange County Planning and Inspections
Brian Carson (5/26/2016)

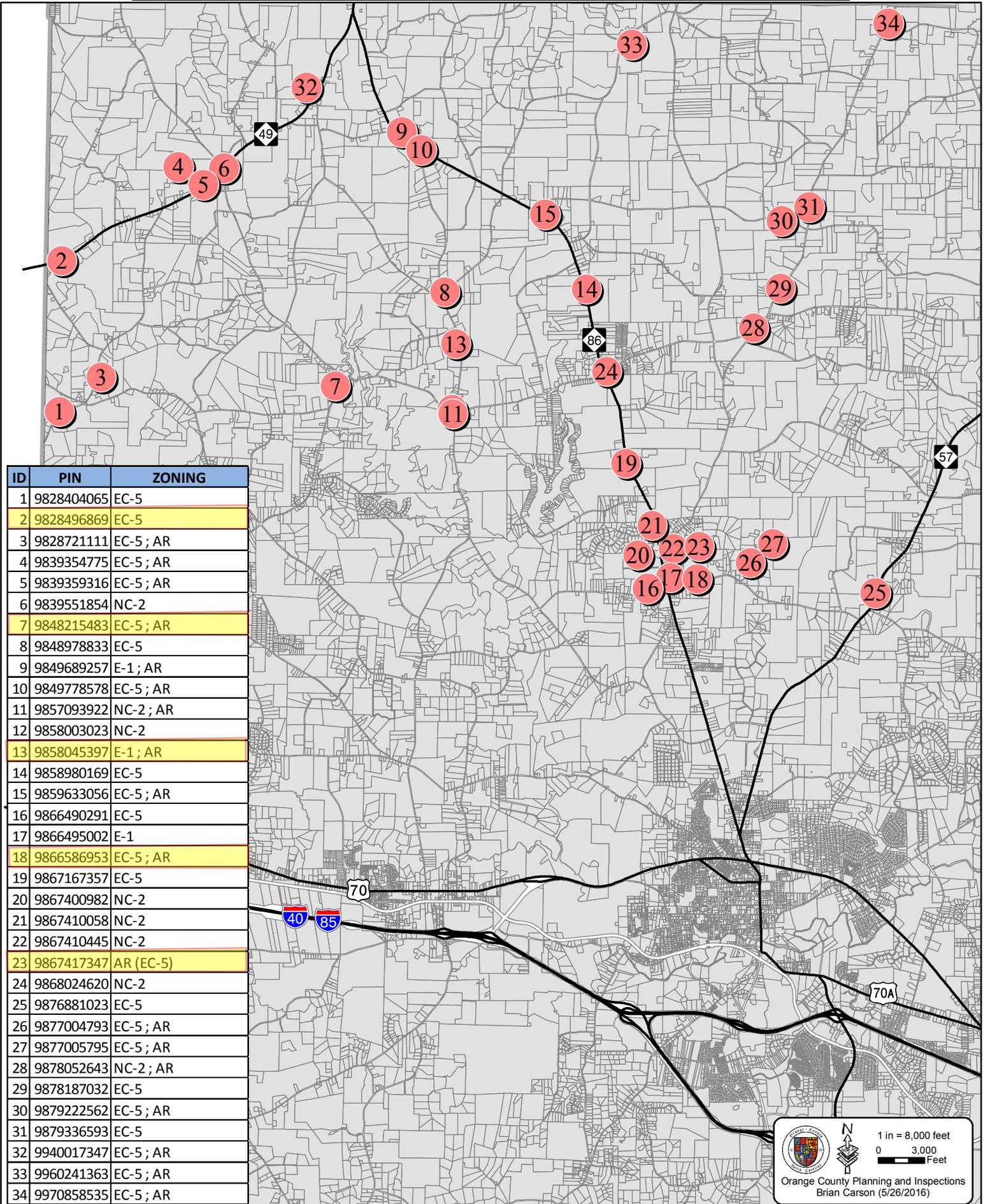
Map of Properties Studied for Possible Zoning Modification Cheeks Township



1 in = 4,500 feet
0 2,000 Feet

Orange County Planning and Inspections
Brian Carson (5/26/2016)

Map of Properties Studied for Possible Zoning Modification Cedar Grove Township



ID	PIN	ZONING
1	9828404065	EC-5
2	9828496869	EC-5
3	9828721111	EC-5 ; AR
4	9839354775	EC-5 ; AR
5	9839359316	EC-5 ; AR
6	9839551854	NC-2
7	9848215483	EC-5 ; AR
8	9848978833	EC-5
9	9849689257	E-1 ; AR
10	9849778578	EC-5 ; AR
11	9857093922	NC-2 ; AR
12	9858003023	NC-2
13	9858045397	E-1 ; AR
14	9858980169	EC-5
15	9859633056	EC-5 ; AR
16	9866490291	EC-5
17	9866495002	E-1
18	9866586953	EC-5 ; AR
19	9867167357	EC-5
20	9867400982	NC-2
21	9867410058	NC-2
22	9867410445	NC-2
23	9867417347	AR (EC-5)
24	9868024620	NC-2
25	9876881023	EC-5
26	9877004793	EC-5 ; AR
27	9877005795	EC-5 ; AR
28	9878052643	NC-2 ; AR
29	9878187032	EC-5
30	9879222562	EC-5 ; AR
31	9879336593	EC-5
32	9940017347	EC-5 ; AR
33	9960241363	EC-5 ; AR
34	9970858535	EC-5 ; AR

1 in = 8,000 feet

 0 3,000 Feet

 Orange County Planning and Inspections

 Brian Carson (5/26/2016)

**STATEMENT OF CONSISTENCY
OF A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

Orange County has initiated amendments to the Zoning Atlas to rezone 16 properties within the Bingham, Cheeks, and Cedar Grove Townships

The following parcels are affected by this proposal:

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Cheeks	Cheeks Map Site ID – 14	9844-78-8137 Approximately 3.25 acres in area	Efland Real Property, LLC C/O Gail Wilkerson 708 Hwy 57 Hillsborough, NC 27278	Rural Residential (R-1) – approximately 2.21 acres in area Existing Industrial (E-1) – approximately 1.04 acres in area	After reviewing the situation with the owner they have requested, and staff is recommending, rezoning the entire 3.25 acre parcel of property to General Commercial (GC-4) (proposal detailed within Attachment 4).

Township:	Township Property Map Number (as contained in Attachment 2):	PIN:	Owner:	Existing Zoning:	Recommendation:
Cheeks	Not identified on map – added at request of property owner	9844-88-1230 Approximately 1.35 acres in area	Efland Real Property, LLC C/O Gail Wilkerson 708 Hwy 57 Hillsborough, NC 27278	Rural Residential (R-1)	After reviewing the situation with the owner they have requested, and staff is recommending, rezoning the entire property to General Commercial (GC-4) (proposal detailed within Attachment 4).
Cheeks	Cheeks Map Site ID – 17	9844-95-4403 Approximately 0.65 acres in area (28,314 sq.ft.)	NC DOT – right-of-way	Existing Commercial (EC-5)	Rezone entire property to R-1 since there is no existing commercial operation on this lot and it is part of the NC DOT right-of-way (proposal detailed within Attachment 4).
Cheeks	Cheeks Map Site ID – 20	9854-28-0393 Approximately 0.56 acres in area (24,393 sq.ft.)	Lucky 4 Properties, LLC 3131 US 70 W Efland, NC 27243	Neighborhood Commercial (NC2) – approximately 0.47 acres in area (20,473 sq.ft.) Rural Residential (R-1) – approximately 3,920 sq.ft. in area	Rezone the entire property to NC-2 (proposal detailed within Attachment 4).
Cedar Grove	Cedar Grove Map Site ID – 2	9828-49-6869 Approximately 0.93 acres in area (40,510 sq.ft.)	James Thomas Wilson 3503 Mt. Zion Church Road Mebane, NC 27302	Existing Commercial (EC-5) Back Creek Protected Watershed Overlay District	Eliminate existing EC-5 zoning designation and rezone entire property to AR (proposal detailed within Attachment 4).
Cedar Grove	Cedar Grove Map Site ID – 7	9848-21-5483 Approximately 34 acres in area	Mark Harris, Trustee, and Penny Harris, Trustee 687 James Griffin Drive Graham, NC 27253	Agricultural Residential (AR) – approximately 33 acres in area Existing Commercial (EC-5) – approximately 0.95 acres in area (41,382 sq.ft.) Upper Eno Critical Watershed Overlay District	Eliminate existing EC-5 zoning designation and rezone entire property to AR (proposal detailed within Attachment 4).

Township:	Township Property Map Number (as contained in Attachment 2):	PIN:	Owner:	Existing Zoning:	Recommendation:
Cedar Grove	Cedar Grove Map Site ID – 13	9858-04-5397 Approximately 6.4 acres in area	Richard J. Sims 5918 Efland Cedar Grove Road Cedar Grove, NC 27231	Agricultural Residential (AR) – approximately 4.8 acres Existing Industrial (EI) – approximately 1.6 acres Upper Endo Protected Watershed Overlay District	Eliminate existing EI zoning designation and rezone entire 6.4 acre property to AR (proposal detailed within Attachment 4).
Cedar Grove	Cedar Grove Map Site ID – 18	9866-58-6953 Approximately 2.92 acres in area	Charles and Mary Beth Helgevoid 214 Phelps Road Hillsborough, NC 27278	Agricultural Residential (AR) – approximately 1.62 acres in area Existing Commercial (EC-5) – approximately 1.3 acres Little River Protected Watershed Overlay District	Rezone entire 2.92 acre parcel to EC-5 ensuring septic and land use buffer areas are properly zoned (proposal detailed within Attachment 4).
Cedar Grove	Cedar Grove Map Site ID – 23	9867-41-7347 Approximately 5.4 acres in area	PCDP, LLC 2606 Highland Farm Rd. Hillsborough, NC 27278	Agricultural Residential (AR) Little River Protected Watershed Overlay District	Rezone entire property to Existing Commercial (EC-5) to accommodate existing automotive repair business (proposal detailed within Attachment 4).

No modifications are being proposed to the boundaries of the aforementioned overlay districts and requirements related to the overlay districts will continue to apply.

The Planning Board finds:

- a. The requirements of Section 2.8 of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5, and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
 1. The amendment is consistent with applicable plans because it supports the following 2030 Comprehensive Plan goals and objectives:

Objective ED-1.5:

Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Land Use Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.

Objective LU-1.1:

Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable densities and creating new mixed-use zoning districts where adequate public services are available. (See also Economic Development Objectives ED-2.1, ED-2.3, ED-2.10, and Water and Wastewater Objective WW-2.)

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

- c. The amendment is reasonable and in the public interest because it:
1. Modifies existing non-residential zoning boundaries in an attempt to make existing operations more conforming to local land use regulations,
 2. Eliminates non-residential zoning designations on property with no non-residential land use activity thereby bringing the property into greater compliance with the goals and objectives of the Comprehensive Plan.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed Zoning Atlas amendments.

Lydia N. Wegman, Chair

Date

Ordinance #: _____

**AN ORDINANCE AMENDING
THE ORANGE COUNTY ZONING ATLAS**

WHEREAS, Orange County has initiated amendments to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, the proposed rezoning consists of the following:

Township:	Township Property Map Number (as contained in Attachment 2):	PIN:	Owner:	Existing Zoning:	Recommendation:
Bingham	Bingham Map Site ID – 2	9739-24-2674 Approximately 13.95 acres in area	James Allen 7010 Gold Mine Loop Road Chapel Hill, NC 27516	Agricultural Residential (AR) – approximately 12.76 acres Existing Commercial (EC-5) – approximately 1.19 acres	Expand the existing EC-5 zoning designation to ensure all structures associated with operation are located within district (proposal detailed within Attachment 4). Portion of property zoned EC-5 would be increased to approximately 2.7 acres in total.
Bingham	Bingham Map Site ID – 23	9822-87-6580 Approximately 5.08 acres in area	Norma Reed PO Box 355 Mebane, NC 27302	Agricultural Residential (AR) – approximately 3.8 acres Neighborhood Commercial (NC-2) – approximately 1.28 acres Cane Creek Protected Watershed Protection Overlay	Eliminate the NC-2 zoning district designation and rezoned entire property to AR (proposal detailed within Attachment 4). Entire 5.08 acre parcel would be zoned AR.
Bingham	Bingham Map Site ID – 26	9841-20-4341 Approximately 0.6 acres in area (26,136 sq.ft.)	Steven Watson 6933 Orange Grove Road Hillsborough, NC 27278	Agricultural Residential (AR) – approximately 8,276 sq.ft. Existing Commercial (EC-5) – approximately 17,860 sq.ft. Cane Creek Critical Watershed Overlay District	Expand the existing EC-5 zoning designation to cover entire property to ensure septic and buffer areas are properly zoned (proposal detailed within Attachment 4). Entire 0.6 acre parcel would be zoned EC-5.

Township:	Township Property Map Number (as contained in Attachment 2):	PIN:	Owner:	Existing Zoning:	Recommendation:
Cheeks	Cheeks Map Site ID – 9	9835-30-0230 Approximately 0.45 acres in area (19,602 sq.ft.)	Minhas, Inc. 2040 Webster Grove Drive Mebane, NC 27302	Rural Residential (R1)	There is an existing gas station on the property. Staff is recommending the entire 0.45 acre parcel be rezoned to Neighborhood Commercial (NC-2) to ensure the existing commercial land use constitutes a permitted use of property.
Cheeks	Cheeks Map Site ID – 11	9835-80-9550 Approximately 40 acres in area.	Thomas Bradley (Trustee) 136 Louise Drive Mebane, NC 27302	Rural Residential (R1) – approximately 36.8 acres Existing Commercial (EC-5) – approximately 3.2 acres	The EC-5 zoning boundary shall be expanded so that the existing non-residential land use has road frontage. The expansion will also ensure required infrastructure supporting (i.e. septic) will be properly zoned (proposal detailed within Attachment 4). The EC-5 zoned area on the property shall be increased to 4.3 acres in size.
Cheeks	Cheeks Map Site ID – 13	9844-78-6326 Approximately 0.06 acres in area (2,613 sq.ft.) 9844-78-6242 Approximately 0.46 acres in area (20,037 sq.ft.)	Efland Real Property, LLC C/O Gail Wilkerson 708 Hwy 57 Hillsborough, NC 27278	Existing Commercial (EC-5) (Note: this is for PIN 9844-78-6326) Rural Residential (R-1) (Note: this is for PIN 9844-78-6242)	After reviewing the situation with the owner they have requested, and staff is recommending, rezoning both properties to General Commercial (GC-4) (proposal detailed within Attachment 4).
Cheeks	Cheeks Map Site ID – 14	9844-78-8137 Approximately 3.25 acres in area	Efland Real Property, LLC C/O Gail Wilkerson 708 Hwy 57 Hillsborough, NC 27278	Rural Residential (R-1) – approximately 2.21 acres in area Existing Industrial (E-1) – approximately 1.04 acres in area	After reviewing the situation with the owner they have requested, and staff is recommending, rezoning the entire 3.25 acre parcel of property to General Commercial (GC-4) (proposal detailed within Attachment 4).

Township:	Township Property Map Number (as contained in Attachment 2):	PIN:	Owner:	Existing Zoning:	Recommendation:
Cheeks	Not identified on map – added at request of property owner	9844-88-1230 Approximately 1.35 acres in area	Efland Real Property, LLC C/O Gail Wilkerson 708 Hwy 57 Hillsborough, NC 27278	Rural Residential (R-1)	After reviewing the situation with the owner they have requested, and staff is recommending, rezoning the entire property to General Commercial (GC-4) (proposal detailed within Attachment 4).
Cheeks	Cheeks Map Site ID – 17	9844-95-4403 Approximately 0.65 acres in area (28,314 sq.ft.)	NC DOT – right-of-way	Existing Commercial (EC-5)	Rezone entire property to R-1 since there is no existing commercial operation on this lot and it is part of the NC DOT right-of-way (proposal detailed within Attachment 4).
Cheeks	Cheeks Map Site ID – 20	9854-28-0393 Approximately 0.56 acres in area (24,393 sq.ft.)	Lucky 4 Properties, LLC 3131 US 70 W Efland, NC 27243	Neighborhood Commercial (NC2) – approximately 0.47 acres in area (20,473 sq.ft.) Rural Residential (R-1) – approximately 3,920 sq.ft. in area	Rezone the entire property to NC-2 (proposal detailed within Attachment 4).
Cedar Grove	Cedar Grove Map Site ID – 2	9828-49-6869 Approximately 0.93 acres in area (40,510 sq.ft.)	James Thomas Wilson 3503 Mt. Zion Church Road Mebane, NC 27302	Existing Commercial (EC-5) Back Creek Protected Watershed Overlay District	Eliminate existing EC-5 zoning designation and rezone entire property to AR (proposal detailed within Attachment 4).
Cedar Grove	Cedar Grove Map Site ID – 7	9848-21-5483 Approximately 34 acres in area	Mark Harris, Trustee, and Penny Harris, Trustee 687 James Griffin Drive Graham, NC 27253	Agricultural Residential (AR) – approximately 33 acres in area Existing Commercial (EC-5) – approximately 0.95 acres in area (41,382 sq.ft.) Upper Eno Critical Watershed Overlay District	Eliminate existing EC-5 zoning designation and rezone entire property to AR (proposal detailed within Attachment 4).

Township:	Township Property Map Number (as contained in Attachment 2):	PIN:	Owner:	Existing Zoning:	Recommendation:
Cedar Grove	Cedar Grove Map Site ID – 13	9858-04-5397 Approximately 6.4 acres in area	Richard J. Sims 5918 Efland Cedar Grove Road Cedar Grove, NC 27231	Agricultural Residential (AR) – approximately 4.8 acres Existing Industrial (EI) – approximately 1.6 acres Upper Endo Protected Watershed Overlay District	Eliminate existing EI zoning designation and rezone entire 6.4 acre property to AR (proposal detailed within <u>Attachment 4</u>).
Cedar Grove	Cedar Grove Map Site ID – 18	9866-58-6953 Approximately 2.92 acres in area	Charles and Mary Beth Helgevold 214 Phelps Road Hillsborough, NC 27278	Agricultural Residential (AR) – approximately 1.62 acres in area Existing Commercial (EC-5) – approximately 1.3 acres Little River Protected Watershed Overlay District	Rezone entire 2.92 acre parcel to EC-5 ensuring septic and land use buffer areas are properly zoned (proposal detailed within <u>Attachment 4</u>).
Cedar Grove	Cedar Grove Map Site ID – 23	9867-41-7347 Approximately 5.4 acres in area	PCDP, LLC 2606 Highland Farm Rd. Hillsborough, NC 27278	Agricultural Residential (AR) Little River Protected Watershed Overlay District	Rezone entire property to Existing Commercial (EC-5) to accommodate existing automotive repair business (proposal detailed within <u>Attachment 4</u>).

and

WHEREAS, the proposal has been found to be consistent with the 2030 Orange County Comprehensive Plan, and

WHEREAS, the requirements of Section 2.8 of the UDO have been deemed complete, and

WHEREAS, the Board has found the proposed zoning atlas amendment to be reasonably necessary to promote the public health, safety, and general welfare.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the areas described above and depicted on the attached maps.

BE IT FURTHER ORDAINED THAT this ordinance be placed in the book of published ordinances and that this ordinance is effective upon its adoption.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing ordinance was adopted this _____ day of _____, 2016.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on _____, 2016 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

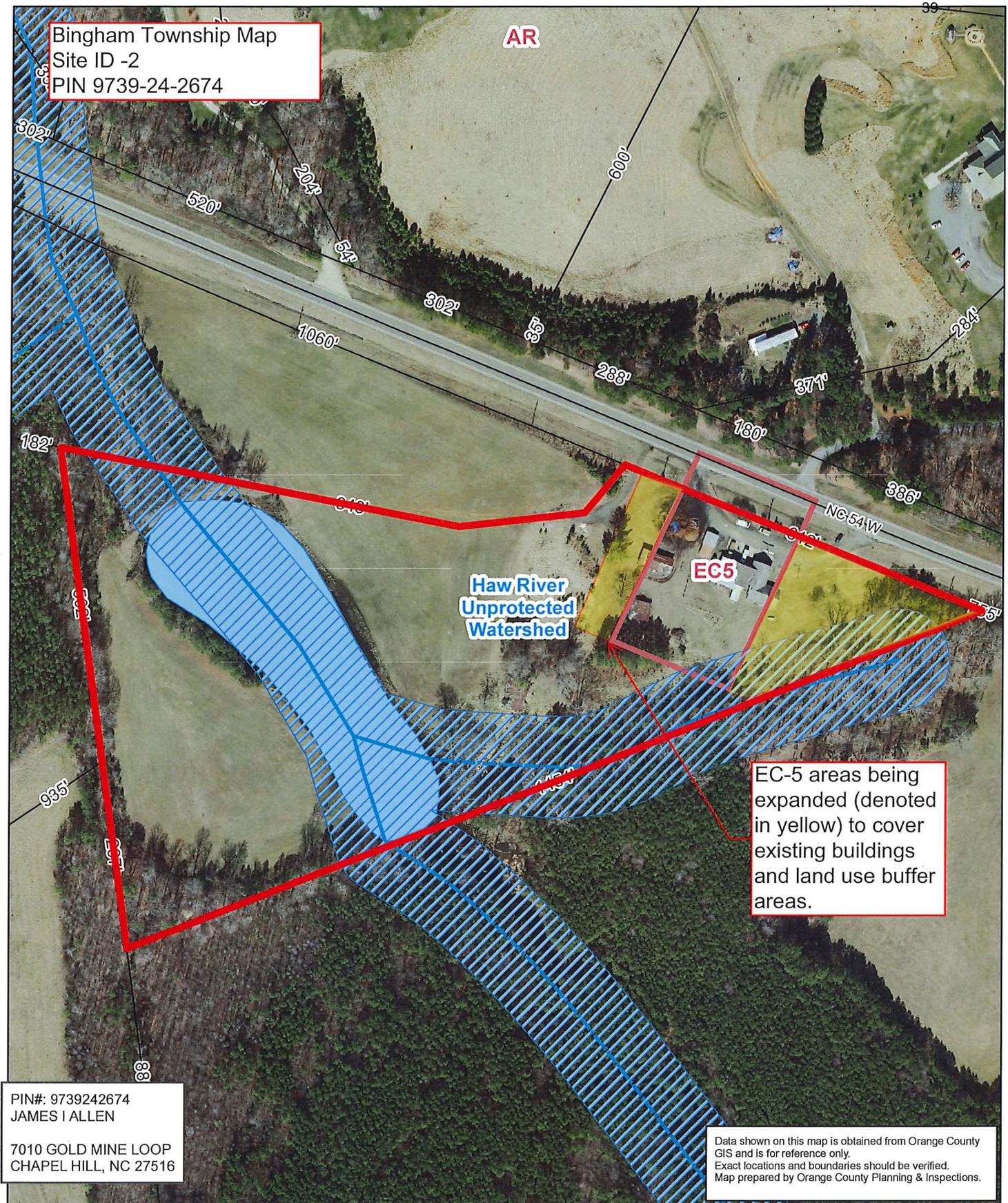
WITNESS my hand and the seal of said County, this _____ day of _____, 2016.

SEAL

Clerk to the Board of Commissioners

Bingham Township Map
 Site ID -2
 PIN 9739-24-2674

AR



EC-5 areas being expanded (denoted in yellow) to cover existing buildings and land use buffer areas.

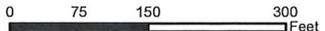
PIN#: 9739242674
 JAMES I ALLEN
 7010 GOLD MINE LOOP
 CHAPEL HILL, NC 27516

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections.

- | | | | |
|----------------------------|------------------------|---------------------------------------|--|
| USGS Water Feature | Parcels | Zoning | 100 YR Floodplain (Effective 02/02/07) |
| Soils Survey Water Feature | Township | City Limits | Floodway (Effective 02/02/07) |
| OC Updated Water Feature | School System Boundary | ETJ | 500 YR Floodplain (Effective 02/02/07) |
| Water Body | Contours | Conservation Easements Held by Others | Buildings |
| River Basins | County Boundary | Orange County Conservation Easements | Water and Sewer Boundary |
| Watershed | Soils | | |

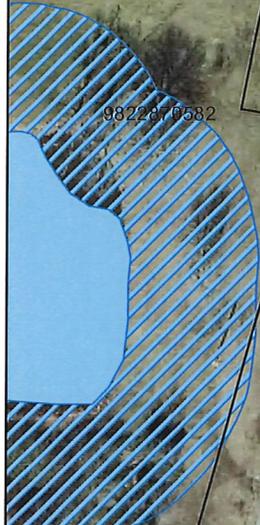



1 inch = 199.968 feet



Bingham Township Map
Site ID -23
PIN 9822-87-6580

AR



9822876582

NEHL RD

9822876580

Cane Creek
Protected
Watershed

NC-2 zoned area
being eliminated.
Property will be
rezoned to
Agricultural
Residential (AR).

BLESSED HOPE DR

9822972994

NG2

MT WILKING RD

98229702

9822866379

982277086

9822866041

PIN#: 9822876580
NORMA KAY MORRIS REED
P O BOX 355
MEBANE, NC 27302

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/09/2016 - mharvey

- Stream Buffer 65ft
- Water Body Buffer 65ft
- Parcels
- Zoning
- Water Body
- Watershed

1 inch = 92.984 feet

0 20 40 Feet

AR

Bingham Township Map
Site ID -26
PIN 9841-20-4341

9841213156

Area being rezoned to EC-5

9841204341

**Cane Creek
Critical Area**

9841204341

EC5

ORANGE GROVE RD

9841206457

PIN 9841-20-4341
Steven Watson
6933 Orange Grove Road
Hillsborough, NC 27278

7946

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/09/2016 - mharvey

-  Parcels
-  Zoning
-  Watershed



1 inch = 36.527 feet
0 9.5 19 Feet

Cheeks Township Map
 Site ID -9
 PIN 9835-30-0230



Flood Panel:
9835J

R1
**Back Cree
 Protected
 Watershed**

Existing gas station
 being rezoned from
 residential (R-1) to
 Neighborhood
 Commercial (NC-2)

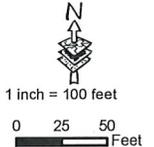
Flood Panel:
9834J

EC5

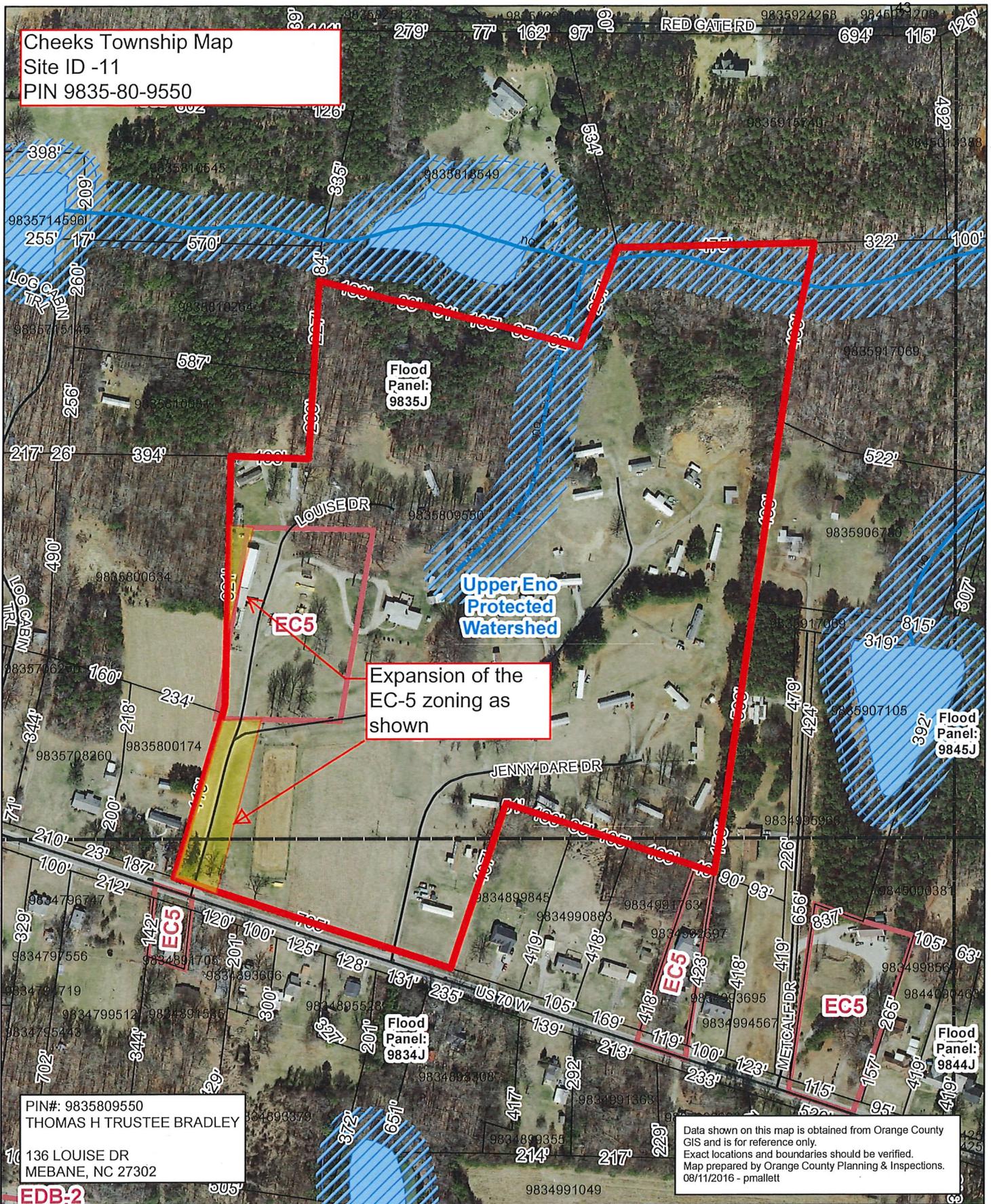
PIN#: 9835300230
 INC MINHAS
 2040 WEBSTER GROVE DR
 MEBANE, NC 27302

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/11/2016 - pmllett

- Floodplain Buffer 80ft FIRM
- Parcels
- Zoning
- Watershed



Cheeks Township Map
 Site ID -11
 PIN 9835-80-9550



Expansion of the
 EC-5 zoning as
 shown

PIN#: 9835809550
 THOMAS H TRUSTEE BRADLEY
 136 LOUISE DR
 MEBANE, NC 27302

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/11/2016 - pmallett

- | | | | |
|---------------------|------------------------|------------------------|------------|
| Streams | USGS Stream | Water Body | Zoning |
| TYPE | Soils Survey Stream | Stream Buffer 80ft | Water Body |
| USGS Stream | Water Body Buffer 80ft | Water Body Buffer 65ft | Watershed |
| Soils Survey Stream | Water Body | Parcels | FIRM |

1 inch = 300 feet
 0 75 150 Feet



Cheeks Township Map
Site ID -13
PIN 9844-78-6326

R1

9844785743

283'

9844788631

197'

297'

US-70 W

107'

101'

EC5

9844786326

Upper Eno
Protected
Watershed

Flood
Panel:
9844J

9844787303

To be rezoned from
Existing
Commercial (EC-5)
to General
Commercial (GC-4)

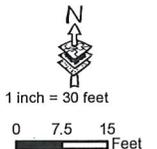
PIN 9844-78-6242
(same ownership)
to be rezoned from
Rural Residential
(R-1) to General
Commercial (GC-4)

PIN#: 9844786326
EFLAND REAL PROPERTY LLC

708 HWY 57
C/O GAIL WILKERSON
HILLSBOROUGH, NC 27278

Data shown on this map is obtained from Orange County GIS and is for reference only.
Exact locations and boundaries should be verified.
Map prepared by Orange County Planning & Inspections.
08/11/2016 - pmllett

- Parcels
- ▭ Zoning
- ▭ Watershed
- ▭ FIRM



Cheeks Township Map
 Site ID -14
 PIN 9844-78-8137

Upper Eno
 Protected
 Watershed

Flood
 Panel:
 9844J

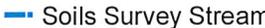
To be rezoned
 from Rural
 Residential (R-1)
 and Existing
 Industrial (EI) to
 General
 Commercial (GC-4)

9844788137
 EFLAND REAL PROPERTY LLC
 C/O GAIL WILKERSON
 708 HWY 57
 HILLSBOROUGH, NC 27278

Data shown on this map is obtained from Orange County
 GIS and is for reference only.
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 Map prepared by Orange County Planning & Inspections.
 08/11/2016 - pmallett

†† Cemeteries

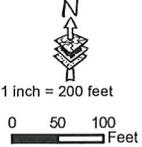
Streams
 TYPE

-  Soils Survey Stream
-  Soils Survey Stream

 Stream Buffer 80ft

-  Parcels
-  Zoning
-  Watershed

 FIRM



Cheeks Township
PIN 9844-88-1230
Not shown on Township Map -
property owner requested
modification and staff agreed

R1

US70W

Proposed to be
rezoned from Rural
Residential (R-1) to
General
Commercial (GC-4)

Upper Eno
Protected
Watershed

PIN#: 9844881230
EFLAND REAL PROPERTY LLC

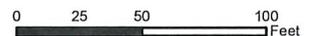
708 HWY 57
C/O GAIL WILKERSON
HILLSBOROUGH, NC 27278

Data shown on this map is obtained from Orange County
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Exact locations and boundaries should be verified.
Map prepared by Orange County Planning & Inspections.

-  USGS Water Feature
-  Soils Survey Water Feature
-  OC Updated Water Feature
-  Water Body
-  River Basins
-  Watershed
-  Parcels
-  Township
-  School System Boundary
-  Contours
-  County Boundary
-  Soils
-  Zoning
-  City Limits
-  ETJ
-  Conservation Easements
Held by Others
-  Orange County
Conservation Easements
-  100 YR Floodplain (Effective 02/02/07)
-  Floodway (Effective 02/02/07)
-  500 YR Floodplain (Effective 02/02/07)
-  Buildings
-  Water and Sewer Boundary



1 inch = 73.203 feet



Cheeks Township Map
Site ID -17
PIN 9844-95-4403

NC Department of
Transportation (NC
DOT) property to
be rezoned from
Existing
Commercial (EC-5)
to Agricultural
Residential (AR)

Upper Eno
Protected
Watershed

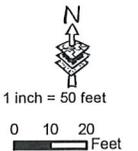
Flood
Panel:
9844J

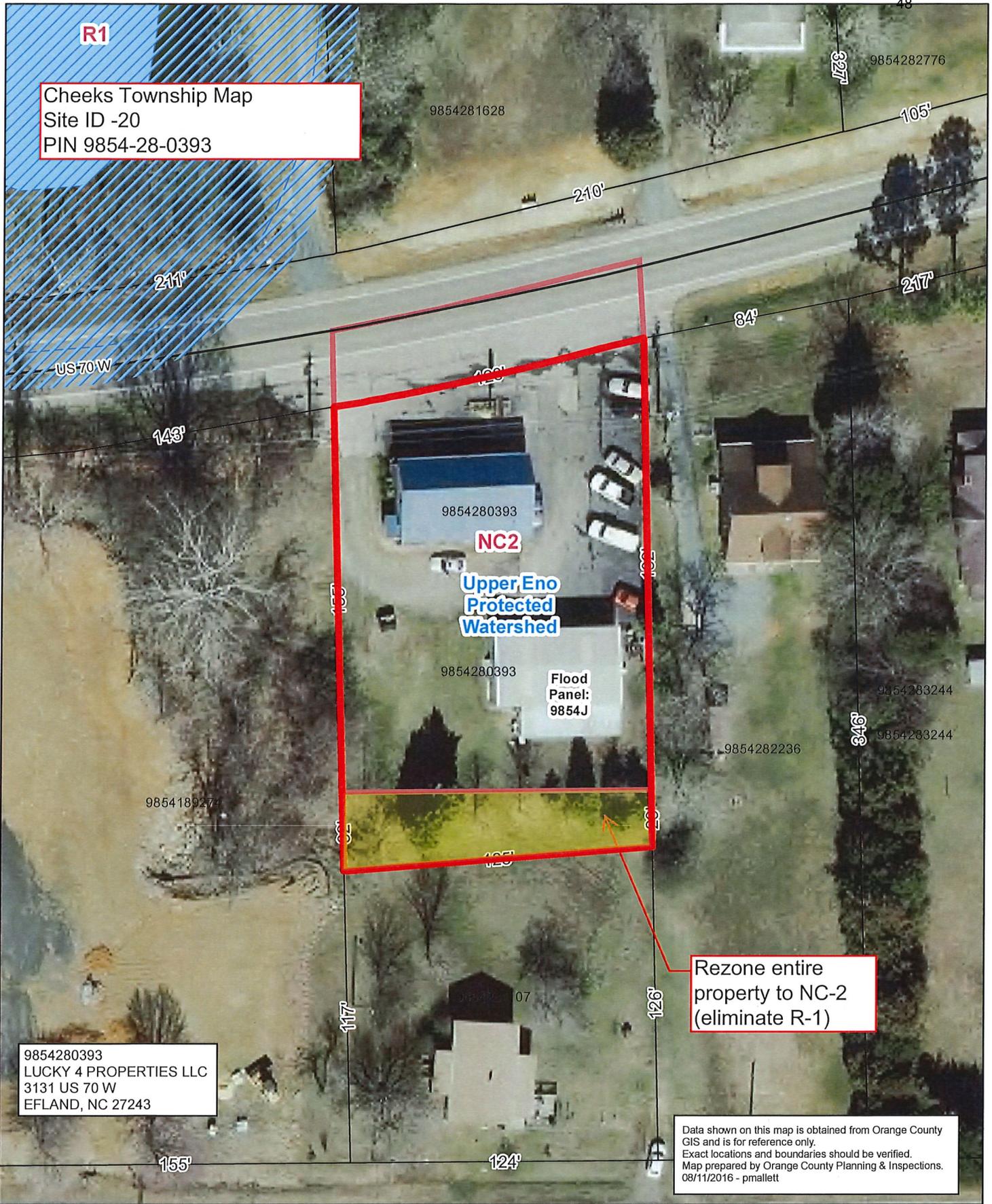
Upper Eno

PIN#: 9844954403
TRANSPORTATION DEPARTMENT OF
PO BOX 25201
RALEIGH, NC 27611

Data shown on this map is obtained from Orange County
GIS and is for reference only.
Exact locations and boundaries should be verified.
Map prepared by Orange County Planning & Inspections.
08/11/2016 - pmallett

- Parcels
- Zoning
- Watershed
- FIRM





Cheeks Township Map
 Site ID -20
 PIN 9854-28-0393

Rezone entire property to NC-2 (eliminate R-1)

9854280393
 LUCKY 4 PROPERTIES LLC
 3131 US 70 W
 EFLAND, NC 27243

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/11/2016 - pmallett

- Water Body Buffer 80ft
- Water Body
- Water Body
- Water Body Buffer 65ft
- Parcels
- Zoning
- Water Body
- Watershed
- FIRM

1 inch = 50 feet



AR

Cedar Grove Township Map
Site ID -2
PIN 9828-49-6869



Flood Panel:
9828K

EC5

Back Creek
Protected
Watershed

Eliminate Existing
Commercial (EC-5)
zoning and rezone
to Agricultural
Residential (AR)

PIN#: 9828496869
JAMES THOMAS WILSON

3503 MT ZION CH RD
MEBANE, NC 27302

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/11/2016 - rmccook

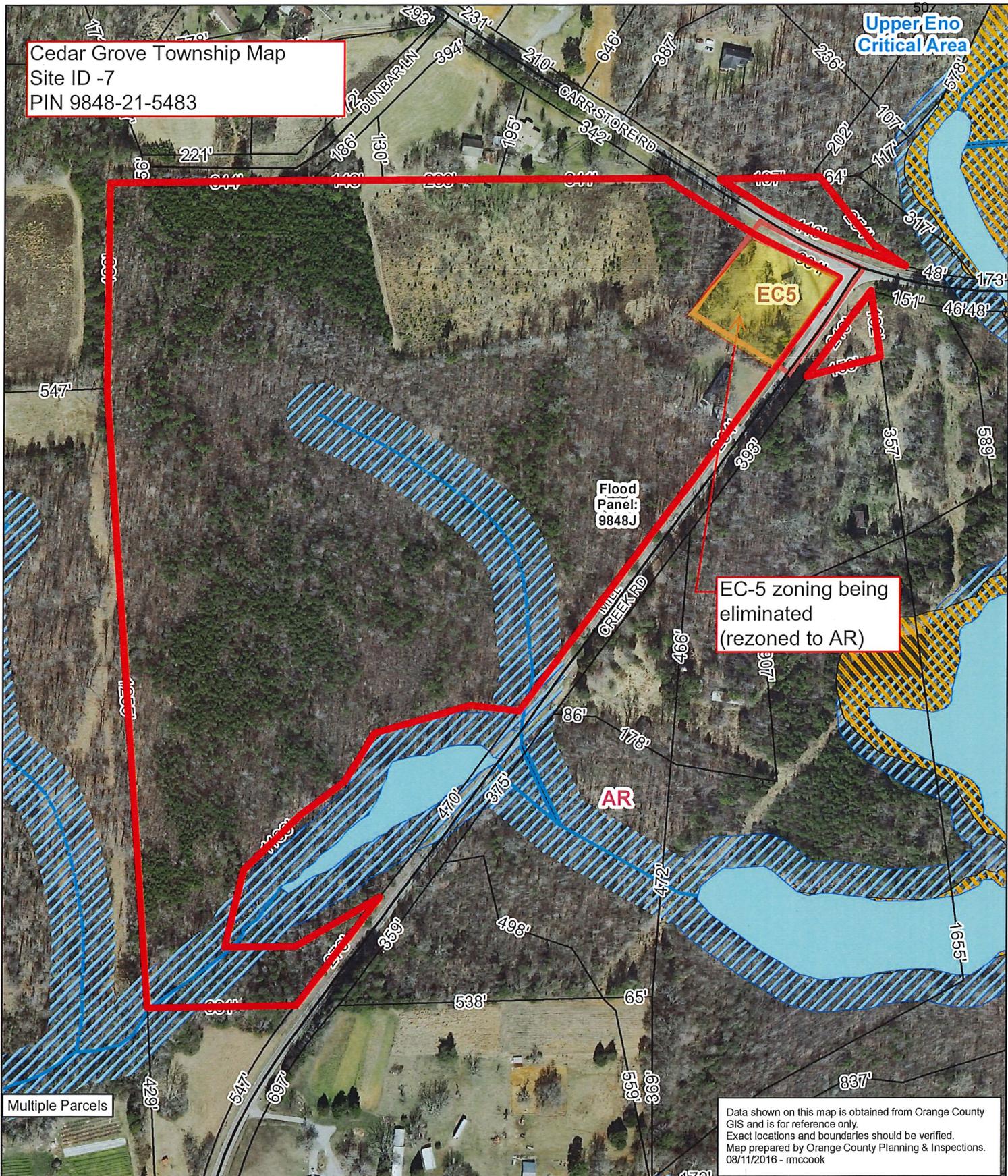
- Parcels
- Zoning
- Watershed
- FIRM



1 inch = 50 feet
 0 10 20
 Feet

Cedar Grove Township Map
 Site ID -7
 PIN 9848-21-5483

Upper Eno
 Critical Area



EC-5 zoning being eliminated (rezoned to AR)

Flood Panel: 9848J

Multiple Parcels

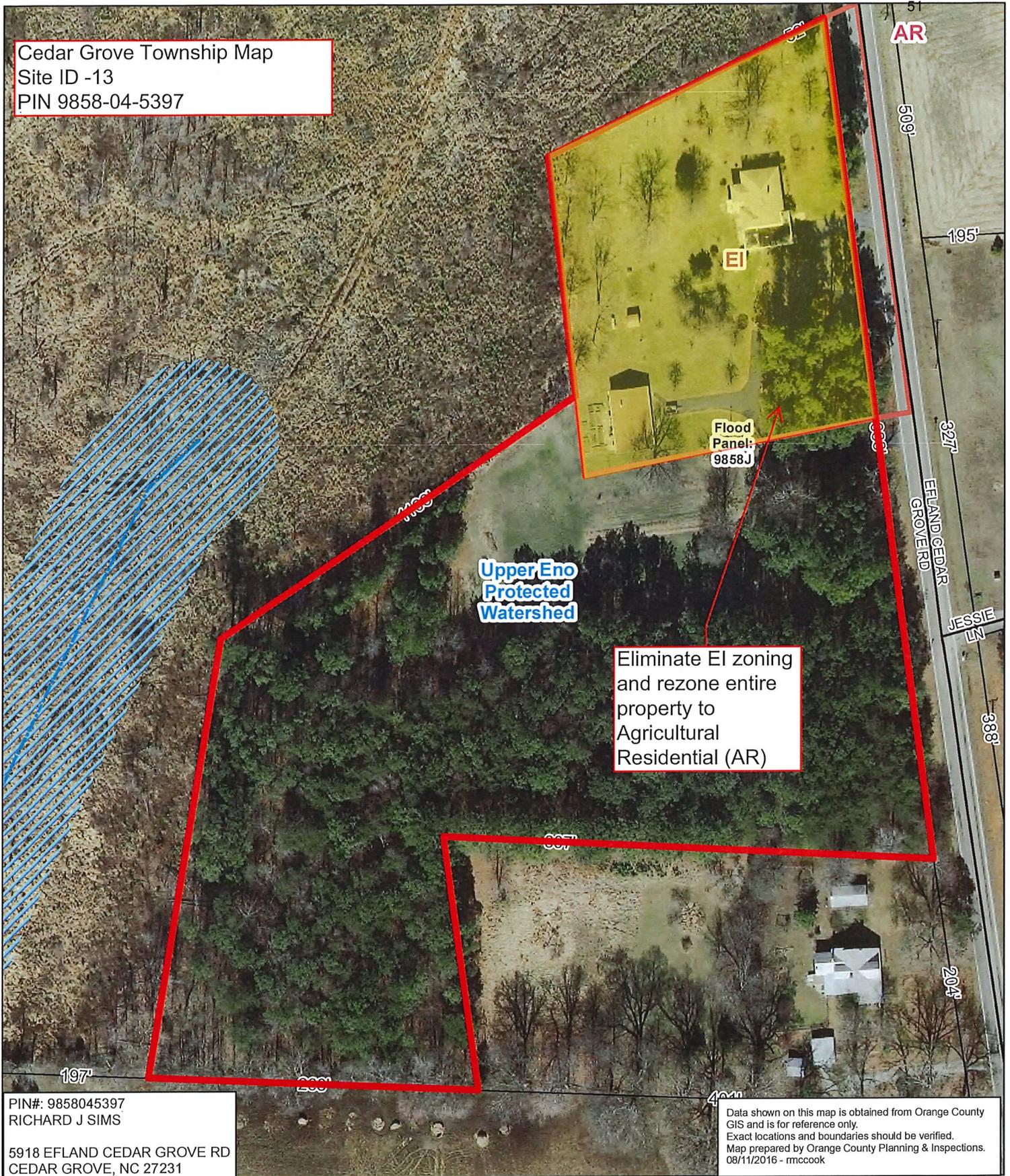
Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/11/2016 - mmccook

- USGS Stream
- Soils Survey Stream
- OC Updated Stream
- ▨ Stream Buffer 65ft
- ▨ Water Body Buffer 65ft
- ▭ Parcels
- ▭ Zoning
- ▭ Water Body
- ▭ Watershed
- ▨ 100 YR Floodplain (Effective 02/02/07)
- ▨ FIRM



1 inch = 250 feet
 0 60 120 Feet

Cedar Grove Township Map
Site ID -13
PIN 9858-04-5397



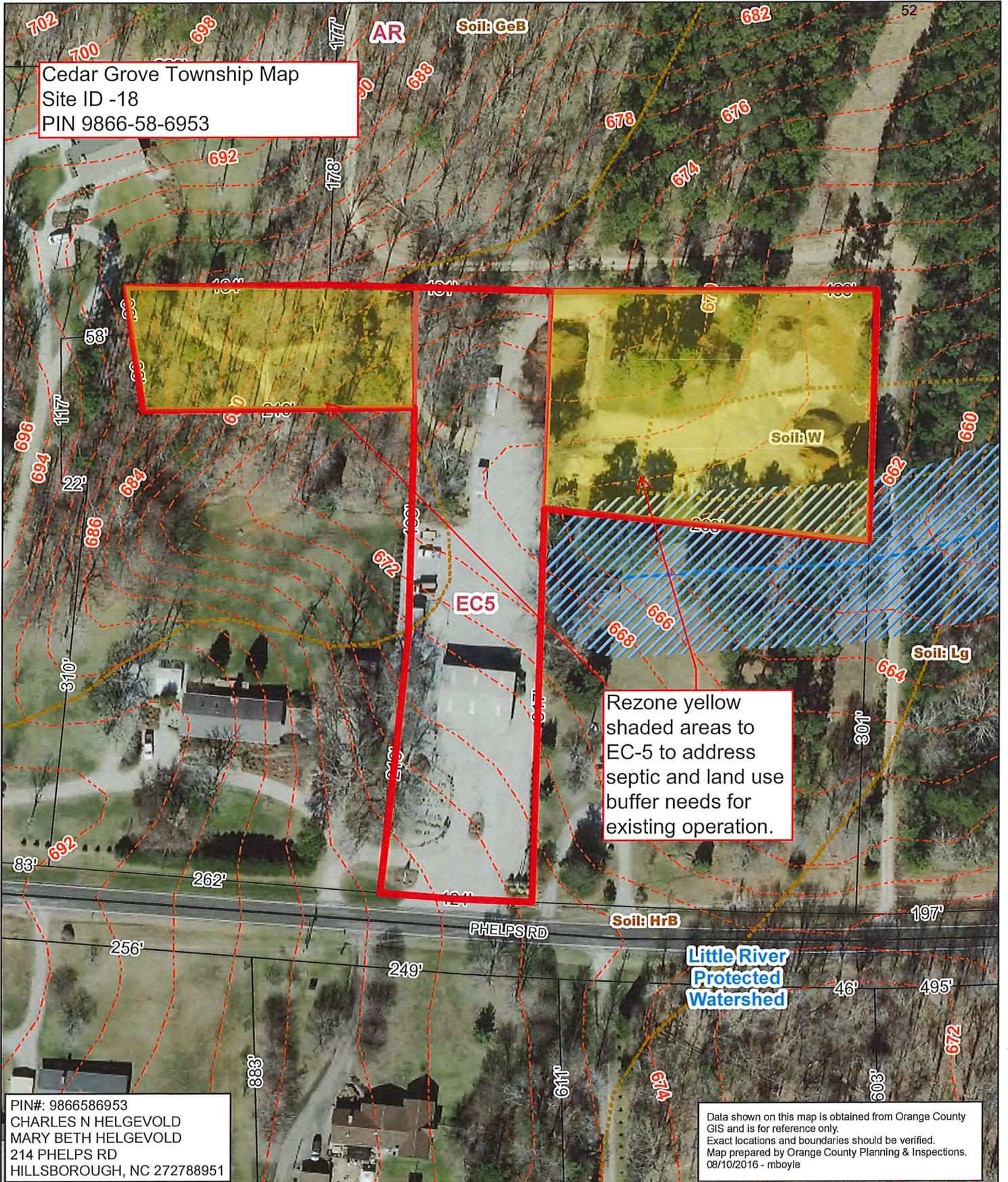
PIN#: 9858045397
RICHARD J SIMS
5918 EFLAND CEDAR GROVE RD
CEDAR GROVE, NC 27231

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/11/2016 - mccoock

- Soils Survey Stream
- Stream Buffer 65ft
- Parcels
- Zoning
- Watershed

1 inch = 100 feet
0 25 50 Feet

Cedar Grove Township Map
 Site ID -18
 PIN 9866-58-6953



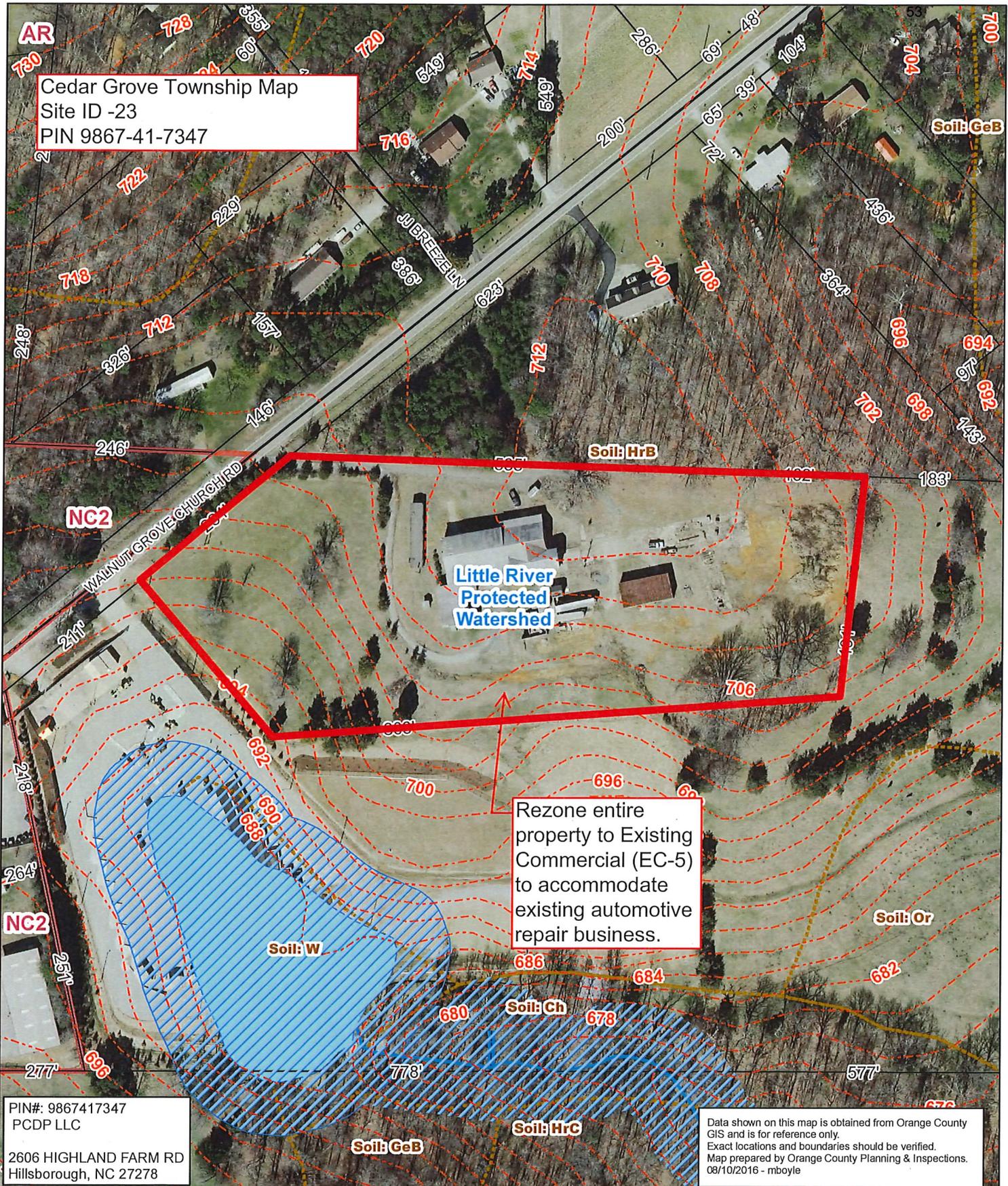
PIN#: 9866586953
 CHARLES N HELGEVOLD
 MARY BETH HELGEVOLD
 214 PHELPS RD
 HILLSBOROUGH, NC 272788951

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/10/2016 - mboyle

- USGS Stream
- Stream Buffer 65ft
- 2' Contours (NCDOT)
- Parcels
- Zoning
- Watershed
- Soils



1 inch = 100 feet
 0 25 50
 Feet



Cedar Grove Township Map
 Site ID -23
 PIN 9867-41-7347

Rezone entire property to Existing Commercial (EC-5) to accommodate existing automotive repair business.

PIN#: 9867417347
 PCDP LLC
 2606 HIGHLAND FARM RD
 Hillsborough, NC 27278

Data shown on this map is obtained from Orange County GIS and is for reference only. Exact locations and boundaries should be verified. Map prepared by Orange County Planning & Inspections. 08/10/2016 - mboyle

- USGS Stream
- OC Updated Stream
- Water Body Buffer 65ft
- Stream Buffer 65ft
- 2' Contours (NCDOT)
- Parcels
- Zoning
- Water Body
- Watershed
- Soils



1 inch = 150 feet
 0 30 60 Feet

**8ORANGE COUNTY
PLANNING BOARD
AGENDA ITEM ABSTRACT**
Meeting Date: November 2, 2016

**Action Agenda
Item No. 8**

SUBJECT: Planning Board Annual Report / Work Plan

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

1. Annual Report / Work Plan Form
2. UDO Implementation Bridge Status Report
3. Small Area Plan Implementation Status Report

INFORMATION CONTACT: (919)

Craig Benedict, 245-2592
Perdita Holtz, 245-2578

PURPOSE: To provide an annual report and work plan input to the Board of County Commissioners (BOCC).

BACKGROUND: Each year the County Clerk's Office collects information from each of the County's advisory boards to prepare a report for an early spring BOCC work session. The annual report informs the BOCC of the past year's activities of advisory boards/commissions, as well as proposed activities for the upcoming year.

Staff and advisory boards are asked to collaborate to complete the form that has been provided by the Clerk's Office and return by December 16. Proposed activities are to be consistent with the goals of the BOCC.

The Annual Report / Work Plan form (Attachment 1) has been completed by staff for Planning Board review and comment. Some topics of prime interest include:

1. Affordable and Senior Housing
2. Clustering and Water/Wastewater Planning in Rural Areas
3. Revisions to Tables of Permitted Use to respond to *Byrd vs. Franklin County* judicial decision

These topics are accented on the final three pages of Attachment 1.

Attachments 2 and 3 contain the updated status reports of the UDO Implementation Bridge and small area plans. The UDO Implementation Bridge document and the various small area plans are available on the Planning Department's website: http://www.orangecountync.gov/departments/planning_and_inspections/documents.php

The Planning Board is involved with approximately 40 - 60% of the work Planning Department staff is responsible for (the percentage varies by year, depending on specific work being completed in a given year). For the upcoming year, Planning staff will be working on some

items for which other advisory boards have primary responsibility. Examples of these tasks are transit issues, transportation planning, and economic development issues (not related to the UDO) in partnership with the Economic Development Department. Some work items the Planning staff is responsible for do not go to an advisory board for a recommendation (for example, water and sewer engineering, the annual report related to the Schools Adequate Public Facilities ordinance [SAPFO], and school impact fees).

RECOMMENDATION(S): The Planning Staff recommends the Planning Board:

1. Review the attached documents prior to the meeting.
2. Discuss members' ideas about any additional activities to be worked on in 2017.
3. Either:
 - a. Approve the Annual Report and Work Plan Form in Attachment 1, or
 - b. Ask staff to incorporate the results of any discussion into the Annual Report / Work Plan form and bring the final form back to the December 7, 2016 Planning Board meeting for approval.

NAME OF BOARD/COMMISSION: Planning Board

Report Period: 2016 calendar year for annual report; 2017 calendar year for work plan

**ORANGE COUNTY ADVISORY BOARDS AND COMMISSIONS
ANNUAL REPORT/ WORK PLAN FOR THE COUNTY COMMISSIONERS**

The Board of Commissioners appreciates the dedication of all the volunteers on their boards and commissions and welcomes input from various advisory boards and commissions throughout the year. Please complete the following information, limited to the front and back of this form. Other background materials may be provided as a supplement to, but not as a substitute for, this form.

Board/Commission Name: **Planning Board**

Person to address the BOCC at work session- if applicable- and contact information: **Lydia Wegman, Chair, (919) 382-1904, lnwegman@gmail.com** (please note that Chair elections occur in January of each year, so the Chair could change in January)

Primary County Staff Contact: **Craig Benedict, Planning Director**; secondary contact: **Perdita Holtz, Planner III (Planning Systems Coordinator)**

How many times per month does this board/commission meet, including any special meetings and sub-committee meetings? **Once or twice per month (12 regular meetings + 4 Quarterly Public Hearings (attendance expected) + special or sub-committee meetings such as the Ordinance Review Committee [ORC] which meets prior to the regular meeting several times a year).**

Brief Statement of Board/Commission's Assigned Charge and Responsibilities. **Under the authority of NC General Statute, the BOCC created the Planning Board to embark upon a continuing planning program, including but not limited to the preparation and maintenance of a Comprehensive Plan for Orange County, in protection of the public health, safety, and general welfare of present and future residents and businesses, landowners and visitors. The duties of the Planning Board are listed in Section 1.6.3 of the Unified Development Ordinance.**

What are your Board/Commission's most important accomplishments?

Within last 2 years:

- **UDO text amendments for revisions to the public hearing process to enhance public input opportunities, streamline when possible, and improve legal integrity.**
- **UDO, Comprehensive Plan & Zoning Atlas Amendments to adopt two**

new zoning overlay districts in Efland that recognize community character and add flexibility to target development.

- **In 2015, two property-owner initiated applications for non-residential rezonings were processed. The Planning Board reviewed these and issued a recommendation to the BOCC on each application.**
- **UDO text amendments related to temporary health care structures.**
- **Henderson Woods major subdivision concept plan and preliminary plat.**
- **UDO text amendments related to impervious surface matters.**
- **Class A SUPs for a solar facility in Bingham Township and for Emerson Waldorf School.**
- **UDO text amendments related to recreational land uses.**

More recently:

- **UDO text amendments pertaining to:**
 - **Temporary healthcare structures**
 - **Sign regulations**
 - **Modifications to the former O/I (Office/Institutional) zoning district (now named O/RM – Office/Research and Manufacturing)**
 - **The Hillsborough Economic Development District (EDD)**
 - **Cluster subdivision regulations**
- **Provided input and comments on the Draft Affordable Housing Strategic Plan.**
- **Reviewed and made recommendation on Orange County/Town of Hillsborough Joint Land Use Plan Amendment and Zoning Atlas Amendments for the Hillsborough EDD.**
- **Class A SUP for the Oakwood Solar Facility (in Cheeks Township).**
- **ORC review of proposed Rural Master Plan Development Conditional Zoning District (RMP-CZ).**
- **Reviewed and made recommendations on non-residential rezonings to address conformity of zoning district boundaries with totality of non-residential use (i.e., parking, septic, buffer areas, etc.)**

List of Specific Tasks, Events, or Functions Performed or Sponsored Annually.

- **Monthly Planning Board meetings**
- **Quarterly Public Hearings (4)**
- **Ordinance Review Committee (ORC) meetings and special meetings as required**
- **Review applications for ordinance amendments, major subdivisions, and Class A special use permits and provide recommendations to the BOCC**
- **Develop and recommend policies, ordinances, administrative procedures and other means for carrying out plans**
- **Coordinate with staff on ongoing planning updates, changes, and new techniques**

Describe this board/commission's activities/accomplishments in carrying out BOCC goal(s)/priorities, if applicable.

The Planning Board is involved in the ongoing implementation of the 2030 Comprehensive Plan. Potential projects listed in the "UDO Implementation Bridge," continue to be worked on as do small area plan implementation measures. The Implementation Bridge is a list of topics that were raised during the UDO adoption process in 2010-11 that further the goals and objectives of the Comprehensive Plan through the UDO.

Describe the collaboration relationship(s) this particular board has with other advisory boards and commissions?

Currently, the Planning Board includes a member who also serves the Commission for the Environment. There is a position on the Board of Adjustment for a Planning Board member but that position is currently unfilled. Three members of the Planning Board have expressed interest in serving on the Board of Adjustment and discussion over who could better serve in the position has occurred. In 2016, there was not direct collaboration with other advisory board (e.g., joint meetings).

If your board/commission played the role of an Element Lead Advisory Board involved in the 2030 Comprehensive Plan preparation process, please indicate your board's activities/accomplishments as they may relate to the Comprehensive Plan's goals or objectives.

(The Element Lead Advisory Boards include: Planning Board, EDC, OUTBoard, Commission for the Environment, Historic Preservation Commission, Agriculture Preservation Board, Affordable Housing Board, Recreation and Parks Advisory Council)

The processing of small area plan recommendations specifically addresses an objective included in the 2030 Comprehensive Plan. Following are specific Comprehensive Plan Goals and Objectives that have been part of the Planning Board's recent work:

Land Use Overarching Goal: Coordination of the amount, location, pattern and designation of future land uses, with availability of County services and facilities sufficient to meet the needs of Orange County's population and economy consistent with other Comprehensive Plan element goals and objectives.

Objective LU-1.1: Coordinate the location of higher intensity / high density residential and non-residential development with existing or planned locations of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer, high-speed internet access, streets, and sidewalks), while avoiding areas with protected natural and cultural resources. This could be achieved by increasing allowable

densities and creating new mixed-use zoning districts where adequate public services are available.

Objective LU-1.2: Evaluate and report on whether existing and approved locations for future residential and non-residential developments are coordinated with the location of public transportation, commercial and community services, and adequate supporting infrastructure (i.e., water and sewer services, high-speed internet access, streets and sidewalks).

Land Use Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.

Objective LU-3.1: Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan.

Land Use Goal 4: Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.

Land Use Goal 6: A land use planning process that is transparent, fair, open, efficient, and responsive.

Objective LU-6.1: Undertake a comprehensive effort to inform and involve the citizens of Orange County in the land use planning process.

Objective LU-6.2: Maintain a cooperative joint planning process among the County municipalities and those organizations responsible for the provision of water and sewer services to guide the extension of service in accordance with the Comprehensive Plan, the Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and the policies of the municipalities.

Economic Development Overarching Goal: Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high quality employment opportunities for County residents.

Objective ED-1.5: Identify barriers to development of desirable businesses and local businesses, and mitigate these barriers.

Transportation Goal 3: Integrated land use planning and transportation planning that serves existing development supports future development, and is consistent with the County's land use plans which include provisions for preserving the natural environment and community character.

Identify any activities this board/commission expects to carry out in 2017 as they relate to established BOCC goals and priorities.

If applicable, is there a fiscal impact (i.e., funding, staff time, other resources) associated with these proposed activities (please list).

The Board will continue its work in partnership with staff to further implement recommendations contained within small area plans and the UDO Implementation Bridge and to implement existing and new BOCC priorities, some of which may emerge at the January 2017 BOCC retreat:

1. **Affordable and Senior Housing, including Co-Housing:** On-going need for affordable housing opportunities, including senior housing, in the county. Continue to work with the Housing and Community Development Department on the Affordable Housing Strategic Plan and develop any necessary regulatory amendments that would further the plan once it's adopted..
2. **Emergency Access:** Continue to work with appropriate staff/departments to better ensure properties can be reached by emergency personnel (e.g., driveway width and clearance, bridge weight limit signage and sufficiency to allow a fire truck to pass, gate width, curve radii sufficient for emergency vehicles). Amendments currently being worked on related to private road standards address a portion of this topic.
3. **Clustering in Rural Areas:** Consider rural village concepts. Examine innovative septic systems whether in individual or community settings. Clustering does not increase density in rural areas but creates a higher percentage of open space. Amendments currently being considered related to subdivision regulations address a portion of this topic.
4. **Population Projections:** Analyze regional population and employment projections (including MPO 2040 and the development of the MPO 2045 MTP). Rationalize and offer 'ground truth' (i.e. what can realistically be built) to the amount and location of new development noted from population modeling (i.e. Community VIZ). Work with municipalities to aggregate their projected ceiling density totals based on their densification efforts and create composite countywide total by adding unincorporated projections. Use in update to Comprehensive Plan Data Element.
5. **Parks and Recreation Dedications and Payment in Lieu Fees:** Jointly work with the Department of Environment, Agriculture, and Parks & Recreation (DEAPR) to evaluate level of service standards and how they

would be implemented through the subdivision process included in the UDO. Also include hiking and/or preservation corridors in the land use plan so land dedications during the subdivision process can occur where necessary.

6. **Tables of Permitted Uses Revisions:** Complete the substantial work involved with revising the tables of permitted uses in response to the *Byrd vs. Franklin County* judicial decision.
7. **Fiscal Impact Analysis:** Work with the Manager's office and Finance and/or a consultant to analyze the impacts of development to County services (revenues and expenditures) and to the cities as necessary.
8. **Legislative Changes:** Amend regulations as necessary in response to legislative changes at the State level
9. **Streamline Regulations:** Continue to streamline regulations where possible
10. **2017 BOCC Retreat:** Any priorities that emerge at the January 2017 BOCC retreat

What are the concerns or emerging issues your board has identified for the upcoming year that it plans to address, or wishes to bring to the Commissioners' attention?

1. **Rural Enterprises:** Determine need to address innovative water & sewage disposal issues in the Rural Activity Nodes to encourage development in these nodes. Evaluate non-residential acreage thresholds and determine if changes are necessary.
2. **Mass Gathering/Special Events:** Revisions to UDO regarding mass gathering and special events (must wait until after Emergency Services/Attorney's Office enacts a Mass Gathering Ordinance)
3. **Pre-zoning for Economic Development Projects:** Continue to "prezone" areas where possible to focus growth in appropriate areas with consistent land uses, thereby improving the review and approval process.
4. **Nuisance Ordinance:** Consider a nuisance ordinance for Economic Development, Commercial, and Commercial-Industrial Transition Activity Nodes and areas adjacent to these land use classifications to "protect" these areas slated for economic development projects. In addition, consider these "city-like" rules in "urban" transition land use classifications of the county to protect existing community value.
5. **Transportation Issues:** Evaluate the need for better public transit in rural areas, including senior citizen mobility, transit dependent and commuter populations. Determine if rural "transit oriented development" could be hubs of transit located in the rural community nodes. Accent focus on transit dependent populations and their connection to other transit infrastructure.
6. **Wireless and Broadband Access:** The County (IT Department) is currently

undertaking a study regarding wireless and broadband access in rural areas. Many rural areas lack reliable access to these services and solutions to providing areas with these services should be sought.

7. **Long-Term Planning for Potable Water and Waste:** Planning for potable water and waste (wastewater and solid waste) should continue to be a topic for study and discussion as growth in Orange County continues.
8. **City of Mebane Long-Range Land Development Plan:** Planning staff continues to contribute to the City's on-going Land Development Plan. Future amendments to Orange County planning documents, such as the Comprehensive Plan, may be warranted. Future analysis and deliberations, with elected official input, may be necessary.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
	Note: The ideas in the main body of the Implementation Bridge also appear in the Appendix, although they may be worded differently or may combine several separate comments into one idea.	
	Economic Development Ideas	
page 11	Streamline procedures for Economic Development Districts and commercial development applications. Consider expedited processing for such applications.	Significant amendments pertaining to economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
page 11	Study what local private businesses need in order to expand and thrive, and consider what regulatory changes could contribute to that objective.	
page 11	Consider different standards for application within Economic Development Districts to encourage commercial development.	Significant amendments pertaining to economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. Standards in the EDDs are still more rigorous than standards in the Commercial and Commercial-Industrial Transition Nodes. It may be desirable to review whether the standards should be different.
page 11	Create a predictable process for consideration of development applications within Economic Development Districts.	Significant amendments pertaining to economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
page 11	Develop regulations for Rural Economic Development Areas.	A REDA conditional zoning district was adopted for the NC57/Speedway area on June 5, 2012. A "Rural Master Plan" Conditional Zoning District is currently being worked on by staff; a public hearing in 2017 is expected.
	Permitted Uses and Standards Ideas	
page 12	Differentiate between suburban and rural character, and adjust regulations relating to required features such as signing and transportation improvements.	Will be considered as topics are brought forward for revision. For example, changes to Outdoor Lighting standards, adopted Jan. 24, 2013, has slightly different standards for urbanizing vs. rural areas. Home Occupation standards (adopted May 20, 2014) have different standards based somewhat on lot size.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 12	Review and adjust notification requirements to make more appropriate to rural vs. suburban areas. (E.g., rural rezonings may require larger areas of notification.	Revisions to the public hearing process, adopted in November 2015, expanded the notification boundary from 500 feet to 1,000 feet for all actions that require mailed notifications.
page 12	Revisit Conditional District provisions to consider restricting locations in which they can be applied.	Because of adjustments made to conditional districts near the end of the UDO adoption process, this item is DONE .
page 12	Revisit home occupation rules.	Changes to Home Occupation standards were adopted on May 20, 2014.
page 12	Exclude government or municipal uses from residential zoning.	It is common zoning practice to allow public uses in residential zoning districts. Staff does not recommend that government uses be excluded from the residential zoning districts. Several years ago some government uses required issuance of an SUP but due to case law that discouraged governments from issuing themselves SUPs, the requirement was removed. In October 2013, Orange County adopted requirements that a Neighborhood Information Meeting be held prior to submission of a site plan for governmental uses.
page 12	Add back language about required findings that was formerly included for Planned Developments in the existing Zoning Ordinance.	Staff believes the language is properly referenced within the Conditional Use, Conditional Zoning, and Special Use Permitting processes and there is no need to add repetitive language back into the UDO.
page 12	Differentiate between urban and rural character for regulations such as signage and subdivision standards.	
page 12	Review the full range of design standards that are currently included in the UDO, to determine if adjustments would help to promote County goals and objectives. (Note: the Appendix contains 22 specific suggestions for review of standards such as building height, lighting, signs, adult entertainment uses, road and driveway requirements, hours of operation, and airport zoning.)	
	Environmental Ideas	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 13	Revise definitions and references to wastewater treatment systems to avoid opening possibilities for extension of sewer service into areas where the Land Use Plan contemplates no public sewer service.	The Water & Sewer Management, Planning & Boundary Agreement (WASMPBA) stipulates which areas of the county can be served by public water and sewer systems. It may be desirable to consider policy decisions on alternative (non-public) systems and opinion on these types of systems may be diverse and there has been mention in recent years about alternative systems being used to create economic development opportunities in areas of the county that are not designated as "primary service areas" in the WASMPBA.
page 13	Consider criteria for locations of sampling stations under the Pollutant Monitoring Program. [Staff Note: this is synopsis the consultant wrote in response to #43 and 44 below]	There could be a policy or separate criteria governing locations but staff does not recommend that it become part of the UDO. One main issue is that the criteria could change from watershed to watershed, issue to issue. There really is no universal governing standard.
page 13	Consider establishing a mechanism for nutrient trading.	The State is examining the viability of a 'nutrient trading bank' where this could occur. As of this date there is still no consensus at the State level on the legality of such a program and, as a result, it is not currently recognized. This should be viewed as a long term goal and we need to wait and see what the State does in terms of establishing rules governing such a transfer.
page 13	Adjust Section 7.8.2 to encourage roads to be laid out in a manner that avoids significant natural features.	
page 13	Develop guidelines for Transit Oriented Development.	Because mass transit facilities do not currently exist in Orange County's planning jurisdiction and are not foreseen in the immediate future, staff recommends that developing guidelines/standards for TOD not be pursued at this time.
	Procedural Ideas	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 14	Explore ways to shorten review and approval processes.	Significant amendments pertaining to economic development were adopted on February 7, 2012. Revisions to public hearing process were adopted in November 2015. The revised process has significantly shorten the review and approval process for less controversial proposals.
page 14	Include metrics for approval time for each process.	Staff does not recommend that metrics be included in the UDO as the UDO is regulatory in nature. As part of the materials developed in 2015 for the proposed revisions to the public hearing process, flow charts showing potential timeframes were included in agenda abstract materials.
page 14	Review telecommunication towers process.	Staff considers this to be COMPLETED with the Telecom amendments that were adopted on May 1, 2012.
page 14	Revisit roles and responsibilities of Planning Board vs. Board of Commissioners for approval decisions.	This topic was touched upon during discussion about the revised public hearing process. At this time, there does not seem to be support for changing the existing roles and responsibilities.
page 14	Where we have electronic means to notify the public, we should add those as required notification mechanisms.	Rather than adding this to the UDO, staff would recommend that this become a policy instead of part of an ordinance. The County maintains electronic notification lists, which includes the ability to be notified when BOCC agendas are posted to the County website. Additionally, in late 2014, the Planning Department started posting a list of current development projects on its webpage so interested people can regularly check the information for items of interest.
page 14	Reconsider public notification requirements for differences between rural versus suburban locations (in terms of distance for notice requirements).	Revisions to the public hearing process, adopted in November 2015, expanded the notification boundary from 500 feet to 1,000 feet for all actions that require mailed notifications.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 14	Consider new ideas for public notification.	Rather than adding new requirements to the UDO, staff would recommend that any new ideas become a policy instead of part of an ordinance. The County maintains electronic notification lists, which includes the ability to be notified when BOCC agendas are posted to the County website. Additionally, in late 2014, the Planning Department started posting a list of current development projects on its webpage so interested people can regularly check the information for items of interest.
page 14	Include more cross-references, on-line search mechanisms.	The UDO is available electronically as a PDF document, which is searchable using the Adobe PDF search feature.
page 14	Mention the Orange County / Town of Hillsborough Interlocal Agreement.	Work on a joint land use plan was initiated in September 2012 and the Joint Land Use Plan was heard at the Sep. 2013 QPH. Land Use classifications and zoning were adopted on Nov. 6, 2014 for areas affected by the Town relinquishing portions of its ETJ. Text will be added to the UDO as necessary as items move through the adoption process.
page 14	Develop more guidelines for selection of school sites.	
page 14	Mention the Water and Sewer Management, Planning, and Boundary Agreement.	
page 14	Incorporate references to Animal Control Ordinance, align definitions.	This was COMPLETED with recent amendments approved by the BOCC in January 2012. Definitions are now the same with respect to a Class I and Class II kennel from a Zoning and Animal Control Ordinance standpoint.
page 14	Include language to better differentiate between the different types of residential zoning districts.	This is the purpose of the "Purpose", "Applicability" and "Dimensional and Ratio Standards" sections of each of the zoning charts contained in Article 3.
page 14	Reconsider treating withdrawal of an application as a denial.	
	APPENDIX LIST	

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
1.	The size of a farm should be considered. Organic farmers, which seem to be the trend, 10 acres in order to be called a farm is a bit large for an organic farm. Considering farm income as a requirement to be a farm is difficult because prices can vary so much from income as a requirement to be a farm is difficult because prices can vary so much from year to year that one year a farmer can produce 300 bushels of corn and hardly breakeven because prices are low and the next year the same farmer can produce 120 bushels and make a lot because prices have gone up substantially.	State legislation defines "bonafide farm" and the definition is based on more than just size and/or single year income.
2.	Agricultural Support Enterprises regulations need to be written.	Regulations pertaining to the area of the County's jurisdiction outside of the Rural Buffer were adopted on May 20, 2014. Regulations that apply to areas within the Rural Buffer were adopted on May 5, 2015.
3.	Incentives for commercial development (expedited processes, etc.).	The Economic Development Department has been working on an incentive program. In regards to actual approval processes, Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
4.	Focus on the greatest value for the greater good of the entire county with purposeful philosophy and policies to achieve the economic resiliency and community diversity we desperately need and require at this time.	
5.	Examine what our local private businesses need in order to expand and thrive.	The Economic Development Department added a Business Retention Economic Developer position to the department in early 2015.
6.	Examine why successful businesses left Orange County, such as Smith Breeden, Rho, Contact and BlueCross BlueShield's expansion, and determine what we need to do to have helped them grow here.	The Economic Development Department added a Business Retention Economic Developer position to the department in early 2015.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
7.	Economic development projects in the Economic Development Districts should have a predictable and expeditious approval process. Economic development projects in other appropriate areas should have a similar approval process.	Amendments pertaining to the Hillsborough EDD are scheduled for BOCC adoption consideration on November 1, 2016. If adopted, more uses would be permitted by right in certain EDH zoning districts.
8.	Economic development approval processes and standards should be revised by local business and planning professionals in conjunction with UNC's Planning, Business and Law Schools.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. Revisions to the existing existing public hearing process were adopted in November 2015.
9.	An Economic Development Workgroup consisting of the BOCC, Planning Board and Economic Development Commission should meet Spring/Summer 2011 to examine expediting approval, targeting industries, permitted uses, specialized zoning district by SAP subarea and revised standards.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. Revisions to the existing existing public hearing process were adopted in November 2015.
10.	Agricultural Support Enterprises/Rural Economic Development Area, Speedway Small Area Plan and Transit Oriented Development are important initiatives using Conditional Use District structures should be important 2011 BOCC goals.	UDO amendments for Agricultural Support Enterprises outside of the Rural Buffer were adopted on May 20, 2014. The BOCC adopted regulations for areas within the Rural Buffer on May 5, 2015. A REDA conditional district was adopted on June 5, 2012. TOD will need to be looked at in the future (see "Environmental Ideas" above).
11.	Examine Durham's American Tobacco Campus and American Underground to create an Orange County campus that is walkable, diverse and attractive for mixed use including affordable space for Incubation and Startup businesses.	
12.	Different landscaping standards may be needed for EDDs.	Some changes were made as part of the amendments adopted on February 7, 2012. Staff recommends waiting to re-evaluate the standards until after a project has been processed under the revised regulations.

Because the UDO has been amended since these comments were made, referenced sections may be slightly off as some portions of the UDO have been renumbered.

	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
13.	Rural Economic Development Area (REDA) regulations need to be written.	A REDA conditional zoning district was adopted for the NC57/Speedway area on June 5, 2012. Staff is currently working on a "Rural Master Plan Development" Conditional Zoning District for a public hearing in 2017.
14.	Differentiate between urban and rural character -- applicable to signage and subdivision impacts on transportation.	
15.	Public notification requirements for public hearings and other procedures that are more appropriate rural versus suburban uses/districts (i.e., rural rezonings may require larger area of notification).	The revisions to the public hearing process, adopted in November 2015, expanded the notification boundary from 500 feet to 1,000 feet for all actions that require mailed notifications.
16.	Cluster development standards for suburban versus rural developments.	Revisions to the UDO supporting Cluster Subdivisions are scheduled for the November 2015 quarterly public hearing.
17.	Need updated Airport Regulations.	Work on this topic began in late 2015 but was halted due to resident concerns. There is currently no schedule to restart work on this topic.
18.	Regulating adult entertainment uses and nuisance related events at these uses.	Adult entertainment regulations were adopted in February 2016.
19.	Airport zoning, possibly as conditional zoning district.	Work on this topic began in late 2015 but was halted due to resident concerns. There is currently no schedule to restart work on this topic.
20.	Review telecommunications towers process.	Staff considers this to be COMPLETED with the Telecom amendments that were adopted on May 1, 2012.
21.	Section 2.5.3, No mention of lighting, natural areas inventory, solid waste, or centralized recycling in requirements for information as applications are submitted. Should be added.	
22.	Include hours of operation. Lighting comes to mind -- Section 5.14.2 (A) (1)	
23.	Add no fault well repair to requirements.	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
24.	Need to revisit private road standards.	Transportation Planning staff has begun work on this topic. An Info Item was included on the December 9, 2014 BOCC agenda and it was discussed at the May 12, 2015 BOCC work session.
25.	There's a lack of land use criteria for reserving school sites. Need some general guidelines (i.e. not in wetlands or on slopes greater than X). Consult County School Joint Construction Standards.	
26.	Relation to adjacent properties is not addressed -- Section 7.13.3 (C) (1)	
27.	Is there any limit to building height? Flag for future.	The amendments pertaining to economic development that were adopted on February 7, 2012 set a maximum height limit (see Section 6.2.2)
28.	Are there provisions for shared driveways? It may be useful in certain cases (i.e. along highways/major roadways).	The Efland-Cheeks Overlay District (ECOD) has provisions for shared driveways. Additionally, the two Efland zoning overlay districts, adopted April 7, 2015, have provisions for shared driveways.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
29. & 30.	<p>Many places in the UDO have a restriction on the height of a building. While residential structures tend to have 9 to 12 feet per floor, commercial structures can have as much as 15 feet per floor. As the structure covers more area, the roof can have a substantial amount of height to it if it is not a flat roof. Architectural details such as facades and cupolas can affect the height. My comment is this: Would it make more sense to specify the number of occupied stories as a limit on the structure? An occupied story would not include attic space or utility rooms- it would be space occupied by people working in the structure. Page 3-44 and page 4-18 are examples of where this specification occurs. Note that the height limitations that change with additional setback could be used as a maximum height such that either a (for example) 3 story limit <u>_OR_</u> the maximum height based on setback would be the height limit for the building. An example of this setback based number is found at the top of page 6-2. I would also add in (not sure where) than any building whose height exceeds the apparatus or ladder height restrictions of the fire departments which would respond to a structure fire would be required to be sprinklered.</p>	<p>Building height is measured from the mean elevation to the mean height between the eaves and roof ridge for gable, hip and gambrel roofs (e.g., height is not from the ground to the roof peak). As mentioned in #27 above, a maximum building height has been set since these comments were made, regardless of how much additional setback is provided. The maximum height is 75-feet unless the Board of Adjustment modifies the height. Sprinkling of buildings is governed by the use of the building and building codes. It should be noted that the same ISO rating system is used for both the fire departments and building codes.</p>
31.	<p>There are various metal vapor lights, the most common being Mercury and Sodium vapor. It would be nice to know why Mercury is being singled out. In particular, is it the presence of Mercury (i.e. environmental) or is it the use of a specific type of fixture such as the yard lights utilities sell that is the concern. If the concern is environmental, then would it not also apply to all fluorescent lights which use mercury?</p>	<p>This issue was addressed in a UDO text amendment pertaining to Outdoor Lighting (adopted Jan. 24, 2013).</p>

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
32.	<p>We have incandescent, metal vapor, fluorescent (which is mercury and a phosphorous), and LED. Each has a different lumens per watt rating. If light is being regulated, lumens should be the standard. Also, be aware that any light with a reflector will put out more light in a certain direction than a light with no reflector. As such, lumens is still a weak measure of light output but it is what is on the packaging for all lights and is easier to work with than getting into the amount of light energy per unit area type measurements (candles). As a rule of thumb, incandescent runs 5 to 30 lumens/watt, and LEDs run 60 to 110 lumens/watt.</p>	<p>This issue was addressed in a UDO text amendment pertaining to Outdoor Lighting (adopted Jan. 24, 2013).</p>
33.	<p>The limits under section (c) "General Operations" and (e) "Use of Accessory Structures" severely limit what a home occupation can do.</p>	<p>Changes to Home Occupation standards were adopted on May 20, 2014.</p>
34.	<p>Somewhere in the Standards for Residential Uses or Development Standards there should be a section that specifies minimum residential driveway sizes of 12 feet wide by 14 feet vertical clearance (already stated in 7.8.5 (B) (15) on page 7-32) for fire apparatus. This is the cleared width of the driveway, not the width of gravel or paving.</p>	<p>There needs to be a comprehensive re-assessment of existing development standards with respect to roadway development (i.e. private road justification) and access management. This review should not be limited to ensuring access for emergency vehicles. Transportation Planning staff has begun work on this topic. An Info Item was included on the December 9, 2014 BOCC agenda and the issue was discussed at a May 2015 work session.</p>
35.	<p>The travel-way width for Class B with 2 lots should be specified as 12 feet of cleared space, no standard for width of gravel or hard surface.</p>	<p>Section 7.8.5 (D) of the UDO requires an improved travel width of 12 feet for a Class B road (i.e. subdivisions between 3 and 5 lots) and an improved travel width of 18 feet for a Class A road (i.e. between 6 and 12 lots). Anything over 12 lots needs to be developed to the NC DOT public road standard. Transportation Planning staff has begun work on this topic. An Info Item was included on the December 9, 2014 BOCC agenda and the issue was discussed at a May 2015 work session.</p>

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
36.	Under (5) (b): 16 feet should be 18 feet so that a passenger car can be passed by fire apparatus. For Class B roads with 3 or more lots, there should be an area 20 feet wide by 50 feet long every 1500 feet to that fire apparatus can pass each other.	Transportation Planning staff has begun work on this topic. An Info Item was included on the December 9, 2014 BOCC agenda and it was discussed at the May 12, 2015 BOCC work session.
37.	On (I), remove the word “incandescent” since LED lights are now often used for holiday decorations. Low wattage is not defined, but a typical nightlight/big Christmas tree bulb is 7 watts so you could say any wattage under 10 watts. It would make more sense to use a lumen rating, such as less than 150 lumens. On (J), first off this should be a lumen limit, not watts. As the limit reads, this looks like a total lumens for any given motion activated switch. The lumens looks like it was derived from two incandescent 75 watt bulbs, probably flood lights. Note that if this is the case, the maxim lumens should be 2400. There are many motion activated systems where a sensor can turn on multiple light fixtures. So I would re-word this to have a 2400 lumen limit per light fixture controlled by the sensor. Finally, on this max lumens per fixture, there are standard outdoor floodlight fixtures that take 3 bulbs. For those fixtures, a reasonable max lumens would be around 3600. You could also add a limit of no one bulb can exceed a rating of 2100 lumens (a 120 watt equivalent) if the intent is to avoid the larger single bulb fixtures -- Section 6.11.3. This is where a definition of “mercury vapor luminaries” is needed. As written, this could mean that any standard fluorescent or compact fluorescent light could not be used, since they are a mercury-phosphorous based light.	This issue was addressed in a UDO text amendment pertaining to Outdoor Lighting (adopted Jan. 24, 2013).

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
38.	(C)(1) Some floodlight fixtures do not cover the bulb, the stop just after the threaded base. I'd just stick with the 45 degree from vertical. (c) (2) the "it will shine" is vague. Perhaps something like "no more than 5% of the luminous energy shall shine towards roadways, onto adjacent residential property or into the night sky". (C) (3) Same vagueness- what is the "main beam"? Do you really want to say that no portion of the bulb shall be visible from adjacent properties or the public street right-of-way? From an enforcement point of view, a "Can't see the bulb" is easy to verify for both the owner and the inspector. Note that this is the approach taken on page 6-97, 6.117 (3).	This issue was addressed in a UDO text amendment pertaining to Outdoor Lighting (adopted Jan. 24, 2013).
39.	All existing and proposed public transportation services and facilities within A RADIUS of one mile of the site shall be documented (leave out "also") -- Section 6.17(B) #(4).	
40.	This whole section should be looked at with respect to goals and objectives in the Transportation Element of the Comprehensive Plan and Commissioners' goals and objectives. County policies do not always support the land development ordinances, particularly with transportation issues. This is too vast a task to address at this time, but I wanted to "tag" this Section for future study -- Section 7.8	
41.	Move towards intense use of sites to save more of the site in open space - cluster subdivisions. Cluster subdivisions require community wastewater systems. Falls apart on political side. Commissioners very wary due to system failures 20 years ago. Is there a way to put this in the Ordinance 'by right" if designed to specific criteria? Take political part out.	Revisions to the UDO to encourage cluster subdivision are scheduled for the November 2016 quarterly public hearing.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
42.	Need to update Lighting Standards. Height requirements for outdoor light poles and potential impacts on County recreational facilities is one of the areas that should be revisited.	This issue was addressed in a UDO text amendment pertaining to Outdoor Lighting (adopted Jan. 24, 2013).
43.	In the section concerning golf courses, Pollutant Monitoring Program, I would suggest some thought be given to the locations of the sampling stations for surface water, groundwater and sediment. Perhaps the intent is to establish upgradient sampling locations as well as sampling locations down-gradient of some potentially contaminating source or specific location?? I think this section needs a bit of discussion as to what the objective is. In addition, under (3) Parameters for Sample Testing- I think that some description of approved analytical methods and minimum detection limits would be helpful. I am not familiar with the EPA HAL thresholds described in this section but I would be willing to look into this. There are various NC soil, water and groundwater limits that may be worth considering for this section. [staff note: this is in 5.7.3(G)]	There could be a policy or separate criteria governing locations. It should not become part of the UDO. One main issue is that the criteria could change from watershed to watershed, issue to issue. There really is no universal governing standard.
44.	5(b) of this section- Management Response to Pollutant Monitoring- I would recommend that the responsible party also be required to contact appropriate state regulatory officials if thresholds are exceeded, not just OC do so. I also recommend that the phrase "for thresholds" be removed from this sentence -- Section 5.5. [staff note: this is now Section 5.7.3(G)(5)(b)]	
45.	Compare Durham's ordinance requirements for environmental review of subdivisions with Orange County's environmental review process.	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
46.	Nutrient trading.	The State is examining the viability of a 'nutrient trading bank' where this could occur. As of this date there is still no consensus at the State level on the legality of such a program and, as a result, it is not currently recognized. This should be viewed as a long term goal and we need to wait and see what the State does in terms of establishing rules governing such a transfer.
47.	Low Impact Design (LID).	
48.	Review thresholds and processes associated with the permitting of wastewater treatment facilities.	
49.	Section 7.8.2, Public roads need to be laid out in a manner that avoids significant natural and cultural features.	
50.	Transit Oriented Development (TOD) regulations need to be written.	Because mass transit facilities do not currently exist in Orange County's planning jurisdiction and are not foreseen in the immediate future, staff recommends that developing guidelines/standards for TOD not be pursued at this time.
51.	Will staff be making recommendations to shorten any of the processes?	Significant amendments pertaining to economic development were adopted on February 7, 2012. Revisions to the public hearing process were adopted in November 2015. The revised process has shorted the review time of less-controversial proposals.
52.	There is an unusual threshold requirement in the Subdivision Regulations – the 21st lot of a subdivision kicks you into an Special Use Permit (SUP) process. Needs to be looked at again – make part of future changes. Planning Board should be able to approve 20 lots or less (without BOCC involvement).	These thresholds were debated at the time they were adopted (early 2000's). The BOCC will have to decide if it would like to change the current process which requires BOCC approval of subdivisions containing 5 or more lots (generally; there are other criteria that also define subdivisions).
53.	Are there metrics and stats for approval time for each approval process?	As part of the materials developed for the proposed public hearing process revisions, adopted in November 2015, staff provided flow charts for each review/approval process that showed the potential timeframe for review.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
54.	After staff and advisory board review, project went through County Attorney review. Lengthened the process. Why didn't County Attorney review occur concurrent with staff review? Streamline.	This process has been streamlined via internal processes.
55.	A time-line chart for each land-use review process (re-zoning, subdivision, permits, land use amendments etc.) should be made showing who reviews each step and when.	A process chart was included in Article 2 of the UDO for many of the processes.
56.	Identify time lags and the reason - such as delays caused by review board's schedules.	see #51 above
57.	Identify how approval processes can be simple, efficient, and short.	see #51 above
58.	Examine other review and approval processes such as Durham's Development Advisory Committee (DAC) and Design District Review Team (DDRT) which are efficient and streamlined.	
59.	The members of the above DAC and DDRT are similar to Orange County's Development Advisory Committee (DAC) but have Rules of Procedure, meetings, minutes and quorum requirements consistent with state Statutes. This could replace our current review approval processes when a rezoning application meets all applicable standards.	Because a rezoning must be approved by the local elected officials, staff believes that perhaps this commenter was referring to subdivision approvals, not rezoning applications.
60.	Where we have electronic means to notify the public, we should add this as an expectation or requirement.	Rather than adding this to the UDO, staff would recommend that this become a policy instead of part of an ordinance. The County maintains electronic notification lists, which includes the ability to be notified when BOCC agendas are posted to the County website. Additionally, in late 2014, the Planning Department started posting a list of current development projects on its webpage so interested people can regularly check the information for items of interest.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
61.	As people become accustomed to this new document it will be important to provide different kinds of helpful guidance for users to find the sections of the document that are pertinent to their needs. The "Comparative Table" is quite helpful, and is an example of the guidance that will be needed during the transition. Having some kind of on-line search mechanism would be helpful. Perhaps that is already under development.	The UDO has been in use (and on-line) since April 2011 and staff has not received complaints about the document.
62.	At what point in time will we define metrics of whether the UDO is succeeding?	
63.	It would be really nice if the final document could be accessed and indexed electronically rather than printed, a hyperlink format. For instance, clicking on a term and the definition pops up.	The UDO has been available on-line in a PDF bookmarked format since shortly after its adoption.
64.	Identifying Comprehensive Plan policies that relate to UDO updates.	All amendments that have been made to the UDO have included specific Comprehensive Plan policies that support the amendment.
65.	No mention of Town of Hillsborough interlocal agreement. Add a footnote or a new section. [Note: references to the Orange County-Hillsborough Interlocal Agreement should be added when Zoning/UDO-related items are formally adopted. At this point, neither a joint land use plan nor joint development regulations have been adopted].	Work on a joint land use plan was initiated in September 2012 and the Joint Land Use Plan was heard at the Sep. 2013 QPH. Land Use classifications and zoning were adopted on Nov. 6, 2014 for areas affected by the Town relinquishing portions of its ETJ. Text will be added to the UDO as necessary as items move through the adoption process.
66.	Section 1.6.2 (A), Is a 1-year hiatus long enough?	
67.	Section 1.7.2, "Agriculture" should be mentioned somewhere within the discussion of elements.	
68.	Section 2.2.7 (C), Why treat withdrawal of an application as denial?	
69.	Section 2.2.8 (A), Shouldn't have to wait a year if withdrawn. 6-months for withdrawal and 1-year for denial?	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
70.	Section 2.15.3 (C) (4).- There is no deadline for agencies to respond.	Although not formalized in the UDO, when the information is sent to officials and agencies staff asks for responses by a certain date.
71.	Section 2.15.2 (C) (5) - Not applicable if flexible development option used.	
72.	Section 2.17, Need a process other than that of a major subdivision for recombining existing lots.	
73.	Need language that will differentiate between the different types of residential zoning districts.	This is the purpose of the "Purpose", "Applicability" and "Dimensional and Ratio Standards" sections of each of the zoning charts contained in Article 3.
74.	Regarding Impervious Surface Ratios and Sliding Scales, the two tables should be combined into one. Need to understand ramifications of any proposed changes --Section 4.2.5.	COMPLETED as part of UDO adoption process.
75.	Some home occupations are permitted but not associated storage? This needs clarification.	Changes to Home Occupation standards were adopted on May 20, 2014.
76.	Kennels and Riding Stables should be addressed separately. Should they require a Class A or Class B Special Use Permit?	These two uses were uncoupled as a use category with an amendment adopted on October 18, 2011. The question regarding which approval process to use has not been resolved (currently require a Class B SUP).
77.	Clarify how open space areas of golf courses are counted towards meeting ordinance requirements.	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
78.	Change to require a to Class "A" Special Use Permit, which would require BOCC approval rather than Board of Adjustment -- Section 5.9.5	This is in reference to Electric, Gas and Liquid Fuel Transmission Lines which currently require a Class B SUP (approved by the Board of Adjustment). A Class A SUP would have to be approved by the BOCC (with a recommendation made by the Planning Board). The Class A process is usually longer since it requires review by the Planning Board and a quarterly public hearing whereas a public hearing by the Board of Adjustment can be scheduled to occur any month. The BOCC would have to make a decision on whether it would like to change the approval process for this type of use from a Class B SUP to a Class A SUP. Staff's opinion is, given the findings of fact are the same, if an applicant demonstrates compliance with the provisions of the UDO a permit must be issued, regardless of which decision-making body issues the permit.
79.	Mention Water and Sewer Management and Planning Boundary Agreement. Any system should be designed, planned, constructed and maintained by the responsible entity as assigned through the Agreement -- Section 7.13.4 (C) (1) (b)	
80.	<p>[Staff note: the comments in sage-colored boxes were made by Animal Services staff] As I suspect you know, the County's Animal Control Ordinance includes kennel definitions and a permitting process for Class I and Class II Kennels. The County's Zoning Ordinance also includes kennel definitions and process for a kennel (or stable) to obtain a special use permit (which requires one or possibly both of the permits issued Animal Control).</p>	Planning staff believes the processes have been 'better coordinated' with the approval of a UDO text amendment package in January of 2012. A kennel is now a separate land use category from a stable.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
81.	There is a need to better coordinate (and dare I say, unify) these ordinances. Some of the issues in regard to kennels include:	Planning staff believes the processes have been 'better coordinated' with the approval of a UDO text amendment package in January of 2012. The inherent problem is that one process is a land use management process (Planning) and the other is focused on the care of the animal (Animal Services). While we have addressed the majority of identified contradictions, most notably the definitions, our processes will always be somewhat unique given our different roles and responsibilities.
82.	Different definitions of Class I and Class II permits	Addressed by previous UDO text amendment approved in January of 2012 - Staff considers this item COMPLETE .
83.	A lack of clarity as to whether a special use permit is required for Class I as well as Class II kennel	Addressed by previous UDO text amendment approved in January of 2012 - Staff considers this item COMPLETE .
84.	A lack of clarity as to whether a special use permit is required for Class I under the Animal Control as well as the Zoning Ordinance	A Special Use Permit is not required for a Class I kennel under the County's land management program. The Special Use Permit (which is a specific legal term related to land use planning) process is only a land use development process and is not required by other County departments/agencies. Animal Services requires permits for Class I and II kennels, which they handle administratively; they have never required a 'Special Use Permit' for a kennel.
85.	Possible process improvements in the permitting process for kennels requiring a special use permit.	
86.	Also, I think we should consider whether site plans for "riding stables/academies" should be subject to review by Animal Control. One concern is the availability of staff expertise in this area. Another concern is that there are no specific stable standards in the County's Animal Control Ordinances. By contrast, there are such standards for kennels which require permitting.	Addressed by previous UDO text amendment approved in January of 2012 - Staff considers this item COMPLETE .
87.	Clarify provisions for Outdoor events/activities, festivals, etc.	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
88.	Review language regarding Principal Uses and Principal Structures (Arti [sic])	Staff believes this is in reference to Sections 6.2.5 and 6.2.6. Changes to these sections we made as part of the economic development related amendments adopted on February 12, 2012.

Attachment 3

Small Area Plan Implementation

(Gray Shaded Items are '09-'10 Work Plan as Approved by BOCC on August 24, 2009)

[Explanatory Comments in Red Added by Planning Staff September 2012; updated October 2013, 2015, and 2016]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
Water (Public or Private)/Sewer	Update 1984 Efland sewer plan - HIGH priority - sewer planning is proceeding on a phase-by-phase basis with a focus on areas non-residential development is being encouraged	Need Utility Service Agreement with Durham - COMPLETE	Educate all residents living near stone quarry of available well testing services
	Complete OAWS engineering study - HIGH priority - there has been insufficient funding and interest in completing a comprehensive study	Complete preliminary engineering study for future master plan - County and Durham staff are working together on water and sewer issues. It seems unlikely the entire EDD area will be able to be served by sewer due to system capacity issues.	Establish well monitoring program
	Complete water and sewer master plan for area - HIGH priority - see two explanations above.		Encourage stone quarry to bring their property into compliance with zoning ordinance
	Extend public water and sewer throughout area - water and sewer work in the area is proceeding with a focus on areas non-residential development is being encouraged. Additionally, an agreement has been reached with the City of Mebane to have the City take over the County's sewer system.		
WSMPBA	Map amendment to expand Primary Service Area - MEDIUM HIGH priority - COMPLETE		
NOTE: Staff to gauge interest in implementing WSMPBA related items at Sept. AOG Mtg. - COMPLETE	Add partners (Mebane & OAWS) - Ongoing communications with Mebane.		
	Map amendment if Watershed Critical Area is adjusted (See below) - MEDIUM HIGH priority - COMPLETE		

*Priorities provided per work of Efland-Mebane Implementation Focus Group.

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Small Area Plan Implementation

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[Explanatory Comments in Red Added by Planning Staff September 2012; updated October 2013, 2015, and 2016]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
Land Use Plan Text	To allow mixed uses along US 70 - COMPLETE	Add Eno Mixed Use land use category - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>	Add Rural Economic Development Area (REDA) - <i>A REDA conditional zoning district was adopted on June 5, 2012. A Land Use Plan text and map amendment was not necessary due to the way conditional zoning districts work.</i>
	Amend Economic Development land use category to include multi-family - <i>the purpose of this was to allow multi-family uses in an area that has since been changed to a CITAN land use category (which does allow residential uses through zoning). Staff recommends that this measure not be pursued.</i>		
	Combine 10 & 20-yr Transition to form Efland Transition Area - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>		
	Add Efland Transition Area Reserve and Mixed Use land use categories - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>		
Land Use Plan Map	Apply Mixed Use land use category (more than one instance) - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>	Change Commercial Node to Eno Mixed Use - <i>staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.</i>	Add Rural Economic Development Area (REDA) - <i>A REDA conditional zoning district was adopted on June 5, 2012. A Land Use Plan text and map amendment was not necessary due to the way conditional zoning districts work.</i>

*Priorities provided per work of Efland-Mebane Implementation Focus Group.

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Small Area Plan Implementation

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[Explanatory Comments in Red Added by Planning Staff September 2012; updated October 2013, 2015, and 2016]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
	Combine 10 & 20-yr Transition to form Efland Transition Area - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.	Change portions of Economic Development to Mixed Use - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.	
	Apply Efland Transition Area		
	Reevaluate Watershed Critical Area (Seven Mile Creek) and amend if required - COMPLETE		
	Change Commercial/Industrial Node to Economic Development - staff is not recommending this measure be pursued and the requirements for the Economic Development category are more restrictive than the requirements for CTAN/CITAN. Since the SAP was adopted, additional CITAN areas have been designated in the planning area.		
	Delete Rural Neighborhood Node - this had not been pursued because of a focus on economic development issues, but it can be pursued in the future if desired.		
Zoning Map and/or text	Develop overlay plan and zoning district to allow mixed uses along US 70 - COMPLETE	Amend permitted use tables for Eno EDD - This is a project that could be pursued if review of the existing zoning classifications determines amendments area necessary.	Create REDA conditional zoning district and guidelines - COMPLETE
	Add Mixed Use land use category - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use or zoning categories.	Coordinate zoning text changes with the City of Durham - This will be done if changes are pursued.	Amend ordinances to prescribe sustainable groundwater use standards - groundwater concerns are addressed/included in the REDA conditional zoning district.

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Attachment 3

Small Area Plan Implementation

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[Explanatory Comments in Red Added by Planning Staff September 2012; updated October 2013, 2015, and 2016]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
	Develop design standards for Efland Core Mixed Use area - HIGH priority - COMPLETE - Zoning Overlay districted adopted in April 2015		Require new development or rezoning approvals to limit groundwater withdrawals to that of a single-family dwelling (480 gpd) - COMPLETE (included in REDA conditional zoning district)
	Reevaluate Watershed Critical Area (Seven Mile Creek) and amend if required - HIGH priority - COMPLETE		Review the need to develop regulations governing air quality and requiring local air quality permits
			Ordinance amendments to address parking lot design, circulation, and access. - These concerns in relation to speedways/go cart tracks were included in the amendments made to Section 5.7.5 as part of the REDA conditional zoning district amendments.
Transportation	Study road volumes and capacities - County to communicate to DOT	Limit access near I-85/US70 interchange	Complete an entry corridor design manual
NOTE: Comprehensive Transportation Plan currently being prepared for OC, which may provide initial steps towards implementing some of these items.	Realign Efland-Cedar Grove/Forrest Ave./Mt. Willing road corridor - County to communicate to DOT - Not part of zoning overlay districts adopted in April 2015 because resident group asked for its removal. Will not be pursued at this time.		Acquire property and develop a welcome sign with landscaping
	Connection from Hwy 70E to Interstate connector identified and constructed - County to communicate to DOT - Zoning overlay districts adopted in April 2015 take this into account		
	Add park-n-ride lot - MEDIUM HIGH priority - project has been added to the MPO transportation planning process project list		

*Priorities provided per work of Efland-Mebane Implementation Focus Group.

Attachment 3

Small Area Plan Implementation

(Gray Shaded Items are '09-'10 Work Plan as Approved by BOCC on August 24, 2009)

[Explanatory Comments in Red Added by Planning Staff September 2012; updated October 2013, 2015, and 2016]

Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
	Bike lanes - County to communicate to DOT	Evaluate feasibility of bike lanes along Old NC10 and US70 - shoulder has been widened, although not an official bike lane	
	Sidewalk plan and sidewalks in new developments - HIGH priority - the BOCC considered "the sidewalk issue" at a work session in October 2011 and decided that the County will not be "in the sidewalk business" unless existing limitations in funding and maintenance in DOT Rules/Procedures are revised		
	Complete a streetscape plan (trees) - HIGH priority - while not a formal plan, provision for trees in buffers and landscaping was included in the zoning overlay districts adopted in April 2015		
	Preserve possibility for a commuter train station	Preserve possibility for a commuter train station	
	Provide bus service to area - a Mebane/Efland/Durham bus route began service in 2015	Provide bus service to area - being considered through the transportation planning process	
	Mace Rd planned to connect through Lebanon - County to communicate to DOT		
	Plan an Interstate pedestrian overpass		
	Complete a Buckhorn Rd Access Management Plan - MEDIUM HIGH priority - COMPLETE	Adopt access management program for US70 & Old NC10 - Adopted in November 2014	Complete an Access Management Plan for NC57 corridor
Housing	Consider expedited review or density bonuses for developments offering smaller homes - May be considered after the County adopts an Affordable Housing Strategic Plan (scheduled for late 2016 or early 2017)	Consider expedited review or density bonuses for developments offering smaller homes - May be considered after the County adopts an Affordable Housing Strategic Plan (scheduled for late 2016 or early 2017)	

*Priorities provided per work of Efland-Mebane Implementation Focus Group.

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Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
	Require a percentage of new homes within a subdivision to be affordable - May be considered after the County adopts an Affordable Housing Strategic Plan (scheduled for late 2016 or early 2017)	Require a percentage of new homes within a subdivision to be affordable - May be considered after the County adopts an Affordable Housing Strategic Plan (scheduled for late 2016 or early 2017)	
	Examine strategies to preserve affordability through neighborhood preservation - May be part of County's Affordable Housing Strategic Plan (adoption scheduled for late 2016 or early 2017)	Existing residential dwellings shall not be made non-conforming under any new zoning designation	
		Determine a percentage or acreage limit on residential uses within Eno Mixed Use area - COMPLETE	
Parks, Rec. & Open Space	Require dedication of small neighborhood parks - it is unlikely that public parks will be required due to maintenance requirements and funding limitations to maintain. However, this is something that can be considered on a case-by-case basis as a HOA amenity when subdivision pland are approved.	Preserve stream corridors and create public accessible trails among developed areas and Eno River State Park and Duke Forest	Initiate dialogue with quarry operator, Durham City/County, and State to ensure proper end use of property
	Plan and implement a trail system along McGowan Creek		
	When Seven Mile Creek Nature Preserve opens, provide a pedestrian/bicycle connection from Efland		
	Monitor space at Efland-Cheeks community center and expand accordingly - Currently being done by Parks & Rec. Dept.		
	Consider branch library at community center		

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Small Area Plan Recommendations			
	Efland-Mebane*	Eno EDD	NC 57 Speedway
Communications	Complete a Telecommunications Plan and achieve cellular wireless coverage countywide - MEDIUM priority - the County has worked on this issue and maintains a MTP (Master Telecommunications Plan). Broadband coverage is currently being worked on by the County's Information Technologies (IT) Dept.	Complete a Telecommunications Plan and achieve cellular wireless coverage countywide - the County has worked on this issue and maintains a MTP (Master Telecommunications Plan). Broadband coverage is currently being worked on by the County's Information Technologies (IT) Dept.	
	Work with service providers to establish DSL and/or cable Internet service in growth areas - MEDIUM priority	Work with service providers to establish DSL and/or cable Internet service in growth areas	
	Consider asking service providers to install generator backup instead of battery at cellular switch sites - MEDIUM priority	Consider asking service providers to install generator backup instead of battery at cellular switch sites	
Intergovernmental	Joint Planning Understanding or Agreement with Mebane - Ongoing communications with Mebane	Interlocal Agreement with City of Durham for water/sewer service and annexation process - COMPLETE (annexation will be voluntary only)	
	See also water/sewer above		

*Priorities provided per work of Efland-Mebane Implementation Focus Group.