

**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, June 3, 2015
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
1.		CALL TO ORDER
2.	3-4	INFORMATIONAL ITEMS a. Planning Calendar for June and July
3.		APPROVAL OF MINUTES April 1, 2015 Regular 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.		<p>MAJOR SUBDIVISION CONCEPT PLAN: To review and make a decision on a Major Subdivision Concept Plan (using the Flexible Design Option) application (Henderson Woods) seeking to subdivide a 48 acre parcel of property into 19 single-family residential lots with 21.2 acres (44% of the site) held in common open space. The proposed subdivision is located at the intersection on Erwin Road and Whitfield Road in Chapel Hill Township.</p> <p>Presenter: Michael Harvey, Current Planning Supervisor</p>
8.		<p>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS: To make a recommendation to the BOCC on government-initiated amendments that would modify allowable impervious surface area within the county's zoning jurisdiction through the installation of infiltration based stormwater features. This item was heard at the May 26, 2015 quarterly public hearing</p> <p>Presenter: Michael Harvey, Current Planning Supervisor</p>
9.		<p>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS: To make a recommendation to the BOCC on government-initiated amendments regarding the review and permitting of temporary health care structures. This item was heard at the May 26, 2015 quarterly public hearing</p> <p>Presenter: Ashley Moncado, Special Projects Planner</p>
10.		<p>COMMITTEE/ADVISORY BOARD REPORTS</p> <ul style="list-style-type: none"> a. Board of Adjustment b. Orange Unified Transportation
11.		<p>ADJOURNMENT</p>

IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR MICHAEL HARVEY (919-245-2592).

June 2015

~ June 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 BOCC 7:00 pm Whitted Building - Hillsborough	3 Planning Board * 7:00 pm WCOB Lower Level 004	4 BOCC 7:00 pm Budget Work Sessions Southern Human Services Center - Chapel Hill	5	6
7	8 BOA 7:30 pm WCOB Lower level 004	9 BOCC 7:00 pm Budget Work Sessions Whitted Building - Hillsborough	10	11 BOCC 7:00 pm Budget Work Sessions Southern Human Services Center - Chapel Hill	12	13
14	15	16 BOCC 7:00 pm Southern Human Services Center - Chapel Hill	17	18	19	20
21	22	23	24	25	26	27
28	29	30	Notes: * Planning Board attendance expected			

July 2015

~ July 2015 ~						
◀ June						August ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 ORC Meeting – Start time - TBD Planning Board -7:00 pm WCOB Lower Level 004	2	3 HOLIDAY	4
5	6	7 BOCC – 7:00 pm Whitted Bldg- Hillsborough	8	9	10	11
12	13 Board of Adjustment 7:30 pm WCOB 004	14	15	16	17	18
19	20	21 BOCC – 7:00 pm Southern Human Services – Chapel Hill	22	23	24	25
26	27	28	29	30	31	Notes:

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: June 3, 2015

**Action Agenda
Item No. 7**

SUBJECT: Major Subdivision Concept Plan Application – Henderson Woods

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENTS:

1. Application Package
2. Property and Vicinity Map
3. Notes from Neighborhood Information Meeting (NIM)
4. Staff Comments and Correspondence

INFORMATION CONTACT:

Patrick Mallett, Planner II (919) 245-2577
Michael D. Harvey, Planner III (919) 245-2597
Craig Benedict, Director (919) 245-2575

PURPOSE: To review and take action on a Major Subdivision Concept Plan application proposing a 19 lot single-family residential subdivision in accordance with the provisions of Section 2.15 and Article 7 *Subdivisions* of the Unified Development Ordinance (UDO).

BACKGROUND: The basic facts concerning the current application are as follows:

Applicant(s)/Agents: Dr. Thomas Humphries and
Tom Hefner, Hefner Properties
1020 New Hope Church Road
Chapel Hill, NC 27516

Owners: Humphries Family LLC Henderson Woods Inc.
4712 Whitfield Road 6315 Howie Mine Church Road
Durham, NC 27707 Waxhaw, NC 28173

Location: Intersection of Whitfield Road and Erwin Road. Please refer to Attachment 2 for a map of the parcel.

Parcel Information:

- a. **PINs:** 9891-80-0703 and 9891-60-4884.
- b. **Size of parcel:** 48 acres in area total.
- c. **Zoning of parcels:** Rural Buffer (RB).
- d. **Township:** Chapel Hill.
- e. **School District:** Chapel Hill - Carrboro Schools.
- f. **Future Land Use Map Designation:** Rural Buffer.
- g. **Growth Management System Designation:** Rural Designated.

- h. **Joint Land Use Plan Designation:** Rural Buffer – Rural Residential Area.
- i. **Existing Conditions/Physical Features:** Varying topography with a pond, meadows and heavy vegetation, primarily mixed hardwoods, throughout.

There are jurisdictional and non-jurisdictional streams running through the property.

The property is not encumbered by floodplain.

The property has been evaluated for jurisdictional wetlands. Potential areas have been flagged and are pending final determination by the US Army Corps of Engineers.

- j. **Roads:** Vehicular access to the parcel is proposed via Whitfield Road.

There is an existing private road through the property called Shakori Trail serving existing properties to the north. A portion of this existing right-of-way will be converted into a public street terminating in a cul-de-sac along the eastern property. There will be a gated access off of the cul-de-sac for those property owners to the north who desire to continue to use this as their access.

- k. **Water and Sewer Service:** The property is not located within a primary public utility service area according to the Water and Sewer Management Planning Boundary Agreement (WASMPBA).

Proposed lots are to be served by individual well and septic systems.

Surrounding Land Uses:

- a. **NORTH:** Single-family residences on lots ranging in size from 4 to 10 acres; property owned by Duke Forest approximately 232 acres in size all zoned RB.
- b. **SOUTH:** Whitfield Road; single-family residences on property ranging in size from 1.5 to 5 acres all zoned RB.
- c. **EAST:** Erwin Road; single-family residences on lots ranging in size from 0.7 to 5 acres all zoned RB. Note, some of these smaller lots were created prior to County zoning.
- d. **WEST:** Single-family residences on lots ranging in size from 2.4 to 10 acres all zoned RB.

Development Process, Schedule, and Action: The typical cadence for the review of a major subdivision is as follows:

- **First Action** – Planning staff schedules a Neighborhood Information Meeting (NIM).

Staff Comment – DONE. This meeting was held on April 7, 2015. Please refer to Attachment 3 for a synopsis of the NIM.

- **Second Action** – The Planning Board reviews and takes action on the Concept Plan application approving either the ‘conventional’ or ‘flexible development’ layout.

The Planning Board review begins on June 3, 2015. As a reminder, the Concept Plan review is intended to allow Board members and the applicant to discuss the nature of the project and identify possible solutions to concerns identified by staff or surrounding property owners.

If approved the Concept Plan serves as a ‘roadmap’ for the developer with respect to the acceptable lot and road layout as well as location of proposed/required open space and recreation areas.

- **Third Action** – Once a concept plan is approved, the Planning Board reviews and makes a recommendation on the approval of the Preliminary Plat for the project.
- **Fourth Action** – The BOCC reviews and takes action on the Preliminary Plat application.
- **Fifth Action** – Once all construction activities have been completed, or appropriate bonds have been approved, staff will sign off and allow the recordation of a Final Plat allowing for the individual lots to be created.

Proposal: The petitioner has submitted a Major Subdivision Concept Plan application proposing to develop a maximum of 19 single-family residential lots with an overall proposed density for the project of 1 dwelling unit per every 2.52 acres of land area with approximately 21 acres of the site dedicated as common open space. Lots range in size from 1.0 (smallest) to 1.68 acres (largest).

UDO and Joint Planning Land Use Plan Requirements: Per Section 2.15.2 (C) (2) (b) of the UDO, major subdivision concept plan applications are required to submit both a conventional and flexible development option.

The flexible development option involves the preservation of a minimum 33% of the total tract’s land area as protected open space. Development of individual lots is then allowed consistent with three ‘flexible development’ subdivision classifications detailed within Article 7 *Subdivisions* of the UDO, namely:

- **Estate Lot Option:** Characterized by lots having a minimum area of 4 acres where the building envelope does not exceed 50% of the total lot area.
- **Conservation Cluster Option:** Characterized by lots clustered together with a potential minimum lot area of 40,000 square feet. Allowable lot yield is based on compliance with density limits denoted within Section 4.2.4 of the UDO and as found in Section 6 of the Joint Planning Land Use Plan. This Cluster Option was amended in 2013-14 to allow for smaller lot sizes so long as the density did not increase and a proportional amount of common open space was provided.
- **Village Option:** Allows for mixed-use development including various residential options (i.e. single-family, multi-family, townhome, etc.) as well as public/civic areas and non-residential development. This option is expressly prohibited within the RB zoning district as detailed within Section 7.13.2 (C) of the UDO.

Clustering of lots may be permitted as outlined within the UDO as well as in Section 6, *Future Land Use – Joint Planning Area* of the Joint Planning Land Use Plan, which can be viewed utilizing the following link: <http://orangecountync.gov/planning/documents/JPALUPDocument.pdf>

As previously indicated, the applicant has decided to submit a conservation cluster flexible development layout with proposed lots adhering to the 1 acre minimum lot size and proposing approximately 21 acres of open space (44% of the total site). A summary of the proposal is as follows:

Subdivision Type	Number of Lots	Average Lot Size	Area in Open Space	Open Space Percentage
Flexible Development Plan	19	1.22 acres	21.21 acres	44%

STAFF COMMENT – SUBDIVISION TYPES: The proposal is in accordance with the anticipated densities for properties located within the Rural Buffer land use category as defined within the adopted Comprehensive Plan, Rural Designated area as denoted on the Growth Management Systems Map, and the requirements of the Joint Planning Land Use Plan. The applicants have indicated they wish to pursue the flexible development option versus the conventional option, which has the support of staff.

Roads: The proposal involves the creation of three new public road to service the project, each will constructed to NC Department of Transportation (DOT) standards and contain sidewalks.

STAFF COMMENT - ROADS: Staff has determined that the proposed roadway construction and layout is consistent with the requirements of the UDO. Staff and NCDOT have also determined that the limited access to Erwin Road and the properties to the north are sufficient for services and emergency services.

Utilities – Water and Sewer: The applicant is proposing to serve the project with individual wells and septic systems developed on each lot. The Concept Plan Sheet 6 denotes anticipated locations for well and septic sites for the lots.

STAFF COMMENT - UTILITIES: Orange County Environmental Health has indicated that they do did not foresee see any potential problems with the proposed layout with respect to finding suitable soils to support septic tank development.

As of the writing of this abstract, the Health Department has not submitted any additional written comments. Final approval of proposed lot layouts typically occurs at the Preliminary Plat application review stage of the subdivision process.

Stormwater Drainage: Drainage will be engineered according to Best Management Practices (BMP) at the time of permit application for construction. The property is subject to adopted stormwater management guidelines. The Concept Plan currently anticipates improving the old farm pond to serve as their primary BMP.

STAFF COMMENT - STORMWATER: Orange County Erosion Control has not submitted comments at this time as there is no formal stormwater management plan required as part of the concept plan submittal.

The applicant will be required to submit additional detail, with respect to the anticipated stormwater management plan, as part of the Preliminary Plat application package for review and comment.

Open Space: The plan denotes the maintenance of a 30-foot natural buffer along Erwin Road and Whitfield Road as well as the preservation of existing vegetation around the perimeter of the project as part of the proposed open space plan. Existing streams shall be buffered in accordance with County stream buffer regulations. The applicant is also proposing a 100-foot building setback along the perimeter of the project.

The total area reserved as common open space is approximately 21.21 acres (44% of the site). This open space is a mixture of Primary Open Space (e.g. jurisdictional streams and steep slopes); and Secondary Open Space (e.g. landscaped entry areas, amenities, perimeter areas and the pond).

The proposed open space is composed of fields and forested areas with existing, mature, vegetation and trees with an approximate height of between 50 to 80 feet. All 19 lots are adjacent and have access to some portion of an open space area.

STAFF COMMENT – OPEN SPACE: Staff has determined the proposed open space and land use buffers meet the requirements of the UDO.

Land Use Buffer: As previously indicated the concept plan indicates there will be a 30-foot Type B land use buffer along Erwin Road and Whitfield Road. The buffers are comprised of existing, dense, vegetation composed of existing, mature, shrubs and trees with an approximate height of between 50 to 70 feet.

STAFF COMMENT – LAND USE BUFFER: Section 6.8.6 (D) of the UDO requires that this project maintain a thirty (30) foot land use buffer separating the project from adjacent roadways. Staff has determined the proposed open space and land use buffers meet the requirements of the UDO.

Staff Generated Correspondence: Attachment 4 contains staff comments for this project as of the date of abstract preparation.

Public Notification: Section 2.15.2 (D) of the UDO requires that each property owner within 500 feet be notified by regular mail of the Neighborhood Information Meeting (NIM). Staff mailed out letters on March 20, 2015 to the property owners within 500 feet of the property concerning the April 7, 2015 NIM. Please refer to Attachment 3 for additional information on the NIM.

JPA Review: In accordance with the Joint Planning Area Agreement, this project was sent to the Town of Chapel Hill for review and comment on April 20, 2015. To date, Staff has not received any comments.

Analysis: As required under Section 2.15.2 (E) of the UDO, the Planning Director is required to: *'prepare and submit a recommendation'* on the concept plan to the Planning Board for consideration. In analyzing this request, the Planning Director offers the following:

1. The application has been deemed complete in accordance with the requirements of Section 2.2 and 2.15.2 of the UDO.

2. Staff has determined that the property is of sufficient size to support the proposed subdivision.
3. The proposal appears consistent with the various goals outlined within the Comprehensive Plan concerning development, including:
 - a. 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.*
 - b. Land Use Goal 2: *Land uses that are appropriate to on-site environmental conditions and features and that protect natural resources, cultural resources, and community character.*
 - c. 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.*
4. Staff has determined that the proposed subdivision is consistent with the provisions and goals of the Joint Planning Land Use Plan and Joint Planning Agreement.
5. Staff supports the approval of the Concept Plan using the Flexible Development option as illustrated in the Submitted Concept Plan and described in the submitted application materials.

RECOMMENDATION: The Planning Director recommends the Board:

1. Receive the Concept Plan application for the Henderson Woods Subdivision, and
2. Approve the Flexible Development option and allow the applicant to proceed with the development of a Preliminary Plan and application utilizing this layout.

APPLICATION FOR MAJOR SUBDIVISION CONCEPT PLAN APPROVAL

DATE: 2/20/15 9/08SUBDIVISION NAME: HENDERSON WOODSLOCATION: NW CORNER OF WHITFIELD ROAD AND ERWIN ROADOWNER/DEVELOPER: DR. THOMAS HUMPHRIES % TOM HEFFNER, HEFFNER PROPERTIES, INC.ADDRESS: 1020 NEW HOPE CHURCH ROAD PHONE # 919-929-0518CHAPEL HILL, NC 27516AGENT/CONTACT: THE DESIGN RESPONSE - PHONE # 919-469-2080

A **SUMMARY INFORMATION**
 PIN: 9891-60-4884 4 9891-80-0703 7
 Orange County Tax Map _____ Block _____ Lot(s) _____ Twp CHAPEL HILL Total acreage: 48.0
 Zoning RB Total Lots 19 Bonus Units _____ Open Space 20.5 AC acres
 Acreage in road right-of-way _____ acres, Linear feet in new roads _____, Public _____ Private _____ Class _____
 Adjacent zoning and land uses: RB - RESIDENTIAL
 Water Supply: _____ Public (Provider: _____), _____ Community, or Individual
 Wastewater Disposal: _____ Public (Provider: _____), _____ Community, or Individual
 Fire District: NEW HOPE School District CHAPEL HILL / CARESOED

B. SUBMITTAL REQUIREMENTS

- Orange County Tax Map showing the location of the subject property
- Stamped envelopes addressed to each property owner within 500 feet of the subject property
- Application fee (\$250.00 + \$5.00/lot)
- Twenty-five (25) copies of the Concept Plan and Site Analysis Map at a scale not less than 1"=200'
- Comparison of potential impacts of Conventional versus Flexible Development Plan (see reverse)

Applicants may submit a three-part Concept Plan including a Site Analysis Map, Conventional Subdivision Plan, and a Flexible Development Plan OR a combined Site Analysis and Flexible Development Plan. Each Concept Plan submittal must include the following information:

1. **GENERAL INFORMATION:** Each Site Analysis Map and Development Plan shall contain:
 - Sketch vicinity map
 - Plotted boundaries of the tract from deeds or recorded plats. (GIS)
 - Total acreage to be subdivided
 - NA Tax map, block, and lot number reference
 - Name, address and telephone number of the subdivider the person responsible for the subdivision design
 - Scale, north arrow, and date of plan preparation
 - Subdivision name
2. **SITE ANALYSIS MAP** – Refer to Section V-B.2. of the Subdivision Regulations

Primary Conservation Areas including:

 - Ten-foot contours with slope analysis showing 7.5%-15% slopes and slopes > 15%
 - Soil types from the USDA Soil Survey or a soils map prepared by a soil scientist
 - Hydrology including drainage patterns, wetlands, streams, ponds, floodplains, etc.
 - Identified natural areas, habitats, and wildlife corridors
 - NA Historic and archaeological sites (National Register, Study List, local landmark, etc.)

Secondary Conservation Areas including:

 - Vegetation including open and wooded areas described by dominant species and age
 - Current land use and land cover including pasture, cropland, structures, cemeteries, etc.
 - Scenic views on site as well as from the site to off-site features
 - _____ Historic and archaeological sites

Transportation and Utility Systems:

 - Railroad and road rights-of-way
 - _____ Easements for roads and utilities
 - _____ Public and private water and sewer lines, storm drainage facilities

3. **CONVENTIONAL SUBDIVISION PLAN** In addition to General Information listed above, shall include:

- Proposed street layout, travelway and right-of-way widths, connections to existing roads
- Proposed arrangement of the lots, including size and number
- Location of soils suitable for individual septic systems

4. **FLEXIBLE DEVELOPMENT PLAN** In addition to General Information listed under Item #1 above,

- Proposed street layout, travelway and right-of-way widths, connections to existing roads
- Proposed arrangement of the lots, including size and number
- Location, type, and acreage of proposed open space, whether part of individual lots or in a separate lot dedicated to a homeowners association, or other public or private entity
- Preliminary soil suitability analyses for 50% of the proposed lots with soils map prepared in consultation with the Orange County Health Department

Density Bonuses

Total bonus units proposed _____ units

- Location: _____ Transition Area (2.5 units/acre maximum density without rezoning)
- (check 1) _____ Utility Service Area, Utility Provider _____ (1.3 units/acre max)
- _____ Within 3/4 mile of interstate, HOV, busway route (2.5 units/acre maximum)
- _____ Within half mile of transit station as shown on regional transit plan (5 units/acre max)
- Acres of open space over 33% located on site = 1 bonus unit/acre over 33%
- _____ Acres of open space over 33% @ off-site location Tax Map Ref. _____, Zoning _____
- _____ acres Primary Conservation Area x 1 bonus unit/5 acres = _____ bonus units
- _____ acres Secondary Conservation Area in 2-ac. zoning district x 1 unit/2 ac. = _____ bonus units
- _____ acres Secondary Conservation Area in 1-ac. zoning district x 1 bonus unit/ac. = _____ units
- NA % Units designated for affordable housing _____ on site or _____ off site (see Article 6.28)

5. **COMPARISON OF POTENTIAL IMPACTS FROM DEVELOPMENT OF CONCEPT PLAN**

	Conventional Subdivision	versus	Flexible Development
Linear feet of new roads	<u>898</u> linear feet		<u>1,075</u> linear feet
Number of stream crossings	<u>1</u>		<u>1</u>
Acres of farmland lost	<u>5.7</u> acres		<u>5.7</u> acres
Habitat/Natural area lost	<u>NA</u> acres		<u>NA</u> acres
Acres of woodland lost	<u>40.96</u> acres		<u>20.96</u> acres
Wetlands destroyed	<u>0</u> acres		<u>0</u> acres
Slopes > 15% disturbed	<u>2,733 SF</u> acres		<u>2,733 SF</u> acres
Historic/archaeological sites disturbed	<u>0</u> sites		<u>0</u> sites
Visual change (circle 1)	significant / <u>moderate</u> / minimal		significant / moderate / <u>minimal</u>

I certify that to the best of my knowledge the information contained above, and in the supporting documents, is a factual representation of the proposed development. I acknowledge that by signing this application, the Orange County Planning and Inspections Department is authorized, pursuant to N.C. Gen. Stat. Section 153a-360, to make as many inspections of the subject property as may be necessary to verify that the proposed work outlined herein is consistent with the provisions of all applicable State and local laws, ordinances and regulations. By signing this application, I acknowledge and agree that inspectors, zoning officers, erosion control officers, and other staff of the Orange County Planning & Inspections Department have a right, upon presentation of proper credentials, to enter the subject property at any reasonable hour for the purposes of inspection or other enforcement action.

Thomas D. Hoffman 2/19/15 Chris Pan / Mr 2-16-15
 APPLICANT'S SIGNATURE DATE OWNER'S SIGNATURE DATE

FEES:	Amount	Date Paid	Receipt #



Henderson Woods

Orange County, North Carolina

Flexible Development Plan

LEGEND

Site Information
 P/N Number- 9891-60-0703 & 9891-60-4884
 Acreage- 48.0 AC / 2,090, 880 SF
 Zoning- RB - Rural Buffer
 Jordan Lake Unprotected - Watershed Overlay Zoning

Site Data
 Number of Lots: 19 Lots
 Lot Size: Min 1.0 AC
 Front Setback: 30' min. Side & Rear Setbacks: 15' min.
 Unear't feet of existing roads: 6291 LF
 Unear't feet of new roads: 2,081 LF
 Land Use Buffer: NA but 100' buffer provided at St. Frontage
 (Existing Vegetation to Remain in Buffers)

Henderson Woods

Orange County, North Carolina

Flexible Development Plan



THE DESIGN RESPONSE

214 E. Chatham St., P.O. Box 3065
 Cary, NC 27513-3585
 (919) 468-2080

DATE:	2/12/15
SCALE:	1"=100'
DRAWN BY:	EAK
TITLE BLOCK:	001317
SHEET NO.:	1
OF SHEETS:	5

Henderson Woods

Orange County, North Carolina

MAJOR SUBDIVISION - CONCEPT PLAN

Owner / Developer:

Humphries Family, LLC & Henderson Woods, Inc.
c/o Tom Heffner, Heffner Properties, Inc.
1020 New Hope Road
Chapel Hill, NC 27516
(919) 929-0518

Location Map

1"=1000'



EarthCentric Engineering, Inc.
204 West Clay Street
Mechanic, NC 27902-2436
Office: 919-563-9041
Fax: 919-504-3234



THE DESIGN RESPONSE
214 E. Chatham Street / P.O. Box 3585
Cary, NC 27519-3585
(919) 465-2000

Henderson Woods
Orange County, North Carolina
Major Subdivision - Concept Plan

Sheet	Description
1	COVER SHEET w/ Location Map
2	AERIAL PHOTOGRAPH
3	SITE ANALYSIS
4	CONVENTIONAL SUBDIVISION PLAN
5	FLEXIBLE DEVELOPMENT PLAN
6	FLEXIBLE DEVELOPMENT - Design Process

Job No: 007-017 • Date: February 12, 2015 • Rev.: 4-28-15



Henderson Woods

Orange County, North Carolina

Aerial Photograph

LEGEND

Site Information
 Pn Number- 9891-60-0703 & 9891-60-4884
 Acreage- 48.0 AC / 2,090, 880 SF
 Zoning- RB - Rural Buffer
 Jordan Lake Unprotected - Watershed Overlay Zoning
 Unear feet of existing gravel road - 1,245 LF
 (does not include gravel driveway)

Henderson Woods

Orange County, North Carolina

Aerial Photograph



THE DESIGN RESPONSE
 2114 E. Chatham St., P.O. Box 3085
 Cary, NC 27513-5385
 (919) 468-2080

DATE: 2/12/15

SCALE: 1"=100'

DRAWN BY: EAK

TITLE: 001317

SHEET NO. 2

OF 8 SHEETS

50' 0' 100'





Henderson Woods

Orange County, North Carolina

Site Analysis

LEGEND

- Site Information**
 Pn Number- 9891+80-0703 & 9891+60-4884
 Acreage- 48.0 AC / 2,090,880 SF
 Zoning- RB - Rural Buffer
 Jordan Lake Unprotected - Watershed Overlay Zoning
 Linear feet of existing gravel road - 1,245 LF
 Land Area Suitable for Septic Fields (18-24')
 Land Area Suitable for Septic Fields (24-30')
 (Soils Survey provided by S&EC 8-30-14)
- Slope 7.5 - 15%
 - Slope >15%
 - Wetlands
 - Contours - LIDAR @ 4' Intervals
 - Flow Arrows

Streams on the property are identified on OC Soils Survey as Interment. Buffers are based on Orange County Unified Development Ordinance Section 6.13.3 Method A. Streams do not show up on USGS Quadrangle Map

- Soils Symbols & Names:**
- ABa - Appling Sandy Loam, 2-6% slopes
 - Enc - Enon Loam, 6-12% slopes
 - GaP - Georgiae silt loam, 2-6% slopes
 - TaD - Talun silt loam, 8-15% slopes
 - W - Water
 - WmD - Wedowee Sandy Loam, 8-15% slopes
 - WmC2 - White Stone Clay Loam, 6-15% slopes, eroded

Henderson Woods

Orange County North Carolina

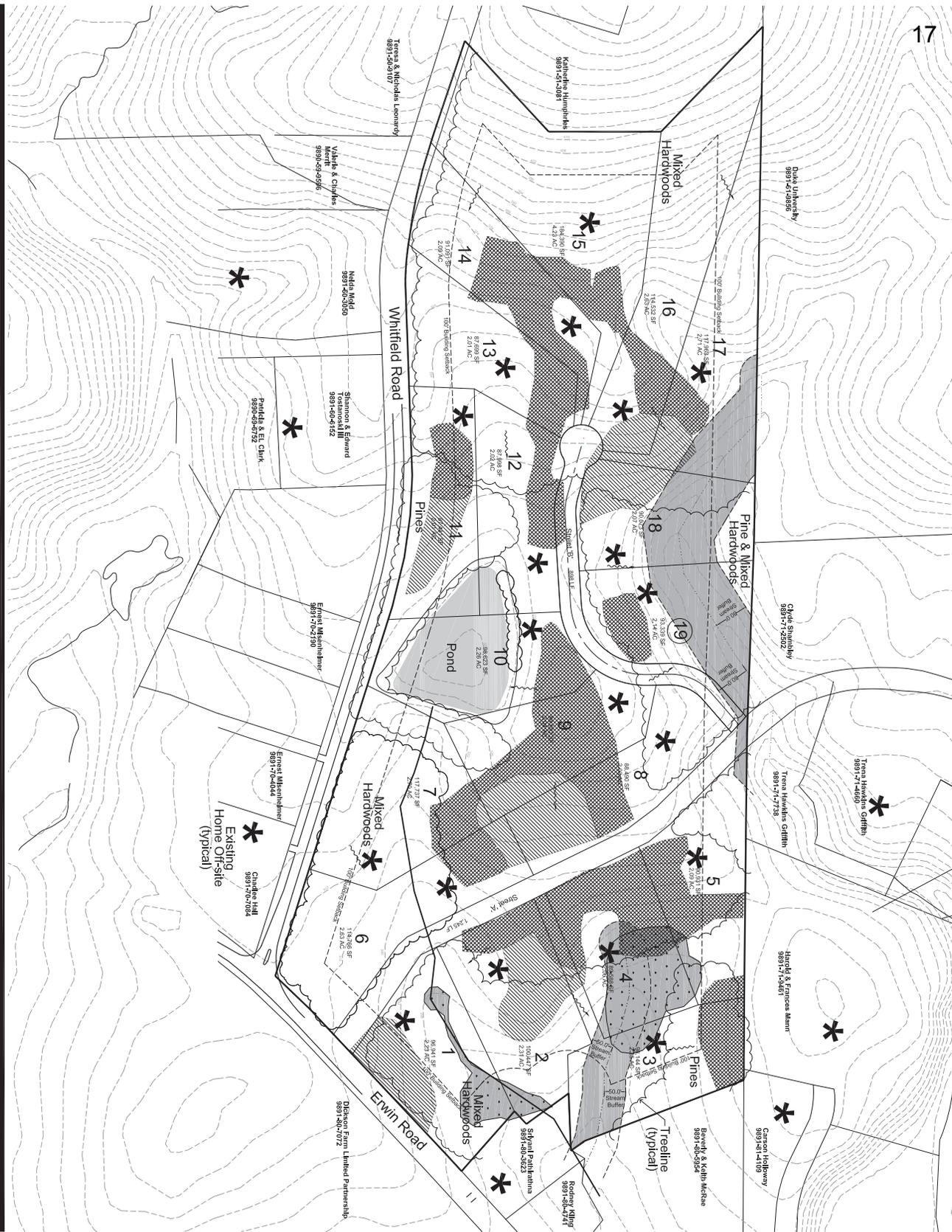
Site Analysis



THE DESIGN RESPONSE

214 E. Chatham St., P.O. Box 3085
 Cary, NC 27513-5585
 (919) 469-2080

DATE:	2/12/15
SCALE:	1"=100'
DRAWN BY:	EAH
TITLE NO.:	001317
SHEET NO.:	3
OF 6 SHEETS	



Henderson Woods

Orange County, North Carolina

Conventional Subdivision Plan

LEGEND

Site Information

Pin Number- 9891-60-0703 & 9891-60-4884
 Acreage- 48.0 AC / 2,090, 880 SF
 Zoning- RB - Rural Buffer
 Jordan Lake Unprotected - Watershed Overlay Zoning

Site Data

Number of Lots: 19 Lots
 Lot Size: Min 2.0 AC
 Front Setback: 40' min. Side & Rear Setbacks: 20' min.
 Unear feet of existing roads: 1,245 LF
 Unear feet of new roads: 898 LF

Land Use Buffer: NA but 100' buffer provided at St. Franchise
 (Existing Vegetation to Remain in Buffer)
 Proposed Roads: Proposed roads will be 27' wide B-B-W
 Run & gutter placed within 15' FODOT
 and Orange County standards

Land Area Suitable for Septic Fields (18-24")
 Land Area Suitable for Septic Fields (24-30")
 (Scale Survey provided by S&EC 9-30-14)

- * Potential House Site Tentatively Located
- Stream Buffers, Ponds, Wetlands
- Wetlands

Henderson Woods

Orange County, North Carolina
 Conventional Subdivision Plan



THE DESIGN RESPONSE

214 E. Chatham St., P.O. Box 3085
 Cary, NC 27513-5585
 (919) 468-2080

DATE:	2/12/15
SCALE:	1"=100'
DRAWN BY:	EAH
TITLE NO.:	001317
SHEET NO.:	4
OF 8 SHEETS	



Henderson Woods

Orange County, North Carolina

Flexible Development Plan

LEGEND

- Stream Buffer, Potential Wetlands
- Primary Conservation Area
- Open Space: 923,810 SF, 21.21 AC - 44%

Site Information
 P/N Number- 9891-60-0703 & 9891-60-4884
 Acreage- 48.0 AC / 2,090,880 SF
 Zoning- RB - Rural Buffer
 Jordan Lake Unprotected - Watershed Overlay Zoning

Site Data
 Number of Lots: 19 Lots
 Lot Size: Min 1.0 AC
 Front Setback: 30' min. Side & Rear Setbacks: 15' min.
 Unset feet of existing roads to remain: 629 LF
 Unset feet of new roads: 2,081 LF
 Sliterwalk location is conceptual and to be field located during construction.
 Lane Use Buffer: NA but 100' buffer provided at St. Frontage (Existing Vegetation to Remain in Buffers)
 Proposed Roads: Proposed roads will be 27' wide B-B w/ curbs & gutters placed within a 50' Public R/W and will be constructed per NCDOT and Orange County standards

Henderson Woods

Orange County, North Carolina

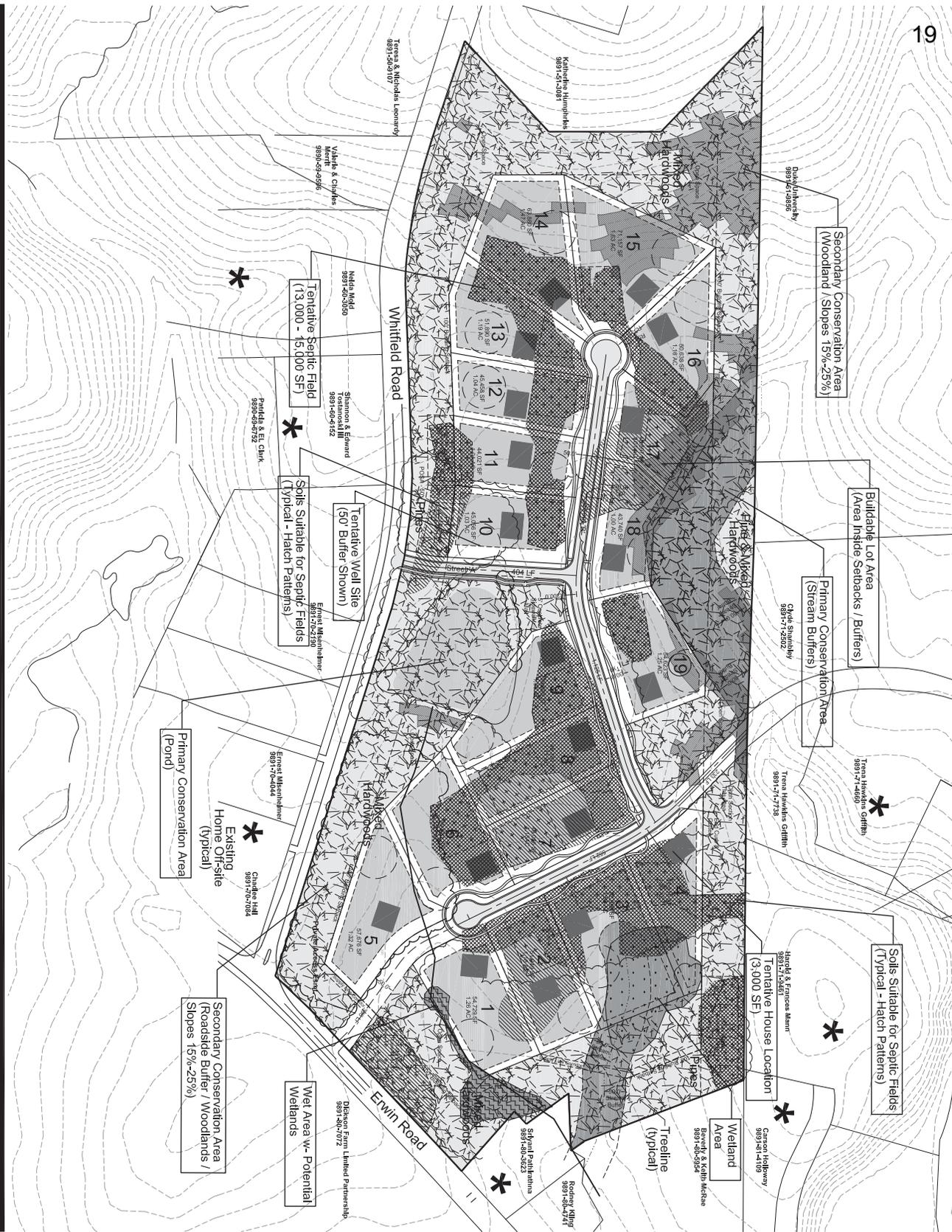
Flexible Development Plan



THE DESIGN RESPONSE

214 E. Chatham St., P.O. Box 3085
 Cary, NC 27513-3585
 (919) 468-2080

DATE:	2/12/15
SCALE:	1" = 400'
DRAWN BY:	EAK
TITLE:	001317
SHEET NO.:	5
TOTAL SHEETS:	8



Henderson Woods

Orange County, North Carolina

Flexible Development Plan - Design Process

LEGEND

Site Information

Ph Number- 9891-480-0703 & 9891-480-4884
 Acreage- 48.0 AC / 2,090,890 SF
 Zoning- RB - Rural Buffer
 Jordan Lake Unplanned - Watershed Overlay Zoning

Site Data

Number of Lots: 19 Lots
 Lot Size: Min 1.0 AC
 Front Setback: 30' min., Side & Rear Setbacks: 15' min.
 Linear feet of existing roads: 629 LF
 Linear feet of new roads: 2,081 LF
 Slopes > 15% total on site: 180,312 SF (6.8%)
 Slopes > 15% disturbed: 2,733 SF (1.5% of slope total area)
 Land Use Buffer: 100' buffer provided at St. Frontage (Excluding vegetation to remain in buffers)
 Proposed Roads: Proposed roads will be 27' wide B-B-w curb & gutter placed within a 50' Public and Orange County standards

Open Space: 923,810 SF 21.21 AC - 44%

Land Area Suitable for Septic Fields (18-24") (3,000 SF Stream for Planning purposes only) (Site Survey provided by S&EC 9-30-14)

Primary Conservation Area (pond, Steep Stream buffers, Wetlands, Steep Slopes >25%) Secondary Conservation Area (buffer 33% (3,000 SF Stream for Planning purposes only) (PCSA, Roadside Buffer, Woodlands)

Potential House Site Tentatively Located (3,000 SF Stream for Planning purposes only)

Wetland Areas w- Potential Wetlands

Wetlands

Final wetland determination to be completed after a final site plan.

Functional wetlands subject to 10% fill as allowed by permitting. Unfilled wetlands connected to other jurisdictional water bodies may be subject to additional buffering.

Tentative Septic Field Area Location (Site Survey provided by S&EC 9-30-14)

Henderson Woods

Orange County, North Carolina

Flexible Development Plan- Design Process



THE DESIGN RESPONSE

214 E. Chatham St., P.O. Box 3065
 Cary, NC 27513-5585
 (919) 468-2080

DATE:	2/12/15
SCALE:	1"=100'
DRAWN BY:	EAH
TITLE NO.:	001317
SHEET NO.:	6
TOTAL SHEETS:	OF 8

Site Assessment for PIN:9891-80-0703 and 9891-60-48

Site Data

Zoning: RB - Rural Buffer
 Acreage: 48.0 acres
 Overlay Districts: Jordan Lake Unprotected
 Plat/Legal Description: PIN: 9891-80-0703 DB 5892 / PG 471 Plat Book 58 / PG 21 and PIN: 9891-60-4884 DB 2027 / PG 561 Plat Book 110 / PG 157
 Recorded Declarations/Covenants: Not Found

Zoning Requirements

Min. Lot Size: 87,120 sq. ft.
 Min. lot width: 130'
 Maximum height: 25'
 Building Setbacks:
 -Front (and Corner lots) = 40' from public rights-of-way
 -Side Setbacks = 20' from side lot lines
 -Rear Yard Setback = 20' from rear lot lines

Note: Lot size, building setbacks and stream buffers may increase based on Private Road Justification (UDO 7.8.5).

Special Features:

-Stream buffers located on lots. Stream buffer is 80 ft (displayed) for northern stream, and 50 ft (SWID) for eastern stream. Waterbody buffer not required for pond, please see SWID for details.

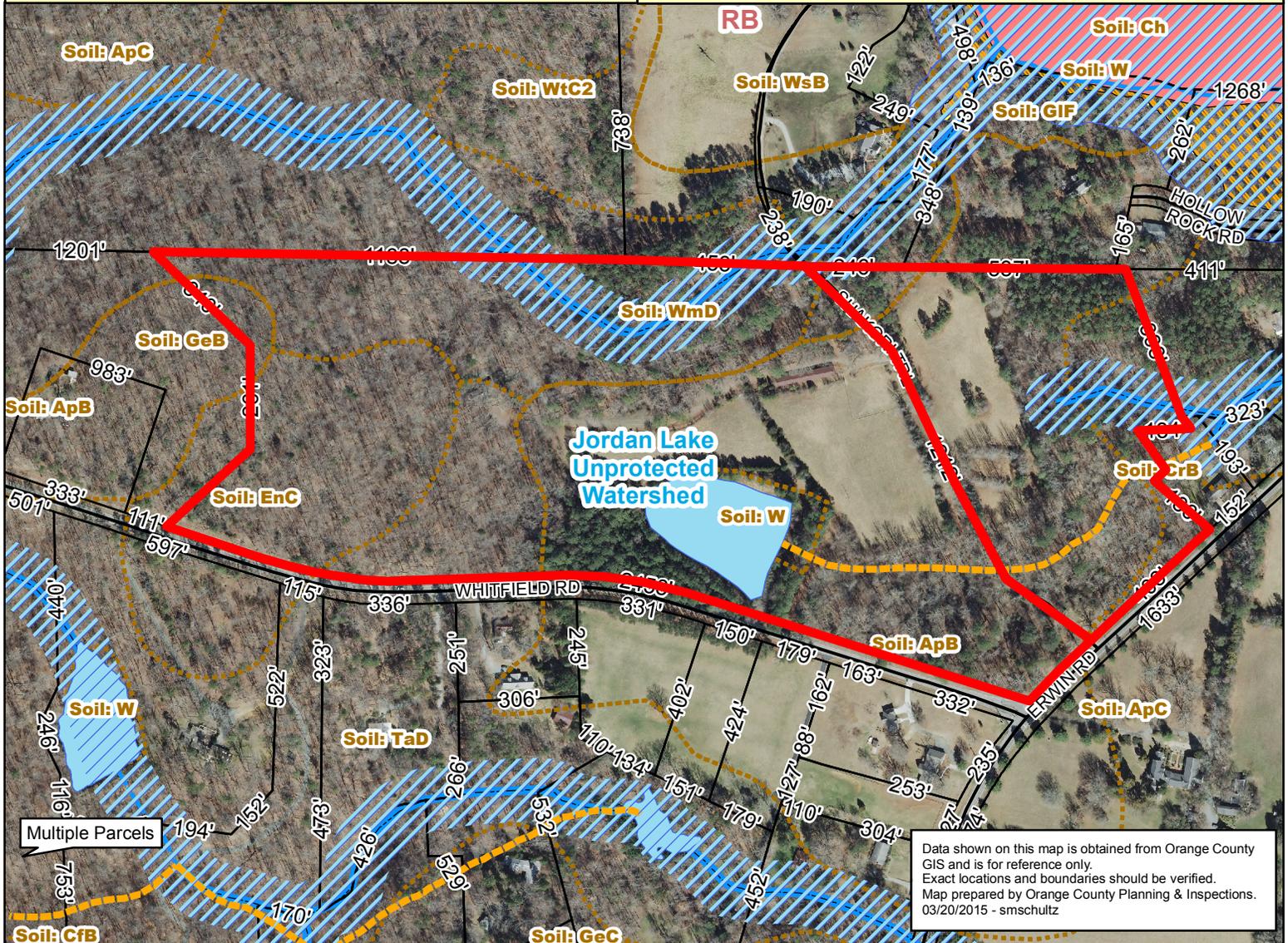
Impervious Surface Limits: NA

Land Disturbance Thresholds

- 1) Environmental Control Permit required if disturbing more than 20,000 sq.ft.; and
- 2) Stormwater Management Permit required if disturbing more than 21,780 sq. ft. for residential structures.

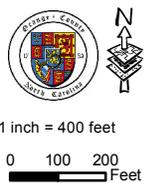
Note: Surface Water Identification (SWID) was performed by the Orange County Engineering Erosion Control Division and issued its findings on February 3, 2015

Date Site Assessment Completed: 3/20/2015 by SMS



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. 03/20/2015 - smschultz

- Streams (Deleted)
- USGS Stream
- Soils Survey Stream
- OC Updated Stream
- Stream Buffer 80ft
- Floodplain Buffer 80ft
- Parcels
- Zoning
- Water Body
- Watershed
- Soils
- 100 YR Floodplain (Effective 02/02/07)
- Floodway (Effective 02/02/07)
- 500 Year Floodplains (Effective 02/02/07)



PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
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www.orangecountync.gov



131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278



HENDERSON WOODS
NEIGHBORHOOD INFORMATION MEETING HIGHLIGHTS
TUESDAY, APRIL 7, 2015
LOCATION: ORANGE COUNTY PLANNING CONFERENCE RM 4.
TIME: 5:30-7:30PM
MEETING ORGANIZER: TOM HEFNER, HEFNER PROPERTIES, LLC

The applicant is seeking Concept Plan approval from Orange County Planning staff regarding a proposed 19 lot Major Subdivision of a 48 acre tract of land at the intersection of Whitfield (S.R. 1731) and Erwin Roads (S.R. 1734).

Per Section 2.15 of the Orange County Unified Development Ordinance (UDO), titled "Major Subdivisions," the required Neighborhood Information Meeting (NIM), was hosted by Orange County Planning staff and presented by the developer on April 7, 2015. Approximately 20 adjacent property owners and area residents attended the meeting.

Henderson Woods Major Subdivision Overview

Applicant: Dr. Thomas Humphries and Tom Hefner, Hefner Properties, Chapel Hill, NC

Location: Intersection of Whitfield Road and Erwin Road

PINs: 9891-80-0703; and 9891604884

Legal Description: DB 5892 PG 471; PB 58 PG 21; DB2027 PG 561; and PB 110 PG 157

Zoning: Rural Buffer (RB)

Overlay Districts: Jordan Lake Unprotected Watershed

School District: Chapel-Hill Carrboro Schools

Utilities: Private individual Well and Septic Systems

Total Acreage: 48 acres

Proposed Lots: 19 lots

Density: One dwelling units per 2.52 acres

Access: Vehicular access to the subdivision is proposed via Whitfield Road. The 19 lots would be served via a network of 3 public streets (built to public street standards). Private drives and access easements are also provided to the adjacent property owners along Shakori Trail. This access drive would be restricted to those adjacent owners and Emergency Services.

Proposal: Applicant is proposing a 19 lot major subdivision (Henderson Woods) with Primary and Secondary Common Open Space. The request would utilize the Flexible Development Option, which allows for minimum lots sizes of 1 acre with the provision of a minimum of 33% Open Space. The proposal holds approximately 42% of the site in Primary and Secondary Open Space (20.35 acres). All lots are adjacent and have access to Primary and/or Secondary Open Space.

Meeting Highlights:

Orange County Planning staff presented the 20 attendees with an overview of: the application; the site; surrounding area; site environmental constraints, the zoning and subdivision requirements and the tentative schedule for the plan's review and approval or denial by the Orange County Board of Commissioners.

Mr. Hefner, presented his site analysis, the Concept Plan, the basis for the design, plan revisions based on meetings with Orange County staff, NCDOT recommendations, site observations, environmental assessments and environmental and developments constraints associated with the property. He then opened up the meeting to comments, ideas and questions from the residents. Dr. Humphries was not present at the meeting.

The questions and concerns from residents centered on the following categories:

1. Vehicular Access and Traffic.

- Residents expressed concerns about the potential for traffic congestion on Erwin and Whitfield (especially during the AM and PM peak hours). Residents with access via Shakori Trails were also concerned with maintaining their current legal access. Residents who live off Turkey Farm Road also raised concerns that they would be negatively affected by traffic
- Orange County Planning Staff outlined the access, public and private street standards, the merits of locating the proposed access onto Whitfield Road vs. Erwin Road, the connections to Shakori Trails, and the internal circulation of the proposed plan.
- Mr. Hefner outlined his meetings with NCDOT, the site constraints, legal obligations to provide access to Erwin Road for the two Shakori Trails homes, Emergency Service Access. He also noted the AM and PM traffic patterns that had been observed on Whitfield and Erwin Roads, and that the estimated amount of additional cars (approximately 38 new cars) from the proposed new residencies would not cause a harmful impact to the road network.

2. Lot Size, Density and Open Space .

- Residents expressed concerns about the 1 acre minimum lot size, the number of units, preserving the character of the area, the Rural Buffer, New Hope Creek and Duke Forest.
- Orange Planning Staff reviewed the UDO requirements, the perimeter setback and buffers, the value of the Flexible Design Option with dedicated common Open Space, the effective density (2.5 dwelling units per acre), and best planning practices for environmentally sensitive design. Staff also noted that the site's zoning and watershed would allow for up to 24 dwelling units.
- Mr. Hefner reviewed the market analysis, site constraints, the initial concept plans which yielded 22-24 lots, the suitable soils, and steep slopes. He noted the desire to preserve common areas in dedicated open space vs. 19 lots. In response to a resident inquiry, he also noted that that any person with a lot can choose his/her own residential builder.

3. Setbacks, Buffers and Tree Preservation.

- Residents asked questions about setbacks, buffers and areas along the perimeter of the project.

- Orange County Staff reviewed the 100' building setback, roadside buffer requirements, as well as required tree save areas within the Primary Conservation areas.
- Mr. Hefner reviewed his plans to preserve most of the trees within the 100' building setback and to designate most if not all of the 100' perimeter as dedicated open space. He also noted the value of maintaining the open space areas within an HOA vs. 19 lots.

4. Conventional vs. Flexible Design.

- Residents asked questions the requirements and provisions of the Flexible Design Option. Specifically.
- Orange County Staff reviewed the provisions and requirements as well as the benefits of the Plan (e.g. HOA ownerships and maintenance of the Open Space and the fact that the entire perimeter of the project is controlled by one entity vs. 19 owners. It is also inherently a more sustainable and environmentally sensitive design. Staff also reviewed the 1 acre min. provisions as allowed in the UDO and other Joint Planning Agreements.
- Mr. Hefner reviewed his conventional option for the site, the benefits from a development and maintenance perspective and his commitment to exceed the minimum requirements.

5. Trails and Connections to New Hope Creek and/or Duke Forest.

- Residents asked questions about the possibility of trail connections to Duke Forest and New Hope Creek.
- Orange County Staff notes that trails of this nature would require additional easements and improvements through numerous properties. Trails Access via Whitfield may also cause additional off-street parking and traffic congestion issues. Staff noted that public access is often encouraged but to the extent that it causes harm and/or interference with open space that is intended to be more passive in nature.
- Jena Schrieber, Operations Manager for Duke Forest was in attendance and indicated that they could consider such a request. However, it was unlikely considering Duke Forest's existing access points nearby and the strategy of directing pedestrian access to strategic points of the Forest and New Hope Creek.
- Mr. Hefner reviewed his conventional option for the site, the benefits from a development and maintenance perspective, and his commitment to exceed the minimum open space requirements. He also deferred to Duke Forest to make any further determinations about additional public access points through their property.

6. Well and Septic

- Residents asked questions regarding the nature of the suitable soils for the septic systems and water supply for the wells. They also expressed concerns that the development may impact their water quality and quantity.
- Orange County Staff reviewed suitable soils indicated on the plan and the fact that the plan calls for individual wells and septic systems.

- Mr. Hefner reviewed his plans for individual well and septic systems contained on each lot. He also explained the hydro-geological composition of the area, the fact that the area's water is served by fractured granite water deposits, and that it is unlikely that the wells associated with this development would draw from the same water source(s).

7. Environmentally Sensitive Areas.

- Residents asked questions protecting the stream buffers, wetlands and the pond.
- Orange County Staff reviewed the jurisdictional stream buffer requirements and the fact that a Surface Water Identification (SWID) was performed and determined that the existing pond was and drainage way from the dam was not jurisdictional. They also pointed out that disturbing any jurisdictional wetlands greater than 1 acre on the entire site would be subject to permitting and/or mitigate with the County and U.S. Army Corps of Engineers.
- Mr. Hefner reviewed his plans to preserve the pond, but rework it into a viable amenity and storm water feature. He also indicated that he would have the site evaluated for any jurisdictional wetlands.

8. Lighting.

- Residents asked about the design and intensity of the street lighting.
- Orange County Staff cited county's required lighting ordinance, which restricts light spillover, glare and intensity.
- Mr. Hefner indicated that the projects restrictive covenants would likely prohibit free standing lights of that the street lighting fixtures installed along the public streets.

Staff concluded the meeting with a summary of the next steps in the process. The meeting was adjourned at approximately 1:45PM.

PLANNING & INSPECTIONS DEPARTMENT
Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278



CERTIFICATION OF MAILING

**NEIGHBORHOOD INFORMATION MEETING (NIM) – REVIEW OF
 CONCEPT PLAN APPLICATION FOR
 HENDERSON WOODS MAJOR SUBDIVISION
 ORANGE COUNTY, NORTH CAROLINA**

I, Patrick Mallett, Planner II with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section 2.15.2 (D) of the Orange County Unified Development Ordinance (UDO) I have mailed, or have caused to be mailed, a Notice of Neighborhood Information Meeting regarding the processing of a Concept Plan Major Subdivision application submitted Dr. Thomas Humphries and Tom Hefner, Hefner Properties to develop a 19 lot single-family residential subdivision on 48 acres of property further identified utilizing Orange County Parcel Identification Number(s) (PIN) 9891-80-0703 and 9891-60-4884 located at the intersection of Whitfield and Erwin Roads within the Chapel Hill Township of Orange County.

The owners were identified according to the Tax Records and as required by the UDO.

The mailed notice specified the date, time, place and subject of the NIM.

WITNESS my hand, this 20th day of March, 2015.

Patrick Mallett
 Planner II

PLANNING & INSPECTIONS DEPARTMENT**Craig N. Benedict, AICP, Director**

Current Planning
(919) 245-2575
(919) 644-3002 (FAX)
www.orangecountync.gov



131 W. Margaret Lane
Suite 201
P. O. Box 8181
Hillsborough, NC 27278



March 20, 2015

NOTICE OF NEIGHBORHOOD INFORMATION MEETING (NIM):

RE: NOTIFICATION OF A NEIGHBORHOOD INFORMATION MEETING

REVIEW of a Major Subdivision Concept Plan application proposing development of two parcels of property totaling 48 acres in area near the intersection of Whitfield Road (SR 1730) and Erwin Road (SR 1734-1737) into a 19 lot single-family residential subdivision.

Dear Property Owner:

The Orange County Planning Department has received a Major Subdivision Concept Plan application, submitted by Dr. Thomas Humphries care of Mr. Tom Heffner of Heffner Properties, Inc. proposing the development of a 19 lot single-family residential subdivision on two parcels of property near the intersection of Whitfield Road (SR 1730) and Erwin Road (SR 1734-1737).

The subject parcels are further identified utilizing Orange County Parcel Identification Numbers (PIN) 9891-80-0707 and 9891-60-4884, total of 48-acres in area, located within the Chapel Hill Township of Orange County, and are zoned Rural Buffer (RB). Please refer to the attached vicinity map for additional site and location details.

The proposed subdivision calls for the development of 19 single-family residential lots with the preservation of approximately 20.81 acres (43% of the of the subject parcels), as dedicated common open space. Single-family lot sizes range from 1 to 1.4 acres with an overall density for the project of 1 dwelling unit per every 2.53 acres of property. All proposed lots within the subdivision shall be served by individual well and septic systems on each lot. Internal roadways shall be constructed to applicable NC Department of Transportation (NCDOT) standards with access being from an existing right-of-way to Erwin Road.

In accordance with Section 2.15.2 (D) of the Orange County Unified Development Ordinance (UDO) the County is required to hold a Neighborhood Information Meeting (NIM) for all major subdivision applications. This meeting is intended to provide adjacent property owners an opportunity to meet with the applicant and discuss the specifics of the project. This allows for an open dialogue between the applicant and local residents to share information and address potential concerns

associated with the project. Staff's role is to facilitate this meeting and explain the development review process and the requirements associated with the project.

A NIM has been scheduled for April 7, 2015 from 12:00-1:30pm in the ground floor conference room of the West Campus Office building located at 131 West Margaret Lane in Hillsborough. Please see attached map outlining the location of the building. Parking spaces are available within the adjacent, County owned, parking deck free of charge.

Please contact planning staff at (919) 245-2575 if you have any immediate questions, concerns, or need assistance.

Sincerely,

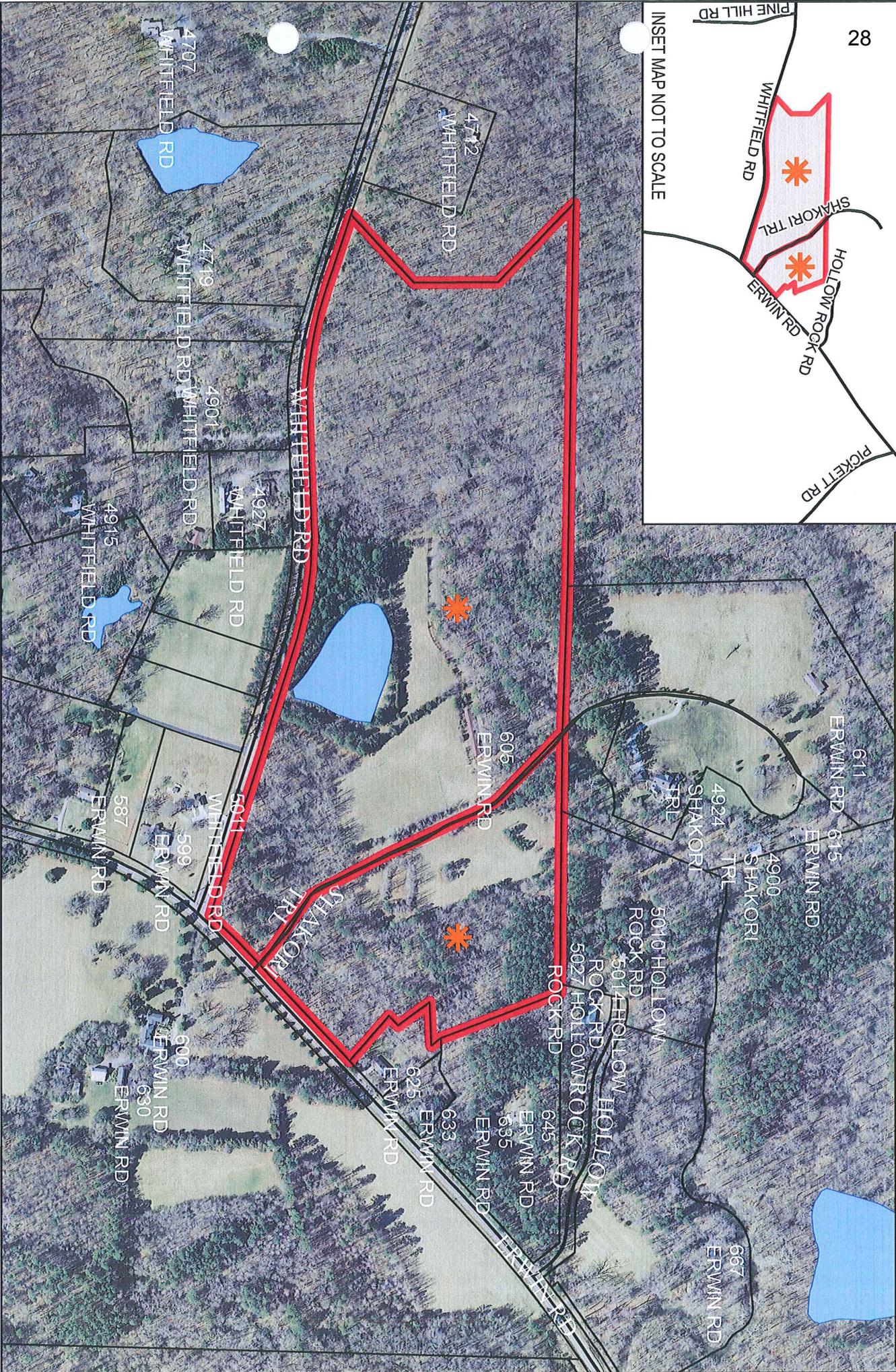
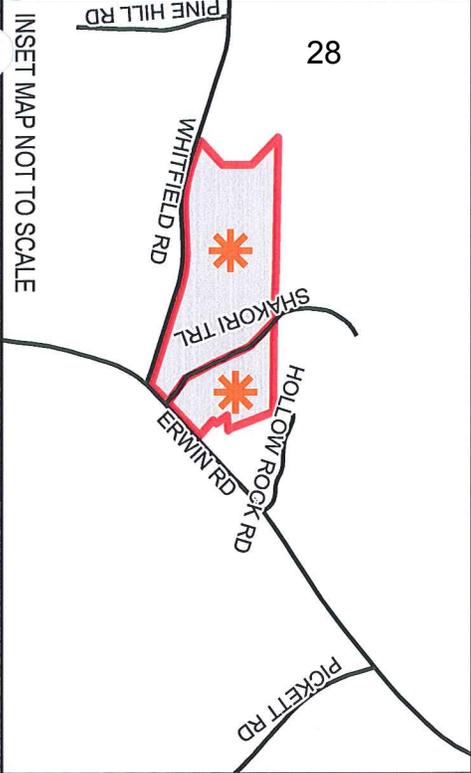
A handwritten signature in black ink, appearing to read "Michael D. Harvey". The signature is stylized and cursive.

Michael D. Harvey AICP, CFO, CZO
Current Planning Supervisor
Orange County

CC: File
Attachments: Vicinity map of Subject Property; Concept plan; NIM Vicinity Map

HENDERSON WOODS SUBDIVISION AREA MAP

28



LOCATION OF PROPOSED
HENDERSON WOODS SUBDIVISION



PARCELS



POND

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. 03/20/2015 - smschultz



Patrick R. Mallett

From: Alan Clapp
Sent: Tuesday, May 26, 2015 11:54 AM
To: Patrick R. Mallett
Subject: RE: Revised Henderson Woods Sheets

Patrick,

Environmental Health has discussed this development with the developer Tom Heffner. He is proposing the use of easements for the septic systems to serve a few of the lots. We are ok with the use of easements in the HOA open space provided that an easement agreement and tri-party agreement is executed to allow legal ingress, egress and regress for septic system construction, maintenance, operation and repair.

Environmental Health has completed soil evaluations on the tract but those were for an earlier development plan. In the case for the Henderson Woods development, we will still need to evaluate each proposed lot (or its designated easement). An Improvement Permit will be required for each site.

It is also our understanding that the water supply at this time is proposed to be individual wells.

Let me know if you have any further questions.

Alan

Alan Clapp

Environmental Health Director
Phone: 919.245.2360 / Fax: 919.644.3006
Website: <http://www.co.orange.nc.us/envhlth/index.asp>
Email: aclapp@orangecountync.gov



Improving health. Inspiring change.



Please tell us how we are doing by taking this very quick survey. We appreciate your comments.

<https://www.surveymonkey.com/s/ehsurvey2014-2015>

From: Patrick R. Mallett
Sent: Tuesday, May 26, 2015 11:22 AM
To: Alan Clapp
Cc: Michael Harvey
Subject: FW: Revised Henderson Woods Sheets

Alan,

Just checking to confirm that the conceptual work done for Henderson Woods thus far is acceptable. The Plan is just at the concept level, but we wanted to check in before sending out the June Planning Board packets. Thanks!

Very Respectfully,

Patrick R. Mallett, Planner II
Orange County Planning & Inspections Department

Phone: (919) 245-2577

Fax: (919) 644-3022

E-mail: pmallett@orangecountync.gov

Orange County Planning Website: <http://www.orangecountync.gov>

Address:

131 W. Margaret Lane, Suite 201

P.O. Box 8181

Hillsborough, NC 27278

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

From: Tom Heffner [<mailto:tom@chapelhillnc.com>]

Sent: Wednesday, May 20, 2015 5:33 PM

To: Patrick R. Mallett; Michael Harvey

Subject: Revised Henderson Woods Sheets

The attached sheets have the revisions we discussed. Let me know if we need modification to any of them. Thanks, Tom

Thomas H. Heffner

www.chapelhillnc.com



Heffner Properties, Inc.

919-929-0518 (office)

919-880-6279 (mobile)

Sam M. Schultz

From: Jones, DeAngelo J <djjones1@ncdot.gov>
Sent: Tuesday, March 03, 2015 3:53 PM
To: Sam M. Schultz
Subject: RE: DAC Henderson woods 1 of 5

Hello Sam,

Our office had expressed concerns about the proposed access being in close proximity of the intersection of Erwin Road and Whitfield Road. Also possible development behind the proposed subdivision will increase traffic making turns. We are asking the applicant to explore other options for access more specifically from Whitfield Road near lots 10 and 11, or 11 and 12 where the access location will meet adequate sight distance and recommended intersection separation. If the applicant or designer has responded to our concerns and comments please let us know.

From: Sam M. Schultz [<mailto:smschultz@orangecountync.gov>]
Sent: Tuesday, March 03, 2015 11:52 AM
To: Alan Clapp; Albert Mills; Anne Marie Tosco; Christine D. Dodd; Edwards, Charles N; Jones, DeAngelo J; David Sykes; Howard W. Fleming; James Bryan; Jason Shepherd; Jeff Scouten; Jennifer Phillips; John Kase; John Roberts; Kevin Lindley; Michael Burton; Michael Harvey; Michael Rettie; Patrick R. Mallett; Peter Sandbeck; Rich Shaw; Sam M. Schultz; Steve J Kaltenbach; Tammy Hicks; Wesley Poole
Subject: DAC Henderson woods 1 of 5

DAC Members

Due to file size limits I am having to send these individually I'm sorry for any inconvenience.

Sincerely,

Sam M. Schultz
Planner I
(919) 245-2599
131 W. Margaret Lane, Suite 201
P.O. Box 8181
Hillsborough, NC 27278
smschultz@orangecountync.gov

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Sam M. Schultz

From: Michael Burton
Sent: Wednesday, March 04, 2015 9:39 AM
To: Sam M. Schultz
Cc: Margaret Jones
Subject: RE: Checking road name and subdivision name

I would recommend that the subdivision name not be duplicate or sound alike to an existing subdivision. We already have a Henderson Field Subdivision.
As far as Shakori Trail, since it is an existing used name and they are simply dedicating part as public, I see no conflicts.

Michael A. Burton, Sr.
Land Records/GIS Senior Project Coordinator
Tax Administration/Land Records/GIS Division
228 S Churton St. Ste 240
P O Box 8181
Hillsborough, NC 27278-8181
mburton@orangecountync.gov
office (919) 245-2502
fax (919) 644-3015

From: Sam M. Schultz
Sent: Wednesday, March 04, 2015 9:32 AM
To: Michael Burton
Subject: Checking road name and subdivision name

Michael

I hope all is well. Reference PINs **9891-80-0703** and **9891-60-4884**. I am working on a major subdivision with Tom Heffner called Henderson Woods. I wanted to check the availability of that subdivision name and if the road name of "Shakori Trail". Shakori Trail is currently a private road and the subdivision would make part of the road public. Does this meet all of the road and subdivision name requirements with your section of the county code? There will be a second public road within the subdivision and I am waiting to receive word on the requested name.

Sincerely,
Sam M. Schultz
Planner I
(919) 245-2599
131 W. Margaret Lane, Suite 201
P.O. Box 8181
Hillsborough, NC 27278
smschultz@orangecountync.gov

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

Sam M. Schultz

From: Michael Harvey
Sent: Thursday, March 05, 2015 10:51 AM
To: Patrick R. Mallett; Sam M. Schultz
Subject: FW: DAC Major subdivision Henderson Woods March 5

Michael D. Harvey AICP, CFO, CZO
 Current Planning Supervisor – Planner III
 Orange County Planning Department
 131 West Margaret Lane
 PO Box 8181
 (919) 245-2597 (phone)
 (919) 644-3002 (fax)

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

From: David Sykes
Sent: Thursday, March 05, 2015 10:49 AM
To: Michael Harvey
Subject: FW: DAC Major subdivision Henderson Woods March 5

Michael,
 Below are the comments from Mike Tapp regarding water for fire protection.
 David Sykes

From: Chief Mike Tapp
Sent: Wednesday, March 04, 2015 7:33 PM
To: Jason Shepherd; David Sykes
Subject: Re: DAC Major subdivision Henderson Woods March 5

We have a static water point on Whitfield Rd. and a pressurized hydrant at the intersection of Erwin Rd. and Randolph Rd. Those 2 water sources are sufficient for fire protection for the proposed Henderson Woods subdivision.

Mike Tapp, Fire Chief
 New Hope Fire Dept.
 PO Box 16484
 Chapel Hill, NC 27516
 Station: 919-493-1001
 Cell: 919-619-8685

Sent from my iPhone 6

On Mar 3, 2015, at 7:21 PM, Jason Shepherd <jshepherd@orangecountync.gov> wrote:

Mike,

Do you have a water point close by that would serve this neighborhood or would you like for me to pursue the pond on this property for a water point? Please let me know by end of day tomorrow so David can take comments (if needed) to the meeting on Thursday.

Thanks

Jason

Sent from my iPad

Begin forwarded message:

From: "Sam M. Schultz" <smschultz@orangecountync.gov>
To: "Alan Clapp" <aclapp@orangecountync.gov>, "Albert Mills" <amills@orangecountync.gov>, "Anne Marie Tosco" <amtosco@orangecountync.gov>, "Christine D. Dodd" <cdodd@orangecountync.gov>, "Chuck Edwards" <cnedwards@ncdot.gov>, "D'Angelo Jones" <djjones1@ncdot.gov>, "David Sykes" <dsykes@orangecountync.gov>, "Howard W. Fleming" <hffleming@orangecountync.gov>, "James Bryan" <jbryan@orangecountync.gov>, "Jason Shepherd" <jshepherd@orangecountync.gov>, "Jeff Scouten" <jscouten@orangecountync.gov>, "Jennifer Phillips" <jgeda@orangecountync.gov>, "John Kase" <jkase@orangecountync.gov>, "John Roberts" <joroberts@orangecountync.gov>, "Kevin Lindley" <klindley@orangecountync.gov>, "Michael Burton" <mburton@orangecountync.gov>, "Michael Harvey" <mharvey@orangecountync.gov>, "Michael Rettie" <mrettie@orangecountync.gov>, "Patrick R. Mallett" <pmallett@orangecountync.gov>, "Peter Sandbeck" <psandbeck@orangecountync.gov>, "Rich Shaw" <rshaw@orangecountync.gov>, "Sam M. Schultz" <smschultz@orangecountync.gov>, "Steve J Kaltenbach" <skaltenbach@orangecountync.gov>, "Tammy Hicks" <thicks@orangecountync.gov>, "Wesley Poole" <wpoole@orangecountync.gov>
Subject: DAC Major subdivision Henderson Woods March 5

DAC;

Attached is a copy of the Henderson Woods major subdivision application and forms for the next DAC meeting. If you are unable to attend and wish to have comments shared with everyone please let me know and I will pass them along.

Sincerely,

Sam M. Schultz

Planner I

(919) 245-2599

131 W. Margaret Lane, Suite 201

P.O. Box 8181

Hillsborough, NC 27278

smschultz@orangecountync.gov

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

<Application with date.pdf>

<Developers program.pdf>

<11X17 flexible development from application.pdf>

<Henderson Woods Duke Forest Letter.docx>

<swid notification letter.pdf>

<1 -Cover.pdf>

<2 -Aerial Photo.pdf>

<3 -Site Analysis.pdf>

Patrick R. Mallett

From: Tom Heffner <tom@chapelhillnc.com>
Sent: Thursday, April 09, 2015 1:33 PM
To: Patrick R. Mallett; Michael Harvey
Subject: FW: Henderson Woods

FYI. Tom

From: Tom Heffner [<mailto:tom@chapelhillnc.com>]
Sent: Thursday, April 09, 2015 1:32 PM
To: 'Jeffrey Fisher'
Subject: Henderson Woods

Jeff,

I've spoken with Kathy Humphries and she does not appear to have any interest in a trail connection that would involve her property. You are certainly free to contact her to explain in detail what you're trying to do. Duke Forest had asked me to see if she might agree to a footpath across the front of her property and she was not interested in that option either.

I've also spoken with Tom Humphries about your idea to access the Mann property through Henderson Woods. After considering the option, he is not interested in pursuing it. Although I certainly can't speak for them, when I ran the idea by Carson and Trena and Richard they didn't seem to support it either.

I also looked carefully at your idea for a public trail behind the proposed Lots 16, 17, 18 and 19 in Henderson Woods. We are very challenged by lot geometry constraints on these lots. The distance from the proposed street to the stream buffer behind these lots is a limiting factor. I do not believe there is enough room for a trail outside the stream buffer that would allow for adequate building sites for these lots. Finally, while I think your goal of providing access to New Hope Creek is admirable, I don't believe having a public access trail within 30 feet to 50 feet of these homes would be desirable.

Jeff, I'll certainly keep you in the loop with any modifications that take place in our plans. Don't hesitate to contact me if you have additional thoughts,

Tom

Thomas H. Heffner
www.chapelhillnc.com



Heffner Properties, Inc.

919-929-0518 (office)
919-880-6279 (mobile)

Patrick R. Mallett

From: Msmith2524 <msmith2524@aol.com>
Sent: Monday, March 30, 2015 2:36 PM
To: Patrick R. Mallett
Subject: Proposed new development off Whitfield road: Henderson woods

Dear Mr Mallett,

Thank you for talking with me this afternoon concerning the proposed new development off of Whitfield road at the corner of Erwin road. I have 2 main concerns with this development as currently drafted. One is the relaxation of the rural buffer zone regulation limiting home sites to 2 acre lots. I believe this 2 acre rule was put in place to help reduce the density of development in the rural buffer zone, thereby conserving the natural resources. Relaxing this rule seems to violate this principle and fosters more concentrated development and a reduction in the conservation of rural buffer zone assets. Secondly, I am concerned with the added traffic to the already dangerously overloaded Whitfield road. As you pointed out, the original development plans had the access to the development onto Erwin road, but DOT decided this was going to be too dangerous and now has the development road access onto Whitfield road. I have experienced an increased traffic density on Whitfield road in the last several years, with heavy commuter traffic using Whitfield road as a short cut from Highways 86/40 over to Erwin road, with the attendant disregard for the 45 mile an hour speed limit on Whitfield, dangerous passing on double yellow lines, and a complete disregard for the stoplight at the intersection of Whitfield and Erwin roads. I am concerned that adding more traffic to Whitfield road via the new development road access will only make this situation worse.

I would appreciate your assistance in making the enclosed remarks in this email concerning the new proposed development "Henderson Woods" a part of the public record. Thank you for your assistance in this matter. Jonathan Smith 5 Foxridge road Chapel Hill, NC

Patrick R. Mallett

From: Natalie Marrone <natalie.marrone@duke.edu>
Sent: Tuesday, March 31, 2015 4:26 PM
To: Patrick R. Mallett
Subject: Re: Henderson Woods

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Patrick: I have spoken with Mr. Heffner yesterday and am working on an evening meeting with our concerned neighbors and Mr. Heffner. Thank you for your assistance.

Best regards,
 Natalie Marrone

From: "Patrick R. Mallett" <pmallett@orangecountync.gov>
Date: Tuesday, March 31, 2015 at 8:13 AM
To: Natalie Marrone <natalie.marrone@duke.edu>
Cc: Michael Harvey <mharvey@orangecountync.gov>
Subject: Henderson Woods

Natalie,
 Concept Plan Schedule:
<http://www.co.orange.nc.us/planning/documents/MajorSubdivision-ConceptPlan2015Calendar.pdf>,

Thanks for taking my call. Above is a link to the Major Subdivision Concept Plan Process. Henderson Woods is Tracking to go to the Planning Board meeting on May 6th (5th column in the chart). If the Concept Plan is approved, the applicant can then submit a Preliminary Plan application, which is another approval that takes several months. Once approved, they would then submit construction drawings and construct the infrastructure (e.g. the internal roads), once inspected they would then prepare the final plat to record the lots. This process also takes several months. To get to that point, the process will likely take about a year.

Like I said, Tom Heffner the applicant has indicated the he is willing to meet with neighbors and area residents to discuss the plan above and beyond the required Neighborhood Information Meeting. His contact is 919-929-0518.

Please call or e-mail me if you have any questions. I'm also willing to meet with you and your husband to review the requirements and the process as needed.

Very Respectfully,

Patrick R. Mallett, Planner II
 Orange County Planning & Inspections Department

Phone: (919) 245-2577
 Fax: (919) 644-3022
 E-mail: pmallett@orangecountync.gov
 Orange County Planning Website: <http://www.orangecountync.gov>

Address:

131 W. Margaret Lane, Suite 201
P.O. Box 8181
Hillsborough, NC 27278

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

Patrick R. Mallett

From: Natalie Marrone <natalie.marrone@duke.edu>
Sent: Saturday, April 04, 2015 7:53 AM
To: Patrick R. Mallett
Subject: Re: Henderson Woods

Hi Patrick: Folks here had one more question and that was about the sourcing of water for all of Mr. Heffner's properties. Is he proposing to tap into the well water supply from Stoneridge/Sedgefield again as he did with Creekwood?

Thank you again,
Natalie Marrone-Bell

From: "Patrick R. Mallett" <pmallett@orangecountync.gov>
Date: Tuesday, March 31, 2015 at 4:28 PM
To: Natalie Marrone <natalie.marrone@duke.edu>
Subject: RE: Henderson Woods

No problem. Myself and or Michael would be happy to attend and give the neighbors a walkthrough of the process and the development requirements if you'd like.

Very Respectfully,

Patrick R. Mallett, Planner II
Orange County Planning & Inspections Department

Phone: (919) 245-2577
Fax: (919) 644-3022
E-mail: pmallett@orangecountync.gov
Orange County Planning Website: <http://www.orangecountync.gov>

Address:
131 W. Margaret Lane, Suite 201
P.O. Box 8181
Hillsborough, NC 27278

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From: Natalie Marrone [<mailto:natalie.marrone@duke.edu>]
Sent: Tuesday, March 31, 2015 4:26 PM
To: Patrick R. Mallett
Subject: Re: Henderson Woods

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Best regards,

Natalie Marrone

From: "Patrick R. Mallett" <pmallett@orangecountync.gov>
Date: Tuesday, March 31, 2015 at 8:13 AM
To: Natalie Marrone <natalie.marrone@duke.edu>
Cc: Michael Harvey <mharvey@orangecountync.gov>
Subject: Henderson Woods

Natalie,
Concept Plan Schedule:
<http://www.co.orange.nc.us/planning/documents/MajorSubdivision-ConceptPlan2015Calendar.pdf>,

Thanks for taking my call. Above is a link to the Major Subdivision Concept Plan Process. Henderson Woods is Tracking to go to the Planning Board meeting on May 6th (5th column in the chart). If the Concept Plan is approved, the applicant can then submit a Preliminary Plan application, which is another approval that takes several months. Once approved, they would then submit construction drawings and construct the infrastructure (e.g. the internal roads), once inspected they would then prepare the final plat to record the lots. This process also takes several months. To get to that point, the process will likely take about a year.

Like I said, Tom Heffner the applicant has indicated the he is willing to meet with neighbors and area residents to discuss the plan above and beyond the required Neighborhood Information Meeting. His contact is 919-929-0518.

Please call or e-mail me if you have any questions. I'm also willing to meet with you and your husband to review the requirements and the process as needed.

Very Respectfully,

Patrick R. Mallett, Planner II
Orange County Planning & Inspections Department

Phone: (919) 245-2577
Fax: (919) 644-3022
E-mail: pmallett@orangecountync.gov
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Address:
131 W. Margaret Lane, Suite 201
P.O. Box 8181
Hillsborough, NC 27278

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**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: June 3, 2015

**Action Agenda
Item No. 8**

SUBJECT: Unified Development Ordinance Text Amendment – Impervious Surface Regulations

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance Outline Form – Impervious Surface Amendments (UDO/Zoning 2015-02)
2. Statement of Consistency
3. Proposed Amendment Package

INFORMATION CONTACT:

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

PURPOSE: To make a recommendation to the BOCC on Planning Director initiated amendments to the Unified Development Ordinance (UDO) regarding impervious surface regulations.

BACKGROUND: This item was presented at the May 26, 2015 Quarterly Public Hearing (materials available at: <http://www.orangecountync.gov/150526QPHKC.pdf>).

As indicated during the hearing the proposed amendment seeks to allow for a potential increase in allowable impervious surface area on a given parcel of property through the development and incorporation of an infiltration based stormwater feature, consistent with State allowances. For additional background information please refer to Section B.1 of Attachment 1.

Please refer to Section C.1 of Attachment 1 for a synopsis of comments made at the public hearing.

Procedural Information: In accordance with Section 2.8.8 of the UDO any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

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 2 and proposed amendment package contained in Attachment 3.

FINANCIAL IMPACT: Please refer to Section C.3 of Attachment 1.

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

1. Deliberate on the petition as desired,
2. Consider the Planning Director's recommendation, and
3. Make a recommendation to the BOCC on the Statement of Consistency and proposed amendment package in time for the **June 16, 2015** BOCC meeting.

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

UDO / Zoning-2015-02

UDO Text Amendment(s) allowing for the modification of impervious surface area within Watershed Protection Overlay Districts through the installation of an infiltration based stormwater system

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map:
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): 1. 4.2.8 *Modifications of the Impervious Surface Ratio* of the Orange County Unified Development Ordinance (UDO).

- 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 Planning Director has initiated text amendment(s) to modify existing regulations governing processes

allowing for the modification of allowable impervious surface area.

There has been an increase in inquiries and interest from local residents and property owners with respect to increasing allowable impervious surface area on parcels of property including:

- Increasing allowable impervious surface percentages in Watershed Protection Overlay Districts in accordance with State standards,
- Allow additional impervious surface area on property based on the installation of a stormwater feature, and
- Exempt gravel from being considered an 'impervious surface area'.

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'*.

The amendments are necessary to address current concerns our impervious surface limits are too restrictive and unnecessarily limit development of property and to provide a mechanism for modifying said limits consistent with current State policies.

Staff generated an information item on this topic, which was provided to the BOCC at its March 3, 2015 regular meeting. Agenda materials from this meeting can be viewed at:

http://www.orangecountync.gov/document_center/BOCCAgendaMinutes/March_3_2015.pdf.

As detailed within this information item, in certain circumstances the State allows the installation of a stormwater feature, commonly referred to as a Best Management Practice (BMP), providing an opportunity for the installation of additional impervious surface area.

At this time the State only recognizes the use/installation of permeable pavement as a means of receiving additional impervious surface area on a parcel. The State is in the process, however, of revising their policies with respect to the types of features where additional impervious surface could be permitted based on the installation of a BMP designed to capture and allow for the infiltration of stormwater. The result could be the expansion of the types of features allowing for an additional allotment of impervious surface area.

The proposed amendment(s) seeks to incorporate the use of infiltration based/designed BMPs as a means of modifying allowable impervious surface area within the County. This is consistent with current, and anticipated, State allowances.

The review of these requests will have to be done on a case-by-case basis with the property owner assuming the responsibility for completing the necessary engineering studies justifying the modification as well as the responsibility for the maintenance, inspection, and upkeep of said BMP in perpetuity.

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

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

N/A

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

March 17, 2015

b. Quarterly Public Hearing

May 26, 2015

c. BOCC Updates/Checkpoints

March 17, 2015 – Approved the UDO Amendment Outline Form.

April 1, 2015 – Planning Board Ordinance Review Committee (ORC).

May 26, 2015 – Quarterly Public Hearing.

During the public hearing the following questions/general comments were made:

- a. A planning board member indicated more effort needed to be taken to ensure local property owners/developers are aware of the easement and access requirements associated with the installation of a BMP.
- b. A Board member asked how maintenance requirements for an installed stormwater feature would be formalized.

STAFF COMMENT: An operations and maintenance agreement would be completed by the property owner and staff detailing the perpetual maintenance responsibilities for the stormwater feature. This agreement would be recorded within the Orange County Registrar of Deeds Office and would run with the land meaning future owners of the property would be bound to the agreement as well.

- c. A planning board member asked what would happen if a property owner failed to properly maintain a BMP?

STAFF COMMENT: If the property owner fails to abide by the agreement and maintain the system, enforcement action would be taken by the County ranging from the issuance of fines, re-establishment of a new BMP, or removal of the unmaintained stormwater feature. This would include the removal of any

impervious surface area installed as part of the BMP.

- d. A local resident expressed support for proposal and concern over the process employed by developers to allocate impervious surface area within their projects.

STAFF COMMENT: The concern is being reviewed.

- e. A Board member asked if there were sufficient staff within Erosion Control to complete required inspections of stormwater systems.

STAFF COMMENT: The Director indicated an additional Erosion Control officer would be hired in 2016 to address the increased workload for the Department. Additional staff, however, may be necessary if more BMPs are installed throughout the County requiring monitoring and inspection.

- f. There was general discussion over OWASA's review comments.

For more information on OWASA's recommendation please refer to Attachment 3 of the May 26, 2015 Quarterly Public Hearing package which can be viewed at: <http://www.orangecountync.gov/150526QPHKC.pdf>.

- g. Staff informed the BOCC and Planning Board a comment from Commissioner Barry Jacobs had been received suggesting the proposed modification option not be applicable in Critical Watershed Protection Overlay Districts (i.e. Upper Eno, Cane Creek, University Lake Critical areas) to ensure water quality in these areas is not an issue.

June 16, 2015 - Receive Planning Board recommendation.

- d. Other

N/A

2. **PUBLIC INVOLVEMENT PROGRAM**

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

- a. Planning Board Review:

April 1, 2015 – Planning Board Ordinance Review Committee (ORC).

The ORC met on April 1, 2015 to review this item. There was general discussion over the implications of the proposed amendment and the process by which a property owner would obtain additional impervious surface area.

June 3, 2015 – Recommendation.

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- b. Advisory Boards:
 Commission for the Environment (CFE). The CFE reviewed this item at its April 13, 2015 regular meeting.

Comments from this meeting are contained within the May 26, 2015 public hearing packet.

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- c. Local Government Review:
 Staff transmitted the proposed amendment to the Towns of Chapel Hill, Carrboro, and Hillsborough for courtesy review.

Staff transmitted the proposed amendment to OWASA staff and presented the item to its Board on April 23, 2015.

To date only the Town of Carrboro has provided comments.

Comments from this meeting are contained within the May 26, 2015 public hearing packet.

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- d. Notice Requirements

Legal advertisement published in accordance with the provisions of the UDO.

- e. Outreach:

<input type="checkbox"/> General Public:	
<input type="checkbox"/> Small Area Plan Workgroup:	
<input type="checkbox"/> Other:	

3. FISCAL IMPACT

Modification of existing language will not require the outlay of additional funds by the County. Processing of the amendment shall be handled by staff utilizing existing budgeted funds.

D. AMENDMENT IMPLICATIONS

The amendment will allow for an additional process, in accordance with State regulations, allowing for the modification of impervious surface limits throughout the County. While an engineer will be supplying an analysis of the proposed BMP and post construction reports on its operation, staff time is still required to review and inspect the
--

system. Inspection fees will be necessary to assist in cost recovery.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 3.

Primary Staff Contact:

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

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

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to allowing for the modification of established impervious surface limits with the installation and perpetual maintenance of an infiltration based stormwater feature commonly referred to as a Best Management Practice (BMP).

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, as amended, or part thereof including but not limited to, the following:

Chapter 5 – Land Use Element – Section 5.6 Goals – 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.

Chapter 5 – Land Use Element – Section 5.6 Goals – Land Use Goal 6:

A land use planning process that is transparent, fair, open, efficient, and responsive.

Chapter 6 – Natural and Cultural Systems Element – Section 6.4.4 Natural Areas, Wildlife, and Prime Forests – Natural Area Objective 4:

Encourage adequate stormwater runoff controls in existing developed areas and require these controls for new subdivisions to protect sensitive downstream aquatic habitat.

Chapter 8 – Services and Facilities Element – Section 8.4.2 Erosion Control and Stormwater Management – Erosion Control Objective 1:

Continue to use Best Management Practices (BMPs) for stormwater control, as outlined within the Orange County Unified Development Ordinance, Stormwater Ordinance, and Sedimentation Control Ordinance, to minimize potential adverse impacts on the water quality.

- c. The amendment is consistent with applicable plans because it:
 1. Allows for the placement of additional impervious surface area on a parcel of property through the installation and perpetual maintenance of an infiltration based stormwater feature. This feature, required to be designed by an engineer, will capture and ‘treat’ runoff rather than direct it into existing streams, waterbodies, or ditches thereby helping minimize the potential adverse impacts on water quality.

2. Requires current, and future, property owners to maintain the integrity and viability of the installed stormwater feature in an effort to guarantee water quality in perpetuity.
- d. The amendment is reasonable and in the public interest because it:
1. Provides an opportunity for interested residents and property owners to install additional impervious surface area, such as gravel, asphalt, and buildings, on a property with the installation of an infiltration based stormwater feature consistent with practices employed by the State of North Carolina.
 2. Allows for additional use of property while working to address concerns over water quality.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.

Pete Hallenbeck, Chair

Date

- (e) The amount of encroachment into the stream or reservoir buffer is the minimum amount which can be obtained while meeting the criteria in (a) through (d).

4.2.3 Land Use Restrictions

All uses and activities allowed in the underlying zoning district are permitted with the following exceptions:

TABLE 4.2.3 LAND USE RESTRICTIONS	
DISTRICT	RESTRICTIONS
UNIV-CA UNIV-PW CANE-CA U-ENO-CA	No new landfills are permitted. No commercial or industrial uses are permitted except for commercial development, in accordance with the provisions of the Ordinance, located within established Nodes as detailed within the Orange County Comprehensive Plan. No new golf courses are permitted
UNIV-CA CANE-CA U-ENO-CA	No residual (sludge/biosolids) application is permitted.
CANE-PW U-ENO-PW HYCO-PW LITTLE-PW BACK-PW FLAT-PW HAW-PW L-ENO-PW JORDAN-PW	No discharging landfills are permitted. Industrial use is limited to nonhazardous light industrial uses characterized by low water use (less than 10,000 gpd, excluding domestic water (25 gpd per employee) and water used for heating and air conditioning).

4.2.4 Residential Density

Maximum residential density shall be as indicated in the Table in this subsection, or as required by the underlying zoning district, whichever is less.

TABLE 4.2.4 RESIDENTIAL DENSITY	
DISTRICT	MAXIMUM DENSITY
UNIV-CA UNIV-PW	1 du/five acres. Lots of record existing on October 2, 1989 may contain up to, but no more than, five lots with a density of one du/two acres. Contiguous lots of record existing on October 2, 1989 may be combined into one parcel for development. The number of two-acre lots and the total number of lots in the combined parcel cannot exceed the sum of the number of lots which could be created from each lot of record.
CANE-CA CANE-PW	1 du/ five acres Lots of record existing on October 19, 1999 may contain up to, but no more than, five lots as small as two acres in size. Contiguous lots of record existing on October 19, 1999 may be combined into one parcel for development. The number of two-acre lots and the total number of lots in the combined parcel cannot exceed the sum of the number of lots which could be created from each lot of record.
U-ENO-CA LITTLE-PW	1 du / 2 acres
HYCO-PW FLAT-PW	1 du/ 40,000 square feet (.92 acre)
U-ENO-PW L-ENO-PW HAW-PW JORDAN-PW BACK-PW	Maximum density is as permitted in the underlying zoning district. Structural BMPs are required in some cases where density exceeds 1 dwelling unit per acre. Refer to Section 4.2.5.

4.2.5 Impervious Surface and Detention Pond Requirements for Residential Uses

TABLE 4.2.5.1: IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (RESIDENTIAL)	
DISTRICT	IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (RESIDENTIAL)
UNIV-CA UNIV-PW	6% impervious surface limit. EXCEPT for all lots which existed prior to 4/2/90, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Univ, Cane, and Little). [1]. [2] BMPs cannot be used to satisfy watershed impervious surface requirements. ¹ <u>Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).</u> ²
CANE-CA CANE-PW	6% impervious surface limit. EXCEPT for lots smaller than two acres which existed prior to 1/1/94, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Univ, Cane, and Little). [1]. [2] * BMPs cannot be used to satisfy watershed impervious surface requirements. <u>Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).</u>
U-ENO-CA	6% impervious surface limit. EXCEPT for lots smaller than five acres which existed prior to 6/1/2010, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Upper Eno). [1]. [2] * BMPs cannot be used to satisfy watershed impervious surface requirements.
LITTLE-PW	6% impervious surface limit. EXCEPT for lots which existed prior to 1/1/94, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios - Univ, Cane, and Little). [1]. [2] * BMPs cannot be used to satisfy watershed impervious surface requirements. <u>Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).</u> ³

¹ Staff is editing existing notes throughout the Section to address existing typographical and reference errors. In the existing text an asterisk (“*”) in certain cases was used to denote information while in other cases it was not. There was also a [1] used to identify certain watersheds requiring a BMP in the Neuse River Basin. Unfortunately the watershed overlay districts identified are not in the Neuse River Basin. The proposed amendments address these issues and clarify the essential information.

² **Green bold underlined** language added on May 28, 2015 to address a concern of the Planning Director. Specifically lots created through the cluster subdivision process would not be able to take advantage of the proposal. We also changed out the term ‘parcel’ for ‘lot’ as the term ‘lot’ is already defined within the UDO.

³ Staff is suggesting language mandating a 2 acre minimum lot size, or that the lot was created in accordance with established density regulations, in order for a parcel within identified watershed overlay districts to request a modification of impervious surface area through the installation of a stormwater feature. The rationale for the suggestion is that State regulations currently allow governing bodies to require either a 1 acre minimum lot size, limited to a 6% impervious surface threshold, or a 2 acre minimum lot size limited to a 12% impervious surface threshold. In these identified watershed overlay districts the County made a conscious decision to follow the more restrictive option. We are recommending the condition to ensure those properties subject to a modification request meet minimum State standards with respect to required lot size. Please refer to Attachment 2 for additional information on State requirements associated with the establishment and enforcement of impervious surface thresholds.

TABLE 4.2.5.1: IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (RESIDENTIAL)	
DISTRICT	IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (RESIDENTIAL)
FLAT-PW HYCO-PW	12% impervious surface limit for new and existing lots. [1], [2] * BMPs cannot be used to satisfy watershed impervious surface requirements.
U-ENO-PW BACK-PW	12% impervious surface limit for existing and new lots outside of Transition Areas as designated in the Orange County Land Use Plan. [1], [2] [1] BMPs cannot be used to satisfy watershed impervious surface requirements. 30% impervious surface limit for developments which exceed a density 1 du/acre within Transition Areas as designated in the Orange County Land Use Plan. Structural BMPs are required if impervious surface exceeds 12%. 70% impervious surface limit for residential uses developed at “high intensity” densities (R-5, R-8, and R-13) in an Economic Development District as designated in the Land Use Element of the Comprehensive Plan (high-density option) with structural BMPs if ISR exceeds >12%.
L-ENO-PW	24% impervious surface limit with curb and gutter. 36% impervious surface limit without curb and gutter. [1], [2] [1] BMPs cannot be used to satisfy watershed impervious surface requirements. 70% impervious surface limit for residential uses developed at “high intensity” densities (R-5, R-8, and R-13) in an Economic Development District as designated in the Land Use Element of the Comprehensive Plan (high-density option), with structural BMPs required when impervious surface exceeds: 24% (w/ curb and gutter); or 36% (w/o curb and gutter).
HAW-PW JORDAN-PW	24% impervious surface limit. [1], [2] [1] BMPs cannot be used to satisfy watershed impervious surface requirements.
<p>[1] BMP's as mandated by the Stormwater Management Program for Lands within the Neuse River Basin are allowed. Allowable impervious surface area may be modified in accordance with Section 4.2.8 of the UDO. ⁴</p> <p>[2] Regardless of the proposed amount of impervious surface area, a stormwater feature/best management practice (BMP) may still be required based on the proposed amount of land disturbance on a given parcel of property in accordance with applicable Orange County Erosion Control and State Stormwater regulations. ⁵</p>	

(A) Hillsborough Economic Development District

- ~~(1) The Hillsborough Economic Development District is located within the Lower Eno - Unprotected watershed. Within the Hillsborough Economic Development District, as designated in the Land Use Element of the Comprehensive Plan, the maximum impervious surface ratio is 50% with detention ponds.~~

⁴ This references the Section of the UDO where are now recognizing a State provision allowing for the additional allotment of impervious surface area through the use of specific BMPs.

⁵ The County enforces land disturbance thresholds for erosion control and stormwater permits, specifically a certain amount of land disturbance will require the submittal of either an erosion control permit and/or a stormwater permit application. While a BMP may be installed on a parcel of property as part of a proposed modification of allowable impervious surface area, the County also enforces standards requiring a BMP on property being developed for residential purposes based on the proposed amount of land disturbance. This requirement has nothing to do with the total amount of impervious surface area proposed or any request to modify same. Land disturbance thresholds vary for each district. We are adding language to the UDO clarifying when a BMP is required based on these existing disturbance thresholds.

TABLES 4.2.5.2 & 4.2.5.3: SLIDING SCALE FOR RESIDENTIAL IMPERVIOUS SURFACE RATIOS – UNIV, CA, LITTLE, AND UPPER ENO

LOT SIZE (ACRES)	ISR	SQUARE FEET		LOT SIZE (ACRES)	ISR	SQUARE FEET
Cells in black DO NOT apply to the Upper Eno						
6+	5.0			3.1	9.8	13,234
6.0	5.0	13,068		3.0	10.0	13,068
5.9	5.1	13,107		2.9	10.2	12,885
5.8	5.2	13,138		2.8	10.4	12,685
5.7	5.3	13,159		2.7	10.6	12,467
5.6	5.4	13,172		2.6	10.8	12,232
5.5	5.5	13,177		2.5	11.0	11,979
5.4	5.6	13,172		2.4	11.2	11,709
5.3	5.7	13,159		2.3	11.4	11,421
5.2	5.8	13,138		2.2	11.6	11,116
5.1	5.9	13,107		2.1	11.8	10,794
5.0	6.0	13,068		2.0	12.0	10,454
4.9	6.2	13,234		1.9	12.2	10,097
4.8	6.4	13,381		1.8	12.4	9,723
4.7	6.6	13,512		1.7	12.6	9,331
4.6	6.8	13,625		1.6	12.8	8,921
4.5	7.0	13,721		1.5	13.0	8,494
4.4	7.2	13,880		1.4	13.2	8,050
4.3	7.4	13,861		1.3	13.4	7,588
4.2	7.6	13,904		1.2	13.6	7,109
4.1	7.8	13,930		1.1	13.8	6,612
4.0	8.0	13,939		1.0	14.0	6,098
3.9	8.2	13,930		0.9	14.2	5,567
3.8	8.4	13,904		0.8	14.4	5,018
3.7	8.6	13,861		0.7	14.6	4,452
3.6	8.8	13,800		0.6	14.8	3,868
3.5	9.0	13,721		0.5	15.0	3,267
3.4	9.2	13,625		0.4	15.2	2,648
3.3	9.4	13,512		0.3	15.4	2,012
3.2	9.6	13,382		0.2	15.6	1,359

4.2.6 Impervious Surface, Detention Pond, and Lot Size Requirements for Non-Residential Uses

Unless otherwise noted in the Table below, minimum lot sizes shall be in conformance with the underlying zoning district.

TABLE 4.2.6: IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS	
DISTRICT	IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (NON-RESIDENTIAL)
UNIV-CA UNIV-PW ⁶	Same as Residential (See Table in subsection 4.2.5)

⁶ Staff is recommending modifying these provisions to ensure consistency amongst the various watershed overlay districts. We believe it would be more appropriate to make the regulations more consistent with other, similar overlay districts as denoted herein.

TABLE 4.2.6: IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS

DISTRICT	IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (NON-RESIDENTIAL)
UNIV-CA CANE-CA	5-acre minimum lot size, with potential of up to five lots as small as two acres for lots of record <u>September 1, 2015 (University Lake) or October 19, 1999 (Cane Creek)</u> ; AND 6% impervious surface limit. [1], [2] BMPs cannot be used to satisfy watershed impervious surface requirements.
U-ENO-CA	2-acre minimum lot size AND 6% impervious surface limit. <u>[1], [2]</u>
UNIV-PW CANE-PW	5-acre minimum lot size with potential of up to five lots as small as two acres for lots of record <u>September 1, 2015 (University Lake) or October 19, 1999 (Cane Creek) (Amended 10-19-99)</u> ; AND 50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff; AND a limit of 1.0% of the watershed for non-residential use (139 acres in CANE-PW). [1], [2] BMPs cannot be used to satisfy watershed impervious surface requirements.
LITTLE-PW	2-acre minimum lot size AND 50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff; AND a limit of 1.0% of the watershed for non-residential use (406 acres in LITTLE-PW). [1], [2] BMPs cannot be used to satisfy watershed impervious surface requirements.
U-ENO-PW BACK-PW	70% ISR in Economic Development, Commercial and/or Commercial- Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan (high-density option) with structural BMPs if ISR <u>>exceeds</u> 12%; AND 50% ISR for all fire stations and solid waste collection centers outside of Commercial and/or Commercial-Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan, with structural BMPs if ISR <u>>exceeds</u> 12%; AND 12% ISR for all other non-residential uses outside of Commercial and/or Commercial-Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan (BMPs cannot be used to satisfy watershed impervious surface requirements); AND on-site infiltration of the first inch of stormwater runoff; AND A limit of 1,151 acres of non-residential use throughout U-ENO-PW (5.0%) and 163 acres throughout BACK-PW (1%). <u>[1], [2]</u>
HYCO-PW FLAT-PW	50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff; AND limit of 1% of the watershed for non-residential use (37 acres in HYCO-PW, 66 acres in FLAT-PW). [1], [2] BMPs cannot be used to satisfy watershed impervious surface requirements.
L-ENO-PW	70% impervious surface, with structural BMPs required when impervious surface exceeds: 24% (w/ curb and gutter); or 36% (w/o curb and gutter). <u>[1], [2]</u>

TABLE 4.2.6: IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS

DISTRICT	IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (NON-RESIDENTIAL)
HAW-PW JORDAN- PW	24% impervious surface limit. [1], [2] BMPs cannot be used to satisfy watershed impervious surface requirements.
<p>[1] BMP's as mandated by the Stormwater Management Program for Lands within the Neuse River Basin are allowed. [1] Allowable impervious surface area may be modified in accordance with Section 4.2.8 of the UDO.</p> <p>[2] For non-residential developments a stormwater feature/best management practice (BMP) shall be required in accordance with applicable local and State standards based on proposed land disturbance and/or a project exceeding impervious surface thresholds as identified herein.⁷</p> <p>NOTE: Non-residential use impervious acreage limits in watershed with such limits are calculated using the actual amount of impervious surface for non-residential uses throughout the watershed, not by the overall number of acres of non-residential parcels located in a particular watershed.</p>	

(A) Hillsborough Economic Development District

- (1) The Hillsborough Economic Development District is located within the Lower Eno - Unprotected watershed. Within the Hillsborough Economic Development District, as designated in the Land Use Element of the Comprehensive Plan, the maximum impervious surface ratio is 50% with detention ponds.

4.2.7 Placement of Streets, Driveways, and Buildings

- (A)** Streets, driveways, and buildings or other structures shall be located, to the extent reasonably possible, so as to take full advantage of the absorptive capacity of the soils on which they are to be situated and to avoid the following environmentally sensitive areas:
- (1) Stream buffer zones as required by Section 6.13;
 - (2) Wetlands as defined by the U.S. Army Corps of Engineers;
 - (3) Land with slopes greater than 15%; and
 - (4) Natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.
- (B)** To avoid creating lots that will be difficult to build upon in compliance with the standards of this Section, the preliminary plan shall show proposed building envelopes and approximate driveway locations for all lots within subdivisions.
- (1) A zoning compliance permit shall not be issued for the construction of buildings or driveways outside the areas so designated on the preliminary plan unless the Planning Director makes a written finding that the proposed location complies with the provisions of this Section and Sections 6.13 (Stream Buffers) and 6.14 (Stormwater Management).

4.2.8 Modifications of the Impervious Surface Ratio

Modifications of the Impervious Surface Ratios may be requested through one of the following provisions:

- (A)** Through variance procedures of the Board of Adjustment, as described in Section 2.10.

⁷ Unlike residential development, State regulations require a stormwater feature for all non-residential projects exceeding established impervious surface thresholds for the watershed protection overlay district in which the project is located. This is the reason why language for note 2 within Section 4.2.6 is different from the same note in Section 4.2.5.

- (B) Through approval and recordation of a conservation agreement, as provided in Article 4 of Chapter 121 of the N.C. General Statutes, between Orange County and a land owner that prohibits development of land in a protected watershed in perpetuity, subject to the following:
- (1) A modification of the required impervious surface ratios may be approved administratively but only to the extent that additional land in the same watershed is conserved or protected from development.
 - (2) The land which will be subject to a conservation agreement must be adjacent to the land proposed for development and for which a modification of the impervious surface ratios is sought.
 - (a) As an example, a person owning a 40,000 square foot lot and subject to a 12% impervious surface ratio would be limited to 4,800 square feet of impervious coverage. If the person's plans called for 5,500 square feet of coverage (a difference of 700 square feet), the recording of a conservation easement on 5,833 square feet of contiguous property would satisfy the impervious surface ratio requirements. (12% of 5,833 square feet is 700 square feet.)
 - (b) The conservation easement shall describe the property restricted in a manner sufficient to pass title, provide that its restrictions are covenants that run with the land and, be approved in form by the County Attorney.
 - (c) The conservation easement shall, upon recording, be in the place of a first priority lien on the property (excepting current ad valorem property taxes) and shall remain so unless, with the approval of Orange County, it is released and terminated.
 - (d) Orange County shall require the priority of the conservation easement to be certified by an attorney-at-law, licensed to practice law in the State of North Carolina and approved to certify title to real property.
 - (e) Orange County approval of a release or termination of the conservation agreement shall be declared on the document releasing or terminating the agreement. The document shall be signed by the Orange County Manager, upon approval of the Board of County Commissioners. No such document shall be effective to release or terminate the conservation agreement until it is filed for registration with the Register of Deeds of Orange County.
- (C) Through the installation of a stormwater feature, consistent with the minimum design standards as detailed within the State BMP Manual.
- (1) The proposed feature must be recognized by Orange County and the State as allowing for an increase in impervious surface area through an infiltration stormwater feature.
 - (2) Under no circumstances may impervious surface area be increased by more than 3% of the total allowable area on the subject parcel through this process.
 - (3) The property owner shall provide a stormwater assessment, completed by a licensed engineer, of the current property identifying its infiltration rates and carrying capacity as well as a comprehensive soil assessment for the property.
 - (4) The development/design of the feature shall be in accordance with established design criteria as embodied within the State stormwater manual and shall be completed by a licensed engineer with expertise in stormwater management.⁸ Additional allowable impervious surface area shall be based on the soil

⁸ Language added to address OWASA concern(s) over the UDO explicitly requiring a licensed engineer, with expertise in stormwater management, completed the design on the BMP.

composition of the property consistent with State regulations.

- i.(5) The property owner shall be responsible for the completion and submission of a stormwater operation/maintenance and access agreement detailing the perpetual maintenance, inspection, and upkeep of the approved BMP in accordance with County and State regulations.

The Planning Director shall cause an analysis to be made of the agreement by qualified representatives of the County and other agencies or officials as appropriate. Once approved, the document shall be recorded in the Orange County Registrar of Deeds office.⁹

The property owner assumes all financial and legal responsibility for the perpetual maintenance and upkeep of the approved BMP.

- (6) The property owner shall assume all costs associated with the preparation and recordation of new plat(s)/development restrictions detailing the allowable impervious surface limit(s) for the property after the BMP has been approved by the County.

4.2.9 Water Supply / Sewage Disposal Facilities

TABLE 4.2.9: WATER SUPPLY/SEWAGE DISPOSAL FACILITIES	
DISTRICT	WATER SUPPLY/SEWAGE DISPOSAL
UNIV-CA UNIV-PW	Water supply and sewage treatment systems shall be limited to individual wells and on-site septic tanks systems or individual on-site alternative disposal systems.
All Watershed Overlay Districts	No new treatment system will be permitted where effluent disposal occurs on a separate lot from the source of wastewater generation; provided, however, off-site systems shall be permitted in all Watershed Overlay Districts except the University Lake Protected Watershed (UNIV-PW) and Critical Area (UNIV-CA) when located in a Flexible Development subdivision approved in accordance with Section 7.13 of this Ordinance.
UNIV-CA	New septic tanks and their nitrification fields shall be located outside of any stream buffers, or 300 feet from a reservoir or perennial or intermittent stream as shown on the USGS Quadrangle maps, whichever is further
CANE-CA U-ENO-CA	New septic tanks, pump tanks and their appurtenances shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps, and at least 150 feet from a reservoir. New nitrification fields shall be located outside of any stream buffers and at least 100 feet from a perennial or intermittent stream as shown on the USGS Quadrangle maps, and at least 300 feet from a reservoir.
CANE-PW CANE-CA U-ENO-CA	Water supply and sewage treatment systems shall be limited to individual wells and septic tanks or individual on-site alternative disposal systems; provided however, off-site systems shall be permitted when located in a Flexible Development subdivision approved in accordance with Section 7.13 of this Ordinance.

⁹ The County Attorney’s office has expressed concern over the language with this Section, specifically there is a concern over liability issues due to the lack of defined standards associated with said review. Unfortunately we have received numerous review comments from our planning partners (i.e. OWASA, the Towns, etc.) requesting additional level of detail. While we understand the nature of the Attorney’s concern staff is finding it difficult to make everyone comfortable.

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: June 3, 2015

Action Agenda
Item No. 9

SUBJECT: Unified Development Ordinance Text Amendment – Temporary Health Care Structures

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance (UDO) Amendment Outline Form and Session Law 2014-94
2. Statement of Consistency
3. Proposed Text Amendments

INFORMATION CONTACT:

Ashley Moncado, Planner II	245-2589
Craig Benedict, Director	245-2575

PURPOSE: To make a recommendation to the BOCC on a Planning Director initiated text amendment to the Unified Development Ordinance (UDO) regarding temporary health care structures.

BACKGROUND: On August 1, 2014, the North Carolina State Legislature adopted regulations regarding the permitting of temporary health care structures in the state. These regulations allow for temporary health care structures, 300 square feet or less, to be permitted as an accessory use in any single family residential zoning district on lots zoned for single family detached dwellings if all the regulatory provisions outlined in Session Law 2014-94 are met. As a result, staff is proposing to modify sections of the UDO to address the review and permitting of temporary health care structures in order to be consistent with North Carolina General Statutes.

This item was presented for review and comment at the December 3, 2014 Ordinance Review Committee (ORC) meeting. Agenda materials from that meeting are available at <http://www.co.orange.nc.us/planning/planningboard.asp>.

The amendment was presented at the May 26, 2015 Quarterly Public Hearing. Staff addressed some of the other accessory structure and housing options that are currently available in the UDO in Attachment 1. Agenda materials from that meeting are available at <http://www.orangecountync.gov/150526QPHKC.pdf>.

Attachment 1, the Amendment Outline Form approved by the BOCC on November 18, 2014, provides additional background information on the proposal. Proposed text amendment language can be found in Attachment 3 within a “track changes” format (**red text** for proposed additions and **green text** for modifications made following the December ORC meeting).

Procedural Information: In accordance with Section 2.8.8 of the UDO any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. Additional oral evidence may be considered by the Planning Board only if it is for the purpose of presenting information also submitted in writing. The public hearing is held open to a date certain for the purpose of the BOCC receiving the Planning Board's recommendation and any submitted written comments.

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 2 and proposed amendment package contained in Attachment 3.

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 FY2014-15 Departmental funds budgeted for this purpose. Existing planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

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

1. Deliberate on the petition as desired,
2. Consider the Planning Director's recommendation, and
3. Make a recommendation to the BOCC on the Statement of Consistency and proposed amendment package in time for the **September 1, 2015** BOCC meeting

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

UDO / Zoning-2014-13

Temporary Health Care Structures

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From:
To:
- Zoning Map:
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): Section 5.5, Standards for Residential Uses
Section 10.1, Definitions

- 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 Planning Director has initiated a text amendment to incorporate recent changes in State Law, specifically Session Law 2014-94, related to the review and permitting of temporary health care structures.

This item was presented at the December 3, 2014 Ordinance Review Committee

meeting for Planning Board review and comment. Following this meeting, staff made one minor revision to the text amendment regarding signage pertaining to the advertisement of a temporary health care structure.

1. **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'.

The amendments are necessary to ensure the permitting of a temporary health care structure is consistent with recent changes in State Law. Session Law 2014-94, adopted August 1, 2014, defines a temporary health care structure as a transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled at a location other than its site of installation, is limited to one occupant who shall be the mentally or physically impaired person, has no more than 300 gross square feet, and complies with the North Carolina State Building Code.

The Session Law modifies standards related to the placement of a temporary health care structure including, but are not limited to, the following:

1. Only one temporary health care structure shall be allowed on a lot or parcel of land.
2. Temporary health care structures shall not require a Special Use Permit or be subjected to any other local zoning regulations beyond those imposed upon other accessory use structures.
3. Temporary health care structures shall comply with all setback requirements and any maximum floor area ratio limitations that apply to the primary structure.
4. Any person proposing to install a temporary health care structure must obtain a permit and may be charged a fee up to \$100 and a yearly renewal fee up to \$50.
5. A temporary health care structure may be required to connect to water, sewer, and electric utilities and comply with all applicable state laws, local ordinances, and additional regulations.
6. No signage shall be permitted onsite or on the exterior of the temporary health care structure.
7. All temporary health care structures shall be removed within 60 days in which the physical or mentally impaired person is no longer receiving care or is no longer in need of assistance.

Based on regulations set forth in Session Law 2014-94, the proposed amendment will address the review and permitting of temporary health care structures in order to be consistent with State Law. A copy of Session Law 2014-94 can be found at the end of this form.

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

3. New Statutes and Rules

Session Law 2014-94 *An Act Relating To Zoning Provisions For Temporary Health Care Structures*

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

November 18, 2014

b. Quarterly Public Hearing

May 26, 2015

c. BOCC Updates/Checkpoints

May 26, 2015 Quarterly Public Hearing. This item was reviewed at the hearing where the following comments were made:

BOCC Member Comment: The proposed text amendment is too restrictive as presented. Additional uses should be explored and discussed to allow more options for residents to accommodate mentally or physically impaired individuals on their property.

Staff Response: Existing standards contained in the Orange County Unified Development Ordinance (UDO) allow for additional options in caring for mentally or physically impaired individuals on a temporary or permanent basis. One option includes efficiency apartments, also known as accessory dwelling units, which may be constructed as an additional dwelling unit, accessory to a single family residence. The UDO also allows for temporary mobile homes for custodial care purposes to be placed as an accessory dwelling unit to an existing single family residence through the Class B Special Use Permit process. Both of these options would allow individuals to provide onsite care to impaired relatives. Standards outlined in the UDO also provide for the creation of Family Care Homes and Group Care Facilities. The UDO also allows for up to three unrelated persons to live together in a dwelling unit. This would allow residents wanting to provide care to impaired individuals who are unrelated to do so. If warranted, planning staff can work with the Planning Board to explore additional potential options to address this concern.

September 1, 2015 – Receive Planning Board recommendation

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

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

a. Planning Board Review:

December 3, 2014 – Ordinance Review Committee
 June 3, 2015 – Recommendation to the BOCC

b. Advisory Boards:

c. Local Government Review:

The proposed text amendments were submitted to the JPA Partners on January 14, 2015. To date, no comments have been received.

d. Notice Requirements

Consistent with NC State Statutes – legal ad prior to public hearing

e. Outreach:

- General Public: _____
- Small Area Plan Workgroup: _____
- Other: Materials were distributed to other County Departments and/or Divisions that may be interested or affected, including Building Inspections, Aging, Health, Environmental Health, Social Services, Emergency Services, and Tax/Land Records

3. FISCAL 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 FY2014-15 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

Language within the Unified Development Ordinance will be consistent with recent modification to State Law. The amendments will classify temporary health care structures as an accessory use to single-family dwellings which means they can be placed on the same lot as a single-family dwelling, subject to the standards proposed in Section 5.5.9. A process to review, permit, and monitor compliance of these structures will need to be developed by a multi-departmental team concurrent with ordinance adoption.

E. SPECIFIC AMENDMENT LANGUAGE

See Attachment 3 for proposed language.

Primary Staff Contact:

Ashley Moncado

Planning Department

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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

SESSION LAW 2014-94
HOUSE BILL 625

AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE
STRUCTURES.

The General Assembly of North Carolina enacts:

SECTION 1. Part 3 of Article 18 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-341.3. Zoning of temporary health care structures.

A county exercising powers under this Article shall comply with G.S. 160A-383.5."

SECTION 2. Part 3 of Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-383.5. Zoning of temporary health care structures.

(a) The following definitions apply in this section:

- (1) Activities of daily living. – Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) Caregiver. – An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (3) First or second degree relative. – A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.
- (4) Mentally or physically impaired person. – A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.
- (5) Temporary family health care structure. – A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(b) A city shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.

(c) A city shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

(d) Only one temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under subsections (b) and (c) of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except as



otherwise provided in this section. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.

(e) Any person proposing to install a temporary family health care structure shall first obtain a permit from the city. The city may charge a fee of up to one hundred dollars (\$100.00) for the initial permit and an annual renewal fee of up to fifty dollars (\$50.00). The city may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The city may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the city of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.

(f) Notwithstanding subsection (i) of this section, any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, including Part 5 of this Article, as if the temporary family health care structure were permanent real property.

(g) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(h) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.

(i) The city may revoke the permit granted pursuant to subsection (e) of this section if the permit holder violates any provision of this section or G.S. 160A-202. The city may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.

(j) Temporary family health care structures shall be treated as tangible personal property for purposes of taxation."

SECTION 3. G.S. 130A-250 is amended by adding a new subdivision to read:

"(14) Temporary family health care structures under G.S. 153A-341.3 or G.S. 160A-383.5."

SECTION 4. G.S. 131D-2.1(10) reads as rewritten:

"(10) Multiunit assisted housing with services. – An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation. Multiunit assisted housing with services programs are required to provide a disclosure statement to the Division of Health Service Regulation. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:

- a. Emergency response system;
- b. Charges for services offered;
- c. Limitations of tenancy;

- d. Limitations of services;
- e. Resident responsibilities;
- f. Financial/legal relationship between housing management and home care or hospice agencies;
- g. A listing of all home care or hospice agencies and other community services in the area;
- h. An appeals process; and
- i. Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, and temporary family health care structures, as defined in G.S. 160A-383.5, are exempt from the regulatory requirements for multiunit assisted housing with services programs."

SECTION 5. G.S. 160A-442(2) reads as rewritten:

"(2) "Dwelling" means any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home or mobile home, which is used solely for a seasonal vacation purpose. Temporary family health care structures, as defined in G.S. 160A-383.5, shall be considered dwellings for purposes of this Part, provided that any ordinance provision requiring minimum square footage shall not apply to such structures."

SECTION 6. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 7. This act becomes effective October 1, 2014, and applies to temporary family health care structures existing on or after that date. No county or city may impose a fee as authorized by Section 1 and Section 2 of this act on any temporary family health care structure existing on that date.

In the General Assembly read three times and ratified this the 25th day of July, 2014.

s/ Tom Apodaca
Presiding Officer of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 11:55 a.m. this 1st day of August, 2014

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

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to allow temporary health care structures, 300 square feet or less, to be permitted as an accessory use in any single family residential zoning district on lots zoned for single family detached dwellings if all the regulatory provisions outlined in Session Law 2014-94 are met.

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.
- c. The amendment is consistent with applicable plans because it:
 - 1. *Supports the following 2030 Comprehensive Plan goals and objectives:*
Chapter 4 – Housing Element – Section 4.6 Goals
 Housing Overarching Goal: Opportunity for all citizens of Orange County to rent or purchase safe, decent, accessible, and affordable housing.
 Housing Goal 2: Housing that is useable by as many people as possible regardless of age, ability or circumstance.
- d. The amendment is reasonable and in the public interest because it:
 - 1. Provides a temporary, affordable, higher quality, and accessible housing option for those in need.
 - 2. Allows residents with mental or physical impairments to reside with their families in order to receive the care they need.

The Planning Board of Orange County hereby recommends that the Board of County Commissioners consider adoption of the proposed UDO text amendment.

Pete Hallenbeck, Chair

Date

UDO AMENDMENT PACKET NOTES:

The following packet details the proposed text amendment to incorporate recent changes in State Law with respect to temporary health care structures. The amendment package will modify Sections 5.5 and 10.1 of the UDO to accommodate the new standards.

As the number of affected pages/sections of the existing UDO are being modified with this proposal, staff has divided the proposed amendments into the following color coded classifications:

- **Red Text:** Denotes new, proposed text, that staff is suggesting be added to the UDO
- **Green Text:** Denotes modifications made following the December 3 ORC meeting.

Only those pages of the UDO impacted by the proposed modification(s) have been included within this packet. Some text on the following pages has a large "X" through it to denote that these sections are not part of the amendments under consideration. The text is shown only because in the full UDO it is on the same page as text proposed for amendment or footnotes from previous sections 'spill over' onto the included page. Text with a large "X" is not proposed for modification.

Please note that the page numbers in this amendment packet may or may not necessarily correspond to the page numbers in the adopted UDO because adding text may shift all of the text/sections downward.

Users are reminded that these excerpts are part of a much larger document (the UDO) that regulates land use and development in Orange County. The full UDO is available online at: <http://orangecountync.gov/planning/Ordinances.asp>

In addition to the information required by Section 2.7, the following information shall be supplied as part of the application for approval of this use:

- (a) A description of the type facility planned, the number of occupants, and the development schedule.
- (b) A site plan showing existing and proposed contours. Proposed buildings, parking, access, service, recreation, landscaped and screened areas.
- (c) Other criteria as set forth in sections 6.2.11 and 6.3.
- (d) A statement concerning the provision of public services which shall include fire, police and rescue protection.

(2) Standards of Evaluation –

- (a) Adequate parking, access and service areas are provided for the site.
- (b) Parking, service areas and buildings are adequately screened from adjacent residential uses.
- (c) Improved recreational facilities are provided for occupants.
- (d) Other criteria as set forth in sections 6.2.11 and 6.3.
- (e) Letters from public service agencies attesting to the adequacy of the provision of public services such as fire, police and rescue.

5.5.9 Temporary Health Care Structures

(A) General Standards

(1) Submittal Requirements

In addition to the information required in Section 2.4, Zoning Compliance Permits, the following information shall be supplied as part of the application for approval of this use:

- (a) Documentation as to the relationship between the occupant of the temporary health care structure and the occupant(s) of the existing single family dwelling. One of the following types of relationships must exist:
 - (i) First or second degree relative – a spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in law relationships
 - (ii) Relationship by marriage
 - (iii) Legal guardian relationship designated by Court of Law.
- (b) Certification in writing from a North Carolina licensed physician stating the necessity of direct care for an mentally or physically impaired individual.

(2) Standards of Evaluation

- (a) An existing single family residential dwelling must be located on the same parcel as the temporary health care structure. Temporary health care structures are classified as an accessory use to single family detached dwellings.
- (b) No more than one temporary health care structure per lot shall be permitted.
- (c) Temporary health care structures must meet all standards contained in Section 5.5.1, Accessory Structures and Uses.

- (d) Occupancy of a temporary health care structure shall be limited to one mentally or physically impaired individual, who is a North Carolina resident and requires assistance with two or more activities of daily living.
- (e) No signage or advertisement promoting the temporary health care structure shall be permitted on the exterior of the temporary health care structure or on the property
- (f) A temporary health care structure shall be required to connect to water, wastewater, and electric utilities serving the principal structure on the property.
- (g) The Orange County Health Department, or the agency that provides sanitary sewer and water services, shall approve water and wastewater disposal facilities.
- (h) All applicable state and local approvals and permits shall be procured including, but not limited to, a zoning compliance permit, building permits, and health department approval.
- (i) Approval of the application shall not exceed one year. Annual renewal shall require a new application and recertification from a licensed physician stating the necessity of direct care.
- (j) Any approved temporary health care structure shall be removed no later than 60 days after the time the mentally or physically impaired person is no longer receiving care or is in need of assistance. If the structure is needed for a different impaired individual, the temporary health care structure may continue to be used or be reinstated on the property within 60 days of its removal, subject to the requirements of this Ordinance.
- (k) The caregiver shall allow inspections of the property by the County at times convenient to the caregiver, during reasonable hours, and upon prior notice for compliance purposes.
- (l) A permit for a temporary health care structure shall be revoked by the Planning Director due to failure of the applicant to comply with any of the above provisions.

SECTION 5.6: STANDARDS FOR COMMERCIAL USES

5.6.1 Nightclubs, Bars and Pubs

(A) General Standards for Evaluation

- (1) Buildings for nightclubs, bars and pubs shall not be located within 200 feet of a residence

5.6.2 Massage Business

(A) General Standards for Evaluation

- (1) Must comply with the Ordinance for the Control of Massage and Massage Establishments
- (2) The submittal of construction plans for all existing and proposed buildings housing the massage business. The construction plans shall include floor plans and cross sections showing the proposed use of all portions of such buildings.
- (3) For existing buildings, certification by the Orange County Building Inspector that the structure(s) complies with the North Carolina Building Code and all related construction codes.

Telecommunication Facilities, Wireless facility Stealth

A wireless support structure designed using stealth technology such that its primary purpose is, or visually appears to be, something other than the support of telecommunications equipment, the apparent purpose of the wireless support structure is customarily considered as accessory to a use that is allowed in the zoning district, and the structure and its primary use comply with this Ordinance.

Telecommunication Facilities, Wireless support structure

A new or existing structure, such as a monopole, lattice, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

Telecommunication Facilities, Wireless Telecommunications Facility (WTF), Includes both Telecommunications Site and Personal Wireless Facility

A structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit wireless support structures of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the facility. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services, and any commercial wireless telecommunication service not licensed by the FCC.

Temporary Health Care Structure

A transportable residential structure facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled offsite, is limited to one occupant, has no more than 300 gross square feet, and complies with applicable standards of the North Carolina State Building Code. Temporary health care structures shall not be installed on a permanent foundation. Temporary health care structures are classified as an accessory use to single family detached dwellings.

Temporary Residential Mobile Home

A mobile home, intended for residential use for a limited period of time, for purposes of providing for custodial care under a Class B Special Use Permit or providing temporary residential space during the installation of a replacement mobile home or construction of a stick-built or modular residential unit on the same lot, and for 30 days after the issuance of Certificate of Occupancy for the permanent unit. The temporary mobile home is not attached to a permanent or semi-permanent foundation.

Temporary Use Building

A building, not intended for residential use, consisting of one or more modules constructed off the ultimate site of use. The building is also not attached to a permanent or semi-permanent foundation.

Ten-Year Transition Land

Land located in areas that are in the process of changing from rural to urban densities and/or intensities, that are suitable for higher densities and/or intensities and could be provided with public utilities and services within the first 10-year phase of the Comprehensive Plan update or where such utilities and services are already present or planned. Non-residential uses implemented in accordance with small area plans and/or overlay districts may be appropriate.

Tourist Home

A building or group of attached or detached buildings containing, in combination, three to nine lodging units for occupancy for daily or weekly periods, with or without board, and primarily for occupancy by transients, as distinguished from rooming houses, in which occupancy is primarily by residents rather than transients.

Traffic Generation: Low

Uses which generate an average of less than 200 vehicle trips per day.