

**ORANGE COUNTY BOARD OF COMMISSIONERS  
ORANGE COUNTY PLANNING BOARD**

**QUARTERLY PUBLIC HEARING AGENDA**

**May 28, 2013**

**7:00 P.M.**

**Department of Social Services**

**Hillsborough Commons**

**113 Mayo Street**

**Hillsborough, North Carolina**

**NOTE: Information is available on-line at the “Meeting Agendas” link at:**

**<http://www.orangecountync.gov/>**

**and also in the Planning Department or the County Clerk’s Office**

**NOTICE TO PEOPLE WITH IMPAIRED HEARING: Audio amplification equipment is available on request. If you need this assistance, please call the County Clerk’s Office at (919) 245-2130.**

**A. OPENING REMARKS FROM THE CHAIR**

**B. PUBLIC CHARGE**

The Board of Commissioners 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. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

**C. PUBLIC HEARING ITEMS**

- 1. Zoning Atlas Amendment** – To review a property owner-initiated amendment to the Zoning Atlas to rezone a 3.36 acre parcel of property along US Highway 70 (PIN 9893-81-7503) from EDE-1 (Economic Development Eno Lower Intensity) to EDE-2 (Economic Development Eno Higher Intensity).

The parcel does not have an assigned street address but is located adjacent to the Orange County ABC Store located at 5413 US Highway 70 East.

- 2. Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments** – To review government-initiated amendments to Comprehensive Plan Future Land Use Map and to the Zoning Atlas to assign land use category classifications and to establish zoning for properties that will now be within Orange County’s planning jurisdiction as the result of the re-alignment of the Orange/Alamance County Line.

Portions of 11 properties are proposed to be assigned the Agricultural Residential Land Use Category and the Agricultural Residential (AR) zoning district. Portions of 5 of these properties are also proposed to be assigned to the Back Creek Protected Watershed Protection Overlay District.

**D. ADJOURNMENT OF PUBLIC HEARING**



**ORANGE COUNTY  
BOARD OF COMMISSIONERS AND  
PLANNING BOARD  
QUARTERLY PUBLIC HEARING ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: May 28, 2013

**Action Agenda  
Item No. C.1**

**SUBJECT:** Zoning Atlas Amendment – Baldwin Rezoning

**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

Yes

**ATTACHMENTS:**

1. Zoning Application Packet
2. Vicinity Map
3. Notification Materials

**INFORMATION CONTACT:**

Michael D. Harvey, Planner III    245-2597  
Craig Benedict, Director            245-2592

**PURPOSE:** To hold a public hearing on an owner-initiated general rezoning petition in accordance with the provisions of the Unified Development Ordinance (UDO).

**BACKGROUND:** An application was submitted to the Current Planning Division to rezone approximately 3.36 acre parcel of property:

**FROM:** EDE-1 (Economic Development Eno Lower Intensity)

**TO:** EDE-2 (Economic Development Eno Higher Intensity).

Pertinent facts of the application include the following:

Applicant: Alexander Baldwin  
100 Baldwin Road  
Hillsborough, North Carolina 27278

Agent: Edmund Purcell  
Summit Consultants  
1000 Corporate Drive, Suite 101  
Hillsborough, North Carolina 27278-8551

Rezoning Location: US Highway 70 East adjacent to, and east of, the Orange County Alcohol Beverage Control (ABC) store located at 5413 US Highway 70 East.

The parcel subject to the rezoning request does not have an assigned street address as it is currently undeveloped. Please refer to Attachment 2 for a vicinity map denoting the subject parcel.

Parcel Information:

- a. **PIN** – 9893-81-7503.
- b. **Size of Parcel** – 3.36 acres.

- c. **Zoning of Parcel** -- EDE-1 (Economic Development Eno Lower Intensity)
- d. **Township** -- Eno
- e. **Future Land Use Element Map Designation** – Economic Development Transition Activity Node
- f. **Growth Management System Designation** -- Urban.
- g. **Existing Conditions** -- The property is undeveloped and sparsely vegetated.
- h. **Access** -- The property has direct access onto US Highway 70.

Surrounding Land Uses:

- a. **North** – Commercial development (CW Clark property) zoned EDE-2.
- b. **East** -- Single-family detached residence zoned EDE-1.
- c. **South** – Undeveloped EDE-1 zoned parcel. Southeast portion of the property abuts a lot within the Whispering Pines single-family residential subdivision zoned R-1.
- d. **West** – Orange County ABC store zoned EDE-2.

Please refer to Attachment 2 for a vicinity map denoting the subject parcel and surrounding properties.

Proposal: As detailed within Attachment 1, the purpose of the amendment is to extend the EDE-2 zoning designation over the property. The applicant believes the EDE-2 zoning designation is more appropriate for the property given its frontage along US Highway 70 and represents a logical extension of the district.

According to the application, the EDE-2 zoning designation would increase the marketability of the property and expand development options independently or in aggregate with adjacent properties.

Staff Analysis: In accordance with Section 2.8 of the UDO, the Planning Director is required to '*cause an analysis to be made of the application*' and pass that analysis on the reviewing body. In that respect the Planning Director states the following:

1. The application has been deemed complete in accordance with the requirements of Section 2.8 of the UDO.
2. The property is of sufficient size to be rezoned to the EDE-2 zoning designation.
3. The rezoning is consistent with the Orange County 2030 Comprehensive Plan Future Land Use Map, the Growth Management System, and the adopted Eno Economic Development District Area Small Area Plan.
4. The site has no environmental encumbrances.

Notification Procedural Requirements: In accordance with Section 2.8.7 of the UDO, the public hearing for this item was advertised consistent with the requirements of the Ordinance. Legal ads were placed in two newspapers of general circulation in the County for two (2) successive weeks; notices were mailed via certified mail to property owners within 500-feet of affected properties; and a sign was posted on the US Highway 70 frontage of the affected property, in

accordance with State statutes. The notice was mailed on May 10, 2013. For additional information please refer to Attachment 3.

**FINANCIAL IMPACT:** This rezoning request has been reviewed by County departments who have determined that the approval or denial of the request would not create the need for additional funding for the provision of County services.

**RECOMMENDATION:** The Planning Director recommends the Board:

1. Receive the proposal to amend the Zoning Atlas.
2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comment on the proposed amendment.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the Board of County Commissioners in time for the September 5, 2013 BOCC regular meeting.
4. Adjourn the public hearing until September 5, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.



**Orange County Planning and Inspections Department**

**APPLICATION FOR  
ZONING ATLAS AMENDMENT  
GENERAL USE REZONING REQUEST**

**APPLICANT INFORMATION:**

Date: \_\_\_\_\_  
Applicant: Alexander Baldwin Phone: (919) 732-4363  
Address: 1000 Baldwin Rd Cell Phone: \_\_\_\_\_  
Hillsborough NC 27228 E-mail: agbaldwin@aol.com

**PROPERTY SUBJECT TO REQUEST:**

Parcel Identification Number (PIN): ~~9843-81-7503~~ 9843-81-7503 <sup>ellenbald@gmail.com</sup>  
Address of property: \_\_\_\_\_ Owner of property: Alexander Baldwin  
Current Zoning Designation: FDE-1 Requested Zoning Designation: FDE-2

**\*\* If Applicant/Owner are different people, include a signed, notarized, statement indicating that the owner has authorized the applicant to submit the request. In cases where there are multiple property owners, please attach an additional document containing their signatures authorizing the submission of the application or other legal documentation establishing the applicants right to file on their behalf. \*\***

**SUBMITTAL INFORMATION - Section 2.8.3 of the Unified Development Ordinance (UDO)**

- 1) A Map, at a legible scale, showing the property(s) subject to the request. A map may be procured at the Planning Department for a fee in accordance with the adopted Orange County Fee Schedule
- 2) A legal description of the property(s) proposed for rezoning
- 3) A list showing the names and addresses of all adjacent property owners within 500' feet of the subject property.
- 4) A detailed narrative denoting the following:
  - a. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.
  - b. The changed, or changing, conditions (if any) that makes the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
  - c. How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan,
- 5) In cases involving amendments to the Special Flood Hazard Area Overlay District, applicants shall supply the following additional information in accordance with Section 2.8.3 (G) of the UDO:
  - a. An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA) or
  - b. A 'No-impact' analysis for a letter of map revision
- 6) The filing fee per the adopted Orange County fee schedule in affect as of the date of the application.

I (we), the undersigned, have been made aware of the process for the review and action associated with a UDO Zoning Atlas Amendment application and understand only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County. Further I (we) understand that any assistance I (we) may receive from County staff in preparing this application in no way guarantees a favorable recommendation by staff on the merits of this proposal nor does it guarantee an approval of the proposed atlas amendment by the County.

Alexander Baldwin  
Applicant

3 / JAN / 2013  
Date:

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date:

**SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS**

**2.8.1 Review and Approval Flow Chart**

The review and approval process for a Zoning Atlas and Unified Development Ordinance Amendment is shown in the procedure's flowchart.

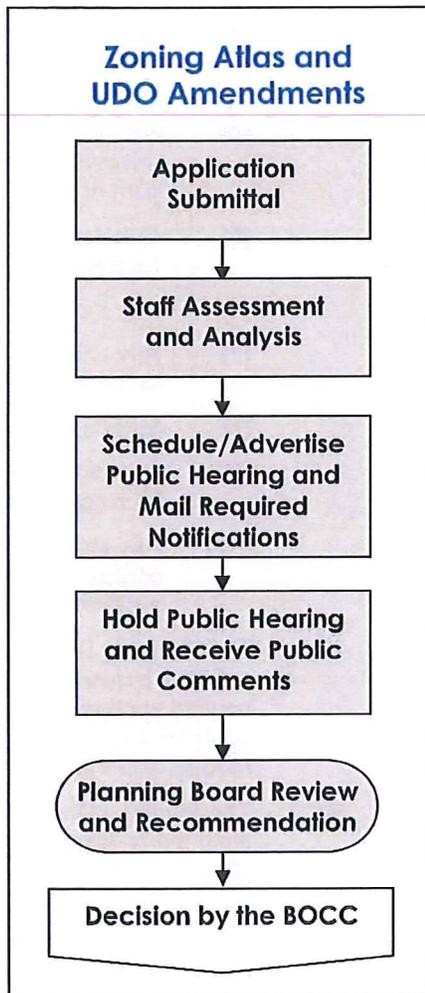
**2.8.2 Amendment Initiation**

- (A) An amendment to this Ordinance or the Zoning Atlas may be initiated by:
  - (1) The Board of County Commissioners on its own motion;
  - (2) The Planning Board;
  - (3) Application, by any person or agency, or
  - (4) The Planning Director.
- (B) If a request for consideration of an amendment proposal is submitted directly to the Board of County Commissioners, said Board may decline to consider the request or may refer the amendment proposal to the Planning Director for preparation of an amendment application.

**2.8.3 Contents of Application**

Applications shall contain the following:

- (A) For amendments to the Zoning Atlas:
  - (1) A map at a legible scale showing the land which would be covered by the proposed amendment, and
  - (2) A legal description of the land.
- (B) For amendments to the Unified Development Ordinance text:
  - (1) A copy of the existing text provision(s) which the applicant proposes for amendment, and
  - (2) A written statement which describes in detail the changes the applicant proposes to make.
- (C) The alleged error in the Zoning Atlas and/or Unified Development Ordinance text that would be corrected by the proposed amendment with a detailed explanation of such error in the Zoning Atlas and/or Unified Development text and detailed reasons how the proposed amendment will correct the alleged error;
- (D) The changed or changing conditions, if any, in the area or in the County generally, which makes the proposed Zoning Atlas and/or Unified Development Ordinance text amendment reasonably necessary to promote the public health, safety and general welfare;
- (E) The manner in which the proposed Zoning Atlas and/or Unified Development Ordinance text amendment will carry out the intent and purpose of the adopted Comprehensive Plan or part thereof; and
- (F) A traffic impact study as required by Section 6.17.



- (G) For amendments to the Special Flood Hazard Area Overlay District, pertaining to a Letter of Map Amendment:
- (1) An elevation certificate with either an MT-1, MT-2, or MT-EZ (forms available through FEMA), or
  - (2) A "No-Impact" analysis for a Letter of Map Revision.
- (H) All other circumstances, factors and reasons that the applicant offers in support of the proposed Zoning Atlas and/or Unified Development Ordinance text amendment.

#### **2.8.4 Applications for Amendment – Joint Planning Area**

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Applications for amendments to the Orange County Unified Development Ordinance and Zoning Atlas for the purpose of incorporating the provisions of the Chapel Hill Land Development Ordinance (and Zoning Maps) and/or the Carrboro Land Use Ordinance (and Zoning Maps) shall be processed as specified herein and as specified in the Joint Planning Agreement adopted November 2, 1987, and as amended from time to time.

Any text amendments adopted by Orange County shall be adopted by reference as though fully set forth herein. Any map amendments adopted by Orange County shall be officially denoted on the County Zoning Atlas. Where there is inconsistency between the amendment procedures contained herein and those contained in the Joint Planning Agreement, the provisions of the Joint Planning Agreement shall apply.

#### **2.8.5 Analysis and Recommendation**

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The Planning Director shall 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.

#### **2.8.6 Public Hearing Required**

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A public hearing shall be held before adoption of any proposed Zoning Atlas Amendment and/or text amendment to this Ordinance. The Board of County Commissioners and the Planning Board shall hear applications and receive public comment for Zoning Atlas amendments and/or text amendments to this Ordinance in a Quarterly Public Hearing.

#### **2.8.7 Notice of Public Hearings**

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- (A) Notice of the public hearing to review the application and receive public comment shall be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing and the substance of the proposed amendment.
- (B) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten days nor more than 25 days before the date set for the public hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.
- (C) In the case of amendments to the zoning atlas, the Planning Director shall post on the affected property a notice of the public hearing at least ten days prior to the date of said hearing.
- (D) In the case of amendments to the Zoning Atlas, written notice shall be sent by certified mail to the affected property owner and all adjacent property owners not less than 15 days before the public hearing date. Adjacent property owners are those whose names and addresses are currently listed in the Orange County tax records and whose property lies within 500 feet of the affected property.
- (E) If amendments to the Zoning Atlas are proposed by the County, notice shall be sent by first class mail to all affected property owners and to all adjacent property owners within 500 feet as provided in (D) above.

- (F) The Planning Director shall certify the mailing of all notices to the Board of County Commissioners.

#### **2.8.8 Planning Board Review**

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- (A) Following the public hearing, all proposed amendments shall be referred to the Planning Board for consideration and recommendation.
- (B) The Board of County Commissioners may direct the Planning Board to provide a recommendation by a date certain. If the Board of County Commissioners does not so direct, the Planning Board shall make its recommendation within three regularly scheduled Planning Board meetings.
- (C) If the Planning Board fails to make a recommendation within the time allotted in subsection (B) above, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.
- (D) Amendments initiated by Orange County shall not be subject to time limitations other than those specified by the Board of County Commissioners during the public hearing process.
- (E) Evidence not presented at the public hearing may be submitted in writing to the Planning Board for consideration prior to the Planning Board's recommendation to the Board of County Commissioners. The Planning Board may consider additional oral evidence only if it is for the purpose of presenting information also submitted in writing.

#### **2.8.9 Action by Board of County Commissioners**

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- (A) The Board of County Commissioners shall not consider enactment of the proposed amendment until the Planning Board either makes its recommendation or takes no action on the application as prescribed in Section 2.8.8(C).
- (B) In making its decision, the Board of Commissioners shall consider all relevant evidence presented at the public hearing and any submitted written evidence that was considered by the Planning Board in making its recommendation.

#### **2.8.10 Text Revisions Pertaining to Soil Erosion and Sedimentation Control Provisions**

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- (A) The Erosion Control Officer shall review all of the North Carolina Sedimentation Control Commission's revisions to the State's Model Soil Erosions and Sedimentation Control Ordinance and, within 90 days of receipt of the recommended revisions, submit draft amendments to the North Carolina Sedimentation Control Commission for its consideration and comments.
- (B) Within 150 days after receipt of the North Carolina Sedimentation Control Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.
- (C) Text amendments to this Ordinance for soil erosion and sedimentation control provisions shall comply with the requirements in effect for any other text amendment.

#### **2.8.11 Text Revisions Pertaining to Stormwater Provisions**

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- (A) The Erosion Control Officer shall review all of the State Environmental Management Commission's revisions to the State's Model Stormwater Ordinance and, within 90 days of receipt of the recommended revisions, submit draft amendments to the State Environmental Management Commission for its consideration and comments.
- (B) Within 150 days after receipt of the State Environmental Management Commission's comments, Orange County shall formally consider proposed amendments and, to the extent deemed necessary by the Board of County Commissioners, incorporate the amendments into this Ordinance.

- (C) Text amendments to this Ordinance for stormwater provisions shall comply with the requirements in effect for any other text amendment.

## SECTION 2.9: CONDITIONAL DISTRICTS

### 2.9.1 Conditional Use District (CUD)

**(A) Generally**

- (1) Any use permitted under the CUD process shall conform to all applicable development regulations for the corresponding general use zoning district as well as any specific development standards outlined within this Ordinance.
- (2) The Board of County Commissioners, in reviewing a CUD application, may impose such reasonable conditions upon approval of a CUD request as will afford protection of the public health, safety, and general welfare, ensure that substantial justice is done, and ensure equitable treatment.
- (3) Only those conditions mutually agreed to by the applicant and the Board of County Commissioners may be imposed on a CUD application.
- (4) Within the Economic Development Districts (EDDs), there are specific uses that require approval of a CUD. These uses are noted on the Table of Permitted Uses – Economic Development Districts (Section 5.2).

**(B) Applications**

Applications to establish a CUD shall be submitted to the Planning Director and shall be processed in accordance with the procedure(s) for:

- (1) Zoning Atlas amendment (Section 2.8),
- (2) Class A Special Use Permit (Section 2.7), and
- (3) The provisions of this Section.

**(C) Submittal Requirements**

- (1) In addition to the CUD application form, an applicant shall also submit the following information:
  - (a) A site plan prepared in accordance with the provisions of Section 2.5 including the following:
    - (i) A detailed description of the proposed use of property including an outline of the proposed operational characteristics of the proposed development,
    - (ii) A detailed traffic survey, regardless of the estimated number of trips per day, prepared in accordance with all applicable North Carolina Department of Transportation (NC DOT) requirements or standards as well as Section 6.17 of this Ordinance,
    - (iii) The appropriate environmental document prepared in accordance with Section 6.16; and
    - (iv) A landscape plan showing the location of on-site significant trees; proposed screening, buffers, and landscaping; and any proposed treatment of any existing natural features.
  - (b) A summary of utility services, including processing of wastewater.
  - (c) A schedule of construction of all elements of the proposal; and
  - (d) Any other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.

**Alexander Baldwin**

100 Baldwin Road

Hillsborough, NC 27278

919 732-4363 [agbaldwin@aol.com](mailto:agbaldwin@aol.com), [ellenbald@gmail.com](mailto:ellenbald@gmail.com)

May 24, 2012

January 2, 2013



Mr. Craig N. Benedict, AICP  
 Director, Orange County Planning & Inspections Department  
 131 West Margaret Lane  
 Hillsborough, NC 27278

Subject: Rezoning Request - Pin # 99898317503

Dear Mr. Benedict:

Several weeks ago, I attended the Economic Development District citizens meeting. I was very pleased to meet you and, after the meeting adjourned, discuss with you briefly the parcel of land on Highway 70 that is currently classified as EDD-1.

Please accept this request to rezone the subject parcel of land as described below from EDD-1 to EDD-2. The parcel is now surrounded on two sides by parcels under EED-2 zoning. In fact, in every direction all along Highway 70, the property is zoned EDD-2 with the exception of this acreage.

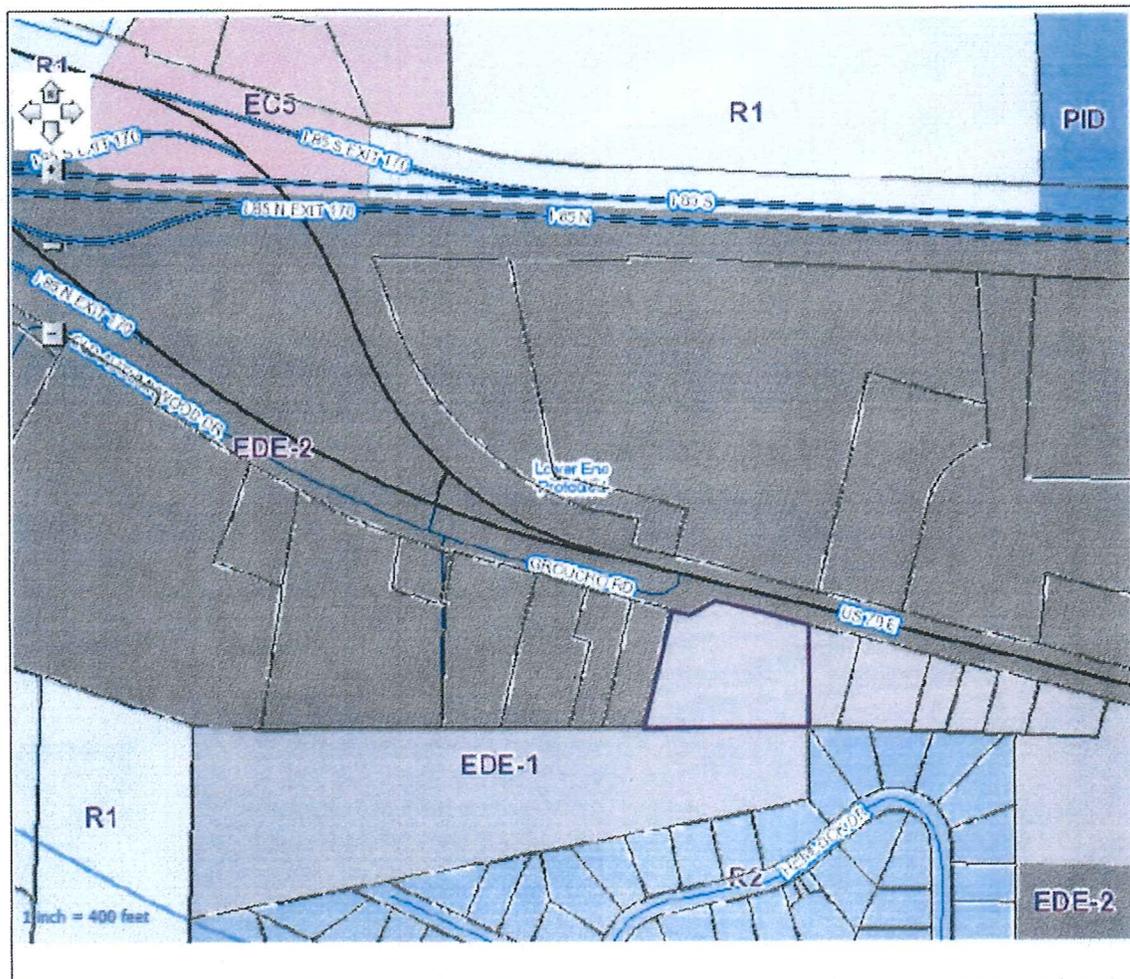
I and my family have owned this property for a considerable time. We have not yet developed the property primarily due to lack of access to public sewer. We have already paid the City of Durham for public water to the parcel.

Description

Pin # 99898317503	3.4 Acre Parcel just South and East of intersection of US Hwy 70 and Groucho Road
Owner:	Alexander Baldwin 100 Baldwin Road Hillsborough, NC 27278 919 732 4363
Pin #	99898317503
Deed Filing	Book 3900; Page 583
Legal Description	B Alexander Baldwin P106/162
Current Zoning	EDD-1
Total Acres	~ 3.39 A
Lot Frontage / Depth	Frontage ~ 500 feet / Depth ~ 300 feet

Alexander Baldwin

Current Land Use	Undeveloped
Zoning Request	Change to EDD-2
Proposed land use	Flex space – office / warehouse; light industrial use permitted under EDD2
Number of lots	2
Water supply	Existing public – City of Durham
Proposed sewage treatment	Future public – City of Durham if available. If future public system will not be available in foreseeable future will consider septic or other permissible system on advice of Health Department
Access	US Hwy 70
Adjacent land use	EDD2 to the North and East: flex space, NC State ABC store; Construction yard; Contractor Equipment Repair and Offices EDD1 to the South and West: commercial buildings housing what appears to be mechanical contractor; undeveloped



**Alexander Baldwin**

We have gained a great deal of experience in the last 3-4 years in understanding the demand for development in the Eno EDD. Through the experience described below, we have determined that there is considerable demand for flex space to be used by light industrial and service industries at the location of our property. We have seen no interest in its use as office space for doctors or attorneys or as a child care facility, etc. As you are aware, these are some of the uses allowed currently under the EDD-1 classification.

We believe the most likely and promising opportunity for developing our property is for its use as flex space zoned EDD-2 and able to be by service industry, for example a contractor or as a regional service center. We see no opportunity to develop our parcel even in the reasonable future zoned as EDD-1.

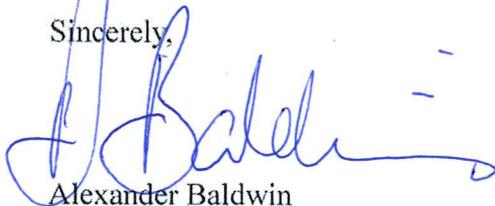
In the last several years we have renovated and upgraded an adjacent lot as flex space and since the renovation have had considerable interest from organizations wanting to rent the facility. We have been able to continuous rent the property, first to a geotechnical drilling contractor and currently to a towing company providing towing services primarily to the NC State Highway Patrol.

We also collected considerable information supporting the interest in flex space with fenced yard as the subject property was listed as "build to suit" for the last number of years. To date the lack of public sewer has restricted our ability to carry through with any development approaches.

We believe that changing the zoning of this parcel to EDD-2 certainly complies with the purpose of the Comprehensive Plan and Economic Development Districts to foster responsible industrial and commercial development in Orange County in a reasonable time frame.

Thank you for your attention to this important matter. Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,



Alexander Baldwin

cc: Mr. Michael Harvey

~~May 24, 2012~~

January 7, 2013

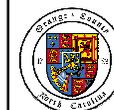
Alexander G. Baldwin  
100 Baldwin Road  
Hillsborough, NC 27278  
919 732-4363 919 932-0683

TO WHOM IT MAY CONCERN:

Please allow Edmund Purcell of Summit Engineering to act on our behalf regarding the property on Highway 70 - PIN No. #99898317503. We are away from the area from time to time and we would like for Edmund Purcell to represent us about zoning issues that pertain to this property.

Thank you.

Alexander G. Baldwin



1 inch = 250 feet



Attachment 3

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

**Administration**  
**(919) 245-2575**  
**(919) 644-3002 (FAX)**  
**www.co.orange.nc.us**



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



**CERTIFICATION OF MAILING**

**ZONING ATLAS AMENDMENT**  
**ORANGE COUNTY, NORTH CAROLINA**

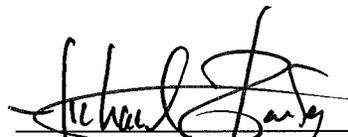
I, Michael D. Harvey, Current Planning Supervisor with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section 2.8.7 of the Orange County Unified Development Ordinance I have mailed, or have caused to be mailed, a Notice of Public Hearing to be held regarding the processing of a Zoning Atlas Amendment application submitted by Mr. Alexander Baldwin requesting the rezoning of a parcel of property adjacent to the Orange County ABC Store, with a street address of 5413 US Highway 70 East, further identified utilizing the Orange County Parcel Identification Number (PIN) 9893-81-7503:

**FROM:** EDE-1 (Economic Development Eno Lower Intensity)  
**TO:** EDE-2 (Economic Development Eno Higher Intensity).

The owners were identified according to the Tax Records and as required by Section 2.8.7 of the Orange County Unified Development Ordinance.

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

WITNESS my hand, this 10<sup>h</sup> day of May 2013.

  
 \_\_\_\_\_  
 Michael D. Harvey, AICP  
 Current Planning Supervisor

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

**Current Planning**  
**(919) 245-2575**  
**(919) 644-3002 (FAX)**  
**www.co.orange.nc.us**



**131 West Margaret Lane**  
**P O Box 8181**  
**Hillsborough,**  
**North Carolina, 27278**



May 10, 2013

RE: NOTIFICATION of PUBLIC HEARING to review an application to amend the ORANGE COUNTY ZONING ATLAS.

To Whom it May Concern:

This letter is being sent to inform you that the Orange County Board of Commissioners and the Planning Board have scheduled a **JOINT PUBLIC HEARING** to review an application submitted by Mr. and Mrs. Alexander and Ellen Baldwin to change the zoning designation on their property off of US Highway 70 East in the Eno Township of Orange County.

Specifically, in accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO), Mr. and Mrs. Baldwin have submitted an application seeking to rezone a 3.36 acre parcel of property along US Highway 70 (PIN 9893-81-7503)

**FROM:** EDE-1 (Economic Development Eno Lower Intensity)  
**TO** EDE-2 (Economic Development Eno Higher Intensity).

The parcel does not have an assigned street address but is located adjacent to the Orange County ABC Store.

According to the application, Mr. Baldwin is requesting the rezoning to provide additional development opportunities for the parcel as well as have this parcel's zoning designation consistent with the zoning of adjacent property.

The property subject to this petition is located within the Economic Development Transition Activity Node as denoted on the Future Land Use Map of the Comprehensive Plan and the Urban Designated Area as denoted on the Growth Management System Map.

According to County and State law, we are obligated to notify all property owners within 500 feet of a parcel being rezoned of the public hearing date and time. You are receiving this notice because your property falls within this prescribed area. Interested persons are invited to

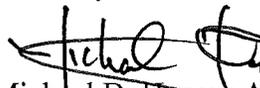
address the boards with their comments regarding the proposed rezoning at this Joint Public Hearing.

Maps and other information regarding the proposed zoning change can be viewed at the following website after Friday, May 17, 2013:

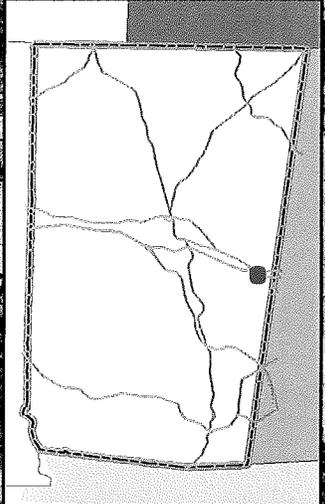
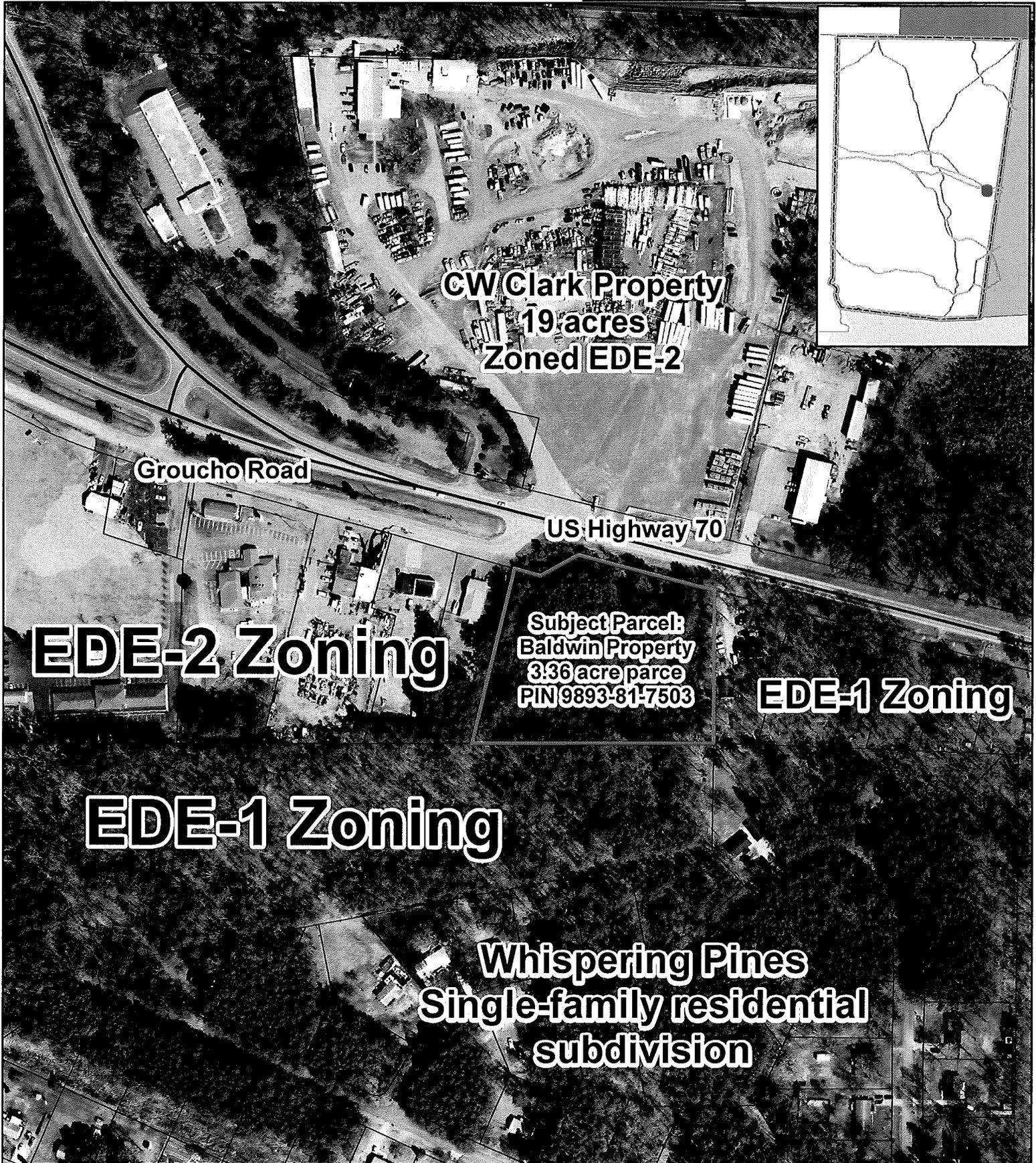
<http://www.co.orange.nc.us/planning/SpecialProjects.asp>

The PUBLIC HEARING will be held at the Department of Social Services, Hillsborough Commons Shopping Center, located at 113 Mayo Street, Hillsborough North Carolina on **Tuesday May 28, 2013 at 7:00 p.m.** If you require additional assistance, or have questions, please contact staff at (919) 245-2575.

Sincerely,



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





1 inch = 250 feet



Orange County Planning and Inspections Department  
4/12/2013

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**ORANGE COUNTY  
BOARD OF COUNTY COMMISSIONERS AND  
PLANNING BOARD  
QUARTERLY PUBLIC HEARING  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: May 28, 2013**

**Action Agenda  
Item No.     C.2**

**SUBJECT:** Orange-Alamance Boundary Land Use and Zoning Atlas Amendments

**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

Yes

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Comprehensive Plan and Zoning Atlas Amendment Outline Form (CP &amp; Zoning 2013-01)</li> <li>2. North Carolina Session Law 2012-108</li> <li>3. Map of Impacted Properties</li> <li>4. Notification Materials</li> </ol> | <p>Michael D. Harvey, Planner III (919) 245-2597<br/>Craig Benedict, Director (919) 245-2575</p> |
|---|--|

**PURPOSE:** To hold a public hearing on a Planning Director initiated amendment to the Orange County 2030 Comprehensive Plan Future Land Use Map and the Zoning Atlas to establish zoning and land use categories for lots being located within Orange County's planning jurisdiction in conjunction with the formalization of the Orange-Alamance county line.

**BACKGROUND:** For the last several years both Orange and Alamance counties, in coordination with the State legislature, have worked to comprehensively address inconsistencies associated with the location of the county boundary line.

In May of 2011 the General Assembly adopted Session Law 2011-88, which resolved approximately 91% of the county line issues. The remaining disputed area (i.e. the 9% area) was resolved with the passage of Session Law 2012-108 in June of 2012 (see [Attachment 2](#)).

These amendments seek to complete work on the project by addressing land use and zoning designations for properties associated with Session Law 2012-108. Please refer to Section B.1 of [Attachment 1](#) for additional information.

**Notification Procedural Requirements:** Section C.2 of [Attachment 1](#) provides a breakdown of the notice requirements observed for this project as required by Section 2.8.7 of the Unified Development Ordinance (UDO). [Attachment 4](#) contains the certificate of mailing for the project.

**FINANCIAL IMPACT:** Please refer to Section C.3 of [Attachment 1](#).

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

1. Receive the proposal to amend the Orange County Comprehensive Plan Future Land Use Map and the Zoning Atlas.

2. Conduct the Public Hearing and accept public, BOCC, and Planning Board comments.
3. Refer the matter to the Planning Board with a request that a recommendation be returned to the County Board of Commissioners in time for the June 18, 2013 BOCC regular meeting.
4. Adjourn the public hearing until June 18, 2013 in order to receive and accept the Planning Board's recommendation and any submitted written comments.

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

CP & Zoning 2013-01

May 28, 2013 Quarterly Public Hearing:

Orange – Alamance Boundary Land Use and Zoning Amendments

## A. AMENDMENT TYPE

### Map Amendments

- Land Use Element Map:  
From: ---  
To: Agricultural Residential
- Zoning Map:  
From: - --  
To: AR (Agricultural Residential)
- Other: This is a comprehensive plan and zoning atlas map amendment to assign land use and general use zoning district designations to 11 parcels along Eliza Lane, located within the Cedar Grove Township, either wholly or partially located in Orange County's planning jurisdiction as a result of the changes to the Orange-Alamance County Line.

### Text Amendments

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

## B. RATIONALE

### 1. Purpose/Mission

The purpose of this amendment is to establish land use and zoning categories for 11 partially zoned properties recently added to the County's planning jurisdiction as a

result of the Orange-Alamance County Line Adjustment project consistent with Session Law 2012-108 (commonly referred to as the '9% line') enacted by the North Carolina General Assembly on June 28, 2012. A copy of the Session Law is contained within Attachment 2.

The following properties, identified utilizing Parcel Identification Numbers (PIN) data provided by the Orange County Tax Administration department, are subject to this request:

- |                |                |               |
|----------------|----------------|---------------|
| 1. 9920461659  | 2. 9920471321  | 3. 9920461622 |
| 4. 9920461234  | 5. 9920451933  | 6. 9920461356 |
| 7. 9920461170  | 8. 9920461550  | 9. 9920471131 |
| 10. 9920461843 | 11. 9920461967 |               |

Please refer to Attachment 3 for maps of the aforementioned properties.

It should be known there are three parcels along Eliza Lane located within both Orange and Caswell County. Planning staff, in coordination with the Manager's office, will be contacting Caswell County to ensure tax and service issues are properly addressed for these parcels.

Disputes over the actual location of the Orange-Alamance County line date back to its creation in 1849. Both counties have worked to resolve the problem and took the necessary steps, in consultation and coordination with our State legislative partners, to address the majority of the issue with the adoption of Session Law 2011-88 enacted by the North Carolina General Assembly on May 25, 2011. This law addressed approximately 91% of the boundary line dispute between the counties.

The County took action to assign land use and zoning designations to impacted properties (i.e. moved into our planning jurisdiction) associated with the passage of Session Law 2011-88 at its December 13, 2011 regular meeting. Agenda materials for this meeting can be viewed at: <http://orangecountync.gov/OCCLERKS/1112137a.pdf>.

Additional information on this portion of the project can be obtained by reviewing the agenda packet from the November 21, 2011 Quarterly Public Hearing at: <http://orangecountync.gov/OCCLERKS/111121c2.pdf>.

In accordance with the provisions of Section 2.8: *Zoning Atlas and Unified Development Ordinance Amendments* and Section 2.3: *Comprehensive Plan Amendments* of the Orange County Unified Development Ordinance (UDO), the Planning Director has initiated an amendment to the Land Use Element Map, located within Chapter 5: Land Use Element of the Comprehensive Plan, and the Orange County Zoning Atlas to assign land use and zoning designations to those properties associated with the formalization of the county boundary line consistent with Session Law 2012-088.

**2. Analysis**

As required under Section 2.3.9 of the Orange County Unified Development Ordinance, 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’*. In analyzing this proposal, the following information is offered:

1. The identified properties are already partially assigned a land use and zoning district designation, specifically they are zoned Agricultural Residential (AR) and are located within the Agricultural Residential Land Use Category as detailed within the Comprehensive Plan.
2. 5 of these properties are located within the Back Creek Protected Watershed Protection Overlay District.

This proposal will extend the overlay district consistent onto the portions of the subject properties now located within our planning jurisdiction, specifically those properties with the following PIN Numbers:

1. 9920-46-1170	9920-46-1550	9920-47-1131
9920-46-1843	9920-46-1967	

3. Field inspections have been conducted by staff verifying that there do not appear to be any existing land uses inconsistent with the aforementioned zoning or land use categories.

In order to be consistent with the existing development patterns in the area, and the current zoning/land use designation of the parcels, staff is recommending extending existing general use and overlay district zoning designations and land use categories on those portions of property recently added to our planning jurisdiction. ‘

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

This project is a house keeping item necessitated by the change in the Orange-Alamance County line location. In analyzing this proposal, the following Comprehensive Plan goals are offered justifying the request:

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.

- Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high

quality of life.

- Goal 2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.
- 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 systems.

#### 4. **New Statutes and Rules**

Session Law 2012-108, Senate Bill 201 (AKA the 9% Bill):

*‘ An Act to establish the remaining nine percent of the common boundary between Alamance County and Orange County not addressed by Session Law 2011-88 and as authorized by the General Assembly by Session Law 2010-61 enabling the changes in the historic Orange County-Alamance County boundary line as described in the 1849 survey establishing Alamance county. ‘*

This proposal will complete our work on the project and serve as concluding our efforts with respect to finalizing the boundary line for Orange and Alamance county.

### C. PROCESS

#### 1. **TIMEFRAME/MILESTONES/DEADLINES**

- a. BOCC Authorization to Proceed

February 5, 2013

- b. Quarterly Public Hearing

May 28, 2013

- c. BOCC Updates/Checkpoints

May 7, 2013 (legal ad approval)  
June 18, 2013 (decision)

- d. Other

#### 2. **PUBLIC INVOLVEMENT PROGRAM**

**Mission/Scope:** Public Hearing process consistent with NC State Statutes and Orange County ordinance requirements. Additionally, staff will hold one open house on April 22, 2013 to review the proposal with impacted property owners.

- a. Planning Board Review:

June 5, 2013 (for recommendation)

b. Advisory Boards:

N/A

_____	_____
_____	_____

c. Local Government Review:

Alamance County: Alamance County reviewed the proposal and expressed no concerns to staff.

_____	_____
_____	_____

d. Notice Requirements

Process consistent with NC State Statutes and Orange County ordinance requirements.

e. Outreach:

General Public:

Open House: An open house was held on April 22, 2013 to allow impacted property owners to review staff's recommendation(s).

Staff sent out letters via first class mail informing property owners of the meeting on April 12, 2013.

No one attended the open house and staff received no inquiries.

Public Hearing: Notification letters were sent via first class mail to impacted property owners prior to quarterly public hearing, no later than May 10, 2013 in accordance with Section 2.8.7 of the UDO.

Letters were also sent to all property owners within 500 feet of those parcels subject to rezoning informing them of the public hearing in accordance with Section 2.8.7 of the UDO.

Small Area Plan Workgroup:

Other:

**3. FISCAL IMPACT**

Expenditures for this project will be paid using Departmental funds budgeted for the specific activity. Expenditures include:

- Legal Ad
- Signs
- Notification letters and postcards (postage and supplies)

Existing Planning staff included in the Departmental staffing budget will accomplish

the work required to process this amendment.

#### **D. AMENDMENT IMPLICATIONS**

Properties affected will now be subject to land use designations and zoning where there was no land use designation or zoning before in Alamance County.

#### **E. SPECIFIC AMENDMENT LANGUAGE**

Actual Ordinance amending both the official Zoning Atlas and Future Land Use Map of the Comprehensive Plan shall be prepared for the Planning Board's review at its June 5, 2013 regular meeting and for review and action by the BOCC at its June 18, 2013 meeting.

**Primary Staff Contact:**

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**SESSION LAW 2012-108  
HOUSE BILL 1090**

AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY-ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** The historic boundary line forming Alamance County from Orange County was described and surveyed in 1849. In the subsequent 160 years, this line became uncertain, resulting in unintentional modifications to the boundary line affecting taxation, school attendance, zoning maps, and elections, within and among Alamance County, Orange County, and the Town of Mebane, North Carolina. Pursuant to G.S. 153A-18(a) entitled "Uncertain or Disputed Boundary", both county boards of commissioners passed resolutions (Alamance County, December 17, 2007 and Orange County, January 18, 2008) to request that North Carolina Geodetic Survey perform a preliminary resurvey and present a proposed map for consideration by both counties.

**SECTION 2.** In the 2011 session, the General Assembly, through S.L. 2011-88, ratified and adopted ninety-one percent (91%) of the boundary line between Alamance County and Orange County. Also in the 2011 session, the General Assembly, through S.L. 2011-87, authorized the boards of commissioners of Alamance County and Orange County to determine the most appropriate location for the remaining nine percent (9%) of the boundary line.

**SECTION 3.** The General Assembly recognizes the difficulties in addressing the issues associated with adopting a county boundary line and authorizes Alamance County and Orange County to maintain the current taxing, elections, education and any other recognized government functions in place in the transition areas affected by this act, if so needed, until July 1, 2013.

**SECTION 4.(a)** Except as otherwise provided in this act, on and after January 1, 2013, all papers, documents, and instruments required or permitted to be filed or registered, involving residents and property in areas affected by the resurvey of the boundary line, which previously may have been recorded in the adjoining counties, shall be recorded in the county to which the property has been reassigned by this act.

**SECTION 4.(b)** On and after January 1, 2013, all real and personal property in areas affected by the resurvey of the boundary line that was subject to ad valorem taxation on January 1, 2013, shall be subject to ad valorem taxes in the county to which the property is reassigned for the fiscal year beginning July 1, 2013, to the same extent as it would have been had it been correctly recognized by the tax departments of each county on March 1, 2013, except as hereinafter provided with respect to classified registered motor vehicles. On September 1, 2012, the adjoining county tax administrators shall commence the transfer to the respective county tax assessors the ad valorem tax listings and valuations for all real and personal property subject to ad valorem taxation in areas affected by the resurvey of the boundary line, except classified motor vehicles which were registered in the adjoining counties prior to July 1, 2012. For the fiscal year that begins July 1, 2012, all real and personal property in areas affected by the resurvey of the boundary line, which was subject to ad valorem taxation in that area on January 1, 2013, shall be assessed and taxed as follows:

- (1) The ad valorem property taxes assessed on all classified registered motor vehicles registered or listed in adjoining counties between January 1, 2012,



- and March 1, 2013, shall be collected by the appropriate adjoining county tax collector, and all such taxes shall be retained by that adjoining county. The taxes on all classified registered motor vehicles registered after March 1, 2013, shall be assessed and collected by the county tax department in the county to which the real property wherein the classified registered motor vehicles are situated has been reassigned.
- (2) The values established by the particular adjoining county tax administrator on all personal property other than classified registered motor vehicles shall be used by each county tax assessor without adjustment in computing taxes due for the fiscal year beginning July 1, 2013. All such taxes shall be assessed and collected by the appropriate county tax department.
  - (3) For the interim time period between the reassignment of properties into their respective counties and until such time as the next regularly scheduled revaluation period, Alamance County and Orange County may select either of two methods of valuating the property reassigned into their respective counties by this act. The selection of either method by a county shall not give any individual or entity grounds for challenging such temporary valuation. Such methods are delineated as follows:
    - a. The values established by the adjoining county tax administrators on all real property formerly taxed in their county shall be adjusted by the appropriate county tax assessor by applying the difference between one hundred percent (100%) of such values and the appropriate county median ratio, as established by the Sales Assessment Ratio Study compiled by the North Carolina Department of Revenue as of January 1, 2009. The taxes determined by applying this method will be collected and retained by the appropriate county tax collector. The value of such property shall then be revalued according to the regularly scheduled revaluation period for each county.
    - b. The values established by the adjoining county tax administrators on all real property formerly taxed in their county shall be adopted by the appropriate county tax assessor upon the transition of property to the adjoining county. The valuation of such property shall then be revalued according to the regularly scheduled revaluation period for each county.
  - (4) Beginning January 1, 2014, all property in areas affected by the resurvey of the boundary line that is subject to ad valorem taxation shall be listed, assessed, and taxed by the appropriate county tax administrator in the same manner as is prescribed by law for all other property located within each county.
  - (5) The final tax values of property subject to ad valorem taxation in areas affected by the resurvey of the boundary line as of January 1, 2014, shall be determined by the adjoining county tax administrator. Appeals to the North Carolina Property Tax Commission or to the courts by property owners of properties affected by the boundary line change shall be defended by both counties, and both counties shall be responsible for the counties' costs and expenses, including attorneys' fees, incurred in connection with such appeals.
  - (6) Any unpaid taxes or tax liens for the fiscal year ending June 30, 2013, or for prior years on property subject to taxation in areas affected by the resurvey of the boundary line shall continue to be valid and enforceable by the respective adjoining county, including the foreclosure remedies provided for in G.S. 105-374 and G.S. 105-375, and the remedies of attachment and garnishment provided for in G.S. 105-366 through G.S. 105-368. The Alamance County and Orange County tax administrators shall supply one another with a list of unpaid taxes for properties in areas of the boundary line affected by the resurveys for the tax year 2012 on or before July 1, 2013. Any such taxes collected by either county shall be promptly paid to the appropriate adjoining county including accrued interest. The provisions of

G.S. 105-352(d) shall not apply to (i) those areas in adjoining county previously taxed by either county outside the areas affected by the resurvey of the boundary line, that shall forthwith be properly listed and taxed in the county to which they have been reassigned by this act; and (ii) those areas within each county that were in the past improperly listed and taxed by the adjoining counties due to uncertainty as to the exact location of the true historic Alamance County-Orange County boundary line.

**SECTION 4.(c)** No cause of action, including criminal actions, involving persons or property in areas affected by the resurvey of the boundary line that is pending on July 1, 2013, shall be abated, and such actions shall continue in the appropriate adjoining county. In no event shall a defense to a criminal act be maintained where such defense alleges a lack of jurisdiction due to any act or failure to act related to the adjustment of the boundary line by this act, regardless of when such criminal act is alleged to have occurred.

**SECTION 4.(d)** The board of elections of each adjoining county shall, effective July 1, 2013, transfer the voter registration records pertaining to persons residing in areas affected by the resurvey of the boundary line and located in either county to the adjoining county's board of elections, and thereafter the registered voters so transferred shall be validly registered to vote in that adjoining county. Persons in areas affected by the resurvey of the boundary line shall continue to be in the same State House, State Senate, and United States House of Representatives Districts as they were prior to the resurvey.

**SECTION 4.(e)** The Jury Commission of each adjoining county shall revise its jury lists to add to or eliminate therefrom those persons subject to jury duty who reside in areas affected by the resurvey of the boundary line, said revised jury lists to be effective July 1, 2013.

**SECTION 5.(a)** Any properties affected by S.L. 2010-61 or this act and that are subject to taxation under G.S. 105-274 and that were taxed by both the Alamance County and Orange County taxing authorities on or after January 1, 2007, are hereby granted the following relief:

- (1) Property owners of any such dually taxed properties may, pursuant to the terms of G.S. 105-381, demand refund and/or release of taxes paid to the county from which their property, or portion thereof, was transitioned.
- (2) Any claim for relief pursuant to this section and under the terms of G.S. 105-381 may be made for taxes assessed January 1, 2007, through December 31, 2012. All such claims for relief must be made in writing to the county from which the affected property was transitioned on or before February 28, 2013. Should a claim for relief pursuant to this section not be made by February 28, 2013, such claim is waived and no further relief shall be granted pursuant to this or any other act. Alamance County and Orange County shall not grant refunds or releases pursuant to this section for any claims made after February 28, 2013, and are released from all liability, and no court action shall be maintained for any such claims made for any act or failure to act pursuant to this section.

**SECTION 5.(b)** The provisions of this section shall apply only to properties transitioned or reassigned from one county to the other, in whole or in part, by the resurveys of individual qualifying properties pursuant to S.L. 2010-61 and this act.

**SECTION 5.(c)** For purposes of this section only, the term "property owner" shall include any builder or developer that paid property taxes on real property to both counties and subsequently sold said property or that, as part of an escrow agreement in which the buyer of such property paid taxes to one county and the builder or developer who sold the property, paid taxes on the same piece of property to the adjoining county.

**SECTION 5.(d)** The taxing authorities of Alamance County and Orange County shall notify property owners affected by this section of the terms of this section within 30 days of this act becoming law. Such notice shall be by United States mail at the mailing address to which any tax bills were previously submitted. No other notice is or shall be required.

**SECTION 6.** Any child who was a resident of any area reassigned by this act on its date of ratification and who was a student in the Orange or Alamance school system during the 2011-2012 school year, and the siblings of any such person, may attend school in the same school system attended in the 2011-2012 school year without necessity of a release or payment of tuition. Any such student, while attending the Orange County school system, shall be considered a resident of Orange County for all public school purposes, including transportation,

athletics, and funding formulas. Any such student, while attending the Alamance County School system, shall be considered a resident of Alamance County for all public school purposes, including transportation, athletics, and funding formulas. Notice must be given to all affected school systems by the parent or guardian in order to exercise the privilege granted by this section.

**SECTION 7.** The establishment of a county boundary line is, pursuant to Section 1 of Article VII of the North Carolina Constitution, the sole responsibility of the General Assembly. Further, it is vital to the State of North Carolina and all affected local governments that county boundary lines be fixed and any uncertainty as to the location of county boundary lines be resolved. For this reason and in the interest of justice, neither Alamance County nor Orange County, nor any agent, employee, or appointed or elected official thereof, shall be liable to any individual, group, organization, for-profit or not-for-profit business entity of any kind, governmental entity or agency of any type or kind for any damages, costs, fees, or fines, and or court action shall be maintained against said counties, officials, employees, and agents for any recommendation, act, failure to act, or conduct related to S. L. 2010-61, S.L. 2011-88, or this act and/or the adoption of a fixed boundary line separating the two counties. Except as set out in Section 5 of this act, and effective upon this act becoming law, Alamance County and Orange County, their officials, employees, and agents are released from all liability for any claims made, and no court action shall be maintained against said officials, employees, and agents for any act or failure to act pursuant to the terms of this act, S.L. 2011-88, or S.L. 2010-61, and no further relief shall be granted or cause of action sustained except as provided herein.

**SECTION 8.** Should any provision of S.L. 2010-61, as amended by S.L. 2011-88, conflict with any provision of this act, the provisions of this act shall control. Should any line marking the area of the nine percent (9%) reflected in the surveys referenced herein conflict with any line shown on the surveys describing the area of the ninety-one percent (91%), the surveys marking the area of the nine percent (9%) shall control.

**SECTION 9.** Pursuant to Section 1 of Article VII of the North Carolina Constitution, any boundary line between Alamance County and Orange County previously surveyed, recognized, adopted, described, utilized, or ratified, save and except the ninety-one percent (91%) of the boundary line adopted by S.L. 2011-88, is modified as set forth herein upon ratification of this act.

**SECTION 10.** Pursuant to Section 1 of Article VII of the North Carolina Constitution, the official boundary line regarding the remaining nine percent (9%) of the line separating Alamance County and Orange County, as recommended by the Alamance County Board of Commissioners at its meeting of December 6, 2010, and the Orange County Board of Commissioners at its meeting of December 14, 2010, is hereby formally recognized and adopted by the General Assembly.

**SECTION 11.** Upon adoption, the survey plats reflecting the boundary line shall be filed with the Alamance County Register of Deeds, with the Orange County Register of Deeds, and in the office of the Secretary of State as provided in G.S. 153A-18(a).

**SECTION 12.** This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28<sup>th</sup> day of June, 2012.

s/ Walter H. Dalton  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

Attachment 3  
Map of subject  
properties

# Caswell County

# Alamance County

ANDERS-CT

ANDERS-WAY

# Alamance County

ELIZAVLN

Area to be zoned AR and assigned  
Agricultural Residential land use  
designation

Area to be located  
within Back Creek  
Protected Watershed  
Protection Overlay  
District

Hyco Creek  
Unprotected Watershed

AR

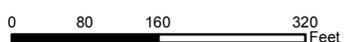
Back Creek  
Protected Watershed

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

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



1 inch = 208.333 feet



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

**Administration**  
**(919) 245-2575**  
**(919) 644-3002 (FAX)**  
**www.co.orange.nc.us**



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



**CERTIFICATION OF MAILING**

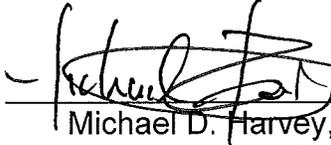
**ZONING ATLAS AMENDMENT**  
**ORANGE COUNTY, NORTH CAROLINA**

I, Michael D. Harvey, Current Planning Supervisor with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Section(s) 2.3.6 and 2.8.7 of the Orange County Unified Development Ordinance I have mailed, or have caused to be mailed, a Notice of Public Hearing via first class mail to be held regarding the processing of a County initiated Zoning Atlas and Future Land Use Map Amendments involving 11 parcels of property along Eliza lane in the Cedar Grove Township of Orange County being located within the County's planning jurisdiction as a result of the Orange-Alamance County Line Adjustment project consistent with Session Law Session Law 2012-108 (commonly referred to as the '9% line') enacted by the North Carolina General Assembly on June 28, 2012.

The owners were identified according to the Tax Records and as required by Section 2.8.7 of the Orange County Unified Development Ordinance.

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

WITNESS my hand, this 10<sup>h</sup> day of May 2013.

  
 Michael D. Harvey, AICP  
 Current Planning Supervisor

\* Property owner notification

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

**Current Planning**  
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**131 West Margaret Lane**  
**P O Box 8181**  
**Hillsborough,**  
**North Carolina, 27278**



May 10, 2013

RE: NOTIFICATION of PUBLIC HEARING to review the extension LAND USE AND ZONING DESIGNATION(S) to those properties affected by the Orange-Alamance County Line Correction.

Dear Property Owner:

This letter is being sent to inform you that the Orange County Board of Commissioners and the Planning Board have scheduled a **JOINT PUBLIC HEARING** to extend Land Use and Zoning Designations to those properties affected by the Orange – Alamance County Line revision.

Specifically, in accordance with the provisions of Section 2.3 *Comprehensive Plan Amendments*; and Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO), the Planning Director has submitted an application seeking to extend land use and zoning designations to those properties, or portions thereof, that are now located in Orange County as a result of changes in the location of the Orange – Alamance County line consistent with Session Law 2012-108 (commonly referred to as the '9% line') enacted by the North Carolina General Assembly on June 28, 2012.

The request involves establishing zoning and land use categories for the following 11 parcels of property along Eliza Lane within the Cedar Grove Township of Orange County:

1. 9920-46-1659	2. 9920-47-1321	3. 9920-46-1622
4. 9920-46-1234	5. 9920-45-1933	6. 9920-46-1356
7. 9920-46-1170	8. 9920-46-1550	9. 9920-47-1131
10. 9920-46-1843	11. 9920-46-1967	

Portions of these properties were already located within the County's planning jurisdiction and had land use and general use zoning district designations, specifically the Agricultural Residential Land Use Category and the Agricultural Residential (AR) zoning district, already assigned to them.

Staff is recommending that these same, existing, designations be extended on those portions of property now being located within the County's planning jurisdiction as a result of the re-alignment of the Orange/Alamance County Line.

Staff is also recommending the extension of the Back Creek Protected Watershed Protection Overlay District on the following 5 properties, consistent with existing zoning designations:

9920-46-1170	9920-46-1550	9920-47-1131
9920-46-1843	9920-46-1967	

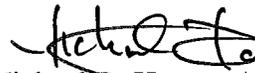
The rationale for this decision is that the aforementioned properties, already partially zoned by Orange County, currently have the zoning and land use designation of Agricultural Residential and, at least in 5 instances, are encumbered by the Back Creek Protected Watershed Protection Overlay District. This proposal merely seeks to extend existing zoning and land use designations onto those portions of property now located within Orange County as the result of the memorialization of the Orange Alamance County line.

For properties located within both this specific zoning and land use designations, residential and agricultural uses or actives are considered to be the accepted and permitted land uses for development.

As the property owner, you have a right to comment on the proposal. The aforementioned public hearing scheduled to review this request shall occur on **Tuesday May 28, 2013** at 7:00 p.m. at the Department of Social Services, Hillsborough Commons Shopping Center, 113 Mayo St. Hillsborough, North Carolina.

If you have any questions concerning this request, please contact staff at (919) 245-2575.

Sincerely,



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

Attachment 3  
Map of subject  
properties

# Caswell County

# Alamance County

ANDERS CT

ANDERS WAY

Area to be zoned AR and assigned  
Agricultural Residential land use  
designation

Area to be located  
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District

Hycocreek  
Unprotected Watershed

AR

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ELIZABETH

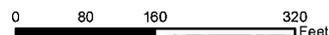
# Alamance County

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



1 inch = 208,333 feet



\* Adjacent property owner notification

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

**Current Planning**  
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**131 West Margaret Lane**  
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May 10, 2013

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To Whom it May Concern:

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For properties located within both this specific zoning and land use designations, residential and agricultural uses or actives are considered to be the accepted and permitted land uses for development.

According to County and State law, we are obligated to notify all property owners within 500 feet of a parcel being rezoned of the public hearing date and time. You are receiving this notice because your property falls within this prescribed area. The zoning of property, and the assignment of a land use category, **will not** have an impact on your property or alter the manner in which your property can be developed. We are, however, obligated to inform you of the hearing date and time and invite you to attend.

The PUBLIC HEARING will be held at the Department of Social Services, Hillsborough Commons Shopping Center, located at 113 Mayo Street, Hillsborough North Carolina on **Tuesday May 28, 2013 at 7:00 p.m.** If you require additional assistance, or have questions, please contact staff at (919) 245-2575.

Sincerely,



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

Attachment 3  
Map of subject  
properties

# Caswell County

# Alamance County

ANDERS CT

ANDERS WAY

ELIZAVEN

Area to be zoned AR and assigned  
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Area to be located  
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AR

Back Creek  
Protected Watershed

# Alamance County

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