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

AGENDA
ORANGE COUNTY PLANNING BOARD

ORANGE COUNTY WEST CAMPUS OFFICE BUILDING
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)
HILLSBOROUGH, NORTH CAROLINA 27278
Wednesday, November 6, 2013
Regular Meeting – 7:00 pm

No.	Page(s)	Agenda Item
1.		**CALL TO ORDER**
2.		**INFORMATIONAL ITEMS**
	3-4	**a.** Planning Calendar for November and December
		i. Dinner Meeting with BOCC – 5:30 p.m. on Nov. 25 (before QPH) @ Link Government Services Center
	5-8	ii. Quarterly Public Hearing – 7:00 p.m. on Nov. 25 @ Dept. of Social Services – draft legal ad attached
3.		**APPROVAL OF MINUTES**
	9-14	October 2, 2013 ORC Meeting Notes
	15-20	October 2, 2013 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.	**21-59**	**MAJOR SUBDIVISION CONCEPT PLAN:** To review and make a decision on a major subdivision concept plan application (Triple Crown Farms), located off of Dairyland Road. **Presenter:** Jennifer Leaf, Planner I
8.	**60-128**	**PLANNING BOARD ANNUAL REPORT AND WORK PLAN FOR COUNTY COMMISSIONERS' ANNUAL PLANNING RETREAT:** To discuss the input form for the annual BOCC planning retreat in early 2014. The annual report informs the BOCC of the past year's activities of advisory boards/commissions and assists in overall County work planning. **Presenter:** Craig Benedict, Planning Director
9.	**129-156**	**PROVISION AND MAINTENANCE OF SIDEWALKS IN THE COUNTY'S JURISDICTION –** To receive educational information on the challenges North Carolina counties face in providing and maintaining sidewalks in unincorporated areas. **Presenter:** Perdita Holtz, Planner III
10.		**COMMITTEE/ADVISORY BOARD REPORTS** **a.** Board of Adjustment **b.** Orange Unified Transportation
11.		**ADJOURNMENT**

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

November 2013

November 2013

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December 2013

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Oct 27 - Nov 2	**Oct 27**	**28**	**29**	**30**	**31**	**Nov 1**	**2**
Nov 3 - 9	**3**	**4**	**5** 7:00pm BOCC Reg Meeting (Central Orange Senior Center)	**6** 6:00 pm ORC Meeting *7:00 pm Planning Board Meeting (West Campus Office Bldg)	**7**	**8**	**9**
Nov 10 - 16	**10**	**11** 7:30pm Board of Adjustment (West Campus Office Bldg)	**12** 7:00pm BOCC Work Session (Southern Human Services)	**13**	**14**	**15**	**16**
Nov 17 - 23	**17**	**18**	**19** 7:00pm BOCC Reg Meeting (Southern Human Services)	**20** 7:00pm OUTBoard Meeting - CANCELLED	**21** 7:00pm Assembly of Governments (Southern Human Services)	**22**	**23**
Nov 24 - 30	**24**	**25** 5:30pm BOCC/ Planning Board Dinner Meeting (Link Gov't Services) 7:00pm *QUARTERLY PUBLIC HEARING (Dept of Social Services)	**26**	**27**	**28** HOLIDAY	**29** HOLIDAY	**30**

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December 2013

December 2013

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January 2014

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Dec 1 - 7	**Dec 1**	**2**	**3**	**4**	**5**	**6**	**7**
			7:00pm BOCC Reg Meeting (Department of Social Services)	7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)			
Dec 8 - 14	**8**	**9**	**10**	**11**	**12**	**13**	**14**
		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Reg Meeting (Southern Human Services)				
Dec 15 - 21	**15**	**16**	**17**	**18**	**19**	**20**	**21**
				7:00pm OUTBoard Meeting (West Campus Office Bldg)			
Dec 22 - 28	**22**	**23**	**24**	**25**	**26**	**27**	**28**
			HOLIDAY	HOLIDAY	HOLIDAY		
Dec 29 - Jan 4	**29**	**30**	**31**	**Jan 1, 14**	**2**	**3**	**4**
				HOLIDAY			

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This is the proposed legal ad for the November QPH, scheduled to be approved by the BOCC on Nov. 5. It is included for Planning Board Information.

ORANGE COUNTY
BOARD OF COMMISSIONERS

ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 5, 2013

Action Agenda Item No. _____

SUBJECT: Legal Advertisement for Quarterly Public Hearing – November 25, 2013

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
Proposed Legal Advertisement

INFORMATION CONTACT:
Perdita Holtz, Planning Systems Coordinator, 919-245-2578
Craig Benedict, Planning Director, 919-245- 2592

PURPOSE: To consider the legal advertisement for items to be presented at the joint Board of County Commissioners/Planning Board Quarterly Public Hearing scheduled for November 25, 2013.

BACKGROUND: The Board of County Commissioners reviews proposals to be considered at public hearing for consistency with general County policy and presentation format. The following County initiated items are scheduled for the November 25, 2013 Quarterly Public Hearing:

1. Unified Development Ordinance (UDO) Text Amendment to amend the regulations that pertain to **home occupations**. This item was initiated in conjunction with the Planning Board and suggested during BOCC goal setting sessions.

2. Unified Development Ordinance (UDO) Text Amendment to amend the regulations that pertain to **telecommunication facilities**. These changes are necessary to ensure the ordinance conforms to recent changes in State law.

3. Unified Development Ordinance (UDO) Text Amendment to amend the regulations that pertain to the **Board of Adjustment**. These changes are necessary to ensure the ordinance conforms to recent changes in State law.

The attached legal advertisement provides additional information regarding these items. The BOCC approved the Amendment Outline Forms for these items at its September 5, 2013 meeting.

FINANCIAL IMPACT: Other than advertising costs, which are included in the FY 2013-14 Budget, there are no direct financial impacts associated with the approval of this item.

RECOMMENDATION(S): The Interim Manager recommends the Board approve the proposed November 25, 2013 Quarterly Public Hearing legal advertisement.

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NOTICE OF JOINT PUBLIC HEARING
ORANGE COUNTY BOARD OF COMMISSIONERS
ORANGE COUNTY PLANNING BOARD

A joint public hearing will be held at the Department of Social Services, Hillsborough Commons, 113 Mayo St., Hillsborough, North Carolina, on Monday, November 25, 2013 at 7:00 PM for the purpose of giving all interested citizens an opportunity to speak for or against the following items:

1. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Board and Planning Director have initiated an amendment to the text of the Unified Development Ordinance (UDO).

   Text amendments are proposed to Sections 2.22 *Home Occupations*, 5.4.3 *Special Events*, and 5.5.3 *Home Occupations.* The purpose of the amendments is to change the existing standards to allow for an increase in the number of square feet that can be used for home occupation purposes, increase the number of allowable onsite employees, permit larger scale home occupations in the Agricultural Residential (AR) and Rural Residential (R-1) zoning districts, and allow for the exemption of special events organized or affiliated with a governmental or non-profit agency. Proposed amendments will also modify and clarify existing regulations and definitions associated with home occupations. The amendments also seek to fund a balance between the trend for small home based businesses and the typical character and enjoyment of residential neighborhoods.

   Purpose: To review the item and receive public comment on the proposed amendment.

2. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

   Text amendments are proposed to Section 2.7.14 *Changes to Approved Plans* and Section 5.10 *Standards for Telecommunication Facilities* to incorporate recent changes in State law with respect to the review and processing of applications proposing the development or modification of telecommunication facilities.

   Session Law 2013-185, adopted June 26, 2013, established new criteria related to the processing of applications, including:

   a. Prohibition on requiring information related to the specific need for a proposed telecommunication facility, including the addition of additional wireless coverage or capacity, as part of the application package.

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b. Local governments cannot require '*proprietary, confidential, or other business information*' to justify the need for a new telecommunication facility.

c. Limits the fee local governments can collect for a third party consultant to review applications for co-locations.

d. Mandatory review timelines/deadlines for local governments to act on co-location applications.

The amendments are necessary to ensure Orange County's regulations and processes are consistent with these changes.

Purpose: To review the item and receive public comment on the proposed amendment.

3. **Unified Development Ordinance (UDO) Text Amendment**: In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Unified Development Ordinance, the Planning Director has initiated an amendment to the text of the Unified Development Ordinance (UDO).

Text amendments are proposed to Section(s) 2.5.4 *Site Plan Review – Procedures and Timeframes;* 2.10 *Variances;* 2.11 *Interpretations;* 2.12 *Board of Adjustment; and* 2.25 *Appeals* to incorporate recent changes in State law with respect to items reviewed and acted upon by the Orange County Board of Adjustment.

Session Law 2013-126, adopted June 19, 2013, modified and updated procedural and notification requirements for the various applications reviewed by the Board of Adjustment. The amendments are necessary to ensure Orange County's regulations and processes are consistent with these changes.

Purpose: To review the item and receive public comment on the proposed amendment.

Substantial changes in items presented at the public hearing may be made following the receipt of comments made at the public hearing. Accommodations for individuals with physical disabilities can be provided if the request is made to the Planning Director at least 48 hours prior to the Public Hearing by calling the one of the phone numbers below. The full text of the public hearing items may be obtained no later than November 15, 2013 at the County website www.co.orange.nc.us at the Meeting Agendas link.

Questions regarding the proposals may be directed to the Orange County Planning Department located on the second floor of the County Office Building at 131 West Margaret Lane, Suite 201, Hillsborough, North Carolina. Office hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday. You may also call (919) 245-2575 or 245-2585 and you will be directed to a staff member who will answer your questions.

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PUBLISH:	The Herald Sun	News of Orange
	November 13, 2013	November 13, 2013
	November 20, 2013	November 20, 2013

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SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
JULY 10, 2013
ORDINANCE REVIEW COMMITTEE

NOTE: A quorum is not required for Ordinance Review Committee meetings.

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Paul Guthrie, At-Large, Chapel Hill Township; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Tina Love, Administrative Assistant II

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – TELECOMMUNICATION FACILITIES
To review and comment upon proposed revisions to the UDO regarding Telecommunication Facilities.
This amendment is in response to Session Law 2013-185.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: Reviewed the abstract. The State of North Carolina, in passing this Session Law, has put additional limitations on local governing bodies, municipalities and counties with respect to how they are processing applications for telecommunications facilities. Specifically, they limited the amount of time devoted to a co-locating application to 45 days, limited the total amount of outside consultant fees we can charge. This is an amendment to bring us compliance with State law.

Paul Guthrie: Local government cannot require that doesn't mean that you can't ask for it. You just can't require it, correct?

Michael Harvey: That is a correct statement, we also can't utilize it if they say no as a reason to deny or recommend denial. We can't use it a basis for any other reason to say they didn't comply or they don't comply with the law.

Michael Harvey: We are going to be presenting this at the November quarterly public hearing.

Pete Hallenbeck: First off, raising a tower above 199 feet means you suddenly have to add lighting to it. It is a big undertaking for a tower company.

Paul Guthrie: Over 200 feet requires FAA consideration.

Michael Harvey: Yes, and we have standards if you are proposing a 200 foot tall tower it is part of the submittal that the FAA has given initial clearance.

Pete Hallenbeck: So, between the FAA and the ordinances, there are a lot of good reasons for the companies to put in towers that are less than 200 feet tall. The second thing is that raising a tower is not trivial. You can't just nail a 2 x 4 and make it higher.

AGENDA ITEM 3: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – BOARD OF ADJUSTMENT OPERATION
To review and comment upon proposed revisions to the UDO related to Board of Adjustment operation.
This amendment is in response to Session Law 2013-126.
Presenter: Michael Harvey, Current Planning Supervisor

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Michael Harvey: Reviewed abstract. The General Assembly has modernized and provided uniformity of the Board of Adjustment. We are updating our code to be consistent with State Law.

Pete Hallenbeck: Are there any questions? Ok, it makes sense to me. Thank you.

AGENDA ITEM 4: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – HOME OCCUPATION
To review and comment upon proposed revisions to the UDO regarding Home Occupation standards.
Presenter: Ashley Moncado, Special Projects Planner

Paul Guthrie: For the record, we have a home business in my house.

Lisa Stuckey: I have a home business in my house too.

Pete Hallenbeck: I work out of my home too.

Ashley Moncado: (Reviewed abstract).

Paul Guthrie: Have you been able to identify what the traffic work load it going to be to the planning department as a result of these regulations?

Michael Harvey: I have no concerns based on the provisions. I believe the regulations proposed are reasonable. I don't believe it will increase the workload tremendously.

Paul Guthrie: You don't know how many applications you will get. I think technically the provision with regard to the number of special events is still going to exclude the art tour because the number of 30 will breach that. We have a very strong arts community and I need to think through how you do not become an impediment to that.

Ashley Moncado: Other counties don't have limits on people but limitations on parking and other things. They are more restrictive.

Paul Guthrie: You want to look at that dynamic.

Pete Hallenbeck: You can get a special permit for that event.

Paul Guthrie: The arts community is already buzzing about this. My other concern is the parking requirement could be difficult for some folks. The other comment is regarding the maintenance; you may want to clarify that and be prepared that may be a problem.

Pete Hallenbeck: On page 86 regarding parking, parking shall be met off the street and not required yard area, so when people come to these events, they can't park on the street.

Ashley Moncado: They would have to be in your area and not in the setback.

Pete Hallenbeck: Could you put setback instead of yard area?

Perdita Holtz: No, because of the way yard is defined and used in the UDO and other places.

Michael Harvey: There is an opportunity for you to go through a process to seek regress. We don't want to have a commercial impact on a private road.

Pete Hallenbeck: On the outside storage space, there is 500 square feet, for the major home occupations that is part of the application. In the minor home occupation application, where is that?

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Ashley Moncado: It should be indicated on the plot plan.

Michael Harvey: We are not regulating the UPS truck for home delivery. If your home occupation needs a vehicle to support operations there is a limit. Also, there are specific land uses prohibited as home occupations.

Paul Guthrie: Zoning ordinance cannot prohibit a small business homeowner from owning a bigger truck, which I question.

Michael Harvey: By using it as part of the business parked on the property, it can become regulated.

Ashley Moncado: We will look into it again.

Maxecine Mitchell: Can they load the equipment and leave?

Ashley Moncado: That it still be used in connections with home occupations.

Maxecine Mitchell: It would not be permitted?

Ashley Moncado: No.

Maxecine Mitchell: If someone is already using his or her vehicle?

Ashley Moncado: That standard is already in place.

James Lea: If I decide to start a tree service and had a two or three ton truck, I could not park that at my house?

Ashley Moncado: No.

Tony Blake: If it fit in a garage, could you keep it there?

Ashley Moncado: No.

Pete Hallenbeck: Let us see what people feel is a good size.

Paul Guthrie: I am not too upset with the one ton. This is a thicket and reality is it going to be very controversial when you hit someone that has been grandfathered in.

Herman Staats: I think if you consider, I have dually which is more than one ton. One ton may be too low.

James Lea: I would agree. Some of the language suggests that you could not have dually there.

Maxecine Mitchell: I don't know what a one-ton truck is. If you have a landscaping business, they have trucks and long trailers.

Ashley Moncado: There is language already in the UDO.

Tony Blake: Any language that is not a split axle truck.

Pete Hallenbeck: Rather than a ton limit, an axle limit.

Lisa Stuckey: Delivery trucks, UPS or FedEx are okay with me.

Pete Hallenbeck: If you had a small business, would this be something you could apply for a variance on.

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Michael Harvey: I am hesitating to say yes because there may not be hardship. This is not to promote small business use for a property but home occupation. Anybody can apply for anything. I don't see the limitation that is providing such a limit on your use of property as warranting a variance.

Pete Hallenbeck: I would say one or two ton.

Paul Guthrie: The five-acre provision worries me because of the entrepreneur starting out.

Pete Hallenbeck: I think part of the five acres is that we are applying the same rules whether you had a one acre lot or 100 acre farm.

Ashley Moncado: We'll look into all the suggestions and changes and get back to you at the November Planning Board Meeting.

AGENDA ITEM 5: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – AGRICULTURAL SUPPORT ENTERPRISES
To review and comment upon proposed revisions to the UDO implement a program commonly referred to "Agricultural Support Enterprises".
Presenter: Perdita Holtz, Planning Systems Coordinator

ITEM WAS POSTPONED UNTIL END OF REGULAR PLANNING BOARD MEETING DUE TO LACK OF TIME

AGENDA ITEM 6: ADJOURNMENT

Meeting was adjourned.

THE MEETING RECONVENED AT THE CONCLUSION OF THE REGULARLY SCHEDULED PLANNING BOARD MEETING FOR THE LAST ITEM ON THE ORC AGENDA

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Paul Guthrie, At-Large, Chapel Hill Township; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Tina Love, Administrative Assistant II

AGENDA ITEM 5: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – AGRICULTURAL SUPPORT ENTERPRISES
To review and comment upon proposed revisions to the UDO implement a program commonly referred to "Agricultural Support Enterprises".
Presenter: Perdita Holtz, Planning Systems Coordinator

Perdita Holtz: (Reviewed Abstract) DEAPR is working on a manual and hopefully it will be available as part of the quarterly public hearing in February 2014.

Tony Blake: I thought there was an acreage requirement as well.

Perdita Holtz: No, there is no acreage requirement, there may have been at one time.

Michael Harvey: The acreage requirement was only based on complying with the bona fide farm tax program.

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Paul Guthrie: If the actual crop, what the central farm managed, planted, and prepared the soil for the crop on is on somebody else's land, could they use it under the definition?

Perdita Holtz: That noncontiguous parcel is normally considered part of the bona fide farm. Where it comes into play about being off the farm is if you have another bona fide farm that wants to come back and sell products like in a farm store.

Perdita Holtz: (Continued review of item)

Pete Hallenbeck: What does the metal fabrication shop fit in under?

Perdita Holtz: That's one of the more interesting things that was part of the previous work, metal fabrication shop would normally fit under the Light Industrial zoning use category and a lot of these uses would have fit under umbrella uses that appear in our zoning ordinance. Part of the problem is that people were saying we want to see these uses exactly in the zoning code and so we went ahead and put them in the zoning code because there is no harm in doing so other than you might end up with a whole bunch of pages in your table of permitted uses if you were to list every single possible use ever. There is an effort to help the farmers and so we are doing that. There was apparently one farmer that does metal fabrication on the side and so I think that is one of the reasons that ended up as we do to have this defined.

Pete Hallenbeck: So this is metal fabrication shop as in blacksmithing, making rod iron, and fixing large tractor things that need lots of welding because of those two.

Perdita Holtz: Metal fabrication shop is the facility that is engaged in the shaping of metal or similar materials for wholesale or retail trade. One of the standards for metal fabrication shop is that if it is located in an AR zoning district is that it has to be located on a bona fide farm so the standard gets very important because some of these uses would only be allowed in those zoning districts if they are located on a bona fide farm.

Pete Hallenbeck: There are things that require not a site plan but a plot plan and there may some interesting discussion about exactly that the terms are.

Lisa Stuckey: What's a nonfarm use of farm equipment, like tractor ride?

Perdita Holtz: That's like a farmer using his tractor to grading work during the off season.

Lisa Stuckey: So what is the plot plan going to show?

Perdita Holtz: It is actually on page the page beforehand, of all the specifications of a plot plan. It is going to show property lines. This is more for someone doing landscaping or grading type of activities off the farm.

Michael Harvey: To give you an example, we were dealing with a farmer that actually rented out equipment to be used either in landscaping, grading, and also did septic tank work on the side and he had equipment. As all the equipment had a farm application, legally as I interpret the statute there wasn't much we could do. We required him to give us a plot plan showing where it was parked, where any activity that was not farm related occurred and that there was any necessary infrastructure to support this ancillary business. This project has gone back to 2001, this is one of the genesis for this nonfarm use of farm equipment was this particular farmer and others who had similar relationships with people.

Perdita Holtz: On the plot plan, there are standards they have to meet. One of them is that they have to screen the equipment from adjacent property and roads and outdoor storage of material such as gravel, dirt, plants shall be limited in growth, area, and duration. There are a couple of others so they would have to show on the plot plan where equipment is being stored and how they are going to achieve the screening and where their outdoor storage and materials is going to take place.

Andrea Rohrbacher: On equipment, I haven't heard the word that the equipment must be operable. What if it is non-operable and it just sits there for a decade?

Perdita Holtz: If it is sitting on a bona fide farm, we really can't do anything about it.

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Tony Blake: Do you have sawmills in here? We have some folks that have sawmills out where I am and they mill their own trees and such.

Perdita Holtz: That would probably be a bona fide farm and that is not regulated. Only if you are bring in lumber from other places would it be regulated.

Perdita Holtz: The BOCC has requested specific input from advisory boards, the Planning Board and also the Agricultural Preservation Board on this project. They would like to have input on whether more intensive uses should be removed from consideration.

The consensus of the group was that this item should be considered further at a November ORC meeting.

AGENDA ITEM 6: ADJOURNMENT

Meeting was adjourned

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MINUTES
ORANGE COUNTY PLANNING BOARD
OCTOBER 2, 2013
REGULAR MEETING

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township;

MEMBERS ABSENT: Johnny Randall, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Stephanie O'Rourke, Eno Township Representative; Vacant- Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Ashley Moncado, Special Projects Planner; Abigaile Pittman, Transportation/Land Use Planner; Tina Love, Administrative Assistant II

HANDOUTS: *Petition regarding Eno Area Access Management Plan; Town of Hillsborough/Orange County Coordinated Area Land Use Plan Flowchart*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS

a) Planning Calendar for October and November

AGENDA ITEM 3: APPROVAL OF MINUTES
SEPTEMBER 4, 2013 REGULAR MEETING

MOTION by Lisa Stuckey to approve the July 10, 2013 Planning Board ORC notes and the July 10, 2013 Planning Board minutes. Seconded by Tony Blake.
VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 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 citizens 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

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AGENDA ITEM 6: CHAIR COMMENTS

Agenda Item 7: Zoning Atlas Amendment – To make a recommendation to the BOCC on a property owner-initiated amendment to the Zoning Atlas to rezone a 2.67 parcel of property located at 3604 Southern Drive (PIN 9844-86-5155) from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1). This item was heard at the September 9, 2013 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: (Reviewed abstract). We have provided a synopsis of the questions asked at the public hearing. A Commissioner wanted staff to clarify if this property was in an overlay zoning district specifically a watershed overlay zoning district which it is, Upper Eno Protected, that means there is going to be impervious surface limits imposed on any expansion of this property. There was also a question asked if the rezoning of this parcel would have an impact on any property surrounding, and the answer is no. The only public comment I have received from the public hearing is a call from Miss May who live right here (pointed out on location map), who expressed consternation that I made Mr. Keizer go through this process at all. You have a planning staff recommendation of approval and the rationale for our decision is the application was submitted in compliance with the UDO, the property is of sufficient size to be rezoned as requested, and the rezoning is consistent with the Comprehensive Plan, Future Land Use Map, the Growth Management System Map, and the adopted Efland-Mebane Small Area Plan.

MOTION made by Tony Blake to approve Attachments 2 and 3 to rezone the Keizer property a 2.67 acre parcel of property located at 3604 Southern Drive. Seconded by Maxecine Mitchell.

VOTE: Unanimous

Agenda Item 8: Zoning Atlas Amendment – To make a recommendation to the BOCC on a property owner-initiated amendment to the Zoning Atlas to rezone 2 parcels of property, totaling approximately 16 acres in land area, from Rural Residential (R-1) and Light Industrial (I-1) to Light Industrial (I-1). The parcels are undeveloped and without an assigned street address but are located east and south of the USA Dutch property at 3604 Southern Drive. This item was heard at the September 9, 2013 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: (Reviewed abstract).

Maxecine Mitchell: Are they on septic there?

Michael Harvey: They're still on septic, however, sewer and utilities ought to be available in the near future. If it is available they obviously could tie in if they go through the appropriate process.

Tony Blake: They have not purchased this property yet?

Michael Harvey: No, and as we stipulated at the public hearing, they have an offer to purchase and have signed a contract to purchase contingent upon this rezoning going through.

Lisa Stuckey: Is this is the rural buffer?

Michael Harvey: No. This is rural residential zoning.

Maxecine Mitchell: Will this company's future expansion create more job opportunities and is this something we should take into consideration for this proposal?

Michael Harvey: It shouldn't be part of the consideration but Mr. Kizer did make comment at the public hearing that additional jobs would be created.

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Paul Guthrie: Will that sewer system that is going through there have the capacity to handle that operation or will there have to be pre-treatment?

Craig Benedict: The system is in the design stages and it will take into consideration the land uses and the water and sewer demand enough to accommodate the change of land uses from what is there now to non-residential. From a demand standpoint, yes we have it covered. We will examine what type of sewer flow they have and sometimes pretreatment is necessary in some manufacturing operations.

Maxecine Mitchell: You said that a certain percentage of the R1 could be turned into I1.

Michael Harvey: The percentage figure I believe you are referring to was the allowable percentage of impervious surface area on a given lot. The node, as currently defined, allows for minimal high intense residential development in the area.

Maxecine Mitchell: If we rezone this will it leave room for more requests?

Michael Harvey: Yes. Approval of this request will not limit or hinder future requests from being submitted or heard.

MOTION made by Tony Blake to approve attachments 3 and 4 to rezone two parcels totaling 16.1 acres. Seconded by Lisa Stuckey.

VOTE: Unanimous

Agenda Item 9: Unified Development Ordinance (UDO) Text Amendment – To make a recommendation to the BOCC on government-initiated amendments to the Unified Development Ordinance (UDO) that will require a neighborhood information meeting be held prior to site plan submittal for most proposed governmental uses. This item was heard at the September 9, 2013 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: (Reviewed abstract). There were a couple of comments and questions at the quarterly public hearing. This information is detailed on page 45 of your abstract. Concern was expressed by a Planning Board member that there needs to be additional thought as to what constitutes government use and the expense of logistical issues of having this neighborhood information meeting. Staff's comment is essentially that we understand the concern but the direction we have from the elected officials is that anytime there is a government use, that use is going to be reviewed by the adjacent property owners in this form and setting to ensure that they understand what is going on. There are concerns about local volunteer fire departments absorbing this cost and those have been expressed to the elected officials who have indicated that while they understand the concern, they are moving forward with this option. Planning staff recommends that you deliberate on this and vote to recommend approval of the amendment to the elected officials.

Tony Blake: I have a couple of comments. It was expensive and not what the intent of what the fire tax is. It was several thousand dollars including renting space, printing boards and mailing expense. It was difficult to communicate to people that this site plan was not approved yet so we didn't have anything concrete to show them.

Paul Guthrie: Do I read this to be that the volunteer fire department is not a governmental function?

Michael Harvey: No sir. It is a government use. In Section 5.2 of the table under the government use category, it is listed.

Pete Hallenbeck: This is a pain for the fire department and it costs money but can be fairly cheap compared to upsetting neighbors forever when something is just dropped on them.

Tony Blake: There were more complainers that lived further away.

James Lea: What are the nuts and bolts of this? It is the cost or the information for the meeting?

Michael Harvey: The issues were the cost of the certified mailing.

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Tony Blake: There are costs for the volunteers to do this.

Pete Hallenbeck: The volunteer fire departments are run by volunteers and it is about a $3,000.00 cost. The county is requiring these neighborhoods to have these meetings.

Michael Harvey: The issue is cost, resources, feelings that the meetings are unnecessary.

Tony Blake: We didn't plan for this cost.

Paul Guthrie: One thing I mentioned is that once you established precedence in this area, the definition of governmental uses in terms of projects, are there ways to do that communication without sending out thousands of letters.

MOTION made by Lisa Stuckey to approve. Maxecine Mitchell seconded.
VOTE: 7:1 (Tony Blake)

Tony Blake: I think the certified mailings should be left out and we should identify the affected property owners and not just the ones within 500 feet.

Agenda Item 10: Eno Economic Development District (EDD) Access Management Plan – To make a recommendation to the BOCC on a proposed access management plan for the Eno Economic Development District (EDD). The proposed access management plan involves approximately 980 acres of land in the vicinity of US Highway 70 and Old Highway 10 (near Durham County). This item was heard at the September 9, 2013 quarterly public hearing.
Presenter: Abigaile Pittman, Transportation/Land Use Planner

Abigaile Pittman: (Reviewed abstract). At the quarterly public hearing several comments were collected and this is what we came away with, that we need to prepare a summary of access management planning 101 to help educate residents and we have given you some of that in these initial slides. There was some confusion over the relationship to recent zoning and land use changes in the Eno EDD. Staff was asked to look at protections that could be applied on Old NC Highway 10 and St. Mary's Road was mentioned as an example. A petition was submitted by a group of citizens and it is one of your handouts. We have mapped the addresses of the people who have signed it. Some petitioners have voiced their concerns related to overall previously approved development plans, the zoning and future land use maps, water and sewer extension plans, etc. and not so much the access management plan. They don't like the zoning that is there. As a follow-up, based on County Commissioners' and public comments, staff has begun researching protections that may be put into place to preserve the character of Old NC Highway 10 including previous protections pursued for St. Mary's Road, secondary view shed regulations, scenic corridor overlay regulations, scenic byway regulations, and scenic conservation easements. Staff is recommending the following revisions to the plan based on comments: on page 4 and page 21 of the plan, to rephrase language regarding bike lanes to state that NCDOT has striped the pavement two feet from the shoulder of Old NC Highway 10 for bicycles, and on page 26 of the plan which is the concept map, to remove the simple symbol for possible commuter rail transit stop from the map and legend and revise the legend for signalized intersections to indicate that it means existing signalized intersections. The staff recommendation is that the Planning Board review the plan and provide its recommendation to the BOCC and the Board could also include the request that staff continue its research on protections for St. Mary's Road and report back to the BOCC.

Herman Staats: At the Quarterly Public Hearing it seems that most of the public comments I heard related to this were the misperception that this was a plan to build a lot of new roads, stop lights, signals, etc. so I agree that education is needed.

Tony Blake: When we did the rezoning last year, I took a drive up there and I heard at least 4 or 5 people comment that the biggest transportation improvement needed is to fix the railroad bridge on Old NC 10 because the trucks keep going down there and slamming that bridge overpasses or having to back up when they realize the bridge is too low. Did that figure into this plan? Are you working with DOT on that?

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Abigaile Pittman: We reviewed that in the course of this access management plan because we heard comments from the residents out there that they don't want the truck traffic going down NC 10 and into Hillsborough. Our review is that it is not possible because of the bridge. They don't have adequate clearance. I think what could be done is that we need some good signage and good communication from NCDOT because truckers have to clear their routes and it needs to be properly signed that they can't get down that road. We can certainly recommend communication with NCDOT to create a good system of signage through there.

Maxecine Mitchell: People are concerned about the vehicle traffic and speed. To not encourage more traffic on Old NC 10. Whatever development that comes will create more traffic on Old NC 10and it will be very dangerous for pedestrians and bicyclists who utilize that road as a scenic route.

Abigaile Pittman: One of the objectives of an Access Management Plan is to control that traffic flow and manage the access points so the road has capacity to manage it in a safe manner.

Maxecine Mitchell: If we have it in here, we will have to educate the community on how we plan to redirect the traffic.

Craig Benedict: If you don't have an access management plan on Highway 70 where the focus of the growth is, the higher intensity area where things are planned, then people are going to look for a bypass. The main purpose of this is to designate efficiently spaced intersections on 70 with frontage roads so that people are directed to these potential of a signalized intersection to handle the growth and then they won't look for these bypasses as much. It really is a benefit to the peripheral areas to bring people to those services that may be eventually on 70.

Lisa Stuckey: Could you repeat what you said about the bike lanes?

Abigaile Pittman: NCDOT striped two feet from the edge of the curb to allow for the bicyclists.

Paul Guthrie: Most of the signatures on the petition is concentrated in that area of the subdivision so I would suggest that further communication with them regarding the access management plan, the transportation planning, may ease their pain.

Pete Hallenbeck: One of the things we can see from the petitioners' map and addresses is that there is confusion over the difference between zoning and an access management plan.

Tony Blake: Do we act on this petition?

Pete Hallenbeck: This is just information about public input.

Tony Blake: Ok, that was my question.

MOTION made by James Lea to adopt agenda item 10 as recommended by staff. Seconded by Lisa Stuckey.
VOTE: Unanimous

Agenda Item 11: Town of Hillsborough/Orange County Central Orange Coordinated Area Land Use Plan – To make a recommendation to the BOCC on future land uses proposed for areas of County jurisdiction located in the Town's Urban Service Boundary. This is the next step towards completion of a joint Town of Hillsborough/Orange County Central Orange Coordinated Area Land Plan. This item was heard at the September 9, 2013 quarterly public hearing.
Presenter: Tom Altieri, Comprehensive Planning Supervisor

Tom Altieri: (Reviewed map). At the public hearing there were no members of the public that spoke but there was a comment from Commissioner Gordon regarding process and more specifically some questions about the ETJ swaps that are mentioned and part of the Interlocal Agreement. The ETJ swaps are not part of this process. It is a good question and Commissioner Gordon is looking down the road at next steps. You have a handout that is a flowchart of what comes next and the decision points. I can refer to that with those questions. The swapping process must be initiated by the Town of Hillsborough and that had not been done prior to the public hearing and it since has. The County received letter and

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notification from the Town on September 13th that the Town is prepared to initiate that process and has asked for coordination with County staff and that a meeting be held to determine how that process will unfold and when. I don't have those specifics now but certainly will have more soon following that meeting we anticipate to take place this month. The recommendation is that the Planning Board deliberate as necessary on the draft plan and provide that recommendation to the County Commissioners in time for their November 5th meeting.

Pete Hallenbeck: I know that Commissioner Gordon had concerns about the area where the municipal was all in black and gray in the map, did you have a chance to look at that.

Tom Altieri: I have and what she if referring to is the area shown within the Town's ETJ and is included in the area that is to be swapped with Orange County. It will become Orange County's jurisdiction. There is an area that is presently in the County's jurisdiction that is to become Town of Hillsborough ETJ and therefore it has colors on the maps in those areas.

(Planning Members and staff reviewed maps)

Pete Hallenbeck: *(referring to area on map)* That area is Duke Forrest and critical watershed so it is really unlikely there will be factories or condominiums in that area.

Tom Altieri: That is exactly why the Town is entertaining this swap and it makes sense to both parties.

Craig Benedict: ETJ is usually intended for growth and they can't grow there so we are giving them areas such as near the interchange that would allow them growth. We need some clarity with regard to the 'rural living' category within Orange County planning jurisdiction.

Pete Hallenbeck: One of the things driving this is that Hillsborough historically had this very large bite of the County they it was anticipating for services and then figured out how much it would cost to do water and sewer and the other thing that really affected this was that I-40 came along and this area between I-40 and I-85 is pure gold. It developed in a way that no one could anticipate prior to knowing about I-40. What we are really deliberating on here is saying yes this is a good process in having the County and Hillsborough get together and come up with an agreement on how things should go and coordinate their planning efforts to go in that direction.

Tony Blake: The swap makes sense.

Tom Altieri pointed out areas on the map in regard to the Town of Hillsborough's plans on when to potentially service with water and sewer.

MOTION made by Paul Guthrie to approve the draft Town of Hillsborough/Orange County Coordinated Future Land Use Plan. Maxecine Mitchell seconded.
VOTE: Unanimous

AGENDA ITEM 12: COMMITTEE/ADVISORY BOARD REPORTS

a) Board of Adjustment
b) Orange Unified Transportation

AGENDA ITEM 13: ADJOURNMENT

MOTION: made by Lisa Stuckey to adjourn. Seconded by Tony Blake.
VOTE: UNANIMOUS

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ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 6, 2013

Action Agenda Item No. 7

SUBJECT: Major Subdivision Concept Plan Application – Triple Crown Farms

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENTS:

1. Application Package
2. Property and Vicinity Map
3. Staff Generated Correspondence
4. Fiscal Impact Analysis
5. Notes from Neighborhood Information Meeting

INFORMATION CONTACT:

Jennifer Leaf, Planner I	245-2577
Michael D. Harvey, Planner III	245-2597
Craig Benedict, Director	245-2575

PURPOSE: To review and take action on a Major Subdivision Concept Plan application proposing a 20 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): 16 Parkside Lane, LLC
2807 Homestead Road
Chapel Hill, NC 27516

Owner: 16 Parkside Lane, LLC
2807 Homestead Road
Chapel Hill, NC 27516

Agent(s): Michael A. Neal and Associates, PLLC
105 W Corbin St
Hillsborough, NC 27278

Location: Dairyland Road - Please refer to Attachment 2 for a vicinity map of the parcel.

Parcel Information:

a. **PIN**: 9850-91-0030
b. **Size of parcel**: 104.25 acres in area
c. **Zoning of parcels**: Rural Buffer (RB) and University Lake Protected Overlay District (UNIV-PW).
d. **Township**: Chapel Hill

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e. **School District**: The project is split between the Chapel Hill/Carrboro County Schools and Orange County Schools. Please refer to Attachment 2 for additional information.

f. **Future Land Use Map Designation**: Rural Buffer

g. **Growth Management System Designation**: Rural

h. **Joint Land Use Plan Designation**: Rural Buffer – University Lake category

i. **Existing Conditions/Physical Features**: Varying topography with heavy vegetation, primarily mixed hardwoods, throughout.

There are streams running through the property with varying slopes. Stream corridor width varies from 120 feet to 250 feet.

The property is encumbered by floodplain.

j. **Roads**: Vehicular access to the parcel is through Dairyland Road, a state-maintained road and Triple Crown Drive, a private road that is in the process of being accepted by NCDOT for addition to the State maintained system.

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 Zoned RB

b. **SOUTH**: Single-family residences zoned RB

c. **EAST**: Single-family residences zoned RB

d. **WEST**: Single-family residence 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 October 3, 2013. Please refer to Attachment 5 for a synopsis of meeting comments.

- **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 November 6, 2013. 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.

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- **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 take 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 20 single-family residential lots with an overall proposed density for the project of 1 dwelling unit per every 5 acres of land area with approximately 36 acres of dedicated open space. Lots range in size from 1.65 acres (smallest) to 6.21 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, Joint Planning Land Use Plan.
- 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

Per Section 4.2 of the UDO, cluster subdivisions are allowed within the University Lake Protected Watershed Protection Overlay district with lots not less than 1 acre in area and a maximum density allotment of 1 dwelling unit per every 5 acres of land.

As previously indicated the applicant has decided to submit a conservation cluster flexible development layout with proposed lots adhering to the 1 acre lot size and proposing approximately 36.25 acres of open space. 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	20	3 acres	36.25 acres in open space	34% in open space

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***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 applicant has indicated he wishes to pursue the flexible development option and has not submitted a conventional option, which has the support of staff.

Roads: The proposal involves the creation of two private roads to service the project, each constructed to NC Department of Transportation (DOT) standards. The applicant does not intend to turn these roads over to NC DOT for maintenance at this time. Specifically, the plan calls for:

- Two cul-de-sac roadways. The first roadway will provide access to lots 12 through 20. The second roadway will provide access to lots 1 through 9.
- Both roads will require stream crossings and the crossings will be engineered to meet NC DOT standards.

***STAFF COMMENT - ROADS**:* Staff has determined that the proposed roadway construction and layout is consistent with the requirements of the UDO.

In reviewing the matter with Mr. D'Angelo Jones of NC DOT at the September 19, 2013 Development Advisory Committee (DAC) meeting, staff has been informed there are no concerns over the two proposed roadways gaining access from Triple Crown Drive once it is accepted into the state maintained system. It was indicated that the roads could be potentially accepted for state maintenance if they are constructed to DOT standards.

This development does not lend itself to a requirement of extending proposed right-of-way to adjacent properties in an effort to promote street connectivity. Adjacent parcels, to the north, south, and west are already developed. Further, requiring extension of proposed right-of-way could impact environmentally sensitive areas.

Utilities – Water and Sewer: The applicant is proposing to serve the project with individual wells and septic systems developed on each lot. Sheet 3 of the major subdivision concept plan maps denotes anticipated locations for well and septic sites for the lots.

***STAFF COMMENT - UTILITIES**:* Orange County Environmental Health indicated during the September 19, 2013 DAC meeting they did not 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 recently adopted stormwater management guidelines limiting total nitrogen runoff of 2.2 pounds per acre annually and 0.82 pounds per acres annually for total phosphorus.

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***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 flexible development plan denotes the maintenance of a 30-foot natural buffer along Dairyland Road and a 100-foot building setback along the perimeter of the project. Open space is identified open space in and around the existing streams. The total area reserved as open space is approximately 1,578,882 square feet of land area or 36.25 acres. The proposed open space is composed of existing, mature, vegetation and trees with an approximate height of between 50 to 70 feet.

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

Land Use Buffer: The site plan indicates there will be a 30-foot buffer along Dairyland Road 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 3 contains the various 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 to the 48 properties within 500 feet of the property concerning the October 3, 2012 meeting. One letter was returned due to its envelope being destroyed while being processed by the USPS.

JPA Review: In accordance with the Joint Planning Area Agreement, this project was sent to the Towns of Chapel Hill and Carrboro for review and comment on September 13, 2013. As of this 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:

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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 flexible development option as denoted on Sheet 3 of the site plan package.

FINANCIAL IMPACT: Attachment 4 provides a financial impact for the project, as a whole, on County services. Staff has determined the project would not require augmentation of County budgetary outlays to support services and that anticipated revenues from property taxes should supplement increases in cost.

RECOMMENDATION: The Planning Director recommends the Board:

1. Receive the Concept Plan application for the Triple Crown Farms Subdivision, and
2. Approve the Flexible Development option, denoted on Sheet 3 of the submitted major subdivision concept plan site plan, and allow the applicant to proceed with the development of a preliminary plat utilizing this layout.

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APPLICATION FOR MAJOR SUBDIVISION CONCEPT PLAN APPROVAL

9/06

DATE: 9-4-13

SUBDIVISION NAME: TRIPLE CROWN FARMS

LOCATION: TRIPLE CROWN DRIVE, CHAPEL HILL, NC

OWNER/DEVELOPER: 16 PARKSIDE LANE, LLC

ADDRESS: 2807 HOMESTEAD RD PHONE # 919-593-0852
CHAPEL HILL, NC 27516

AGENT/CONTACT: MICHAEL A. NEAL & ASSOC, PLLC PHONE # 919-644-1277

A SUMMARY INFORMATION

PIN: 9850910030
Orange County Tax Map _____ Block _____ Lot(s) _____ Twp _____ Total acreage: 104.05
Zoning RB Total Lots 20 Bonus Units _____ Open Space 36.25 acres
Acreage in road right-of-way 1.76 acres, Linear feet in new roads 2938, Public X Private _____ Class _____
Adjacent zoning and land uses: _____
Water Supply: _____ Public (Provider: _____), _____ Community, or X Individual
Wastewater Disposal: _____ Public (Provider: _____), _____ Community, or X Individual
Fire District: ORANGE GROVE School District CHAPEL HILL/CARRBORO

B. SUBMITTAL REQUIREMENTS

- ✓ Orange County Tax Map showing the location of the subject property (DEED
- ___ 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' CARRBORO
- NA 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.
- ✓ Total acreage to be subdivided
- ___ 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.
- NA 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

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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 20 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 ¾ 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
_____ % 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	_____ linear feet		2,938 linear feet
Number of stream crossings	_____		3
Acres of farmland lost	_____ acres		104.05 acres
Habitat/Natural area lost	_____ acres		– acres
Acres of woodland lost	_____ acres		– acres
Wetlands destroyed	_____ acres		– acres
Slopes > 15% disturbed	_____ acres		0.13 acres
Historic/archaeological sites disturbed	_____ sites		Ø sites
Visual change (circle 1)	significant / moderate / minimal		significant / moderate / minimal

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.

Lonnie M. Schrenack 9/3/13
APPLICANT'S SIGNATURE DATE

_____
OWNER'S SIGNATURE DATE

FEES: Amount _____ Date Paid _____ Receipt # _____

Return to Agenda

20051230000443260 DEED
Bk:RB3943 Pg:523
12/30/2005 01:48:30PM 1/2

21
AM

FILED Joyce H. Pearson
Register of Deeds Orange COUNTY,NC
BY:
~~Deputy~~ Asst.

GENERAL WARRANTY DEED

R/S None
PIN: 9850-91-0030 MAB
Mail after recording to: Grantee 2807 Homestead Rd., Chapel Hill, NC 27516
This instrument was prepared by: David Rooks
Brief description for the index:

THIS DEED made this 29th of December 2005, by and between

GRANTOR	GRANTEE
Don Ann Acres, Inc.	16 Parkside Lane, LLC

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the grantee in fee simple, all that certain lot or parcel of land situated in Chapel Hill Township, Orange County, North Carolina and more particularly described as follows:

Being all of Lot 1 of the Recombination of Don Ann Acres, Inc. consisting of 104.05 acres as per Plat Book 94, Page 99, Orange County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Return to Agenda

2005123000044325 0 DEED
Bk:RB3943 Pg:524
12/30/2005 01:48:30PM 2/2

Ad valorem taxes for the current year, restrictive and protective covenants and utility easements and rights of way of record.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officer as authorized by its board of directors, the day and year first above written.

Don Ann Acres, Inc.

By: Danny Jones President
Danny Jones, President

NORTH CAROLINA, Orange COUNTY

I, Susan K. Seagroves a Notary Public of the State and County aforesaid, certify that Danny Jones personally appeared before me this day and acknowledged that he/she is President of Don Ann Acres, Inc., a North Carolina corporation, and that he as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness ~~my hand and seal this~~ the 30th day of December, 2005.

Susan K. Seagroves
Notary Public

[Place Notary Seal Here]

SUSAN K. SEAGROVES NOTARY PUBLIC WAKE COUNTY, NC

My Commission Expires: 12-10-2008

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR ORANGE COUNTY

By:_____
Deputy/Assistant - Register of Deeds

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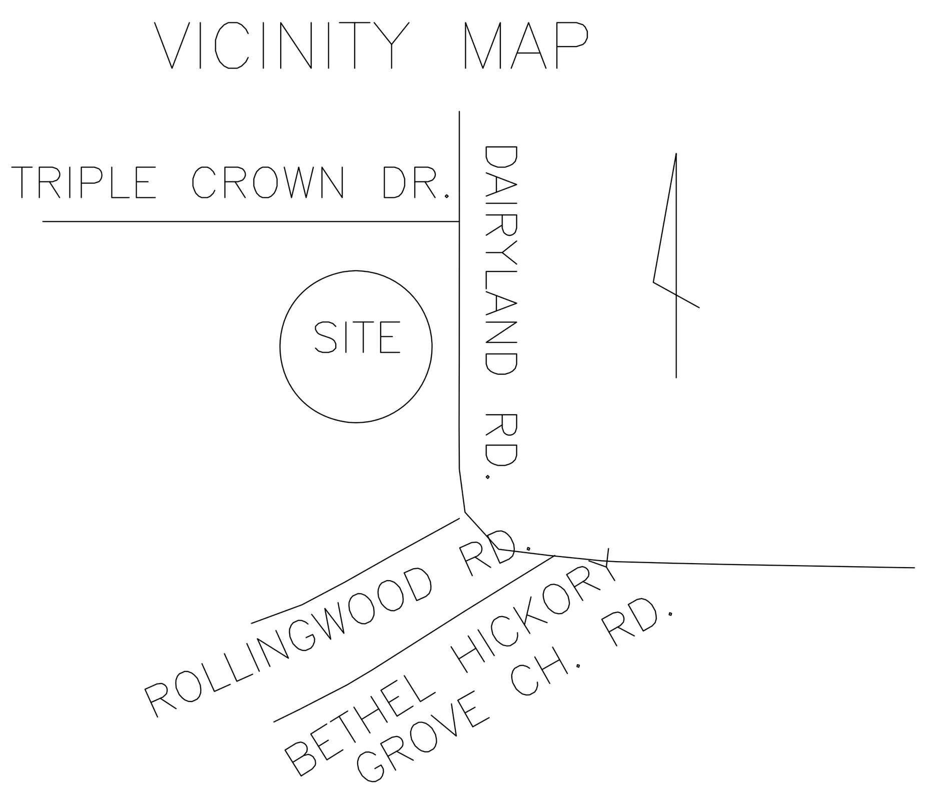

TRIPLE CROWN FARMS

DAIRYLAND ROAD
ORANGE COUNTY, NORTH CAROLINA

OWNER

16 PARKSIDE LANE, LLC

2807 HOMESTEAD ROAD

CHAPEL HILL, NORTH CAROLINA 27516

SITE INFORMATION:

OWNERSHIP:

OWNER:	16 PARKSIDE LANE, LLC
OWNER ADDRESS:	2807 HOMESTEAD ROAD
CITY/STATE:	CHAPEL HILL, NC, 27516
PIN:	9850910030
DEED BK/PAGE:	3943/523
PROPERTY ADDRESS:	DAIRYLAND ROAD
CITY/STATE:	ORANGE COUNTY
LOT SIZE:	104.05 ACRES

ZONING:

PLANNING JURISDICTION:	ORANGE COUNTY, NC
ZONING DISTRICT:	RURAL BUFFER (RB)
EXISTING LAND USE:	UNDEVELOPED, AGRICULTURAL
PROPOSED LAND USE:	CLUSTER SUBDIVISION; FLEXIBLE DEVELOPMENT
LOT SIZE MIN.	40,000 SF
LOT WIDTH MIN.	130 LF
SETBACKS:	40' FRONT 20' SIDE 20' REAR
CUL-DE-SAC SETBACK:	DISTANCE @ 104' FRONTAGE
MAX HEIGHT:	25'
PROPOSED HEIGHT:	25' MAX.
MAX FLOOR AREA RATIO:	0.058
MAX FLOOR AREA SITE:	160,470 SF(ENTIRE SUBDIVISION)
PROPOSED FLOOR AREA:	SEE TABLE FOR MAXIMUM PER LOT
REQ. OPEN SPACE RATIO:	0.33
OPEN SPACE:	REQ. 34.34 AC. PROVIDED 36.25 AC (PRIMARY)
REQ. REC. SPACE RATIO:	1/57 AC/DU @ 20 DU = 0.35 AC.
PROVIDED REC SPACE:	2.94 AC.

STORMWATER:

WATERSHED ZONING:	UNIVERSITY LAKE, PROTECTED
OVERLAY:	SPECIAL HAZARD OVERLAY
EXISTING IMPERVIOUS:	0.0 SF, 0%
MAXIMUM IMPERVIOUS:	271,945 SF (6%)
PROPOSED IMPERV. ROADS:	76,773 SF (1.7%)
REMAINING IMPERV. SURFACE:	195,172 SF FOR INDIVIDUAL LOTS

SEE TABLE FOR MAX. PER LOT

PROPOSED DISTURBANCE:	186,525 SF (4.28 AC.)

Maximum Impervious Surface and Floor Area Allocations Per Lot

Lot #	Area (sf)	Area (Acres)	% of Total	Prorated Impervious Surface Per Lot (SF)	Prorated Max. Floor Area Per Lot (SF)
1	84,049	1.93	3.04%	5,929	4,875
2	87,222	2.00	3.15%	6,153	5,059
3	87,597	2.01	3.17%	6,179	5,081
4	87,218	2.00	3.15%	6,153	5,059
5	100,768	2.31	3.64%	7,108	5,845
6	162,501	3.73	5.87%	11,463	9,425
7	137,728	3.16	4.98%	9,716	7,988
8	137,138	3.15	4.96%	9,674	7,954
9	72,048	1.65	2.60%	5,082	4,179
10	270,659	6.21	9.78%	19,093	15,698
11	185,419	4.26	6.70%	13,080	10,754
12	123,806	2.84	4.47%	8,734	7,181
13	202,622	4.65	7.32%	14,293	11,752
14	172,722	3.97	6.24%	12,184	10,018
15	130,204	2.99	4.71%	9,185	7,552
16	108,321	2.49	3.92%	7,641	6,283
17	184,964	4.25	6.69%	13,048	10,728
18	132,122	3.03	4.78%	9,320	7,663
19	135,612	3.11	4.90%	9,566	7,865
20	164,000	3.76	5.93%	11,569	9,512
Totals:	2,766,720	63.52	100.00%	195,172	160,470

Legend

- Existing Property Line
- Existing Contour
- Proposed R/W Line / Lot Line
- Building Setback
- Paved Area
- 100' Stream Buffer
- Open Space
- Areas contain soils with 24-30 inches or more of useable material and have potential for conventional, LPP or ultra-shallow septic systems.
- Area not evaluated due to thick vegetation.
- Proposed Septic Field Locations
- Proposed Recreational Space

General Notes:

Site Investigation:

1. Property is not encumbered by identified floodplains and is not subject to the provisions of the Special Flood Hazard Overlay District.
2. Locations of utilities shown on these plans are based on available information and are approximate. Contractor shall be responsible for locating and/or relocating all existing utilities in coordination with the appropriate utility, agency or company prior to commencement of construction. Contractor shall contact North Carolina "One Call" at 1-800-632-4949 for assistance in locating existing utilities at least 48 hours prior to any digging and is responsible for contacting any non-subscribing utilities.
3. Any discrepancy in this plan and actual field conditions shall be reported to the owner prior to start of construction. General contractor shall be responsible for verification of all setbacks, easements and dimensions shown hereon before beginning construction.
4. General contractor shall contact all owners of easements, utilities and right-of-ways, public or private, prior to working in these areas.
5. General Contractor shall be responsible for verifying that all required permits and approvals have been obtained prior to starting construction. No construction or fabrication of any item shall begin until contractor has received all plans and other documentation from all of the permitting and other regulatory authorities. Failure of the contractor to follow this procedure shall cause the contractor to assume full responsibility for any subsequent modification of the work mandated by any regulatory authority.

Construction:

6. Contractor shall maintain the site so that workers and the public shall be protected from injury and adjoining property protected from damage.
7. Contractor is responsible for damage to any existing item and/or material due to construction operations. All street surfaces, driveways, culverts, curb and gutters, roadside drainage ditches and other structures that are disturbed or damaged in any manner as a result of construction shall be replaced or repaired in accordance with specifications.
8. All construction must be performed in accordance with current regulatory specifications and details.
9. If departures from the specifications or drawings are deemed necessary by the contractor, details of such departures and the reasons thereof shall be submitted to the owner for review. No departures from the contract documents shall be made without written permission of the owner.
10. Any and all quantities shown or implied on these plans are for estimation purposes only.
11. Equipment and products other than those specified may be used provided prior approval has been obtained in writing from the owner prior to additional cost related to the substitution of alternate equipment.
12. Site shall be stabilized and seeded prior to issuance of a Certificate of Occupancy.
13. General contractor shall remove all trash and debris from site at least once a week during construction and upon completion of the project.

Grading:

1. Compaction and maintenance of proper moisture content of the soil under buildings and paved areas shall be accomplished to acheive 98% of standard proctor maximum dry density or as recommended in the soil report or by on-site geotechnical engineer (if available).
2. Cut and fill slopes shall be stabilized within 15 days of any phase of grading.
3. Project may require a pre-construction conference before the Grading Permit is issued.
4. Establishment of permanent ground cover shall be established within 15 working days of completion of final grades.

Orange County Solid Waste:

1. As a condition of permit issuance applicant to hold pre-demolition and pre-construction conference with Orange County Solid Waste staff.
2. By Orange County ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled.
3. By Orange County ordinance, all haulers of construction waste must be properly licensed.
4. Prior to any demolition or construction activity on the site, the applicant will hold a pre-demolition / pre-construction conference with Orange County Solid Waste staff. This may be the same meeting held with other development officials.

Utilities:

1. Liquid waste from the facility will be handled by an on-site septic system (Orange County Health permit no. CA12-00043).
2. Water supply will be from on-site well.
3. Power will be provided and located by Duke Energy.
4. Solid waste and recyclables will be bagged and properly disposed of off-site.

MAINTENANCE NOTES:

1. IMPROVEMENTS INSTALLED SHALL BE MAINTAINED BY THE DEVELOPER UNTIL THEY ARE ACCEPTED FOR MAINTENANCE BY:
A. FOR A PUBLIC ROAD, THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION;
B. FOR UTILITIES, THE UTILITY PROVIDER;
C. FOR LANDSCAPING, THE INDIVIDUAL HOMEOWNERS OR A PROPERTY OWNER'S ASSOCIATION; AND
D. FOR A PRIVATE ROAD AND OTHER COMMUNITY FACILITIES SUCHA AS RECREATION AND STORMWATER MANAGEMENT IMPROVEMENTS, THE INDIVIDUAL HOMEOWNERS OR A PROPERTY OWNERS' ASSOCIATION OR SIMILAR LEGAL ENTITY.

UTILITIES:

1. A MINIMUM 14-FOOT VERTICAL CLEARANCE SHALL BE PROVIDED ABOVE THE TRAVELWAY TO PERMIT THE PASSAGE OF LARGE VEHNICLES UNDER POWER LINES AND TREE LIMBS.

PERMANENT ROADWAY VEGETATION:

1. ALL AREAS DISTURBED BY THE CONSTRUCTION OF THE ROAD, INCLUDING SHOULDERS, DITCHES BANKS, CUT AND FILL SLOPES AND ANY BORROW AREAS, SHALL BE SEEDED IN PERMANENT VEGETATION TO STABILIZE THE SOIL AND PREVENT EROSION.
2. SEEDING SHOULD BE DONE IMMEDIATELY AFTER GRADING IS COMPLETED AND BEFORE THE FINAL INSPECTION BY THE PLANNING DEPARTMENT.
3. THE DISTURBED AREA SHALL BE SMOOTHED AND LIGHTLY HARROWED TO BREAK UP THE SOIL AND PREPARE A GOOD SEEDBED. THE FOLLOWING MATERIALS ARE RECOMMENDED BY ORANGE COUNTY PER 1,000 SQUARE FEET:
i) 1.4 LBS. FESCUE GRASS SEED
ii) 0.4 LBS. GERMAN OR BROWNTOP MILLET (TO PROVIDE TEMPORARY COVER UNTIL THE GRASS BECOMES ESTABLISHED)
iii) 90 LBS. LIME
iv) 23 LBS. 10-10-10 FERTILIZER
v) TWO 40 LB. BALES OF STRAW FOR MULCH (ENOUGH TO COVER 75% OF THE GROUND SURFACE)
4. OTHER TYPES OF PERMANENT VEGETATION MAY BE SUBSITTUTED AS LONG AS THEY PROVIDE ADEQUATE COVER TO PREVENT EROSION.

NOTE:

1. BOUNDARY INFORMATION PROVIDED BY: FREEHOLD LAND SURVEYS, INC.
2. CONTOURS TAKEN FROM ORANGE COUNTY, GIS.

BEFORE YOU DIG!
CONTACT ONE-CALL CENTER
1-800-632-4949
ALL CONSTRUCTION MUST CONFORM TO THE UNDERGROUND UTILITY PROTECTION ACT

THESE DRAWINGS AND ACCOMPANYING SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND AS SUCH SHALL REMAIN THE PROPERTY OF THE ENGINEER AND/OR SURVEYOR. THESE DRAWINGS HAVE BEEN PREPARED FOR A SPECIFIC PROJECT AND SHALL NOT BE USED IN CONJUNCTION WITH ANY OTHER PROJECT WITHOUT PRIOR WRITTEN PERMISSION OF THE ENGINEER AND/OR SURVEYOR. - MICHAEL A. NEAL, PLS, PE (MICHAEL A. NEAL & ASSOCIATES, PLLC)

MANA
MICHAEL A. NEAL & ASSOCIATES, PLLC
ENGINEERS, SURVEYORS, and PLANNERS
FIRM: P-0398
105 WEST CORBIN ST.
SUITE 201
HILLSBOROUGH, NC 27278
(919) 644-1277
(919) 644-1347 FAX
mneal@manaengineers.com

MICHAEL A. NEAL, PE 026396
PLS L-2783

16 PARKSIDE LANE, LLC
2807 HOMESTEAD ROAD
CHAPEL HILL, NORTH CAROLINA 27516

TRIPLE CROWN FARMS
DAIRYLAND ROAD
ORANGE COUNTY, NORTH CAROLINA

TITLE SHEET

Date: 9-3-13

Revisions:
1.

Drawn By: DC
Checked By: JS
Project No. 321
Sheet: 1

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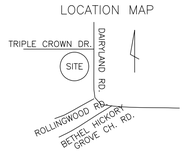
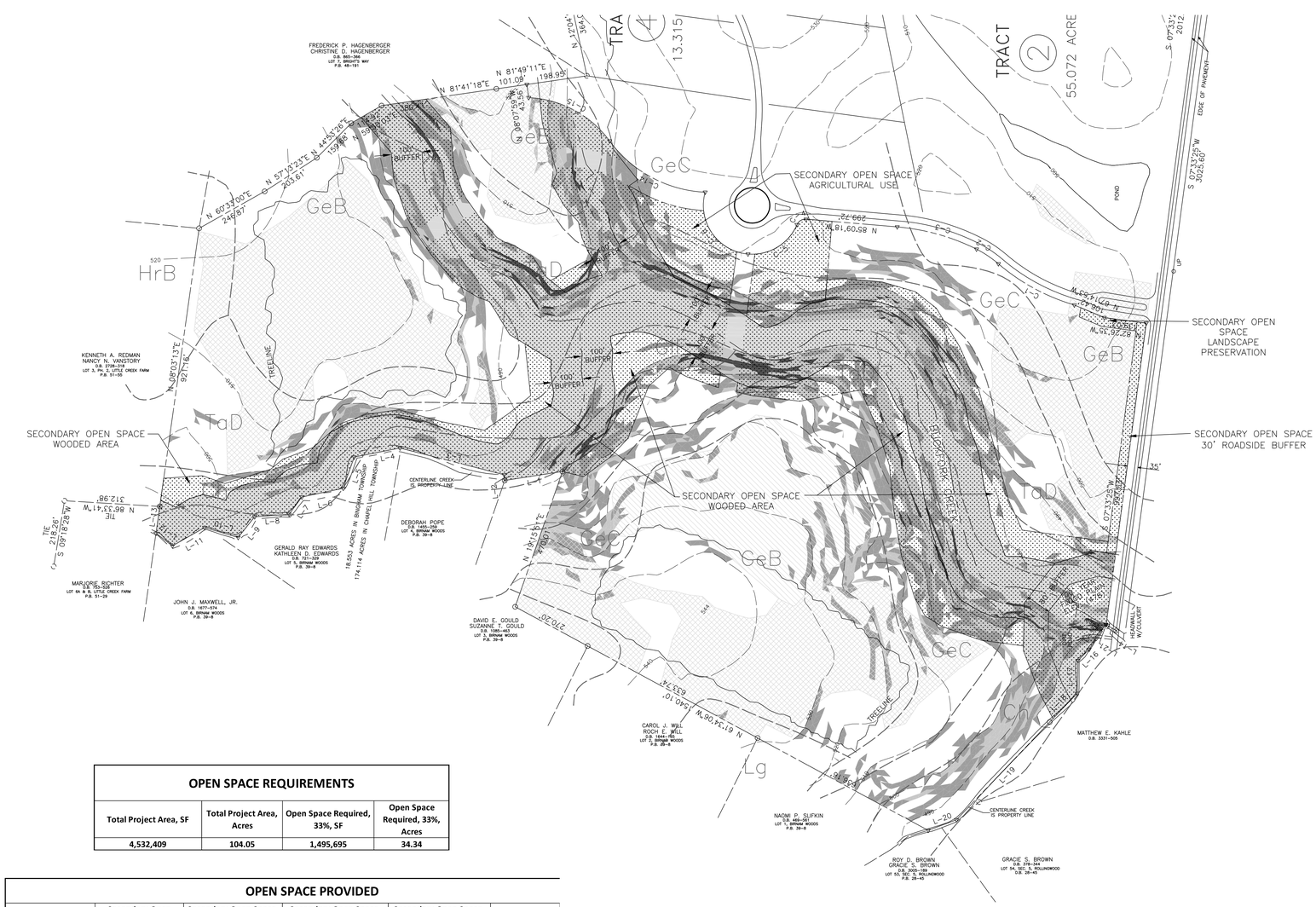
LOCATION MAP



BOUNDARY DATA

COURSE	BEARING	DISTANCE
L-1	S 81°07'09"W	191.70'
L-2	N 06°25'52"W	19.07'
L-3	N 75°38'35"W	352.25'
L-4	S 78°51'11"W	152.84'
L-5	S 19°29'18"W	108.50'
L-6	S 78°02'07"W	138.50'
L-7	S 36°30'52"W	70.27'
L-8	S 85°46'30"W	113.37'
L-9	S 38°35'24"W	86.83'
L-10	N 73°28'29"W	114.75'
L-11	S 60°18'48"W	121.50'
L-12	N 52°31'43"W	67.94'
L-13	N 08°03'13"E	88.81'
L-14	N 59°02'21"W	32.69'
L-15	S 33°37'26"W	98.26'
L-16	S 44°54'12"W	51.86'
L-17	S 01°12'18"W	107.82'
L-18	S 43°59'34"W	130.48'
L-19	S 43°39'42"W	442.96'
L-20	S 69°22'30"W	98.92'
L-21	N 59°02'21"W	5.45'
L-22	N 59°02'21"W	1.78'

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH.BEARING
C-1	672.30'	285.25'	24°18'37"	283.12'	N 61°30'03"W
C-2	365.00'	86.81'	13°37'37"	86.61'	N 56°09'30"W
C-3	720.00'	271.43'	21°35'59"	269.83'	N 74°21'18"W
C-4	30.00'	37.49'	71°35'29"	35.09'	S 59°02'58"W
C-5	160.00'	199.92'	71°35'29"	187.17'	S 59°02'58"W
C-6	160.00'	281.62'	100°50'52"	246.65'	N 34°43'52"W
C-14	412.45'	367.57'	51°03'40"	355.52'	N 61°47'48"W
C-15	349.15'	311.19'	51°03'57"	300.99'	N 61°47'55"W



OPEN SPACE REQUIREMENTS			
Total Project Area, SF	Total Project Area, Acres	Open Space Required, 33%, SF	Open Space Required, 33%, Acres
4,532,409	104.05	1,495,695	34.34

OPEN SPACE PROVIDED					
Primary Open Space, 100' Stream Buffer, SF	Secondary Open Space, Wooded Area, SF	Secondary Open Space, 30' Dairyland Rd. Roadside Buffer, SF	Secondary Open Space, Landscaping Preservation at Entrance, SF	Secondary Open Space, Recreation Area Around Roundabout, SF	Total Provided Open Space, SF
1,057,059	365,177	22,932	5,782	127,932	1,578,882

Legend

Existing Property Line

Existing 10' Contour

100' Stream buffer (Primary Open Space)

Secondary open space

Areas contain soils with 24-30 inches or more of useable material and have potential for conventional, LPP or ultra-shallow septic systems. (By others)

Area not evaluated due to thick vegetation. (By Others)

Slopes Analysis	
Slope	Hatch
0%-10%	
10%-15%	
15%-25%	
25%-100%	

0 100 200 400
SCALE = 1" = 200'

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TRIPLE CROWN FARMS
DAIRYLAND ROAD
ORANGE COUNTY, NORTH CAROLINA

SITE ANALYSIS MAP

Date: 09-03-13
Revisions:
1.
Drawn By: DC
Checked By JS
Project No. 321
Sheet: 2

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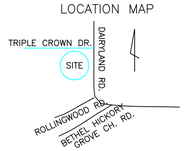
LOCATION MAP



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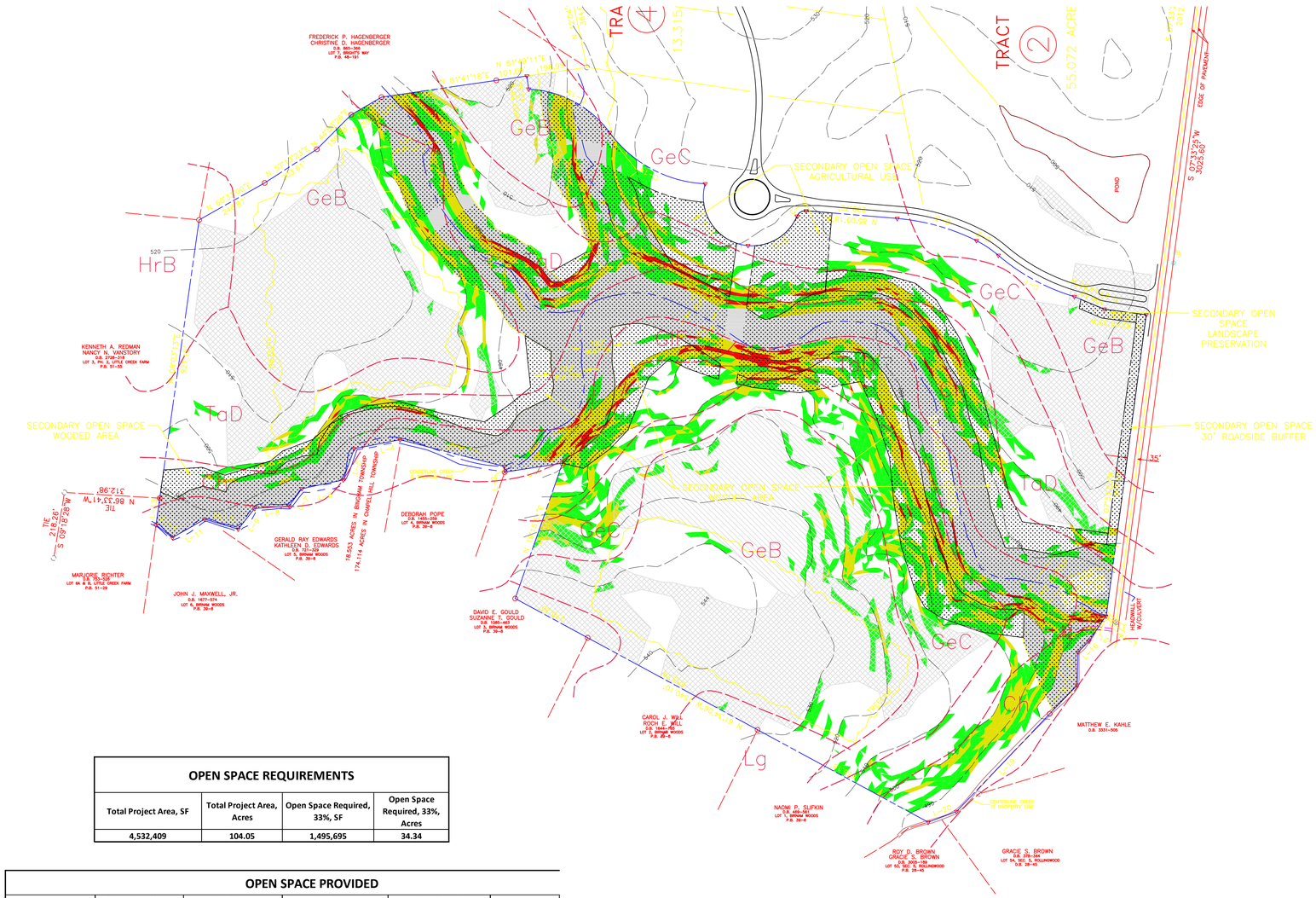

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Area not evaluated due to thick vegetation. (By others)

Slopes Analysis	
Slope	Hatch
0%-10%	
10%-15%	
15%-25%	
25%-100%	

0 100 200 400
SCALE = 1" = 200'

BEFORE YOU DIG!
CONTACT LINE-CALL CENTER
1-800-632-4949
ALL CONSTRUCTION MUST CONFORM TO THE UNDERGROUND UTILITY PROTECTION ACT

MANA

MICHAEL A. NEAL & ASSOCIATES, PLLC
ENGINEERS, SURVEYORS, and PLANNERS
FIRM: P-0293
105 WEST CORBIN ST.
SUITE 201
HILLSBOROUGH, NC 27278
(919) 644-1277
(919) 644-1347 FAX
mneal@manaengineers.com

NORTH CAROLINA PROFESSIONAL SEAL 026396 ENGINEER MICHAEL A. NEAL
MICHAEL A. NEAL, PE 026396
P.S.L-2783

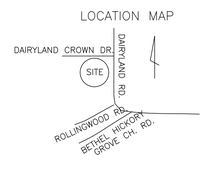
16 PARKSIDE LANE, LLC
2807 HOMESTEAD ROAD
CHAPEL HILL, NORTH CAROLINA 27516

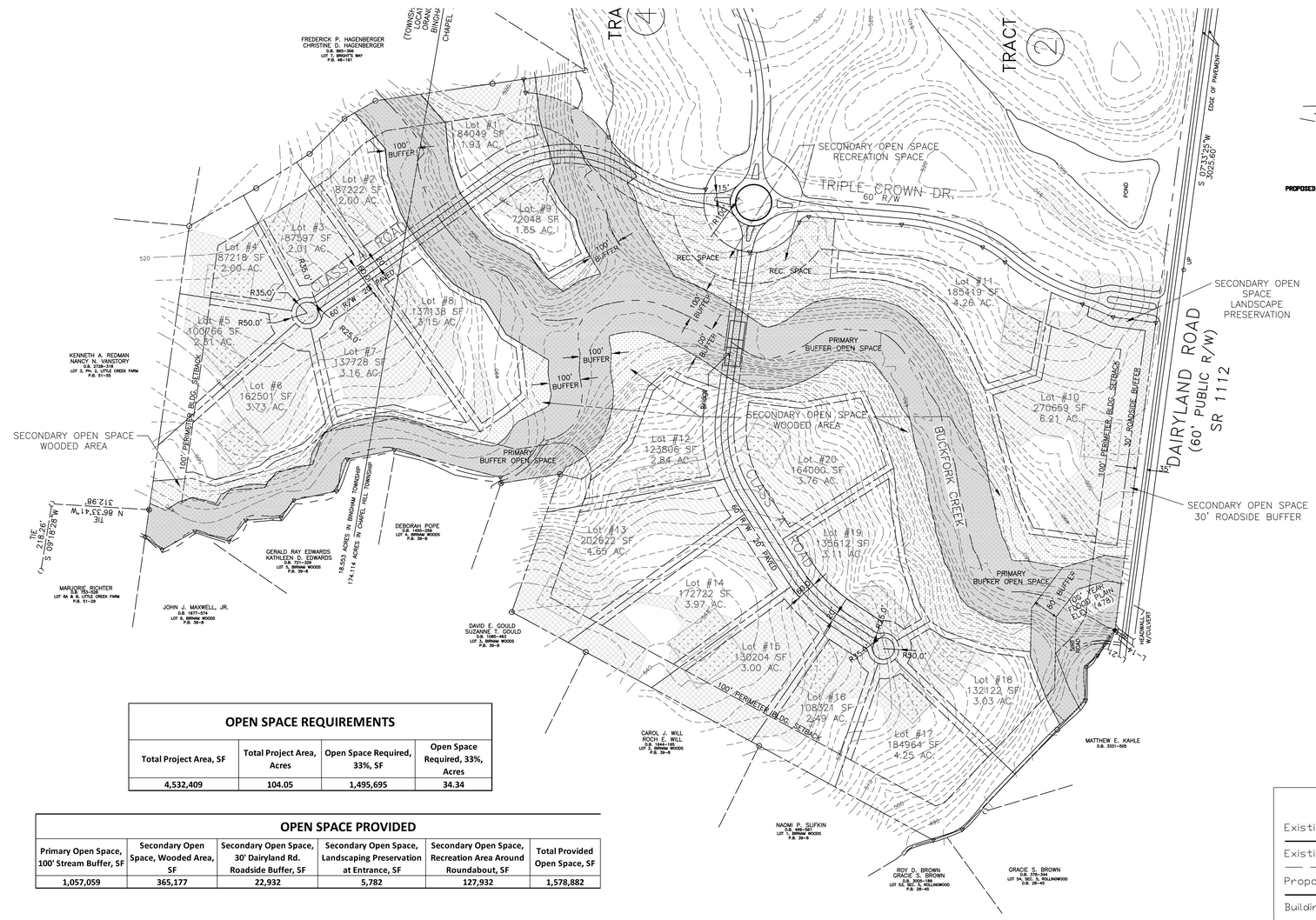
TRIPLE CROWN FARMS
DAIRYLAND ROAD
ORANGE COUNTY, NORTH CAROLINA

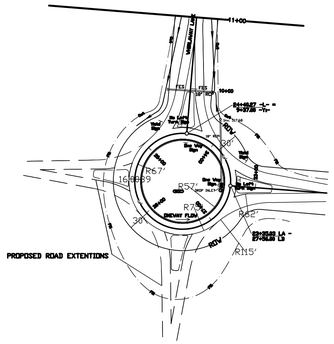
SITE ANALYSIS MAP

Date: 09-03-13
Revisions:
1.
Drawn By: DC
Checked By: JS
Project No. 321
Sheet: 2

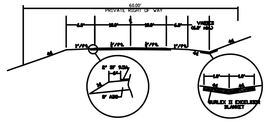
THESE DRAWINGS AND ACCOMPANYING SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND AS SUCH SHALL REMAIN THE PROPERTY OF THE ENGINEER AND/OR SURVEYOR. THESE DRAWINGS HAVE BEEN PREPARED FOR A SPECIFIC PROJECT AND SHALL NOT BE USED IN CONJUNCTION WITH ANY OTHER PROJECT WITHOUT PRIOR WRITTEN PERMISSION OF THE ENGINEER AND/OR SURVEYOR. MICHAEL A. NEAL, P.E. PE/MICHAEL A. NEAL & ASSOCIATES, P.L.L.C.







ROUNDABOUT DETAIL



ROADWAY TYPICAL SECTION
NOT TO SCALE

OPEN SPACE REQUIREMENTS

Total Project Area, SF	Total Project Area, Acres	Open Space Required, 33%, SF	Open Space Required, 33%, Acres
4,532,409	104.05	1,495,695	34.34

OPEN SPACE PROVIDED

Primary Open Space, 100' Stream Buffer, SF	Secondary Open Space, Wooded Area, SF	Secondary Open Space, 30' Dairyland Rd. Roadside Buffer, SF	Secondary Open Space, Landscaping Preservation at Entrance, SF	Secondary Open Space, Recreation Area Around Roundabout, SF	Total Provided Open Space, SF
1,057,059	365,177	22,932	5,782	127,932	1,578,882

Legend

- Existing Property Line
- Existing Contour
- Proposed R/W Line / Lot Line
- Building Setback
- Paved Area
- 100' Stream Buffer
- Open Space
- Areas contain soils with 24-30 inches or more of useable material and have potential for conventional, LPP or ultra-shallow septic systems.
- Area not evaluated due to thick vegetation.
- Proposed Septic Field Locations
- Proposed Recreational Space

0 100 200 400
SCALE = 1" = 200'

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MANA
MICHAEL A. NEAL & ASSOCIATES, PLLC
ENGINEERS, SURVEYORS, and PLANNERS
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NORTH CAROLINA PROFESSIONAL SEAL 026396 ENGINEER MICHAEL A. NEAL HILLSBOROUGH
MICHAEL A. NEAL PE 026396 PLS L-2783

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TRIPLE CROWN FARMS

DAIRYLAND ROAD
ORANGE COUNTY, NORTH CAROLINA

SITE PLAN

Date: 9-3-13
Revisions:
1.
Drawn By: DC
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Sheet: 3

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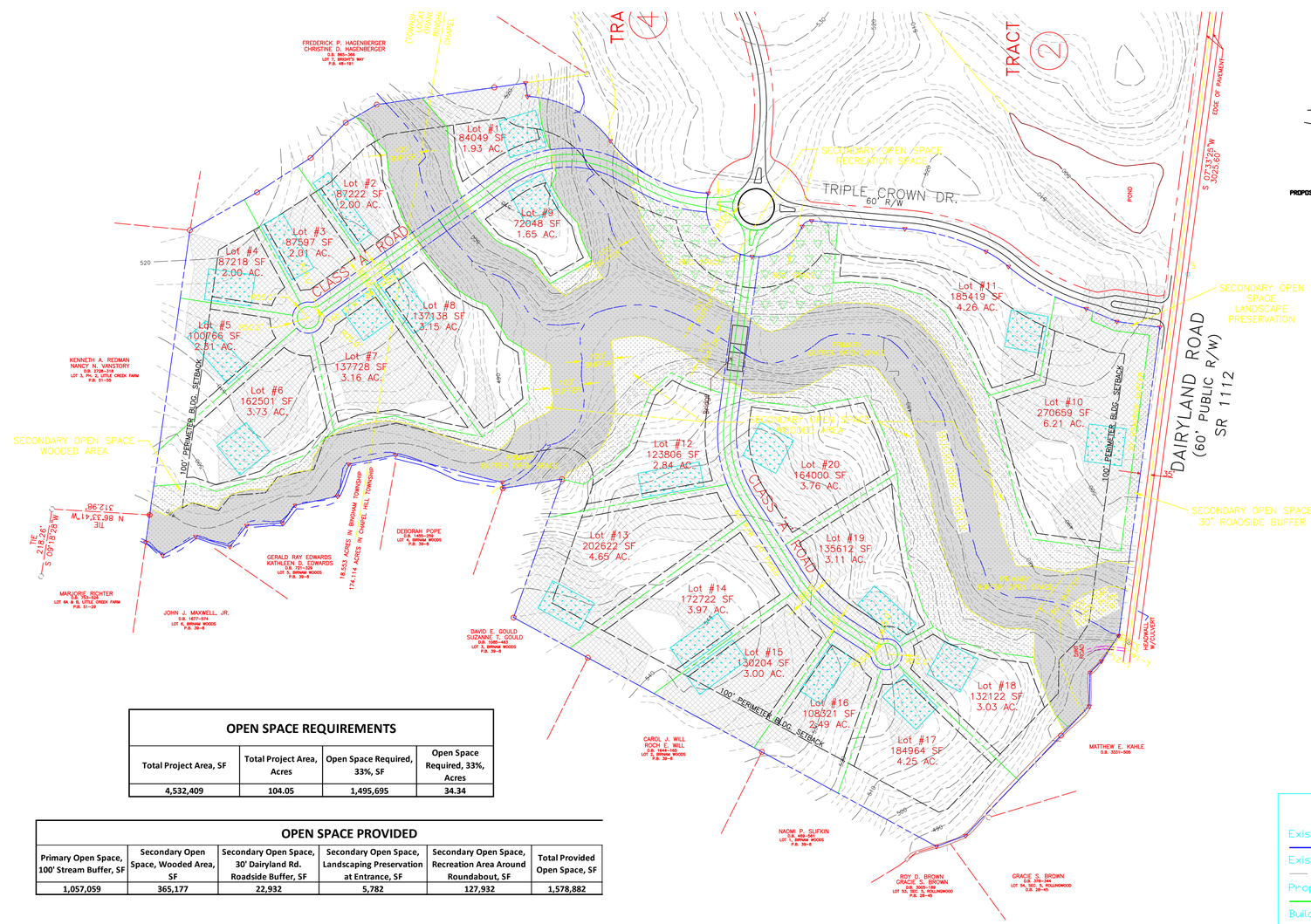
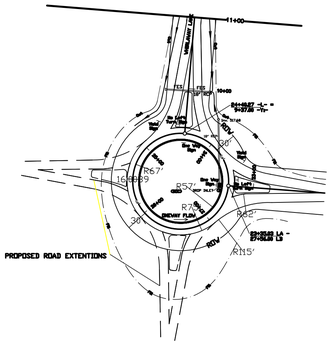
LOCATION MAP





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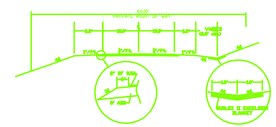

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NOT TO SCALE

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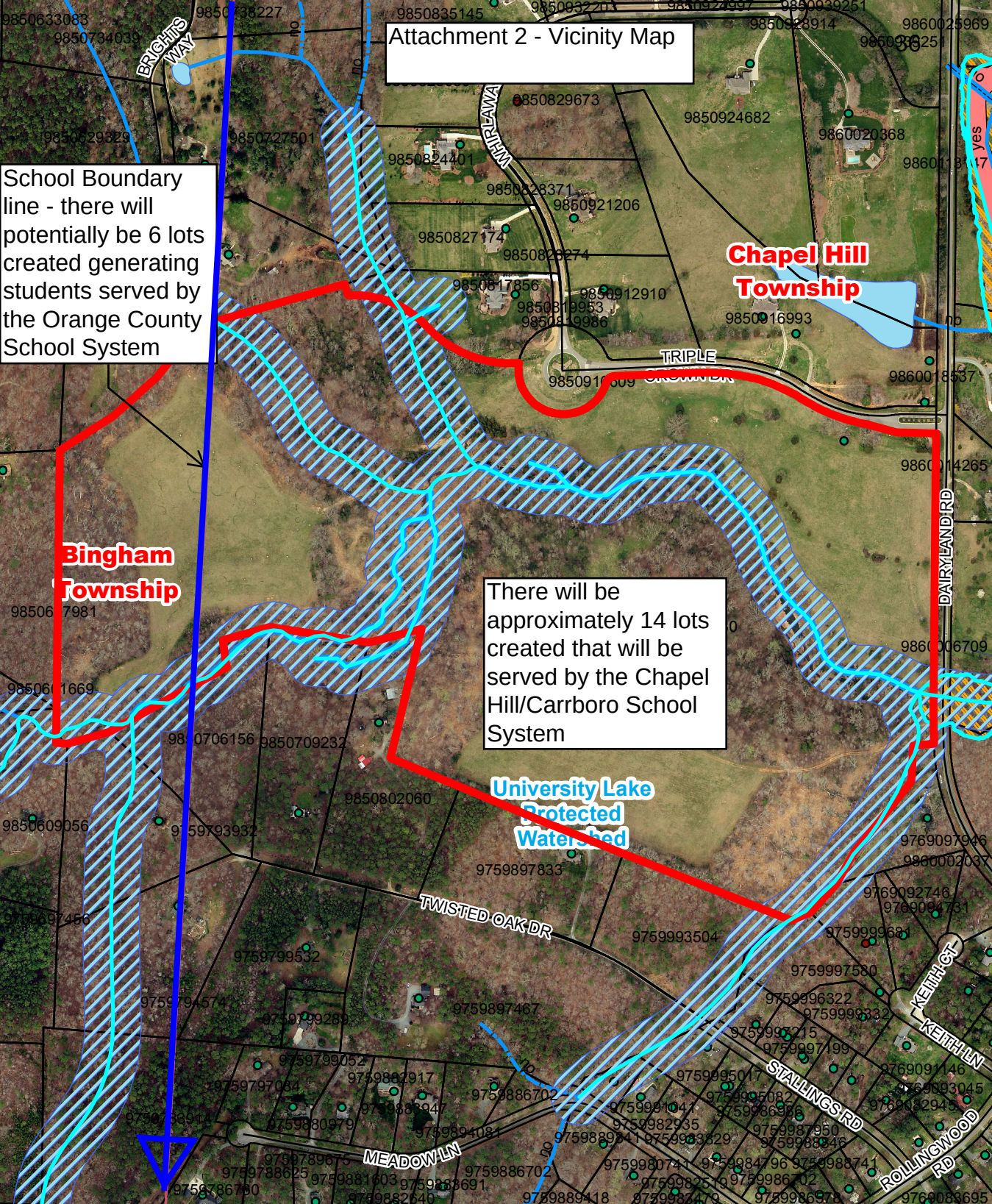
Attachment 2 - Vicinity Map
School Boundary line - there will potentially be 6 lots created generating students served by the Orange County School System
Chapel Hill Township
Bingham Township
There will be approximately 14 lots created that will be served by the Chapel Hill/Carrboro School System
University Lake Protected Watershed
BRIGHTS WAY
WHIRLAWAY
TRIPLE CROWN DR
DAIRYLAND RD
TWISTED OAK DR
MEADOW LN
STALLINGS RD
KEITH CT
KEITH LN
ROLLINGWOOD RD

Attachment 3

ORANGE COUNTY 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

DEVELOPMENT ADVISORY COMMITTEE (DAC) OFFICIAL MINUTES

September 19, 2013 – 9:30 a.m.
Planning Department Main Conference Room
131 West Margaret Lane

Attendees: ***Jennifer Leaf, Michael Kelly, Jennifer Phillips, Alan Clapp, Rich Shaw, Jeff Scouten, James Bryan & D'Angelo Jones.***

Agenda Item

I. Approval of September 5, 2013 DAC Minutes - Approved

II. Major Subdivision Concept Plan Approval
Applicant: Michael A. Neal & Associates, PLLC
PIN: 9850910030
Zoning: Rural Buffer (RB) and University Lake Protected W/S
Total Acreage: 104.05 acres
Legal Description: Recombination of Lot 1 of Donn Ann Acres, Inc. and located in Plat Book 94, Page 99 of the Orange County Register of Deeds.
Proposal: Applicant is proposing a 20 lot major subdivision (Triple Crown Farms) in Orange County with 36.25 acres devoted towards Open Space. Applicant submitted Major Subdivision Concept Plan to Current Planning staff for review on September 4, 2013.
Triple Crown Farms –Title Page; Triple Crown Farms – Site Analysis, Triple Crown Farms – Site Plan
Current Planning Staff Assigned: Jennifer Leaf, Michael Kelly, & Michael Harvey.

Discussion: Triple Crown Farm Rd. will be switching from a private road to a NC DOT state-maintained road. Current Planning staff expressed concern with Lots 1 and 9 (the proposed subdivision's smallest lots) due to both lots containing large proposed septic field locations. Likewise, Lot 10 will need to have a joint driveway with adjacent Lot 11.
Determination: NC DOT will need to further study the impacts of adding Triple Crown Rd. to the state-maintained road system. One pertinent issue is the line of sight drivers will need to be aware of, as Triple Crown Drive is a collector roadway. Also, Triple Crown Farm HOA will need to

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fully understand the costs associated with changing from a private road to a state-maintained road.
Next Steps: There will be a Neighborhood Information Meeting scheduled for October 3, 2013 from 12-1 hosted by Michael A. Neal & Associates, PLLC at the Orange County Planning Office.

III. Minor Subdivision Concept Plan Approval
Applicant: Hamish Clarke
PIN: 0801144520
Project Number: MNR13-0018
Zoning: Rural Buffer (RB) and Jordan Lake Unprotected W/S
Legal Description: W/S Kerley Rd. and located on Plat Book 104, Page 6 of the Orange County Register of Deeds
Proposal: Subdividing an approx. 7.36 acre parcel into two, 2 acre lots. The property in question is located along the Durham/Orange County line.
Current Planning Staff Assigned: Jennifer Leaf

Discussion: According to Environmental Health, sewer and soils on this parcel may be an issue. Presently, there is only good soil located in the upper left corner of the lot thereby reducing the parcel's development potential.
Determination: It has been determined that the pump station will need to be moved in order to proceed with the minor subdivision.
Next Steps: Further analysis will need to be performed by Orange County Environmental Health staff.

IV. Eno Mountain Village Townhomes - Town of Hillsborough Courtesy Review
Applicant: Braddock Park, LLC of Hilton Head, SC
Property Owner(s): Andrew B. Lloyd and Cheryl Lloyd
PINS: 9864713556 & 9864715457
Zoning: Agricultural Residential (AR) and Lower Eno Unprotected W/S
Location: Orange Grove Rd. and Eno Mountain Rd.
Total Acreage: 23.67 acres
Legal Description: Part of Ben Lloyd property and located in Plat Book 74, Page 63 of the Orange County Register of Deeds.
Proposal: A proposed 118-unit townhome development to be located on 23.67 acres at Orange Grove and Eno Mountain Roads in the Town of Hillsborough's ETJ. Hillsborough Planning staff would like input from Orange County. In order for the development to proceed, a rezoning request has been submitted changing the current zoning from "AR" to "Multifamily Special Use". A Special Use Permit Application associated with this development has been submitted as well. The above item has been placed onto Hillsborough's October 1st Technical Review Committee (TRC) agenda.

Discussion: Site plan was presented to Orange County staff to offer courtesy review per intergovernmental agreement. Due to anticipated heavy traffic volume to be generated as a result of proposed development, Orange County can request traffic signal warrant and turn-lane analyses from NC DOT for Eno Mountain and Orange Grove Rds.

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Agenda Item

Determination: *Pending*
Next Steps: Orange County to provide comments to Current Planning staff that will then be forwarded to the Town of Hillsborough.

V. Internal Current Planning Staff Meeting

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Michael Harvey

From: Jennifer Leaf
Sent: Monday, October 28, 2013 12:53 PM
To: Michael Harvey
Subject: FW: Site Plans for Review

From: Bret A. Martin
Sent: Friday, September 27, 2013 9:14 AM
To: Michael Kelly
Cc: Jennifer Leaf
Subject: RE: Site Plans for Review

Michael and Jennifer:

Please see my comments regarding each of these items below:

1) Triple Crown Farms:

Application requirements and processes, minimum design and construction standards, and utility requirements for public dedication of subdivision roads to the NCDOT system may be accessed using the following weblink:

https://connect.ncdot.gov/resources/Asset-Management/StateMaintOpsDocs/Subdivision%20Manual%20January%202010.pdf

These standards would apply to any newly constructed subdivision roads or previously constructed private subdivision roads that are to be petitioned for addition to the State-maintained system. Certain materials would need to be prepared for the NCDOT District Engineer's review. These materials are listed in the NCDOT Subdivisions Roads Manual referenced above. It would also be a good idea for the petitioner to have a conversation about the addition with the District Engineer prior to preparing and submitting application materials. Particular attention should be paid to any stream crossings or areas that could potential involve wetland encroachments. The District Engineer's contact information is below:

127 E. Crescent Square Drive
Graham, NC 27253
(336) 570-6833

2) Eno Mountain Village Townhomes:

While volumes on Orange Grove Road and Eno Mountain Road are generally below capacity, the segment of Orange Grove Road between Eno Mountain Road and Mayo Street is highly congested and may be over capacity, primarily as a result of through traffic from Eno Mountain Road using Orange Grove Road to access Mayo Street and/or John Earl Street as a cutover to South Churton Street. I do not have traffic counts along this segment; however, beyond just potential capacity constraints, the lack of operational improvements such as designated left and right turn lanes with adequate stacking room or traffic signals at the intersections of Eno Mountain Road and Mayo Street at Orange Grove Road acts as an impediment to traffic flow at these two intersections and along the Eno Mountain Road/Orange Grove Road/Mayo Street corridor. A 118-unit townhome development may generate between 5 and 7 trips per weekday per dwelling unit, exacerbating congestion at the intersections and along the segment of Orange Grove Road between Eno Mountain Road and Mayo Street. The County and Town should direct particular attention to the impact on these

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intersections and along this particular segment of Orange Grove Road in the TIA produced for the proposed development. The County has prioritized a project that would realign these intersections and provide operational modifications that would improve traffic flow and safety. No preferred alignment for the project has been established but very broad preliminary feasibility analytics indicate that the preferred approach may be to realign Eno Mountain Road with Mayo Street as opposed to realigning Mayo Street with Eno Mountain Road. While it is not likely for this project to be implemented in the very near future, the implementation of the project could have long-term access impacts on site access from Eno Mountain Road.

Please let me know if you have any questions about these comments or need any further clarification.

Thanks,

Bret "Bee" Martin, AICP
Transportation Planner
Orange County Planning Department

131 W. Margaret Lane, Suite 201
P.O. Box 8181
Hillsborough, NC 27278
Phone: (919) 245-2582
Fax: (919) 644-3002

http://www.orangecountync.gov
brmartin@orangecountync.gov

ORANGE COUNTY
NORTH CAROLINA

Return to Agenda

Michael Harvey

From: Rich Shaw
Sent: Thursday, September 19, 2013 3:12 PM
To: Jennifer Leaf
Cc: Michael Harvey
Subject: Triple Crown comments (from 2006)
Attachments: Triple Crown memo II (RDavis).pdf

Jennifer,

Attached are my comments on a previous major subdivision plan for the Triple Crown property. I expect my comments would be quite similar for this new proposal. If you are seeking comments at this stage I will update these comments for the new 20-lot major subdivision proposal.

Rich

Rich Shaw, Land Conservation Manager
Orange County
Department of Environment, Agriculture, Parks and Recreation

306A Revere Rd / PO Box 8181 / Hillsborough NC 27278 / 919-245-2514 / http://www.co.orange.nc.us

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Orange County
Environment and Resource Conservation Department

Memorandum

To: Robert Davis, *Current Planning Supervisor*
From: Rich Shaw, *ERCD Land Conservation Manager*
Date: May 25, 2006
Subject: Triple Crown Subdivision

On April 19 I attended a Neighborhood Information Meeting for the proposed Triple Crown subdivision. During the meeting I was asked a question concerning the proposed open space. **The purpose of this memo is to document my earlier response in writing and to provide new information from the Joint Planning Area Land Use Plan.**

According to the concept plan (2/15/06) the development would create 16 lots on 108 acres located west of Dairyland Road (University Lake Watershed). The plan calls for setting aside 40.82 acres of open space consisting largely of the Buckfork Creek corridor, which bisects the property and eventually joins Morgan Creek located east of Dairyland Road.

During the meeting I was asked whether Orange County ERCD had considered protecting the proposed open space through the Lands Legacy Program. I said that we had considered that possibility, but determined that **the site (in the context of the subdivision) was not a priority for protection through Lands Legacy**. The site is not identified in any natural or cultural resource inventories that would suggest possible ERCD involvement in protecting the open space. Setting aside the open space as a separate lot in the homeowners association should help protect the stream corridor.

I understand that the landowner has hired Soil and Environmental Consultants to inventory and evaluate the natural resources found on the property. I am interested in receiving a copy of their findings, **and if significant resources are found I would be interested in discussing potential conservation options with the owners and Planning staff**.

The following is new information for you to consider. I discovered today that **the Joint Planning Area (JPA) Land Use Plan identifies a proposed future greenway through the subject property** along the Buckfork Creek corridor. The Planning staff may wish to discuss with the owners (and the Rec. & Parks Dept.) the possible dedication of a public trail corridor through the open space to help implement the JPA Land Use Plan. A map from the JPA plan showing the proposed greenway through this property is attached.

Thank you for the opportunity to review and comment on this proposal. Let me know if you have any questions.

cc: David Stancil

Environment and Resource Conservation
PO Box 8181 / 306-A Revere Road
Hillsborough, NC 27278
(919) 245-2590

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RESIDENTIAL FISCAL IMPACT TEMPLATE: SERVICE STANDARD METHOD
Bureau of Economic & Business Research - University of Florida
Modified 10/31/13 - Orange County, NC Planning Department

SECTION 1 - PROJECT DATA: ENTER THE FOLLOWING DATA FOR EACH PROJECT:

PROJECT:	Triple Crown Farms	
TOWNSHIP:	Bingham/Chapel Hill	
CONSTRUCTION PERIOD:	2015 to 2017	
Beginning Year:		2015
Ending Year:		2018
Inflation Rate:		2.00%
CHARACTERISTICS OF HOUSEHOLDS:		
Persons/House:	ENTER "1" BESIDE APPLICABLE SCHOOL DISTRICT BELOW.	2.47
Children/House:	ENTER "1" BESIDE APPLICABLE SCHOOL DISTRICT BELOW.	0.36
% Non-Elderly:		70.00%

HOME SALES DATA:

Year	Number of Homes	Average Sales Price ($)	Distribution of Units by Year
2015	2	600,000	33.33%
2016	2	600,000	33.33%
2017	2	600,000	33.33%

SCHOOL DISTRICT DATA: ENTER "1" IN ( ) BESIDE SCHOOL DISTRICT IN WHICH PROJECT IS TO BE LOCATED TO GENERATE STUDENT DISTRIBUTION BY SCHOOL TYPE.

School District:		School Attendance:	
Orange County	(1)	Elementary School	45%
		Middle School	23%
Chapel Hill-Carrboro	(0)	High School	32%

SECTION 2 - LOCAL GOVERNMENT AND SCHOOL DISTRICT DATA

BUDGET YEAR:			2013-2014
COUNTY POPULATION:	(NC Demo) for July 2013		137941
SCHOOL DISTRICT STUDENT POPULATION:			7402
COUNTY EMPLOYMENT:		**POSITIONS**	**PER CAPITA**
General Services plus Governing, and Management		174	0.0013
Public Safety		265	0.0019
Community & Environment plus Culture & Recreation		96	0.0007
Human Services		290	0.0021
Education (School District)		900	0.0065
SCHOOL DISTRICT EMPLOYMENT:		**POSITIONS**	**PER STUDENT**
Total		900	0.1216

COUNTY PER CAPITA REVENUES ($):	**REVENUES**	**PER CAPITA**
Taxes - Other Than Property	19,829,148	143.75
Intergovernmental	19,614,941	142.20
Charges for Service	18,647,923	135.19
Licenses/Permits, Investments, Miscellaneous + Transfers	2,580,877	18.71

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COUNTY PER CAPITA EXPENDITURES ($):	EXPENDITURES	PER CAPITA
General Services plus Governing, and Management	38,371,550	278.17
Public Safety	26,713,604	193.66
Community & Environment plus Culture & Recreation	13,736,090	99.58
Human Services	36,976,478	268.06
Education (Recurring Capital)	69,657,252	504.98
Non-Departmental (i.e. Debt Service and transfers)	31,683,072	229.69
COUNTY PER EMPLOYEE EXPENDITURE ($):	**EXPENDITURES**	**PER EMPLOYEE**
General Services plus Governing, and Management	38,371,550	220526.15
Public Safety	26,713,604	100806.05
Community & Environment plus Culture & Recreation	13,736,090	143084.27
Human Services	36,976,478	127505.10
Education (School District)	69,657,252	77396.95
SCHOOL DISTRICT PER STUDENT EXPENDITURES ($):	**EXPENDITURES**	**PER STUDENT**
County Government	25,060,154	3385.59
School District	17,308,649	2338.37
State and Federal	45,528,717	6150.87

SCHOOL DISTRICT PER EMPLOYEE EXPENDITURES ($):	EXPENDITURES	PER EMPLOYEE
County Government	25,060,154	27844.62
School District	17,208,649	19120.72
State and Federal	45,528,717	50587.46

TAX DATA: ENTER APPLICABLE ASSESSMENT RATIO AND ELDERLY EXEMPTION:		
County Tax Rate ($)	0.9460	Per $100 Assessed Valuation
School District Tax Rate ($)	0.0000	Per $100 Assessed Valuation
Assessment Ratio	100.00	
Elderly Exemption	0	$11,000 Where Applicable

SECTION 3 - DEMOGRAPHIC PROJECTIONS BASED ON PROJECT DATA

YEAR	2015	2016	2017
HOUSING UNITS	**2**	**4**	**6**
POPULATION	**5**	**10**	**15**
SCHOOL CHILDREN			
Elementary	0.32	0.65	0.97
Middle	0.17	0.33	0.50
High School	0.23	0.46	0.69
TOTAL	**1**	**1**	**2**
COUNTY GOVERNMENT			
ADDITIONAL EMPLOYEES			
General Government	0.01	0.01	0.02
Public Safety	0.01	0.02	0.03
Public Works	0.00	0.01	0.01
Human Services	0.01	0.02	0.03
TOTAL	**0.03**	**0.06**	**0.09**
SCHOOL DISTRICT	**0.03**	**0.06**	**0.10**

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ADDITIONAL EMPLOYEES					

SECTION 4 - PROJECTED FISCAL IMPACT OF PROJECT ON COUNTY GOVERNMENT

YEAR	2015	2016	2017		
TAX BASE ($1000)	**1,200**	**2,424**	**3,672**		
REVENUES ($)					
Property Tax	11,352	22,931	34,742		
Other Taxes	710	1,449	2,216		
Intergovernmental	702	1,433	2,193		
Service Charges	668	1,362	2,084		
Miscellaneous	92	189	288		
TOTAL ($)	**13,525**	**27,364**	**41,524**		
EXPENDITURES ($)					
General Government	1,374	2,803	4,289		
Public Safety	957	1,952	2,986		
Public Works	492	1,004	1,535		
Human Services	1,324	2,701	4,133		
Education	4,932	10,062	15,394		
Non-Departmental	1,135	2,315	3,541		
TOTAL ($)	**10,214**	**20,836**	**31,880**		
NET FISCAL IMPACT ($)	**3,311**	**6,527**	**9,644**		

SECTION 5 - PROJECTED FISCAL IMPACT OF PROJECT ON SCHOOL DISTRICT

YEAR	2015	2016	2017		
REVENUES ($)					
County	4,932	10,062	15,394		
School District	0	0	0		
State	4,429	9,034	13,823		
TOTAL ($)	**9,361**	**19,096**	**29,217**		
EXPENDITURES ($)					
County	4,932	10,062	15,394		
School District	0	0	0		
State	4,429	9,034	13,823		
TOTAL ($)	**9,361**	**19,096**	**29,217**		

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NET FISCAL IMPACT ($)	**0**	**0**	**0**		

SECTION 6 - SUMMARY OF PROJECTED DEMOGRAPHIC/FISCAL IMPACTS

YEAR	**2015**	**2016**	**2017**		
HOUSING UNITS	**2**	**4**	**6**		
POPULATION	**5**	**10**	**15**		
SCHOOL CHILDREN					
Elementary	0	1	1		
Middle	0	0	0		
High School	0	0	1		
TOTAL	**1**	**1**	**2**		
COUNTY EMPLOYEES	**0.03**	**0.06**	**0.09**		
SCHOOL EMPLOYEES	**0.03**	**0.06**	**0.10**		
TAX BASE ($1000)	**1,200**	**2,424**	**3,672**		
COUNTY BUDGET ($)					
Revenues	13,525	27,364	41,524		
Expenditures	10,214	20,836	31,880		
BALANCE	**3,311**	**6,527**	**9,644**		
SCHOOL DISTRICT BUDGET ($)					
Revenues	9,361	19,096	29,217		
Expenditures	9,361	19,096	29,217		
BALANCE	**0**	**0**	**0**		
COMBINED BUDGETS ($)					
Revenues	22,886	46,460	70,741		
Expenditures	19,575	39,932	61,097		
BALANCE	**3,311**	**6,527**	**9,644**		

SECTION 7 - SUMMARY OF PROJECTED PUBLIC SCHOOL CAPACITY IMPACTS

SCHOOL DISTRICT DATA:					
School District:			**School Attendance:**		
Orange County	**YES**)		Elementary School		45%
			Middle School		23%
Chapel Hill-Carrboro	**NO**)		High School		32%
YEAR	**2015**	**2016**	**2017**	**2018**	**2019**
SCHOOL CHILDREN					
Elementary	0	1	1	5	5
Middle	0	0	0	3	3
High School	0	0	1	4	4
TOTAL	**1**	**1**	**2**	**11**	**11**
SCHOOL CAPACITIES - ALL SCHOOLS			**CURRENT ENROLLMENT - ALL SCHOOLS**		
Elementary		3,694	Elementary		3,403
Middle		2,166	Middle		1,684
High School		2,439	High School		2,315
TOTAL		**8,299**	**TOTAL**		**7,402**

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YEAR	2008-09	2009-10	2010-11	2011-12	2012-13 (Est)
PROJECTED ENROLLMENT					
Elementary	3,337	3,335	3,435	3,438	3,403
Middle	1,708	1,751	1,732	1,716	1,684
High School	2,254	2,298	2,258	2,278	2,315
TOTAL	**7,299**	**7,384**	**7,425**	**7,432**	**7,402**

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RESIDENTIAL FISCAL IMPACT TEMPLATE: SERVICE STANDARD METHOD

Bureau of Economic & Business Research - University of Florida

Modified 10/31/13 - Orange County, NC Planning Department

SECTION 1 - PROJECT DATA: ENTER THE FOLLOWING DATA FOR EACH PROJECT:

PROJECT:	Triple Crown Farms	
TOWNSHIP:	Bingham/Chapel Hill	
CONSTRUCTION PERIOD:	2015-2018	
Beginning Year:		2015
Ending Year:		2018
Inflation Rate:		2.00%
CHARACTERISTICS OF HOUSEHOLDS:		
Persons/House:	ENTER "1" BESIDE APPLICABLE SCHOOL DISTRICT BELOW.	2.56
Children/House:	ENTER "1" BESIDE APPLICABLE SCHOOL DISTRICT BELOW.	0.36
% Non-Elderly:		70.00%

HOME SALES DATA:

Year	Number of Homes	Average Sales Price ($)	Distribution of Units by Year
2015	2	600,000	14.29%
2016	4	600,000	28.57%
2017	4	600,000	28.57%
2018	4	600,000	28.57%

SCHOOL DISTRICT DATA: ENTER "1" IN ( ) BESIDE SCHOOL DISTRICT IN WHICH PROJECT IS TO LOCATED TO GENERATE STUDENT DISTRIBUTION BY SCHOOL TYPE.

School District:		School Attendance:	
Orange County	0)	Elementary School	46%
		Middle School	23%
Chapel Hill-Carrboro	(1)	High School	31%

SECTION 2 - LOCAL GOVERNMENT AND SCHOOL DISTRICT DATA

BUDGET YEAR:			2013-2014
COUNTY POPULATION:	(NC Demo) for July 2007		137941
SCHOOL DISTRICT STUDENT POPULATION:			11959
COUNTY EMPLOYMENT:		**POSITIONS**	**PER CAPITA**
General Services, Governing, and Management		174	0.0013
Public Safety		265	0.0019
Community & Environment + Culture & Recreation		96	0.0007
Human Services		290	0.0021
Education (School District)		1,900	0.0138
SCHOOL DISTRICT EMPLOYMENT:		**POSITIONS**	**PER STUDENT**
Total		1,900	0.1589

COUNTY PER CAPITA REVENUES ($):	**REVENUES**	**PER CAPITA**
Taxes - Other Than Property	19,829,148	143.75
Intergovernmental	19,614,941	142.20
Charges for Service	18,647,923	135.19

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Miscellaneous	2,580,877	18.71

COUNTY PER CAPITA EXPENDITURES ($):	EXPENDITURE	PER CAPITA
General Services, Governing, and Management	38,371,550	278.17
Public Safety	26,173,604	189.74
Community & Environment + Culture & Recreation	13,736,090	99.58
Human Services	36,976,478	268.06
Education (Recurring Capital)	69,657,252	504.98
Non-Departmental	31,683,072	229.69
COUNTY PER EMPLOYEE EXPENDITURE ($):	**EXPENDITURE**	**PER EMPLOYEE**
General Services, Governing, and Management	38,371,550	220526.15
Public Safety	26,173,604	98768.32
Community & Environment + Culture & Recreation	13,736,090	143084.27
Human Services	36,976,478	127505.10
Education (Recurring Capital)	69,657,252	36661.71

SCHOOL DISTRICT PER STUDENT EXPENDITURES ($):	EXPENDITURE	PER STUDENT
County Government	40,019,098	3346.36
School District	21,466,134	1794.98
State & Federal	68,445,050	5723.31

SCHOOL DISTRICT PER EMPLOYEE EXPENDITURES ($):	EXPENDITURE	PER EMPLOYEE
County Government	40,019,098	21062.68
School District	21,466,134	11297.97
State	68,445,050	36023.71

TAX DATA:	ENTER APPLICABLE ASSESSMENT RATIO AND ELDERLY EXEMPTION:		
County Tax Rate ($)		0.8590	Per $100 Assessed Valuation
School District Tax Rate ($)	includes district tax rate	0.2084	Per $100 Assessed Valuation
Assessment Ratio		100.00	
Elderly Exemption		0	$11,000 Where Applicable

SECTION 3 - DEMOGRAPHIC PROJECTIONS BASED ON PROJECT DATA

YEAR	2015	2016	2017	2018
HOUSING UNITS	**2**	**6**	**10**	**14**
POPULATION	**5**	**15**	**26**	**36**
SCHOOL CHILDREN				
Elementary	0.33	0.99	1.66	2.32
Middle	0.17	0.50	0.83	1.16
High School	0.22	0.67	1.12	1.56
TOTAL	**1**	**2**	**4**	**5**
COUNTY GOVERNMENT				
ADDITIONAL EMPLOYEES				
General Government	0.01	0.02	0.03	0.05
Public Safety	0.01	0.03	0.05	0.07
Public Works	0.00	0.01	0.02	0.02

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Human Services	0.01	0.03	0.05	0.08
TOTAL	**0.03**	**0.09**	**0.15**	**0.21**
SCHOOL DISTRICT ADDITIONAL EMPLOYEES	**0.07**	**0.21**	**0.35**	**0.49**

SECTION 4 - PROJECTED FISCAL IMPACT OF PROJECT ON COUNTY GOVERNMENT

YEAR	**2015**	**2016**	**2017**	**2018**
TAX BASE ($1000)	**1200**	**3624**	**6096**	**8618**
REVENUES ($)				
Property Tax	10308	31130	52369	74032
Other Taxes	736	2252	3829	5360
Intergovernmental	728	2228	3787	5302
Service Charges	692	2118	3601	5041
Miscellaneous	96	293	498	698
TOTAL ($)	**12560**	**38021**	**64084**	**90433**
EXPENDITURES ($)				
General Government	1424	4358	7409	10373
Public Safety	971	2973	5054	7075
Public Works	510	1560	2652	3713
Human Services	1372	4200	7140	9995
Education	4995	15284	25983	36377
Non-Departmental	1176	3599	6118	8565
TOTAL ($)	**10449**	**31974**	**54355**	**76097**
NET FISCAL IMPACT ($)	**2111**	**6048**	**9728**	**14336**

SECTION 5 - PROJECTED FISCAL IMPACT OF PROJECT ON SCHOOL DISTRICT

YEAR	**2015**	**2016**	**2017**	**2018**
REVENUES ($)				
County	4995	15284	25983	36377
School District	2501	7552	12705	17961
State	4121	12610	21436	30011
TOTAL ($)	**11616**	**35446**	**60125**	**84348**
EXPENDITURES ($)				
County	4995	15284	25983	36377
School District	1292	3955	6723	9412
State	4121	12610	21436	30011

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TOTAL ($)	**10408**	**31849**	**54143**	**75800**
NET FISCAL IMPACT ($)	**1208**	**3598**	**5982**	**8549**

SECTION 6 - SUMMARY OF PROJECTED DEMOGRAPHIC/FISCAL IMPACTS

YEAR	**2015**	**2016**	**2017**	**2018**
HOUSING UNITS	**2**	**6**	**10**	**14**
POPULATION	**5**	**15**	**26**	**36**
SCHOOL CHILDREN				
Elementary	0	1	2	2
Middle	0	0	1	1
High School	0	1	1	2
TOTAL	**1**	**2**	**4**	**5**
COUNTY EMPLOYEES	**0.03**	**0.09**	**0.15**	**0.21**
SCHOOL EMPLOYEES	**0.07**	**0.21**	**0.35**	**0.49**
TAX BASE ($1000)	**1200**	**3624**	**6096**	**8618**
COUNTY BUDGET ($)				
Revenues	12560	38021	64084	90433
Expenditures	10449	31974	54355	76097
BALANCE	**2111**	**6048**	**9728**	**14336**
SCHOOL DISTRICT BUDGET ($)				
Revenues	11616	35446	60125	84348
Expenditures	10408	31849	54143	75800
BALANCE	**1208**	**3598**	**5982**	**8549**
COMBINED BUDGETS ($)				
Revenues	24176	73468	124208	174781
Expenditures	20857	63822	108498	151897
BALANCE	**3320**	**9645**	**15711**	**22884**

SECTION 7 - SUMMARY OF PROJECTED PUBLIC SCHOOL CAPACITY IMPACTS

SCHOOL DISTRICT DATA:					
School District:			**School Attendance:**		
Orange County	**NO**)		Elementary School		46%
			Middle School		23%
Chapel Hill-Carrboro	**YES**)		High School		31%
YEAR	**2015**	**2016**	**2018**		
SCHOOL CHILDREN					
Elementary	0	1	2	5	5
Middle	0	0	1	3	3
High School	0	1	1	4	4
TOTAL	**1**	**2**	**4**	**11**	**11**
SCHOOL CAPACITIES - ALL SCHOOLS			**CURRENT ENROLLMENT - ALL SCHOOLS**		
Elementary		5244	Elementary		5543
Middle		2840	Middle		2785

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High School		3875	High School		3796
TOTAL		**11959**	**TOTAL**		**12124**
YEAR	**2008**	**2009**	**2010**	**2,011**	**2012**
PROJECTED ENROLLMENT					
Elementary	5142	5273	5389	5,541	5654
Middle	2622	2686	2772	2,833	2902
High School	3628	3687	3732	3,789	3878
TOTAL	**11392**	**11646**	**11893**	**12,163**	**12434**

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Attachment 5

Neighborhood Information Meeting
Triple Crown Farms
Dairyland Road (PIN 9850-91-0030)

West Campus Office Building - 131 West Margaret Lane
October 3, 2013 – 12:00 p.m. to 1:00 p.m.

There were 16 people in attendance in addition to the applicant's agent (Mike Neal from MANA and Associates) and planning staff.

Staff reviewed the Major Subdivision Concept Plan application review process, including the need to submit a Conventional and Flexible Development subdivision layout for review, and reviewed the physical composition of the subject property.

Staff informed those in attendance the applicant, 16 Parkside Lane LLC, had voluntarily chosen to submit just a flexible development layout as allowed by the UDO.

Staff informed those in attendance of the meeting scheduled by the Planning Board to begin the review of the proposed subdivision on November 6, 2013.

Once the Concept Plan is approved the applicant shall have 2 years to submit a Preliminary Plat application package for action by the County. Staff reviewed the process associated with the review of a Preliminary Plat application.

The applicant's agent, Mr. Mike Neal, reviewed the basic elements of the proposal as follows:

- Development of a 20 lot single-family residential subdivision, each lot approximately 2 acres in area, on a 104 acre parcel of property located off Dairyland Road.
- The lots are intended to be served by individual well and septic systems,
- Access to the project will be from public roads as denoted on the plan. The main roadway would be Triple Crown Drive, an existing roadway about to be accepted for maintenance purposes by the State.
- Internal roadways serving the project are proposed to be constructed to applicable public road standards, with the eventual goal that they will be turned over to the North Carolina Department of Transportation for perpetual maintenance upon completion,
- The overall density of the proposed subdivision is 1 dwelling unit for every 5 acres of property.
- The project will involve the preservation of 36 acres of land area as open space.
- The project will involve numerous stream crossings, each of which will have to be permitted by local and State agencies.

Comment(s): Concerns were expressed about the stream crossings and over potential environmental impact.

Answer: (Mike Neal) Specific designs on these stream crossings would be addressed at the permitting stage with local and State review. Mr. Neal indicated these crossings would

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be built to applicable design guidelines to avoid unnecessary runoff/safety issues while at the same time minimizing the overall impact on the local environment.

Question: An adjacent property owner indicated there was a beaver dam that had caused a pond to be created both on her and the subject property. The property owner asked what the developer intended to do about the dam, indicating she liked the pond on her property and did not want it eliminated.

Answer: (Mike Neal) The physical location of the dam is on the subject property and the property owner had a legal right to eliminate it as it represented a long term liability issue for him. This could be done regardless of the subdivision application process currently under review.

There were general comments made about preserving local wildlife.

Question: An attendee asked why the project needed to develop so many lots? Given the environmental constraints in the area why can't you just have lots that are 5 acres in area and lower the overall impact of the project?

Answer: (Mike Neal) The number of lots is consistent with established density and lot area regulations as detailed within the UDO and established planning documents. All existing floodplain will be preserved in dedicated open space areas and the proposed stream crossings will be in accordance with applicable development standards.

Question: Is there an opportunity to reduce the speed limit on Dairyland Road? There is a real problem with drivers currently speeding along the roadway and new development will only exacerbate the problem.

Answer: (Mike Neal) That is a NC DOT decision and the developer can do nothing about the speeding issue along a State maintained roadway.

Question: Can the homeowners association for Triple Crown somehow stop the developer from using Triple Crown Drive as their means of accessing this project?

Answer: (Mike Neal) No. Triple Crown Drive is slated to be accepted by NC DOT for maintenance purposes. The developer has the right to use the road to access the project. This right is also spelled out in the original deed for the roadway when it was transferred into the ownership of the Triple Crown homeowners association.

There was additional discussion on the use of Triple Crown Drive and the issues between the residents of Triple Crown and the developer.

Question: Can the County require the culverts installed on the property to allow stream crossings be large enough to allow for wildlife to pass through?

Answer: (Staff) No. That would not be practical given the existing grade of property around the denoted stream crossing areas. To do that would result in unnecessary grading requiring the possible relocation of streams having a greater impact on the local environment.

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Comment: Any time you develop in this area you potentially create water quality issues.

Answer: (Mike Neal) I understand. We are taking several precautions with respect to roadway locations, stream buffer crossings, and proposed stormwater features to address this issue.

Question: Why is there a 100 foot building setback denoted on the plan?

Answer: (Staff) The Ordinance requires a 100 foot building setback along the perimeter of the property. This means no structure (i.e. house, shed, etc.) can be located in this area.

Question: So this means there cannot be a house built right on my property line?

Answer: (Staff) No structure can be erected within the 100 foot building setback area denoted on the concept plan.

Question: This property was considered previously for a subdivision a long time ago. During the review of that concept plan I seem to remember more area was designated as being encumbered by floodplain at that time. When did the floodplain boundaries change?

Answer: (Staff) In 2007 the County adopted new floodplain maps. Portions of the property were removed from the floodplain which is why you see a difference.

Comment: This is too much development in the University Lake watershed and the scope of the project needs to be reduced.

Question: Who will maintain or control the open space?

Answer: (Mike Neal) A local homeowners association.

Question: What impervious surface limit will the project be held to?

Answer: (Staff) The project will be held to a 6% impervious surface limit in accordance with the provisions of the UDO.

Question: What opportunity is there to require additional impervious surface be transferred from this project to the adjoining subdivision? There is a real problem with the limitations currently imposed on adjoining property owners, who are part of an earlier project built by the same developer as Triple Crown Farms, and the developer needs to address this discrepancy.

Answer: (Staff) The County cannot mandate the developer transfer additional impervious surface to existing properties to the east of this project even if they are being developed by the same individual and were once part of the same property. Impervious surface limits for Triple Crown have already been established. If the developer chooses to transfer impervious surface area there is a process he can go through to do that but it cannot be required or mandated by the County because he is now looking to subdivide this parcel of property.

There was additional discussion with respect to the impervious surface issues for the Triple Crown project.

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Question: How big will the houses be?

Answer: (Mike Neal) They will be comparable with surrounding houses but I do not know if a decision with respect to their ultimate size has been made.

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ORANGE COUNTY 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

September 23, 2012

Dear Property Owner:

Section 2.15.2 (D) of the Orange County Unified Development Ordinance requires notification of landowners within five hundred feet (500') of a proposed subdivision of more than five new lots by first class mail at least ten days prior to the date of the meeting.

The following **Neighborhood Information Meeting** has been scheduled to present a Concept Plan for a subdivision near your property to address subdivision regulation requirements:

Date: Thursday, October 3, 2013
Time: 12:00 to 1:00 p.m.
Place: Ground Floor Conference Room
131 West Margaret Lane
Hillsborough, North Carolina 27278

The Triple Farms Crown Subdivision Summary

The property is located in Chapel Hill Township on the west side of Dairyland Road, west of the intersection of Dairyland Road and Old NC 86, as shown on the enclosed vicinity map. The developer, 16 Parkside Lane, LLC, proposes to develop twenty lots on a parcel containing some 104 acres. The property is zoned RB (Rural Buffer), University Lake Protected Watershed. All lots will have individual well and septic systems.

The purpose of the Neighborhood Information Meeting is to provide an opportunity for you to ask questions about the proposed development plan. At the meeting, the Orange County Planning Department staff will describe the subdivision review process and answer questions regarding the land subdivision process. After the Neighborhood Information Meeting, the Planning Board will review the Concept Plan. The next Planning Board meeting is scheduled for **November 6, 2013 at 7:30 p.m.** in the131 West Margaret Lane Ground Floor Conference Room. You may also attend the Planning Board meeting to ask questions.

Please refer to the enclosed map and contact the Orange County Planning Department if you need additional information. A staff member may be reached at 919 245 2575.

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FILED
BOOK/PAGE # 94 PAGE 99
2004 JUN 11 A 10:16
JOYCE H. PEARSON
REGISTER OF DEEDS
ORANGE N.C.

THE UNDERSIGNED OWNER HEREBY CERTIFIES THAT THE LAND SHOWN HEREON IS LOCATED WITHIN THE SUBDIVISION-REGULATION JURISDICTION OF ORANGE COUNTY AND HEREBY FREELY DEDICATES ALL RIGHTS-OF-WAY, EASEMENTS, STREETS, RECREATION AREA, OPEN SPACE, COMMON AREA, UTILITIES AND OTHER IMPROVEMENTS TO PUBLIC OR PRIVATE COMMON USE AS NOTED ON THIS PLAT, AND FURTHER ASSUMES FULL RESPONSIBILITY FOR THE MAINTENANCE AND CONTROL SAID IMPROVEMENTS UNTIL THEY ARE ACCEPTED FOR MAINTENANCE AND CONTROL BY AN APPROPRIATE PUBLIC BODY OR BY AN INCORPORATED NEIGHBORHOOD OR HOMEOWNERS ASSOCIATION OR SIMILAR LEGAL ENTITY.

DATE

DATE

STATE North Carolina COUNTY Orange

I, Jason D. Hill A NOTARY PUBLIC FOR SAID COUNTY AND STATE CERTIFY THAT Don Neville PERSONALLY CAME BEFORE ME THIS DAY AND ACKNOWLEDGED THAT HE/SHE IS President OF A CORPORATION, AND THAT BY AUTHORITY DULY GIVEN AS THE ACT OF THE CORPORATION, THE FOREGOING INSTRUMENT WAS SIGNED IN ITS NAME BY ITS PRESIDENT, SEALED WITH ITS CORPORATE SEAL, AND ATTESTED BY HIM/HERSELF AS ITS ASSISTANT SECRETARY. WITNESS MY OFFICIAL SEAL,

THIS 11 DAY OF June 2004

NOTARY PUBLIC — COMMISSION EXPIRES 3/3/2007

Jason D. Hill
Notary Public
Orange County NC

I, CHARLES R. BILLINGS, HEREBY CERTIFY THAT UNDER MY DIRECTION AND SUPERVISION THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (REFERENCES AS NOTED HEREON); THAT THE ERROR OF CLOSURE CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION AS NOTED; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY:
A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
C. ANY ONE OF THE FOLLOWING:
1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT INVOLVE THE CREATION OF A NEW STREET OR CHANGE IN AN EXISTING STREET;
2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE; OR
3. THAT THE SURVEY IS A CONTROL SURVEY.
D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
E. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

WITNESS MY HAND AND SEAL, JUNE 4, 2004.

CHARLES R. BILLINGS PROFESSIONAL LAND SURVEYOR L-2711

NORTH CAROLINA PROFESSIONAL SEAL L-2711 LAND SURVEYOR CHARLES R. BILLINGS

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

I, MICHAEL A. BULTON REVIEW OFFICER OF ORANGE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING FOR WHICH THE REVIEW OFFICER HAS RESPONSIBILITY AS PROVIDED BY LAW.

REVIEW OFFICER
ORANGE COUNTY LAND RECORDS/GIS

DATE OF CERTIFICATION: 06-11-04

CERTIFICATE OF EXEMPTION:

I HEREBY CERTIFY THAT THE SUBDIVISION OF LAND SHOWN AND DESCRIBED HEREON IS NOT A SUBDIVISION OF LAND SUBJECT TO THE ORANGE COUNTY SUBDIVISION REGULATIONS. THE ORANGE COUNTY PLANNING DEPARTMENT HAS MADE NO DETERMINATION AS TO THE ACCURACY OR CORRECTNESS OF THIS PLAT OR ANY CERTIFICATION HEREON, OTHER THAN WHAT IS CERTIFIED IN THIS CERTIFICATION.

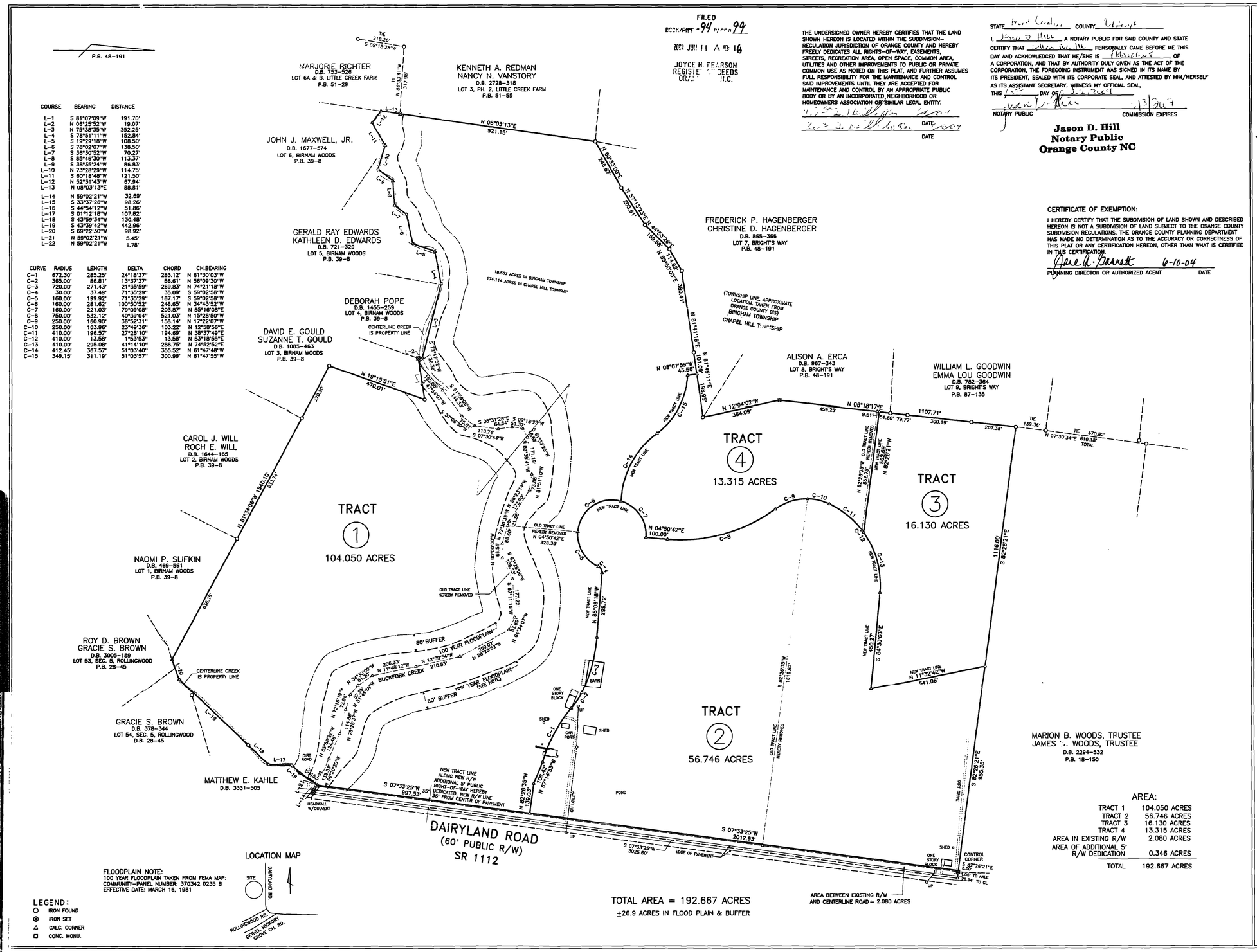
6-10-04

PLANNING DIRECTOR OR AUTHORIZED AGENT — DATE

PARENTS
1: 9850-90-2641
2: 9850-91-6639
3: 9850-93-2085
4: 9850-81-1571

Dummy PARCELS 1-4: 9850-91-2845

New Parcels
1: 9850-91 0030
2: 9850-92-5379
3: 9850-83-8179
4: 9850-82-5288 MAB



FLOODPLAIN NOTE:
100 YEAR FLOODPLAIN TAKEN FROM FEMA MAP:
COMMUNITY-PANEL NUMBER: 370342 0235 B
EFFECTIVE DATE: MARCH 16, 1981

LEGEND:
- ○ IRON FOUND
- ⊗ IRON SET
- △ CALC. CORNER
- □ CONC. MONU.

TOTAL AREA = 192.667 ACRES
±26.9 ACRES IN FLOOD PLAIN & BUFFER

AREA BETWEEN EXISTING R/W AND CENTERLINE ROAD = 2.080 ACRES

AREA:

TRACT 1	104.050 ACRES
TRACT 2	56.746 ACRES
TRACT 3	16.130 ACRES
TRACT 4	13.315 ACRES
AREA IN EXISTING R/W	2.080 ACRES
AREA OF ADDITIONAL 5' R/W DEDICATION	0.346 ACRES
TOTAL	192.667 ACRES

RECOMBINATION PLAT
TRACTS 1, 2, 3 & 4
PROPERTY OF
DON ANN ACRES, INC.

TAX MAP REFERENCE: 7.111. .1
PIN REFERENCE: ~~9850-91-2417~~
DEED BOOK REFERENCE: 487-186
PROPERTY ADDRESS: 1708 DAIRYLAND ROAD
OWNERS ADDRESS: c/o DON NEVILLE
4580 NORTHEAST 2ND STREET
OCALA, FLORIDA 34470

CHAPEL HILL TOWNSHIP
ORANGE COUNTY
NORTH CAROLINA

SCALE: 1" = 200' — JUNE 4, 2004

FREEHOLD LAND SURVEYS, INC.

113 W. MAIN STREET
P.O. BOX 188, CARRBORO, NC 27510
PHONE 919-929-8090
FAX 919-942-0698

CHARLES R. BILLINGS PROFESSIONAL LAND SURVEYOR L-2711
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ORANGE COUNTY
PLANNING BOARD
AGENDA ITEM ABSTRACT
Meeting Date: November 6, 2013

Action Agenda
Item No. 8

SUBJECT: Planning Board Annual Report / Work Plan for County Commissioners' Annual Planning Retreat

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1. Annual Report / Work Plan Form
2. Planning Board Interest Areas (January 2013)
3. Small Area Plan Implementation
4. UDO Implementation Bridge Status Spreadsheet
5. UDO Implementation Bridge Document

INFORMATION CONTACT:
Craig Benedict, 245-2592
Perdita Holtz, 245-2578

PURPOSE: Provide an annual report and work plan input to the Board of County Commissioners (BOCC) in preparation for its annual planning retreat.

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

Staff and advisory boards are asked to collaborate to complete the form that has been provided by the Clerk's Office and return by December 6. Proposed activities are to be consistent with the goals of the BOCC.

The Annual Report / Work Plan form (Attachment 1) has been completed by staff for Planning Board review and comment. Additionally, staff has updated the Small Area Plan Implementation spreadsheet (Attachment 3) and the spreadsheet related to the UDO Implementation Bridge "bucket list" (Attachment 4). Attachment 5 is the UDO Implementation Bridge report prepared by Clarion Associates during the UDO adoption process in early 2011. In January 2013, the Planning Board discussed members' "areas of interest" and this list is included as Attachment 2.

The Planning Board is involved with approximately 40 - 60% of the work Planning Department staff is responsible for (the percentage varies by year, depending on specific work being completed in a given year). For the upcoming year, Planning staff will be working on some items for which other advisory boards have primary responsibility. Examples of these tasks are transit issues, transportation planning, and economic development issues (not related to the UDO) in partnership with the Economic Development Department. Some work items the Planning staff is responsible for do not go to an advisory board for a recommendation (for

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example, water and sewer engineering and the annual report related to the Schools Adequate Public Facilities ordinance [SAPFO]).

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

1. Review the attached documents prior to the meeting.
2. Discuss members' ideas about activities to be worked on in 2014.
3. Direct staff to incorporate the results of the discussion into the Annual Report / Work Plan form and bring the final form back to the December 4, 2013 Planning Board meeting for approval.

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NAME OF BOARD/COMMISSION: Planning Board

Report Period: 2013 calendar year for annual report; 2014 calendar year for work plan

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

The Board of Commissioners welcomes input from various advisory boards and commissions in preparation for its annual planning retreat. Please complete the following information, limited to the front and back of this form. Other background materials may be provided as a supplement to, but not as a substitute for, this form.

Board/Commission Name: **Planning Board**

Person to address the BOCC at work session- if applicable- and contact information:
Pete Hallenbeck, Chair, (919) 732-6551, pete@eflandfd.org
(please note the Chair may change in January when the Planning Board holds elections – the Chair at the time the work session is held will address the BOCC)

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

How many times per month does this board/commission meet, including any special meetings and sub-committee meetings? **On average, twice per month (12 regular meetings + 4 Quarterly Public Hearings + special or sub-committee meetings).**

Brief Statement of Board/Commission's Assigned Charge and Responsibilities.
Under the authority of NC General Statute, the BOCC created the Planning Board to embark upon a continuing planning program, including but not limited to the preparation and maintenance of a Comprehensive Plan for Orange County, in protection of the public health, safety, and general welfare of present and future residents, landowners and visitors. The duties of the Planning Board are listed in Section 1.6.3 of the Unified Development Ordinance.
What are your Board/Commission's most important accomplishments?
Within last 3-years:

- **Three separate UDO text amendments that revised numerous regulations in order to better promote activity in the Economic Development Districts, Commercial Transition Activity Nodes, and Commercial-Industrial Transition Activity Nodes.**
- **UDO text amendment to add a new conditional zoning district – Rural Economic Development Area (REDA) – that is applicable to the geographic area in the "Highway 57 Speedway Area" Small Area Plan.**
- **Future Land Use Map and Zoning Atlas amendments in the Eno EDD Area.**
- **Zoning Atlas amendment to pre-zone certain properties (232 acres) in the Buckhorn/Mebane Commercial-Industrial Transition Activity Nodes (CITAN) to prepare the area for eventual non-residential development. (This is the area Morinaga recently announced they will locate in).**
- **UDO text amendment to address the development of solar arrays.**

More recently:

- **UDO, Comprehensive Plan & Zoning Atlas Amendments to adopt two new zoning overlay districts in Efland (denied by BOCC in Feb. 2013, to be**

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reconsidered in early 2014).
- **Annandale at Creekwood major subdivision preliminary plat.**
- **Triple Crown Farms major subdivision concept plan.**
- **UDO text amendment to require a neighborhood information meeting for governmental uses.**
- **UDO text amendment to change standards related to home occupations.**
- **UDO text amendment to establish a new conditional zoning district for Agricultural Support Enterprises and various accompanying changes to the text.**
- **Hillsborough/Orange County Central Orange Coordinated Area – Joint Land Use Plan**
- **In 2013, three property-owner initiated applications for rezonings were processed. The Planning Board reviewed all of these and issued a recommendation to the BOCC on each application.**

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

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

Describe this board/commission's activities/accomplishments in carrying out BOCC goal(s)/priorities, if applicable.
The Planning Board is involved in the ongoing implementation of the 2030 Comprehensive Plan. Potential projects listed in the "Implementation Bridge," such as updates to home occupation standards, continue to be work on as do small area plan implementation measures, such as the Eno EDD Access Management Plan and the Efland zoning overlay districts.

Work completed in past years, including UDO text updates and zoning atlas amendments, contributed greatly to the 2013 announcement that the Morinaga Company would located its new manufacturing facility in the Buckhorn-Mebane area.

If your board/commission played the role of an Element Lead Advisory Board involved in the 2030 Comprehensive Plan preparation process, please indicate your board's activities/accomplishments as they may relate to the Comprehensive Plan's goals or objectives.
(The Element Lead Advisory Boards include: Planning Board, EDC, OUTBoard, Commission for the Environment, Historic Preservation Commission, Agriculture Preservation Board, Affordable Housing Board, Recreation and Parks Advisory Council)
The processing of small area plan recommendations specifically addresses an objective included in the 2030 Comprehensive Plan. Following are specific Comprehensive Plan Goals and Objectives that have been part of the Planning Board's recent work:

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

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

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

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

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

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

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

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

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

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

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

Transportation Goal 3: Integrated land use planning and transportation planning that serves existing development supports future development, and is consistent with the

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County's land use plans which include provisions for preserving the natural environment and community character.

Identify any activities this board/commission expects to carry out in 2014 as they relate to established BOCC goals and priorities.
If applicable, if there a fiscal impact (i.e., funding, staff time, other resources) associated with these proposed activities (please list).
The Board will continue its work in partnership with staff to further implement recommendations contained within small area plans and the UDO Implementation Bridge and to implement existing and new BOCC priorities, some of which may emerge at the January 2014 BOCC retreat:

1. **Agricultural Support Enterprises.**
2. **Consideration of changes to the existing Public Hearing Process.**
3. **UDO Text Amendment to add two new overlay zoning districts in the Efland area and specify design standards for the areas. This item was denied by the BOCC in February 2013 but is scheduled to be reconsidered in early 2014.**
4. **Hillsborough-Orange County ETJ Swaps.**
5. **Comprehensive Plan and UDO amendments to implement the joint land use plan with the Town of Hillsborough.**
6. **Revisions to UDO regarding mass gathering and special events (must happen after Emergency Services/Attorney's Office enacts a Mass gathering Ordinance).**
7. **Address clustering in the Rural Buffer.**
8. **Amend regulations as necessary in response to legislative changes at the State level.**
9. **Continue to streamline regulations where possible.**

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

1. **Continue to expand rural enterprises by completing work on "Agricultural Support Enterprises" and Home Occupation standards.**
2. **Streamline the project approval/public hearing process by revising the existing quarterly public hearing process.**
3. **Work with appropriate staff/departments to better ensure properties can be reached by emergency personnel (e.g., driveway width and clearance, bridge weight limit signage and sufficiency to allow a fire truck to pass, gate width, curve radii sufficient for emergency vehicles.**
4. **Consider a new zoning district that relates to targeted research and development industry and applied light manufacturing.**
5. **Continue to "prezone" areas where possible to focus growth in appropriate areas with consistent land uses, thereby improving the review and approval process.**

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Interest Areas Raised by Planning Board Members at January 9, 2013 Meeting

Pete

1. Parts of UDO that deal with emergency services delivery
    a. Drainage pipes under driveways should be 16-feet, not 10-feet as fire trucks have a 12-foot wheelbase. cul-du-sac widths, pull-overs on 1 lane private roads, tree clearance.
2. Home Occupations. Current ordinance is too restrictive (max of 2 people)

Larry

1. Adult Entertainment
2. Gaming
3. Nuisance ordinance to protect EDDs

Tony

1. Definition of Transit Oriented Development
2. Regulations in rural economic development areas (doesn't think they're viable without some re-write of regulations)

Andrea

1. Supports looking a home occupations (especially traffic impacts)
2. Outdoor events and mass gatherings (enhance understanding. People need to know they might need a permit)

Johnny

1. Protection of natural resources. (what does it mean?)
2. Ways to produce less solid waste per capita and dispose and manage waste in an environmentally responsible way. Somehow change waste stream paradigm.
    a. Education needs to be done

Lisa

1. Supports looking at home occupations

Alan

1. Streamline approval processes, especially for "no brainer" projects.
    a. Determine what the hurdle is for people.

Buddy

1. Expand Efland interstate district to include areas around the US70 connector and parcels north and south of Ben Johnson Rd.

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

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

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	Small Area Plan Reccommendations		
	Efland-Mebane*	**Eno EDD**	**NC 57 Speedway**
	Combine 10 & 20-yr Transition to form Efland Transition Area - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.	Change portions of Economic Development to Mixed Use - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use categories.	
	Apply Efland Transition Area		
	Reevaluate Watershed Critical Area (Seven Mile Creek) and amend if required - COMPLETE		
	Change Commercial/Industrial Node to Economic Development - staff is not recommending this measure be pursued and the requirements for the Economic Development category are more restrictive than the requirements for CTAN/CITAN. Since the SAP was adopted, additional CITAN areas have been designated in the planning area.		
	Delete Rural Neighborhood Node - this had not been pursued because of a focus on economic development issues, but it can be pursued in the future if desired.		
Zoning Map and/or text	Develop overlay plan and zoning district to allow mixed uses along US 70 - PART COMPLETE and additional work was done but denied by the BOCC in Feb. 2013; to be reconsidered at the Fe. 2014 QPH	Amend permitted use tables for Eno EDD - This is a project that could be pursued if review of the existing zoning classifications determines amendments area necessary.	Create REDA conditional zoning district and guidelines - COMPLETE
	Add Mixed Use land use category - staff is recommending this measure not be pursued as the existing categories fit the needs of the area. There is no advantage in adding additional land use or zoning categories.	Coordinate zoning text changes with the City of Durham - This will be done if changes are pursued.	Amend ordinances to prescribe sustainable sustainable groundwater use standards - groundwater concerns are addressed/included in the REDA conditional zoning district.

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	Small Area Plan Reccommendations		
	Efland-Mebane*	**Eno EDD**	**NC 57 Speedway**
	Develop design standards for Efland Core Mixed Use area - HIGH priority - work has been done but denied by the BOCC in Feb. 2013; to be reconsidered at the Fe. 2014 QPH		Require new development or rezoning approvals to limit groundwater withdrawls to that of a single-family dwelling (480 gpd) - COMPLETE (included in REDA conditional zoning district)
	Reevaluate Watershed Critical Area (Seven Mile Creek) and amend if required - HIGH priority - COMPLETE		Review the need to develop regulations governing air quality and requiring local air quality permits
			Ordinance amendments to address parking lot design, circulation, and access. - These concerns in relation to speedways/go cart tracks were included in the amendments made to Section 5.7.5 as part of the REDA conditional zoning district amendments.
Transportation	Study road volumes and capacities - County to communicate to DOT	Limit access near I-85/US70 interchange	Complete an entry corridor design manual
NOTE: Comprehensive Transportation Plan currently being prepared for OC, which may provide initial steps towards implementing some of these items.	Realign Efland-Cedar Grove/Forrest Ave./Mt. Willing road corridor - County to communicate to DOT - the proposed zoning overlay district in this area (to be reconsidered at the Feb 2014 QPH) takes this into account		Acquire property and develop a welcome sign with landscaping
	Connection from Hwy 70E to Interstate connector identified and constructed - County to communicate to DOT - the proposed zoning overlay district in this area (to be reconsidered at the Feb 2014 QPH) takes this into account		
	Add park-n-ride lot - MEDIUM HIGH priority - project has been added to the MPO transportation planning process project list		

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	Small Area Plan Reccommendations		
	Efland-Mebane*	**Eno EDD**	**NC 57 Speedway**
	Bike lanes - County to communicate to DOT	Evaluate feasibility of bike lanes along Old NC10 and US70 - shoulder has been widened, although not an official bike lane	
	Sidewalk plan and sidewalks in new developments - HIGH priority - the BOCC considered "the sidewalk issue" at a work session in October 2011 and decided that the County will not be "in the sidewalk business" unless existing limitations in funding and maintenance in DOT Rules/Procedures are revised		
	Complete a streetscape plan (trees) - HIGH priority - while not a formal plan, provision for trees in buffers and landscaping is included in the zoning overlay districts scheduled for reconsideration at the Feb 2014 QPH		
	Preserve possibility for a commuter train station - County to communicate to DOT	Preserve possibility for a commuter train station	
	Provide bus service to area - being considered through the transporation planning process	Provide bus service to area - being considered through the transporation planning process	
	Mace Rd planned to connect through Lebanon - County to communicate to DOT		
	Plan an Interstate pedestrian overpass - County to communicate to DOT		
	Complete a Buckhorn Rd Access Management Plan - MEDIUM HIGH priority - PARTIALLY COMPLETE	Adopt access management program for US70 & Old NC10 - Currently (Nov. 2013) going through adoption process	Complete an Access Management Plan for NC57 corridor
Housing	Consider expedited review or density bonuses for developments offering smaller homes	Consider expedited review or density bonuses for developments offering smaller homes	
	Require a percentage of new homes within a subdivision to be affordable	Require a percentage of new homes within a subdivision to be affordable	

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	Small Area Plan Reccommendations		
	Efland-Mebane*	**Eno EDD**	**NC 57 Speedway**
	Examine strategies to preserve affordablity through neighborhood preservation.	Existing residential dwellings shall not be made non-conforming under any new zoning designation	
		Determine a percentage or acreage limit on residential uses within Eno Mixed Use area - COMPLETE	
Parks, Rec. & Open Space	Require dedication of small neighborhood parks - it is unlikely that public parks will be required due to maintenance requirements and funding limitations to maintain. However, this is something that can be considered on a case-by-case basis as a HOA amenity when subdivision pland are approved.	Preserve stream corridors and create public accessible trails among developed areas and Eno River State Park and Duke Forest	Initiate dialogue with quarry operator, Durham City/County, and State to ensure proper end use of property
	Plan and implement a trail system along McGowan Creek		
	When Seven Mile Creek Nature Preserve opens, provide a pedestrian/bicycle connection from Efland		
	Monitor space at Efland-Cheeks community center and expand accordingly - Currently being done by Parks & Rec. Dept.		
	Consider branch library at community center		
Communications	Complete a Telecommunications Plan and achieve cellular wireless coverage countywide - MEDIUM priority - the County has worked on this issue and maintains a MTP (Master Telecommunications Plan)	Complete a Telecommunications Plan and achieve cellular wireless coverage countywide - the County has worked on this issue and maintains a MTP (Master Telecommunications Plan)	
	Work with service providers to establish DSL and/or cable Internet service in growth areas - MEDIUM priority	Work with service providers to establish DSL and/or cable Internet service in growth areas	

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	Small Area Plan Reccommendations		
	Efland-Mebane*	**Eno EDD**	**NC 57 Speedway**
	Consider asking service providers to install generator backup instead of battery at cellular switch sites - MEDIUM priority	Consider asking service providers to install generator backup instead of battery at cellular switch sites	
Intergovernmental	Joint Planning Understanding or Agreement with Mebane - Ongoing communications with Mebane	Interlocal Agreement with City of Durham for water/sewer service and annexation process - COMPLETE (annexation will be voluntary only)	
	See also water/sewer above		

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
	Note: The ideas in the main body of the Implementation Bridge also appear in the Appendix, although they may be worded differently or may combine several separate comments into one idea.	
	Economic Development Ideas	
page 11	Streamline procedures for Economic Development Districts and commercial development applications. Consider expedited processing for such applications.	Significant amendments pertaining to economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
page 11	Study what local private businesses need in order to expand and thrive, and consider what regulatory changes could contribute to that objective.	
page 11	Consider different standards for application within Economic Development Districts to encourage commercial development.	Significant amendments pertaining to economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. Standards in the EDDs are still more rigorous than standards in the Commercial and Commercial-Industrial Transition Nodes. It may be desirable to review whether the standards should be different.
page 11	Create a predictable process for consideration of development applications within Economic Development Districts.	Significant amendments pertaining to economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.
page 11	Develop regulations for Rural Economic Development Areas.	A REDA conditional zoning district was adopted for the NC57/Speedway area on June 5, 2012. Additional rural economic development areas are not being contemplated at this time and are not supported by existing small area plans.
	Permitted Uses and Standards Ideas	
page 12	Differentiate between suburban and rural character, and adjust regulations relating to required features such as signing and transportation improvements.	Will be considered as topics are brought forward for revision. For example, changes to Outdoor Lighting standards, adopted Jan. 24, 2013, has slightly different standards for urbanizing vs. rural areas. Changes to Home Occupation standards (to be heard at the Nov. 2013 QPH) have different standards based somewhat on lot size.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 12	Review and adjust notification requirements to make more appropriate to rural vs. suburban areas. (E.g., rural rezonings may require larger areas of notification.	Staff recommends that notification requirements remain as written as rural rezonings do not have a greater area of immediate impact when compared to suburban/urban rezonings. The County's notification procedures comply with State statutes and include sign posting(s) and newspaper advertisements in addition to mailed letters to property owners within 500 feet of a parcel proposed for rezoning.
page 12	Revisit Conditional District provisions to consider restricting locations in which they can be applied.	Because of adjustments made to conditional districts near the end of the adoption process, this item is **DONE**.
page 12	Revisit home occupation rules.	Changes to Home Occupation standards will be heard at the November 2013 QPH.
page 12	Exclude government or municipal uses from residential zoning.	It is common zoning practice to allow public uses in residential zoning districts. Staff does not recommend that government uses be excluded from the residential zoning districts. Several years ago some government uses required issuance of an SUP but due to case law that discouraged governments from issuing themselves SUPs, the requirement was removed. In October 2013, Orange County adopted requirements that a Neighborhood Information Meeting be held prior to submission of a site plan for governmental uses.
page 12	Add back language about required findings that was formerly included for Planned Developments in the existing Zoning Ordinance.	Staff believes the language is properly referenced within the Conditional Use, Conditional Zoning, and Special Use Permitting processes and there is no need to add repetitive language back into the UDO.
page 12	Differentiate between urban and rural character for regulations such as signage and subdivision standards.	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 12	Review the full range of design standards that are currently included in the UDO, to determine if adjustments would help to promote County goals and objectives. (Note: the Appendix contains 22 specific suggestions for review of standards such as building height, lighting, signs, adult entertainment uses, road and driveway requirements, hours of operation, and airport zoning.)	
	Environmental Ideas	
page 13	Revise definitions and references to wastewater treatment systems to avoid opening possibilities for extension of sewer service into areas where the Land Use Plan contemplates no public sewer service.	
page 13	Consider criteria for locations of sampling stations under the Pollutant Monitoring Program. [Staff Note: this is synopsis the consultant wrote in response to #43 and 44 below]	There could be a policy or separate criteria governing locations but staff does not recommend that it become part of the UDO. One main issue is that the criteria could change from watershed to watershed, issue to issue. There really is no universal governing standard.
page 13	Consider establishing a mechanism for nutrient trading.	The State is examining the viability of a 'nutrient trading bank' where this could occur. As of this date there is still no consensus at the State level on the legality of such a program and, as a result, it is not currently recognized. This should be viewed as a long term goal and we need to wait and see what the State does in terms of establishing rules governing such a transfer.
page 13	Adjust Section 7.8.2 to encourage roads to be laid out in a manner that avoids significant natural features.	
page 13	Develop guidelines for Transit Oriented Development.	Because mass transit facilities do not currently exist in Orange County's jurisdiction and are not foreseen in the immediate future, staff recommends that developing guidelines/standards for TOD not be pursued at this time.
	Procedural Ideas	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 14	Explore ways to shorten review and approval processes.	Significant amendments pertaining to economic development were adopted on February 7, 2012. Additionally, proposed changes to the existing public hearing process will be brought forward for the Feb. 2014 QPH.
page 14	Include metrics for approval time for each process.	
page 14	Review telecommunication towers process.	Staff considers this to be **COMPLETED** with the Telecom amendments that were adopted on May 1, 2012.
page 14	Revisit roles and responsibilities of Planning Board vs. Board of Commissioners for approval decisions.	
page 14	Where we have electronic means to notify the public, we should add those as required notification mechanisms.	Rather than adding this to the UDO, staff would recommend that this become a policy instead of part of an ordinance. The County maintains electronic notification lists, which includes the ability to be notified when BOCC agendas are posted to the County website.
page 14	Reconsider public notification requirements for differences between rural versus suburban locations (in terms of distance for notice requirements).	Staff recommends that notification requirements remain as written as rural rezonings do not have a greater area of immediate impact when compared to suburban/urban rezonings. The County's notification procedures comply with State statutes and include sign posting(s) and newspaper advertisements in addition to mailed letters to property owners within 500 feet of a parcel proposed for rezoning.
page 14	Consider new ideas for public notification.	Rather than adding new requirements to the UDO, staff would recommend that any new ideas become a policy instead of part of an ordinance. The County maintains electronic notification lists, which includes the ability to be notified when BOCC agendas are posted to the County website.
page 14	Include more cross-references, on-line search mechanisms.	The UDO will soon begin to be maintained by MuniCode using their standard protocol
page 14	Mention the Orange County / Town of Hillsborough Interlocal Agreement.	Work on a joint land use plan was initiated in September 2012 and the Joint Land Use Plan was heard at the Sep. 2013 QPH. Text will be added to the UDO as necessary as items move through the adoption process.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
page 14	Develop more guidelines for selection of school sites.	
page 14	Mention the Water and Sewer Management, Planning, and Boundary Agreement.	
page 14	Incorporate references to Animal Control Ordinance, align definitions.	This was **COMPLETED** with recent amendments approved by the BOCC in January 2012. Definitions are now the same with respect to a Class I and Class II kennel from a Zoning and Animal Control Ordinance standpoint.
page 14	Include language to better differentiate between the different types of residential zoning districts.	This is the purpose of the "Purpose", "Applicability" and "Dimensional and Ratio Standards" sections of each of the zoning charts contained in Article 3.
page 14	Reconsider treating withdrawal of an application as a denial.	
	APPENDIX LIST	
1.	The size of a farm should be considered. Organic farmers, which seem to be the trend, 10 acres in order to be called a farm is a bit large for an organic farm. Considering farm income as a requirement to be a farm is difficult because prices can vary so much from income as a requirement to be a farm is difficult because prices can vary so much from year to year that one year a farmer can produce 300 bushels of corn and hardly breakeven because prices are low and the next year the same farmer can produce 120 bushels and make a lot because prices have gone up substantially.	State legislation defines "bonafide farm" and the definition is based on more than just size and/or single year income.
2.	Agricultural Support Enterprises regulations need to be written.	This project is underway and is scheduled for the Feb. 2014 QPH.
3.	Incentives for commercial development (expedited processes, etc.).	The Economic Development Department has been working on an incentive program. In regards to actual approval processes, Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
4.	Focus on the greatest value for the greater good of the entire county with purposeful philosophy and policies to achieve the economic resiliency and community diversity we desperately need and require at this time.	
5.	Examine what our local private businesses need in order to expand and thrive.	
6.	Examine why successful businesses left Orange County, such as Smith Breeden, Rho, Contact and BlueCross BlueShield's expansion, and determine what we need to do to have helped them grow here.	
7.	Economic development projects in the Economic Development Districts should have a predictable and expeditious approval process. Economic development projects in other appropriate areas should have a similar approval process.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. Changes to the existing quarterly public hearing process are scheduled to be brought forward at the Feb. 2014 QPH.
8.	Economic development approval processes and standards should be revised by local business and planning professionals in conjunction with UNC's Planning, Business and Law Schools.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. Changes to the existing quarterly public hearing process are scheduled to be brought forward at the Feb. 2014 QPH.
9.	An Economic Development Workgroup consisting of the BOCC, Planning Board and Economic Development Commission should meet Spring/Summer 2011 to examine expediting approval, targeting industries, permitted uses, specialized zoning district by SAP subarea and revised standards.	Significant amendments pertaining economic development were adopted on February 7, 2012. Staff recommends waiting to re-evaluate the process until after a project has been processed under the revised regulations. Changes to the existing quarterly public hearing process are scheduled to be brought forward at the Feb. 2014 QPH.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
10.	Agricultural Support Enterprises/Rural Economic Development Area, Speedway Small Area Plan and Transit Oriented Development are important initiatives using Conditional Use District structures should be important 2011 BOCC goals.	UDO amendments for Agricultural Support Enterprises are scheduled to be heard at the Feb. 2014 QPH. A REDA conditional district was adopted on June 5, 2012. TOD will need to be looked at in the future (see "Environmental Ideas" above).
11.	Examine Durham's American Tobacco Campus and American Underground to create an Orange County campus that is walk-able, diverse and attractive for mixed use including affordable space for Incubation and Startup businesses.	
12.	Different landscaping standards may be needed for EDDs.	Some changes were made as part of the amendments adopted on February 7, 2012. Staff recommends waiting to re-evaluate the standards until after a project has been processed under the revised regulations.
13.	Rural Economic Development Area (REDA) regulations need to be written.	A REDA conditional zoning district was adopted for the NC57/Speedway area on June 5, 2012. Additional rural economic development areas are not being contemplated at this time and are not supported by existing small area plans.
14.	Differentiate between urban and rural character -- applicable to signage and subdivision impacts on transportation.	
15.	Public notification requirements for public hearings and other procedures that are more appropriate rural versus suburban uses/districts (i.e., rural rezonings may require larger area of notification).	Staff recommends that notification requirements remain as written as rural rezonings do not have a greater area of immediate impact when compared to suburban/urban rezonings. The County's notification procedures comply with State statutes and include sign posting(s) and newspaper advertisements in addition to mailed letters to property owners within 500 feet of a parcel proposed for rezoning.

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
16.	Cluster development standards for suburban versus rural developments.	Users should keep in mind that it is difficult to cluster development that is not located on public water and sewer systems (or community well and package treatment systems; package treatment systems are not currently permitted in rural areas of the county).
17.	Need updated Airport Regulations.	
18.	Regulating adult entertainment uses and nuisance related events at these uses.	
19.	Airport zoning, possibly as conditional zoning district.	
20.	Review telecommunications towers process.	Staff considers this to be **COMPLETED** with the Telecom amendments that were adopted on May 1, 2012.
21.	Section 2.5.3, No mention of lighting, natural areas inventory, solid waste, or centralized recycling in requirements for information as applications are submitted. Should be added.	
22.	Include hours of operation. Lighting comes to mind -- Section 5.14.2 (A) (1)	
23.	Add no fault well repair to requirements.	
24.	Need to revisit private road standards.	
25.	There's a lack of land use criteria for reserving school sites. Need some general guidelines (i.e. not in wetlands or on slopes greater than X). Consult County School Joint Construction Standards.	
26.	Relation to adjacent properties is not addressed -- Section 7.13.3 (C) (1)	
27.	Is there any limit to building height? Flag for future.	The amendments pertaining to economic development that were adopted on February 7, 2012 set a maximum height limit (see Section 6.2.2)
28.	Are there provisions for shared driveways? It may be useful in certain cases (i.e. along highways/major roadways).	The Efland-Cheeks Overlay District (ECOD) has provisions for shared driveways. Additionally, the two new Efland area zoning overlay districts (to be reconsidered at the Feb 2014 QPH) have provisions for shared driveways.

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

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
32.	We have incandescent, metal vapor, fluorescent (which is mercury and a phosphorous), and LED. Each has a different lumens per watt rating. If light is being regulated, lumens should be the standard. Also, be aware that any light with a reflector will put out more light in a certain direction than a light with no reflector. As such, lumens is still a weak measure of light output but it is what is on the packaging for all lights and is easier to work with than getting into the amount of light energy per unit area type measurements (candles). As a rule of thumb, incandescent runs 5 to 30 lumens/watt, and LEDs run 60 to 110 lumens/watt.	This issue was addressed in a UDO text amendment pertaining to Outdoor Lighting (adopted Jan. 24, 2013).
33.	The limits under section (c) "General Operations" and (e) "Use of Accessory Structures" severely limit what a home occupation can do.	Changes to Home Occupation standards will be heard at the November 2013 QPH.
34.	Somewhere in the Standards for Residential Uses or Development Standards there should be a section that specifies minimum residential driveway sizes of 12 feet wide by 14 feet vertical clearance (already stated in 7.8.5 (B) (15) on page 7-32) for fire apparatus. This is the cleared width of the driveway, not the width of gravel or paving.	There needs to be a comprehensive re-assessment of existing development standards with respect to roadway development (i.e. private road justification) and access management. This review should not be limited to ensuring access for emergency vehicles.
35.	The travel-way width for Class B with 2 lots should be specified as 12 feet of cleared space, no standard for width of gravel or hard surface.	Section 7.8.5 (D) of the UDO requires an improved travel width of 12 feet for a Class B road (i.e. subdivisions between 3 and 5 lots) and an improved travel width of 18 feet for a Class A road (i.e. between 6 and 12 lots). Anything over 12 lots needs to be developed to the NC DOT public road standard.
36.	Under (5) (b): 16 feet should be 18 feet so that a passenger car can be passed by fire apparatus. For Class B roads with 3 or more lots, there should be an area 20 feet wide by 50 feet long every 1500 feet to that fire apparatus can pass each other.	

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
37.	On (I), remove the word “incandescent” since LED lights are now often used for holiday decorations. Low wattage is not defined, but a typical nightlight/big Christmas tree bulb is 7 watts so you could say any wattage under 10 watts. It would make more sense to use a lumen rating, such as less than 150 lumens. On (J), first off this should be a lumen limit, not watts. As the limit reads, this looks like a total lumens for any given motion activated switch. The lumens looks like it was derived from two incandescent 75 watt bulbs, probably flood lights. Note that if this is the case, the maxim lumens should be 2400. There are many motion activated systems where a sensor can turn on multiple light fixtures. So I would re-word this to have a 2400 lumen limit per light fixture controlled by the sensor. Finally, on this max lumens per fixture, there are standard outdoor floodlight fixtures that take 3 bulbs. For those fixtures, a reasonable max lumens would be around 3600. You could also add a limit of no one bulb can exceed a rating of 2100 lumens (a 120 watt equivalent) if the intent is to avoid the larger single bulb fixtures -- Section 6.11.3. This is where a definition of “mercury vapor luminaries” is needed. As written, this could mean that any standard fluorescent or compact fluorescent light could not be used, since they are a mercury-phosphorous based light.	This issue was addressed in a UDO text amendment pertaining to Outdoor Lighting (adopted Jan. 24, 2013).

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

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

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
46.	Nutrient trading.	The State is examining the viability of a 'nutrient trading bank' where this could occur. As of this date there is still no consensus at the State level on the legality of such a program and, as a result, it is not currently recognized. This should be viewed as a long term goal and we need to wait and see what the State does in terms of establishing rules governing such a transfer.
47.	Low Impact Design (LID).	The State is examining the viability of a 'nutrient trading bank' where this could occur. As of this date there is still no consensus at the State level on the legality of such a program and, as a result, it is not currently recognized. This should be viewed as a long term goal and we need to wait and see what the State does in terms of establishing rules governing such a transfer.
48.	Review thresholds and processes associated with the permitting of wastewater treatment facilities.	
49.	Section 7.8.2, Public roads need to be laid out in a manner that avoids significant natural and cultural features.	
50.	Transit Oriented Development (TOD) regulations need to be written.	Because mass transit facilities do not currently exist in Orange County's jurisdiction and are not foreseen in the immediate future, staff recommends that developing guidelines/standards for TOD not be pursued at this time.
51.	Will staff be making recommendations to shorten any of the processes?	Significant amendments pertaining to economic development were adopted on February 7, 2012. Additionally, proposed changes to the existing public hearing process will be brought forward for the Feb. 2014 QPH.
52.	There is an unusual threshold requirement in the Subdivision Regulations – the 21st lot of a subdivision kicks you into an Special Use Permit (SUP) process. Needs to be looked at again – make part of future changes. Planning Board should be able to approve 20 lots or less (without BOCC involvement).	These thresholds were debated at the time they were adopted (early 2000's). The BOCC will have to decide if it would like to change the current process which requires BOCC approval of subdivisions containing 5 or more lots (generally; there are other criteria that also define subdivisions).

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

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

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	Implementation Bridge - Future Phase Suggestions	Planning Staff Comment
69.	Section 2.2.8 (A), Shouldn't have to wait a year if withdrawn. 6-months for withdrawal and 1-year for denial?	
70.	Section 2.15.3 (C) (4).- There is no deadline for agencies to respond.	
71.	Section 2.15.2 (C) (5) - Not applicable if flexible development option used.	
72.	Section 2.17, Need a process other than that of a major subdivision for recombining existing lots.	
73.	Need language that will differentiate between the different types of residential zoning districts.	This is the purpose of the "Purpose", "Applicability" and "Dimensional and Ratio Standards" sections of each of the zoning charts contained in Article 3.
74.	Regarding Impervious Surface Ratios and Sliding Scales, the two tables should be combined into one. Need to understand ramifications of any proposed changes --Section 4.2.5.	**COMPLETED** as part of UDO adoption process.
75.	Some home occupations are permitted but not associated storage? This needs clarification.	Changes to Home Occupation standards will be heard at the November 2013 QPH.
76.	Kennels and Riding Stables should be addressed separately. Should they require a Class A or Class B Special Use Permit?	These two uses were uncoupled as a use category with an amendment adopted on October 18, 2011. The question regarding which approval process to use has not been resolved.
77.	Clarify how open space areas of golf courses are counted towards meeting ordinance requirements.	

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

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

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

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Attachment 5

Orange County, NC
Code of Ordinances

Unified Development Ordinance

Implementation Bridge

March 24, 2011

Prepared by
Clarion Associates

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Appendix 18

A. INTRODUCTION AND PURPOSE

What is an Implementation Bridge?

Orange County has been working to develop a Unified Development Ordinance (UDO). This project was initiated in fall, 2009, to consolidate existing County land use regulations into a central document where all regulations governing the development and use of property would be located. This new UDO includes regulations currently contained within the following documents:

- Zoning Ordinance
- Subdivision Ordinance
- Soil Erosion and Sedimentation Control Ordinance
- Flood Damage Prevention Ordinance
- Environmental Impact Ordinance
- Stormwater Ordinance for Neuse River Lands

Benefits of placing all development regulations into one central document include making existing land use regulations more user-friendly, and eliminating existing contradictions and inconsistencies. The County's 2030 Comprehensive Plan supports the development of a UDO.

On August 24, 2009, the Board of County Commissioners authorized County planning and zoning staff to:

- Incorporate land use development regulations into a central document;
- Correct identified inconsistencies;
- Begin modification/updating of existing development standards (i.e. signage, parking, landscaping, lighting, stream buffers, etc);
- Update graphics/tables; and
- Develop Conditional Use/Rezoning regulations.

The process of creating the UDO was intended to be incremental. Work to initially create the document would be Phase I, focusing on structure, organization, and the specified adjustments noted above. It was anticipated at the beginning of this initiative that ideas for other substantive changes to the County's land use regulations would be offered during the process of creating the UDO. Accordingly, the concept of an "Implementation Bridge" was introduced: An inventory of these ideas would be maintained, and at the end of Phase I a report would be prepared documenting public comments and providing a synopsis of possible future UDO amendments that would follow in Phase II and beyond. This Implementation Bridge is that report. It is intended

to be a summary of issues, comments, suggestions, and concerns, along with strategies for addressing these.

How Should This Document be Used?

This Implementation Bridge is intended to be a reference and repository of ideas. During public review of the initial drafts of the Unified Development Ordinance, many comments and suggestions were offered by citizens, stakeholders, and Board members. The substantive comments that suggest future ordinance amendments as part of Phase II of this initiative and beyond have been collected, and appear as an Appendix to this report. This document also includes recommendations for priorities and strategies in pursuing subsequent amendments to the UDO as Phase II and beyond. The comments that have been received are summarized here, grouped into the following categories: economic development ideas, use and design ideas, environmental ideas, and procedural ideas.

Orange County's main policy document addressing land use issues is its 2030 Comprehensive Plan. The Comprehensive Plan sets forth goals and objectives for the future of Orange County, and serves as a blueprint and guide for decision-making. Development of the Unified Development Ordinance is called for in the Comprehensive Plan, and the UDO has been drafted within the context of the goals and objectives articulated in the Plan. Consideration of Comprehensive Plan principles and guidance is paramount in the development and subsequent adjustment of the new Unified Development Ordinance. Accordingly, the goals of the Comprehensive Plan are reiterated below, for reference and consideration as work proceeds on the UDO.

This Implementation Bridge concludes with recommendations for proceeding into Phase II and beyond - - suggestions for priorities in considering a sequence of amendments to the new UDO.

B. RELATIONSHIP TO COMPREHENSIVE PLAN

Overarching Goals of the Comprehensive Plan

Orange County's Comprehensive Plan was adopted in November, 2008, following an extensive process of discussion and citizen engagement. The Plan was written and adopted with the intent of being a blueprint document to guide future policy decisions for the County through the year 2030. Eight Lead Advisory Boards provided leadership and direction for the Plan:

- Planning Board
- Economic Development Commission
- Affordable Housing Advisory Board
- Commission for the Environment
- Agricultural Preservation Board
- Historic Preservation Commission
- Parks and Recreation Advisory Council
- Orange Unified Transportation

A point of consensus in Orange County that emerged during preparation of the Plan is that the County needs to move toward becoming a sustainable community. The Comprehensive Plan includes a focus on implementation that is designed to link the economy, the environment, and social equity.

There are seven Overarching Goals highlighted in the Comprehensive Plan, as follows:

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

2. Housing: Opportunity for all citizens for Orange County to rent or purchase safe, decent, accessible, and affordable housing.

3. Land Use: Coordination of the amount, location, pattern and designation of future land uses, with the 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.

4. Natural and Cultural Systems: A sustainable balance and appreciation of natural, cultural, and agricultural resources.

5. Parks and Recreation: Regionally coordinated park facilities that provide healthy opportunities for recreation and exercise for all citizens of Orange County, and that preserve important cultural and natural resources.

6. Services and Facilities: Growth consistent with the provision of adequate and sustainable County services and facilities while managing the impacts upon the environmental infrastructure and effectively protecting the County's natural and cultural resources.

7. Transportation: An efficient and balanced transportation system that uses multiple motorized and non-motorized modes of transportation and for which the planning, design, and implementation will be guided by the following overarching qualities:
    A. Protects air quality, water quality and quantity, soil quality, and biological resources.
    B. Promotes public health and safety.
    C. Encourages sustainable economic development.
    D. Provides equal access to all users.
    E. Is highly modally and inter-modally integrated and connected.
    F. Fosters sustainable and efficient use of resources, including financial and natural resources.
    G. Protects the County's natural and cultural heritage.
    H. Uses creative and well-designed infrastructure.
    I. Is attractive, user-friendly, and easy to understand because of factors such as signage, brochures, and web pages.
    J. Respects privacy and citizen rights.

These overarching goals form the foundation and structure for the Comprehensive Plan. Each of these topics has its own Element in the Plan, each of which includes specific goals and objectives.

Specific Goals of the Comprehensive Plan

The 2030 Comprehensive Plan then goes on to build on these seven overarching goals and identifies individual specific goals as points of focus and direction for the future. These individual goals are policy directives; as implementation strategies are brought forward as ordinance amendments in future phases of the UDO process, these individual goals will offer guidance on proposed regulatory changes. Following are the specific goals included in the Plan:

Economic Development Goals

Economic Development–1: Public-private sector partnerships that create a stronger business climate.

Economic Development–2: Infrastructure that supports desired development.

Economic Development–3: Effective systems to train and support residents and those who work in Orange County.

Economic Development–4: Partnerships that ensure the County remains a great place in which to live and work.

Housing Goals

Housing–1: A wide range of types and densities of quality housing affordable to all in all parts of the County.

Housing–2: Housing that is usable by as many people as possible regardless of age, ability, or circumstance.

Housing–3: The preservation, repair, and replacement of existing housing supply.

Housing–4: Development ordinances and incentives that promote inclusionary practices and housing options for all income levels.

Land Use Goals

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

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

Land Use–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.

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

Land Use–5: Life, health, and property safe from hazards.

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

Natural and Cultural Systems Goals

Natural and Cultural Systems–1: Energy conservation, sustainable use of non-polluting renewable energy resources, efficient use of non-renewable energy resources, and clean air.

Natural and Cultural Systems–2: Economic viability of agriculture, forestry, and horticulture and their respective lands.

Natural and Cultural Systems–3: Infrastructure and support systems for local and regional agriculture.

Natural and Cultural Systems–4: Preservation of historic, cultural, architectural and archaeological resources, and their associated landscapes.

Natural and Cultural Systems–5: Awareness and appreciation of the diverse cultural history and heritage of Orange county and its residents.

Natural and Cultural Systems–6: Sustainable quality and quantity of ground and surface water resources.

Natural and Cultural Systems–7: A balanced and healthy diversity of native plant and animal populations.

Natural and Cultural Systems–8: Networks of protected natural, cultural, and agricultural lands.

Parks and Recreation Goals

Parks and Recreation–1: Adequate parks and recreational facilities for all citizens within the County, regardless of age, gender, race, or disability.

Parks and Recreation–2: A partnership among regional recreational providers and facility owners/managers, including the appropriate co-location and sharing of school facilities, that meets the County's recreation needs.

Parks and Recreation–3: Recreational facilities available for the public use in a manner that is multi-generational and accessible to all County citizens at both the countywide and community levels.

Parks and Recreation–4: Healthy lifestyles, quality of life and community building through the provision of a variety of affordable recreational facilities and choice of leisure activities, while responding to the changing needs and interests of County residents.

Parks and Recreation–5: Park and recreational facilities that are environmentally responsible, and where cultural and natural resources and open space within these sites are protected.

Services and Facilities Goals

Services and Facilities-1: Efficient provision of public water and sewer service systems which are consistent with the Land Use Plan and which abide by the current Water and Sewer Management, Planning, and Boundary Agreement, the existing Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and future agreements to be negotiated among the County and public and private service providers.

Services and Facilities-2: Adequate, safe, and healthy groundwater withdrawal and wastewater disposal systems with minimal impacts upon water and land resources.

Services and Facilities-3: High quality educational facilities that support our diverse and growing population and present opportunities for life-long learning.

Services and Facilities–4: High quality library facilities that support our diverse and growing population and present opportunities for life-long learning.

Services and Facilities-5: Efficient and effective drainage, stormwater, floodplain management, and erosion control systems.

Services and Facilities-6: Less solid waste per capita with cost effective and environmentally responsible disposal and management.

Services and Facilities-7: Efficient and effective public safety including police, fire, telecommunications, emergency services, and animal services.

Transportation Goals

Transportation–1: An efficient and integrated multi-modal transportation system that protects the natural environment and community character.

Transportation–2: A multi-modal transportation system that is affordable, available, and accessible to all users and that promotes public health and safety.

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

Transportation–4: A countywide and regionally-integrated, multi-modal transportation planning process that is comprehensive, creative and effective.

How the New UDO Implements the Plan

One of the main mechanisms available to Orange County to pursue achievement of these goals is enactment and enforcement of County Ordinances. It is in pursuit of the implementation of these Comprehensive Plan goals that the Unified Development Ordinance initiative was undertaken. The Comprehensive Plan is and should be referenced throughout the UDO. Decision making procedures articulated in the UDO specifically include, wherever legally authorized, determination of consistency with the Comprehensive Plan as one of the criteria for approval of land development proposals.

C. IDEAS RAISED DURING THE UDO PROCESS

When the Orange County Board of Commissioners initiated this UDO process, it was made clear that the intent was to first coordinate, combine, and re-structure the array of existing ordinances. The objective was to eliminate redundancy, make the ordinances more user-friendly, incorporate recent changes in State enabling legislation, and make minor adjustments. It was clear from the outset that there were many objectives in the Comprehensive Plan that warranted consideration in the form of ordinance changes. It was also expected that in the public review of a new draft UDO there would be many ideas and suggestions for substantive changes offered by citizens and advisory boards. Accordingly, arrangements were made early on to collect these comments and ideas, and organize them into an "Implementation Bridge" at the end of the UDO process. The key point was to not lose any of the ideas that would be offered.

That, as stated earlier, is the reason for preparation of this document: to organize the collected comments that suggest UDO revisions so that the comments can be carefully considered, with suggested priorities and an assessment of time-sensitivity.

Following is a summary of the comments that were offered and presented during public events and in individual correspondence, as communicated to the County by the public, advisory board members, and Board of County Commissioners. This summary categorizes and organizes comments by topic not in any priority order, and prefaced by references to Comprehensive Plan goals. Ideas are summarized here. A fuller description of the ideas and comments received is included in the Appendix to this report, presented in the same order as appears here. There is no attempt in presenting this list to evaluate the comments.

Economic Development Ideas

Ideas were offered during the UDO review process that suggest adjustments to better encourage economic development-related activity.

Relevant Comprehensive Plan Provisions

General Economic Development Goal: The County seeks to attract and promote the types of businesses suited to Orange County, businesses that will provide jobs to local residents and provide a more balanced revenue structure that relies less on the generation of private property taxes.

There was strong support during the process for consideration of incentives to encourage economic activity and job creation of the type envisioned for Orange County, and for increased attention to provisions relating to the County's Economic Development Districts.

Incentives

- Streamline procedures for Economic Development Districts and commercial development applications. Consider expedited processing for such applications.
- Study what local private businesses need in order to expand and thrive, and consider what regulatory changes could contribute to that objective.

Economic Development Districts

- Consider different standards for application within Economic Development Districts to encourage commercial development.
- Create a predictable process for consideration of development applications within Economic Development Districts.
- Develop regulations for Rural Economic Development Areas.

Permitted Uses and Standards Ideas

Ideas were offered during the UDO review process that suggest further attention to what land uses are permitted where, to design standards.

Relevant Comprehensive Plan Provisions

General Land Use Goal: Mixed-use is actively encouraged, and locations for new mixed-use centers are being identified, providing live-work-shop opportunities that minimize travel needs.

Housing Goal–1: A wide range of types and densities of quality housing affordable to all in all parts of the County.

Housing Goal–4: Development ordinances and incentives that promote inclusionary practices and housing options for all income levels.

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.

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.

Services and Facilities Goal-1: Efficient provision of public water and sewer service systems which are consistent with the Land Use Plan and which abide by the current Water and Sewer Management Planning Boundary Agreement, the existing Orange county-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and future agreements to be negotiated among the County and public and private service providers.

There was strong support during the process for further consideration of the differentiation between suburban and rural areas, for review of what land uses are permitted where, and consideration of design standards that are applied to new development.

Suburban-Rural Edge Differentiation

- Differentiate between suburban and rural character, and adjust regulations relating to required features such as signing and transportation improvements.
- Review and adjust notification requirements to make more appropriate to rural vs. suburban areas. (E.g., rural rezonings may require larger areas of notification.)

Uses

- Revisit Conditional District provisions to consider restricting locations in which they can be applied.
- Revisit home occupation rules.
- Exclude government or municipal uses from residential zoning.

Standards

- Add back language about required findings that was formerly included for Planned Developments in the existing Zoning Ordinance.
- Differentiate between urban and rural character for regulations such as signage and subdivision standards.
- Review the full range of design standards that are currently included in the UDO, to determine if adjustments would help to promote County goals and objectives. (Note: the Appendix contains 22 specific suggestions for review of standards such as building height, lighting, signs, adult entertainment uses, road and driveway requirements, hours of operation, and airport zoning.

Environmental Ideas

Ideas were offered during the UDO review process that suggest additional attention to regulatory provisions aimed at environmental protection and preservation.

Relevant Comprehensive Plan Provisions

General Natural and Cultural Systems Goal: The goal is to provide a network of protection for natural, cultural, and agricultural lands, protecting natural areas, prime forests, and wildlife habitats. Preservation of working farms is a key theme, along with protection of historical character. Energy efficiency and use of alternative fuel and power generation options are encouraged.

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.

Natural and Cultural Systems Goal–4: Preservation of historic, cultural, architectural and archaeological resources, and their associated landscapes.

There was strong support during the process particularly for consideration of regulatory provisions related to stormwater management, water quality, and transportation.

Stormwater Management and Groundwater

- Revise definitions and references to wastewater treatment systems to avoid opening possibilities for extension of sewer service into areas where the Land Use Plan contemplates no public sewer service.
- Consider criteria for locations of sampling stations under the Pollutant Monitoring Program.
- Consider establishing a mechanism for nutrient trading.

Transportation

- Adjust Section 7.8.2 to encourage roads to be laid out in a manner that avoids significant natural features.
- Develop guidelines for Transit Oriented Development.

Procedural Ideas

Ideas were offered during the UDO review process that suggest additional attention to the procedures that are spelled out in the ordinance, to further enhance the effectiveness of the UDO.

Relevant Comprehensive Plan Provisions

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

There was strong support during the process for consideration of changes that would streamline processes and enhance communication with citizens. There were also suggestions related to formatting in the UDO, and requests for clarification of certain provisions.

Streamlining

- Explore ways to shorten review and approval processes.
- Include metrics for approval time for each process.
- Review telecommunication towers process.
- Revisit roles and responsibilities of Planning Board vs. Board of Commissioners for approval decisions.

Communication

- Where we have electronic means to notify the public, we should add those as required notification mechanisms.
- Reconsider public notification requirements for differences between rural versus suburban locations (in terms of distance for notice requirements).
- Consider new ideas for public notification.

Formatting / Clarification

- Include more cross-references, on-line search mechanisms.
- Mention the Orange County / Town of Hillsborough Interlocal Agreement.
- Develop more guidelines for selection of school sites.
- Mention the Water and Sewer Management, Planning, and Boundary Agreement.
- Incorporate references to Animal Control Ordinance, align definitions.
- Include language to better differentiate between the different types of residential zoning districts.
- Reconsider treating withdrawal of an application as a denial.

D. RECOMMENDATIONS

Recommended Phased Consideration of Amendments

All of these ideas cannot be considered or pursued at once. Since both the Comprehensive Plan and this Implementation Bridge offer numerous ideas, Orange County needs a framework that will allow the County to take action in a dynamic, orderly, and timely fashion. Orange County has a strong culture and tradition of carefully and purposefully examining public policy proposals. Accordingly, this Implementation Bridge concludes with suggestions for priorities and phasing for next steps. All the ideas should be considered; but since all cannot be considered simultaneously in an effective and time-efficient manner, identification of priority topics would be useful.

There are two categories of topics to highlight: (1) Issues that repeatedly were raised in public comments about Orange County's development regulations; and (2) Issues that are particularly compelling or time-sensitive.

It would be reasonable to construct a phased approach to pursuing amendments to the new UDO, once it is adopted, based upon the two priority categories described above. A preliminary list of priority topics follows, and it would be reasonable to schedule work and consideration of these as amendments to the new UDO as soon as possible following adoption. Consideration of the balance of issues that have been raised should take place as time and workloads permit.

1. Issues Repeatedly Raised During Consideration of the UDO

Adjust Proposed Conditional Districts: The most common issue brought forward during Board and citizen comments, and by the jurisdictions of Carrboro and Chapel Hill, was concern about potential widespread use of Conditional Districts throughout the rural portions of Orange County. Concerns were both about lack of restrictions on locations for use of these districts, and about Planned Development language in the existing Zoning Ordinance that was not carried over explicitly into the new UDO. Orange County staff and Planning Board each responded to these concerns by proposing adjustments to the UDO to be included prior to final adoption. The Planning Board's recommendation for approval of the UDO includes these adjustments. ***If the Board of Commissioners makes these recommended adjustments in the UDO that is enacted, the issue is addressed. If the Board of Commissioners decides that this issue needs further study and adopts the UDO without these adjustments, consideration of the adjustments should lead the list of next steps.***

Promote Economic Development: Orange County has had Economic Development Districts in place for 20 years, with only small amounts of activity. Citizens and Boards repeatedly mentioned need for further adjustments to the UDO to help in promoting needed economic development activity. In addition, there were non-UDO issues raised, such as attention to extension of water-sewer service in strategic locations, and technology improvements such as increased areas of available internet access.

Streamline the Process: Numerous comments focused on procedures, and on opportunities to streamline regulation. Opinions were offered suggesting shorter review processes and an efficient system for review of proposals by advisory boards, commissions, and elected officials.

Adjust Location-Specific Standards: Concerns about preservation of rural character were expressed, along with requests for further refinement of standards promoting targeted density and mixed use patterns. "Edge" issues were raised, focusing on the relationships between low-density, protected areas and activity centers. It would be helpful to further study the locational components of density and mixed use standards, with particular reference to existing and forthcoming Small Area Plans, to determine if further refinement or calibration is warranted.

2. Issues That Are Particularly Compelling or Time-Sensitive

Review Procedures: There were many comments offered about procedures that are included in the new UDO, summarized above and listed in the Appendix to this document. It would be prudent in any case to schedule a review and potential adjustment to procedures 3-6 months following enactment of the new UDO, with the benefit of drawing from initial experience in administering the regulations to highlight adjustments that would improve usability. During that review process, it would be desirable to consider each procedural suggestion that has been made and compare suggestions with the early experiences of using the UDO to decide if adjustments are warranted.

Consider Design Standards that may further Comprehensive Plan Goals: Revisit the standards included in the new UDO, with particular attention to locational differences in character between rural and suburban areas, and how standards might be adjusted or developed to reflect those differences.

Recommended Next Steps

As always, and as is appropriate, guidance from the Orange County Board of County Commissioners is needed to provide direction for next steps. As the new UDO approaches the point of adoption, it is desirable for the Board of Commissioners to set priorities for staff and Planning Board work on Phase II of this initiative - - the first set of amendments/adjustments to the new UDO - - and also to identify topics for consideration in subsequent phases following Phase II.

The priority areas suggested above can serve as the starting point for this discussion of phased work on amendments. If the Board of Commissioners finds this suggested list (or adjustments to this list as decided by the Board) to be an acceptable "game plan," the Board may choose to refer the list to staff to come back with a specific process and schedule for consideration of these amendments. The Board of Commissioners could also decide to refer this list to the Planning Board for recommendation prior to giving direction to staff, to seek the Planning Board's advice regarding priorities for Phase II work and additional issues that should be given early attention.

Appendix

This Appendix consists of three components, all suggesting areas for further/additional consideration of UDO provisions. This compendium of suggestions for future ordinance amendments was compiled from input received during public review of the new Unified Development Ordinance.

The first section is entitled "Future Phase Suggestions," and is a collection of comments that have been collected and grouped by topic. The second section offers two resolutions that were adopted and forwarded by the Towns of Carrboro and Chapel Hill. The third section is "Excerpt Alice Gordon's Comments (Pages 1-3 of 24-page Fax)."

These materials follow, beginning on the next page.

APPENDIX: FUTURE PHASE SUGGESTIONS RECEIVED TO DATE

March 2, 2011

Listed below are ideas that the Orange County Planning staff received as part of the 2009-2010 Unified Development Ordinance review process, or are aware of because the idea was raised during the 2030 Comprehensive Plan process. At this time, these ideas are not being incorporated into the UDO as they exceed the scope of work with which staff was approved to proceed. They are collected and listed here as a resource for consideration of future amendments to the UDO.

The comments are listed as submitted by citizens, stakeholders, and Board members, without evaluation. They appear below grouped by category of comment. The ideas are numbered sequentially and continuously throughout this Appendix for ease of reference.

COMMENTS RELATED TO ECONOMIC DEVELOPMENT

NEED FOR INCENTIVES

1. The size of a farm should be considered. Organic farmers, which seem to be the trend, 10 acres in order to be called a farm is a bit large for an organic farm. Considering farm income as a requirement to be a farm is difficult because prices can vary so much from year to year that one year a farmer can produce 300 bushels of corn and hardly break even because prices are low and the next year the same farmer can produce 120 bushels and make a lot because prices have gone up substantially.
2. Agricultural Support Enterprises regulations need to be written.
3. Incentives for commercial development (expedited processes, etc.).
4. Focus on the greatest value for the greater good of the entire county with purposeful philosophy and policies to achieve the economic resiliency and community diversity we desperately need and require at this time.
5. Examine what our local private businesses need in order to expand and thrive.
6. Examine why successful businesses left Orange County, such as Smith Breeden, Rho, Contact and BlueCross BlueShield's expansion, and determine what we need to do to have helped them grow here.
7. Economic development projects in the Economic Development Districts should have a predictable and expeditious approval process. Economic development projects in other appropriate areas should have a similar approval process.
8. Economic development approval processes and standards should be revised by local business and planning professionals in conjunction with UNC's Planning, Business and Law Schools.

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9. An Economic Development Workgroup consisting of the BOCC, Planning Board and Economic Development Commission should meet Spring/Summer 2011 to examine expediting approval, targeting industries, permitted uses, specialized zoning district by SAP subarea and revised standards.
10. Agricultural Support Enterprises/Rural Economic Development Area, Speedway Small Area Plan and Transit Oriented Development are important initiatives using Conditional Use District structures should be important 2011 BOCC goals.
11. Examine Durham's American Tobacco Campus and American Underground to create an Orange County campus that is walk-able, diverse and attractive for mixed use including affordable space for Incubation and Startup businesses.

TARGETING ECONOMIC DEVELOPMENT DISTRICTS

12. Different landscaping standards may be needed for EDDs.
13. Rural Economic Development Area (REDA) regulations need to be written.

COMMENTS RELATED TO USES AND STANDARDS

SUBURBAN-RURAL EDGE AND DIFFERENTIATION

14. Differentiate between urban and rural character -- applicable to signage and subdivision impacts on transportation.
15. Public notification requirements for public hearings and other procedures that are more appropriate rural versus suburban uses/districts (i.e., rural rezonings may require larger area of notification).
16. Cluster development standards for suburban versus rural developments.

PERMITTED LAND USES

17. Need updated Airport Regulations.
18. Regulating adult entertainment uses and nuisance related events at these uses.
19. Airport zoning, possibly as conditional zoning district.
20. Review telecommunications towers process.

DESIGN OF DEVELOPMENT

21. Section 2.5.3, No mention of lighting, natural areas inventory, solid waste, or centralized recycling in requirements for information as applications are submitted. Should be added.
22. Include hours of operation. Lighting comes to mind -- Section 5.14.2 (A) (1)
23. Add no fault well repair to requirements.

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24. Need to revisit private road standards.
25. There's a lack of land use criteria for reserving school sites. Need some general guidelines (i.e. not in wetlands or on slopes greater than X). Consult County School Joint Construction Standards.
26. Relation to adjacent properties is not addressed -- Section 7.13.3 (C) (1)
27. Is there any limit to building height? Flag for future.
28. Are there provisions for shared driveways? It may be useful in certain cases (i.e. along highways/major roadways).
29. Many places in the UDO have a restriction on the height of a building. While residential structures tend to have 9 to 12 feet per floor, commercial structures can have as much as 15 feet per floor. As the structure covers more area, the roof can have a substantial amount of height to it if it is not a flat roof. Architectural details such as facades and cupolas can affect the height.
30. My comment is this: Would it make more sense to specify the number of occupied stories as a limit on the structure? An occupied story would not include attic space or utility rooms- it would be space occupied by people working in the structure. Page 3-44 and page 4-18 are examples of where this specification occurs. Note that the height limitations that change with additional setback could be used as a maximum height such that either a (for example) 3 story limit _OR_ the maximum height based on setback would be the height limit for the building. An example of this setback based number is found at the top of page 6-2. I would also add in (not sure where) than any building whose height exceeds the apparatus or ladder height restrictions of the fire departments which would respond to a structure fire would be required to be sprinklered.
31. There are various metal vapor lights, the most common being Mercury and Sodium vapor. It would be nice to know why Mercury is being singled out. In particular, is it the presence of Mercury (i.e. environmental) or is it the use of a specific type of fixture such as the yard lights utilities sell that is the concern. If the concern is environmental, then would it not also apply to all fluorescent lights which use mercury?
32. We have incandescent, metal vapor, fluorescent (which is mercury and a phosphorous), and LED. Each has a different lumens per watt rating. If light is being regulated, lumens should be the standard. Also, be aware that any light with a reflector will put out more light in a certain direction than a light with no reflector. As such, lumens is still a weak measure of light output but it is what is on the packaging for all lights and is easier to work with than getting into the amount of light energy per unit area type measurements (candles). As a rule of thumb, incandescent runs 5 to 30 lumens/watt, and LEDs run 60 to 110 lumens/watt.
33. The limits under section (c) "General Operations" and (e) "Use of Accessory Structures" severely limit what a home occupation can do.
34. Somewhere in the Standards for Residential Uses or Development Standards there should be a section that specifies minimum residential driveway sizes of 12 feet wide by 14 feet vertical clearance (already stated in 7.8.5 (B) (15) on page 7-32) for fire apparatus. This is the cleared width of the driveway, not the width of gravel or paving.
35. The travel-way width for Class B with 2 lots should be specified as 12 feet of cleared space, no standard for width of gravel or hard surface.

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36. Under (5) (b): 16 feet should be 18 feet so that a passenger car can be passed by fire apparatus. For Class B roads with 3 or more lots, there should be an area 20 feet wide by 50 feet long every 1500 feed to that fire apparatus can pass each other.

37. On (I), remove the word “incandescent” since LED lights are now often used for holiday decorations. Low wattage is not defined, but a typical nightlight/big Christmas tree bulb is 7 watts so you could say any wattage under 10 watts. It would make more sense to use a lumen rating, such as less than 150 lumens. On (J), first off this should be a lumen limit, not watts. As the limit reads, this looks like a total lumens for any given motion activated switch. The lumens looks like it was derived from two incandescent 75 watt bulbs, probably flood lights. Note that if this is the case, the maxim lumens should be 2400. There are many motion activated systems where a sensor can turn on multiple light fixtures. So I would re-word this to have a 2400 lumen limit per light fixture controlled by the sensor. Finally, on this max lumens per fixture, there are standard outdoor floodlight fixtures that take 3 bulbs. For those fixtures, a reasonable max lumens would be around 3600. You could also add a limit of no one bulb can exceed a rating of 2100 lumens (a 120 watt equivalent) if the intent is to avoid the larger single bulb fixtures -- Section 6.11.3. This is where a definition of “mercury vapor luminaries” is needed. As written, this could mean that any standard fluorescent or compact fluorescent light could not be used, since they are a mercury-phosphorous based light.

38. (C)(1) Some floodlight fixtures do not cover the bulb, the stop just after the threaded base. I’d just stick with the 45 degree from vertical. (c) (2) the “it will shine” is vague. Perhaps something like “no more than 5% of the luminous energy shall shine towards roadways, onto adjacent residential property or into the night sky”. (C) (3) Same vagueness- what is the “main beam”? Do you really want to say that no portion of the bulb shall be visible from adjacent properties or the public street right-of-way? From an enforcement point of view, a “Can’t see the bulb” is easy to verify for both the owner and the inspector. Note that this is the approach taken on page 6-97, 6.117 (3).

39. All existing and proposed public transportation services and facilities within A RADIUS of one mile of the site shall be documented (leave out “also”) -- Section 6.17(B) #(4).

40. This whole section should be looked at with respect to goals and objectives in the Transportation Element of the Comprehensive Plan and Commissioners’ goals and objectives. County policies do not always support the land development ordinances, particularly with transportation issues. This is too vast a task to address at this time, but I wanted to “tag” this Section for future study -- Section 7.8

41. Move towards intense use of sites to save more of the site in open space - cluster subdivisions. Cluster subdivisions require community wastewater systems. Falls apart on political side. Commissioners very wary due to system failures 20 years ago. Is there a way to put this in the Ordinance ‘by right" if designed to specific criteria? Take political part out.

42. Need to update Lighting Standards. Height requirements for outdoor light poles and potential impacts on County recreational facilities is one of the areas that should be revisited.

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COMMENTS RELATED TO ENVIRONMENTAL PRESERVATION

STORMWATER MANAGEMENT AND GROUNDWATER

43. In the section concerning golf courses, Pollutant Monitoring Program, I would suggest some thought be given to the locations of the sampling stations for surface water, groundwater and sediment. Perhaps the intent is to establish upgradient sampling locations as well as sampling locations down-gradient of some potentially contaminating source or specific location?? I think this section needs a bit of discussion as to what the objective is. In addition, under (3) Parameters for Sample Testing- I think that some description of approved analytical methods and minimum detection limits would be helpful. I am not familiar with the EPA HAL thresholds described in this section but I would be willing to look into this. There are various NC soil, water and groundwater limits that may be worth considering for this section.
44. 5(b) of this section- Management Response to Pollutant Monitoring- I would recommend that the responsible party also be required to contact appropriate state regulatory officials if thresholds are exceeded, not just OC do so. I also recommend that the phrase "for thresholds" be removed from this sentence -- Section 5.5.
45. Compare Durham's ordinance requirements for environmental review of subdivisions with Orange County's environmental review process.
46. Nutrient trading.
47. Low Impact Design (LID).
48. Review thresholds and processes associated with the permitting of wastewater treatment facilities.

TRANSPORTATION

49. Section 7.8.2, Public roads need to be laid out in a manner that avoids significant natural and cultural features.
50. Transit Oriented Development (TOD) regulations need to be written.

COMMENTS RELATED TO PROCEDURES

STREAMLINING

51. Will staff be making recommendations to shorten any of the processes?
52. There is an unusual threshold requirement in the Subdivision Regulations – the 21st lot of a subdivision kicks you into an Special Use Permit (SUP) process. Needs to be looked at again – make part of future changes. Planning Board should be able to approve 20 lots or less (without BOCC involvement).
53. Are there metrics and stats for approval time for each approval process?
54. After staff and advisory board review, project went through County Attorney review.

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Lengthened the process. Why didn't County Attorney review occur concurrent with staff review? Streamline.

55. A time-line chart for each land-use review process (re-zoning, subdivision, permits, landuse amendments etc.) should be made showing who reviews each step and when.
56. Identify time lags and the reason - such as delays caused by review board's schedules.
57. Identify how approval processes can be simple, efficient, and short.
58. Examine other review and approval processes such as Durham's Development Advisory Committee (DAC) and Design District Review Team (DDRT) which are efficient and streamlined.
59. The members of the above DAC and DDRT are similar to Orange County's Development Advisory Committee (DAC) but have Rules of Procedure, meetings, minutes and quorum requirements consistent with state Statutes. This could replace our current review approval processes when a rezoning application meets all applicable standards.

COMMUNICATION

60. Where we have electronic means to notify the public, we should add this as an expectation or requirement.
61. As people become accustomed to this new document it will be important to provide different kinds of helpful guidance for users to find the sections of the document that are pertinent to their needs. The "Comparative Table" is quite helpful, and is an example of the guidance that will be needed during the transition. Having some kind of on-line search mechanism would be helpful. Perhaps that is already under development.
62. At what point in time will we define metrics of whether the UDO is succeeding?
63. It would be really nice if the final document could be accessed and indexed electronically rather than printed, a hyperlink format. For instance, clicking on a term and the definition pops up.
64. Identifying Comprehensive Plan policies that relate to UDO updates

FORMATTING / CLARIFICATION

65. No mention of Town of Hillsborough interlocal agreement. Add a footnote or a new section. [Note: references to the Orange County-Hillsborough Interlocal Agreement should be added when Zoning/UDO-related items are formally adopted. At this point, neither a joint land use plan nor joint development regulations have been adopted].
66. Section 1.6.2 (A), Is a 1-year hiatus long enough?
67. Section 1.7.2, "Agriculture" should be mentioned somewhere within the discussion of elements.
68. Section 2.2.7 (C), Why treat withdrawal of an application as denial?
69. Section 2.2.8 (A), Shouldn't have to wait a year if withdrawn. 6-months for withdrawal and 1-year for denial?

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70. Section 2.15.3 (C) (4).- There is no deadline for agencies to respond.
71. Section 2.15.2 (C) (5) - Not applicable if flexible development option used.
72. Section 2.17, Need a process other than that of a major subdivision for recombining existing lots.
73. Need language that will differentiate between the different types of residential zoning districts.
74. Regarding Impervious Surface Ratios and Sliding Scales, the two tables should be combined into one. Need to understand ramifications of any proposed changes -- Section 4.2.5.
75. Some home occupations are permitted but not associated storage? This needs clarification.
76. Kennels and Riding Stables should be addressed separately. Should they require a Class A or Class B Special Use Permit?
77. Clarify how open space areas of golf courses are counted towards meeting ordinance requirements.
78. Change to require a to Class "A" Special Use Permit, which would require BOCC approval rather than Board of Adjustment -- Section 5.9.5
79. Mention Water and Sewer Management and Planning Boundary Agreement. Any system should be designed, planned, constructed and maintained by the responsible entity as assigned through the Agreement -- Section 7.13.4 (C) (1) (b)
80. As I suspect you know, the County's Animal Control Ordinance includes kennel definitions and a permitting process for Class I and Class II Kennels. The County's Zoning Ordinance also includes kennel definitions and process for a kennel (or stable) to obtain a special use permit (which requires one or possibly both of the permits issued Animal Control).
81. There is a need to better coordinate (and dare I say, unify) these ordinances. Some of the issues in regard to kennels include:
82. Different definitions of Class I and Class II permits
83. A lack of clarity as to whether a special use permit is required for Class I as well as Class II kennel
84. A lack of clarity as to whether a special use permit is required for Class I under the Animal Control as well as the Zoning Ordinance
85. Possible process improvements in the permitting process for kennels requiring a special use permit.
86. Also, I think we should consider whether site plans for "riding stables/academies" should be subject to review by Animal Control. One concern is the availability of staff expertise in this area. Another concern is that there are no specific stable standards in the County's Animal Control Ordinances. By contrast, there are such standards for kennels which require permitting.
87. Clarify provisions for Outdoor events/activities, festivals, etc.
88. Review language regarding Principal Uses and Principal Structures (Arti

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The following resolution was introduced by Alderman Coleman and seconded by Alderman Haven-O'Donnell:

RESOLUTION REGARDING THE PROPOSED UNIFIED DEVELOPMENT ORDINANCE (UDO) FOR ORANGE COUNTY
Resolution No. 78/2010-11

WHEREAS, revisions have been proposed to the Orange County Unified Development Ordinance (UDO), and under the Orange County/Chapel Hill/Carrboro Joint Planning Agreement, Carrboro is to give comments on these revisions to the Orange County Board of Commissioners; and

WHEREAS, Orange County Planning Staff made a presentation to the Carrboro Board of Aldermen on January 18, 2011, at which time staff described proposed changes as essentially a consolidation of several Orange County Ordinances, with no significant changes in wording; and

WHEREAS, nonetheless, with the incorporation of existing ordinances into the new UDO, important changes have been introduced in the new UDO, and although public presentations have explained certain aspects of the UDO, certain aspects remain unclear as the document is 800 pages and is not quickly understood; and

WHEREAS, these particular areas have been identified as of concern to the Carrboro Board of Aldermen:

- The Conditional District (CD): This "floating zoning district" is a new construct for Orange County and it refers to a district that is not mapped until a rezoning application is approved. The new wording for the CD district leaves out important text, which specifically ties any rezoning to compliance with the underlying Comprehensive Plan. What is missing, for example, is language utilized for the original Planned Development (PD) district that explicitly refers to protecting the character of the surrounding neighborhoods and seeking opportunities for neighborhood scale mixed use; and

- Certain provisions for the University Lake Watershed Overlay District: the Conditional Districts should be prohibited in the University Lake Watershed Overlay District, and

- For the Cane Creek and Upper Eno Protected and Critical Watershed Districts though outside of the Joint Planning Area, the conditional use district should be prohibited; and

- Certain provisions for the Rural Buffer: the original language in the existing zoning ordinance specifies that development is for low densities and relies on ground absorption systems for sewage disposal. The new UDO text changes the disposal method to wastewater treatment facilities, which seems to imply the use of package systems.

WHEREAS, it is important to understand these major changes to the UDO, because these could have an unintended effect on the way development occurs in Orange County;

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NOW THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen asks the Orange County Board of County Commissioners to look further into these areas of concern explained above, in order to head off possible consequences unintended by the Board.
The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 22nd day of February 2011;

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: Joal Hall Broun

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Additional Materials --Council Petition

A RESOLUTION REGARDING THE PROPOSED UNIFIED DEVELOPMENT ORDINANCE FOR ORANGE COUNTY (2011-02-28/R-0.1)

WHEREAS, the Chapel Hill Town Council is committed to upholding the stipulations of the Orange County-Chapel Hill-Carrboro Joint Planning Agreement (JPA) and to maintaining the integrity of the Rural Buffer (RB); and

WHEREAS, Orange County has proposed a Unified Development Ordinance (UDO), and as one of the partners to the Joint Planning Agreement, the Council may provide comments on the UDO to the Orange County Board of Commissioners; and

WHEREAS, the Unified Development Ordinance has been described as a consolidation of several Orange County ordinances, with no significant changes in wording; and

WHEREAS, nonetheless, with the incorporation of existing ordinances into the new UDO, important changes have been introduced in the new UDO, so that certain aspects remain unclear as the document is 800 pages and is not quickly understood; and

WHEREAS, the major concerns about the proposed Unified Development Ordinance (UDO) are focused on revisions that appear to change the regulatory approach and the uses which were established in the original ordinances, in ways that are not concert with the provisions of the Rural Buffer and other sections of the Joint Planning Agreement; and

WHEREAS, it is important to understand these major changes to the UDO, because they could have an unintended effect on the way development occurs in Orange County;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the following areas have been identified as of particular concern to the Chapel Hill Town Council:

(1) Concerns related to "Conditional District" (CD)
This "floating zoning district" is a new construct for Orange County and it refers to a district that is not mapped until a rezoning application is approved. This new CD district replaces the Planned Development District in the current zoning ordinance. However, the wording for the new CD district leaves out important text from the original ordinance which specifically ties any CD rezoning to conformance with the underlying Comprehensive Plan, including the land use categories in that plan. What is missing, for example, is language utilized in the original ordinance that explicitly refers to protecting the character of surrounding neighborhoods.

In the UDO there are two kinds of Conditional Districts proposed: "Conditional Use Districts" and "Conditional Zoning Districts."

The language for the Conditional Use District states that, except for 31 exclusions, any use permitted in the Table of Permitted Uses can go almost anywhere in Orange County's planning jurisdiction.

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With respect to Conditional Zoning Districts, these floating zoning districts can be placed in any of the general use zoning districts, according to the regulations associated with each district. Also, in contrast to the original Orange County zoning ordinance, no special use permit is required, thus eliminating the need for a quasi-judicial process with a decision based on competent, substantial evidence presented at a public hearing.

(2) Concerns related to the Rural Buffer and the Joint Planning Agreement
Some of the proposed new language in the UDO changes essential features of the Rural Buffer (RB). The original language in the existing ordinance specifies that development in the Rural Buffer is for low densities and relies on ground absorption systems for sewage disposal. However, one of the proposed new development standards for the RB district would substitute the term "wastewater treatment facility" and use that term instead of the term "ground absorption systems," for approved Conditional Districts.
The definition of a wastewater treatment facility includes a system that discharges to surface waters, and indeed any other system as may be permitted by the Health Department or the State of North Carolina. That is a significant difference, and the original language should be restored.

Conditional Districts should not be allowed in the Rural Buffer. Instead they should only be placed in the Economic Development Districts and other areas with specifically identified land use categories so that they are compatible with the Comprehensive Plan and surrounding land uses.

Concerns articulated above are relevant to the Watershed Overlay Districts. Accordingly the conditional districts should be prohibited in the University Lake Watershed Overlay District. In addition, though outside the scope of the Joint Planning Agreement, conditional districts should be prohibited in the Cane Creek and Upper Eno Protected and Critical Watershed Overlay Districts.

BE IT FURTHER RESOLVED that the Chapel Hill Town Council asks the Orange County Board of Commissioners to look further into the areas of concern explained above, in order to head off possible consequences unintended by the Board; and

BE IT FURTHER RESOLVED that, because of these concerns, it does not seem prudent to adopt the UDO for the sections of the ordinance identified above until the proposed language is clarified, or substantively changed where necessary. In some cases the original language of the existing ordinances should simply be restored.

This the 28th day of February, 2011.

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MEMORANDUM FAX = 3 PAGES

To: Orange County Planning Board
From: Commissioner Alice Gordon
Re: Proposed Unified Development Ordinance - Comments and Suggested Changes
Date: March 2, 2011

As requested on February 28, I am submitting comments and suggested changes to the proposed Unified Development Ordinance (UDO).

In the two days since the Quarterly Public Hearing, I have written this document with the comments and suggested changes that I can make at the present time. Since I have not had time to reexamine the entire UDO, I am sure there are other sections that are deserving of more study. Also, I should mention that I have used the language of some of the submitted written comments in this document, but have not had the time to formally provide a citation.

Some of these comments and changes suggest that Conditional Districts be restricted to certain areas of the County. If that is not possible right now for Conditional Use Districts (CUDs), they might instead have certain criteria attached which have the effect of restricting them to certain areas. In some cases, I have suggested some criteria. For Conditional Zoning Districts (CZDs), it is my understanding that they might be restricted to certain areas of the County.

This document has the following major components.
This Cover Memorandum

PROPOSED UNIFIED DEVELOPMENT ORDINANCE (UDO)
Comments and Proposed Changes from Commissioner Gordon
March 2, 2011

Comparison of CONDITIONAL DISTRICTS in the Proposed Unified Development Ordinance with PLANNED DEVELOPMENT DISTRICTS in the Existing Orange County Zoning Ordinance.

Sec. 3.7 CONDITIONAL DIStRICTS

Article 3 - BASE ZONING DISTRICTS
and Article 6, Sec. 6.7 - ADDITIONAL STANDARDS FOR MPD-CZ

ADDITIONAL SECTIONS TO BE REVIEWED

Thank you for your consideration of these comments and suggested changes.

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PROPOSED UNIFIED DEVELOPMENT ORDINANCE (UDO)
Comments and Proposed Changes from Commissioner Gordon
March 2, 2011

1. Location of Conditional Districts
Allow conditional districts only in the Economic Development Districts (EDDs) and the Efland-Cheeks Overlay District.

As a guiding principle for future discussion, Conditional Districts (CDs) should only be allowed in previously identified land use categories and located so that they are compatible with the Comprehensive Plan and surrounding land uses. CDs are most appropriate in areas which have public water and sewer (or in transition areas) and which have other defining characteristics such as location along major highway corridors.

2. Linking Conditional Districts to the Comprehensive Plan
Reinstate the overarching, guiding language of Planned Development Districts which specifically links the Conditional Districts to the Comprehensive Plan, including the Land Use Categories of the plan; and links the rezoning to the availability of appropriate infrastructure such transportation facilities and utilities. See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the language.

3. Special Use Permit in the Conditional Zoning Districts (CZDs)
A Special Use Permit is required now for Planned Development Districts, and should be required for CZDs.
See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the language.

4. Supermajority
A supermajority of the Commissioners should be required for the approval of Conditional Districts, with certain exceptions (e.g. EDDs). The number required for a supermajority and the process remains to be defined.

5. "Ground absorption systems" and "wastewater treatment facilities"
Restore the term "ground absorption systems" to the text and eliminate the use of "wastewater treatment facility" as a possibility in conditional districts in the RB district. Wastewater treatment facilities should not be located in the Rural Buffer.

The same issue about "wastewater treatment facility" is true for the Agricultural Residential District.
See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the requested language.

6. Some issues related to the Rural Buffer and Joint Planning Agreement
The following are some of the issues identified. Other issues have been addressed

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elsewhere in this document.

a. No Conditional Districts in the Rural Buffer
Conditional districts should not be allowed in the Rural Buffer.
See attachment which provides changes for referenced sections. Also change any other sections as needed to modify the language.

b. No Conditional Districts in the Watershed Overlay Districts.
Accordingly, they should be prohibited in the University Lake and Cane Creek Watersheds. The same issue is relevant for the Upper Eno area.
See the attachment which provides changes for referenced sections. Also change any other sections as needed to modify the language.

c. Conditional Districts in Phase 2
If conditional districts (both CZDs and the CUD) are to be discussed for the Rural Buffer and Watersheds, change the language referencing the Rural Buffer to specifically limit the uses. Only uses that are suitable for service with wells for domestic water supply and ground absorption systems for sewage disposal are allowed. In no circumstances should wastewater treatment facilities, except for ground absorption systems, be allowed in the Rural Buffer.

7. Changes that have gone beyond BOCC directives
Issue: Reinstate text from the original ordinances that went beyond BOCC directives. If changes are desired, they should go into Phase 2. Two examples:

a. Restore the language specifying quarterly hearing dates for February, May, August, November.
See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the language.

b. Public Interest District should remain a General Use Zoning District.
See the attachment which provides changes for referenced sections. Also change any other sections as needed to reinstate the language.

8. Land Use Categories and the Comprehensive Plan
Citizen Comment: A citizen made the following point about Orange County which is paraphrased below:
One big issue which may never have been pointed out is that our County has excellent and detailed land use categories identified and approved. Therefore, rezoning should not be a prerequisite for most development activity. And when it is necessary, it should only require small changes to the zoning designations. This citizen went on to say that we do not need a lot of floating districts, and that it is better to utilize general use zoning districts which have been reviewed and approved after careful deliberation and community input.

This is most clearly illustrated in "Appendix F - Land Use and Zoning Matrix" of the Comprehensive Plan. Review that Appendix to see how to see how land use categories are explicitly linked to the general zoning districts.

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ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT
Meeting Date: November 6, 2013

Action Agenda Item No. 9

SUBJECT: Provision and Maintenance of Sidewalks in the County's Jurisdiction

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** No

ATTACHMENT(S):
1. Chart and Materials from October 6, 2011 BOCC Work Session
2. Excerpt of Minutes of October 6, 2011 BOCC Work Session

INFORMATION CONTACT:

Perdita Holtz, Planner III, 245-2578
Craig Benedict, Planning Director, 245- 2592

PURPOSE: To receive information about the challenges unincorporated areas face in providing and maintaining sidewalks.

BACKGROUND: Staff is providing this information because the Efland zoning overlay districts, denied by the Board of County Commissioners on February 5, 2013, are scheduled to be heard again at the February 2014 quarterly public hearing. What also occurred with the denial, which was based on pedestrian system (walkways) issues, was the denial of the entire ordinance revision that had predominantly uncontroversial amendments supported by the community and which would have made development in the area far more feasible than existing regulations.

Because new Planning Board members have been appointed this year, staff believed it would be helpful to provide educational information about sidewalks and the challenges North Carolina counties face in providing and maintaining these types of facilities since this may be a point of discussion in the near term.

In December 2012, the Planning Board made a recommendation on the proposed Efland zoning overlay districts, which were heard at the November 19, 2012 quarterly public hearing. The Planning Board's recommendation included requiring that *pedestrian circulation systems* be provided as part of any development in the "Efland Village" overlay district. (Maps and materials can be viewed at: http://orangecountync.gov/occlerks/130205.pdf and Planning Board members are encouraged to read the abstract for this item to better understand the issues).

Staff had reported to the Planning Board that the Board of County Commissioners had considered the issue of sidewalks at its October 6, 2011 work session and had decided that, although sidewalks were a desirable amenity, the County would not be in the position in the foreseeable future to begin maintenance and/or construction of public sidewalks (see Attachments 1 and 2 for relevant materials from the work session). Because of this, the

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Planning Board recommended that *pedestrian circulation* systems be provided as they would be privately owned/maintained. This was a rare instance where the Planning Board recommendation and Planning Staff recommendation (with advice from the County Attorney's office) to the BOCC differed as staff could not support requiring private pedestrian circulation systems intended for general public use in the overlay district. The issues regarding this topic were stated in the materials linked above (page 3 of the BOCC abstract).

Although the Efland-Mebane Small Area Plan (http://orangecountync.gov/planning/documents/EflandPlanADOPTED062706.pdf) recommends the provision of sidewalks in the planning area and particularly in the "core area" (which includes the "Village" area), small area plan recommendations are implemented as they become viable.

The County's 2030 Comprehensive Plan (http://orangecountync.gov/planning/compre_cpupdate.asp) also supports the provision of pedestrian facilities (see sections 1.3.3 and 1.3.7, and Objectives LU-1.1, LU-3.2, LU-3.7, ED-2.3, AE-8, T-1.1, T-2.1, T-2.6). But, once again, goals and objectives are implemented as they become viable.

As a side note, Orange County has recently completed important public sewer infrastructure improvements in the Efland area. The area is now postured for urban/village style growth consistent with the land use plan and further refined and implemented by the small area planning studies and zoning overlay proposal.

FINANCIAL IMPACT: There is no financial impact in receiving this educational information.

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

1. Receive the information regarding provision of sidewalks.
2. Discuss the issue as needed.

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Attachment 1

Excerpts from October 6, 2011 BOCC Work Session Abstract

(Note: The text below references "Attachment 2" and these materials have been included as part of *this* attachment for the Planning Board)

Issue

As much as a county may desire to provide pedestrian facilities in its jurisdiction, there are challenges in actually being able to do so. In North Carolina, the Department of Transportation (DOT) does not build nor maintain sidewalks (see materials in Attachment 2 - pages 14 and 15 [bottom of page] in particular). Although the materials in Attachment 2 are geared towards municipal governments, they are also largely applicable to any county government that chooses to provide sidewalks within its jurisdiction. The DOT will work with the local government to provide sidewalks within road right-of-way if the local government agrees to pay for construction costs (or portions thereof, in certain cases) and assume maintenance and liability for the sidewalk.

Orange County (as well as most, if not all, counties in North Carolina) does not maintain local streets within its jurisdiction; public roadways are part of the State Maintained System. In municipalities, streets are generally maintained by a municipal public works crew and the municipality has the staff and equipment to do so. Municipalities receive some funding from the State through the Powell Bill to perform this task. Any necessary sidewalk maintenance (if sidewalks are provided within the municipality) is achieved by either the public works crew or, more recently, by a Homeowners Association (HOA) or Property Owners Association (POA) if the HOA or POA is a party to the required maintenance agreement between the local government and DOT.

Existing Development vs. New Development

Providing sidewalks in areas that are already developed is a particular challenge. A local government may require, through its zoning or subdivision regulations, that new development provide a sidewalk (either within the road right-of-way or on private property via an easement). A local government may also require that the property owner(s) maintain the sidewalk, although this becomes more difficult to achieve in the absence of an HOA or POA. The issue of liability needs to be addressed but very few, if any, property owners seem willing to take on liability of a sidewalk for public use, even if located within an easement on their property. The local government would likely have to accept any liability for the sidewalk.

In the case of existing development, especially if there is not an existing HOA or POA, construction and maintenance of sidewalks is more difficult. Funding for construction of a sidewalk must come from the local government, with the potential for some cost sharing with DOT (see materials in Attachment 2 for potential cost sharing information [pages 10 through 15 – bottom of page – in particular]). The local government may use funds from its General Fund, designated bond funds, Powell Bill Funds (if the local

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government receives funding from this source), or by a special assessment district of property owners within the benefit area. Additionally, limited grant funding may be available from various sources, depending on the situation.

UNC Chapel Hill School of Government has a useful publication that is part of its County and Municipal Government in North Carolina series. The article is "Article 40 - Transportation, Street Parking, Public Transportation, and Airports" and it is viewable free of charge (but not printable) at: http://sogpubs.unc.edu/cmg/cmg40.pdf. Pages 7 through 10 of the publication are particularly helpful in understanding sidewalk issues.

North Carolina Counties

Planning staff queried a Planning ListServ for information about sidewalks outside of municipal areas in North Carolina. The responses show that a handful of North Carolina counties have one or two sidewalks within their jurisdiction that are not part of a residential subdivision. In many cases, the sidewalks were constructed to provide access to a school and were paid for using local, DOT, and/or grant funds (some local match was required for almost all of the projects). The sidewalks are maintained by agreement with an adjacent or nearby municipality or a county public works crew (Chatham County). Additionally, some counties have sidewalks in residential subdivisions that were constructed by the developer and are maintained by the HOA.

Several years ago Orange County entered into a sidewalk maintenance agreement for a portion of Homestead Road adjacent to the Towns of Chapel Hill and Carrboro. The sidewalk is in the County's jurisdiction at this time but inevitably would be annexed since it is part of adjacent ETJs. The agreement is multi-party including NCDOT which allowed an encroachment agreement in its right-of-way. The Town maintains the sidewalk.

Financial Impact

The cost of designing and constructing sidewalks can vary considerably depending on factors such as grading issues, land acquisition costs, land clearing, utility relocations, etc. A study has not been done specific to Orange County but staff research found that the Town of Mooresville spent $119 - $200 per linear foot ($629,000 - $1,056,000 per mile) for recent sidewalk projects. This figure includes all necessary costs design & administration, curb & gutter, various retrofitting costs, etc.

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Provision of Sidewalks

	Retrofit Existing Development (no new building)	Infill Development	New Development (Larger Scale)
Who Installs	Local Government	Property Owner, if required by regulations OR Local Government	Developer, if required by regulations OR Local Government
Who Pays	Local Government – either through General Fund (may include some potential grant funding) or by establishing a special assessment district whereby benefitting property owners are taxed	Property Owner, if required by regulations OR Local Government (funding sources same as retrofit)	Developer, if required by regulations OR Local Government (funding sources same as retrofit)
Who Maintains	Local Government – either through General Fund (grant funding not available) or by establishing a special assessment district whereby benefitting property owners are taxed	Either Property Owners, if required by regulations (could be difficult to enforce) OR Local Government (funding sources same as retrofit)	Either Property Owners / Homeowners Association, if required by regulations OR Local Government (funding sources same as retrofit)
Where Located	Within road right-of-way (DOT encroachment agreement required), OR on private property (liability issues need to be resolved) OR a combination (depending on exact circumstance)	Same as retrofit	Same as retrofit, but likely within road right-of-way

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CHAPTER TWENTY-EIGHT

SIDEWALKS

PEDESTRIAN POLICY GUIDELINES

SIDEWALK LOCATIONS

ROADWAY POLICY ONE

POLICY STATEMENT:

"It is the policy of the Department of Transportation to replace existing sidewalks disturbed as a result of a highway improvement. In addition, the Department of Transportation is authorized to construct new sidewalks adjacent to State highway improvement projects at the request of the municipality provided the municipality agrees to reimburse the Department of Transportation for the actual construction cost of the sidewalks. Maintenance of sidewalks will be the responsibility of the municipality."

BACKGROUND:

General Update, 3/19/99.
Pedestrian Policy Guidelines, dated October 1, 2000.
General update, 4/16/01

PURPOSE:

To provide statewide uniformity in the construction of sidewalks on roadway projects.

RESPONSIBILITY AND PROCEDURES:

EXECUTIVE SUMMARY

These guidelines provide an updated procedure for implementing the Pedestrian Policy adopted by the Board of Transportation in August 1993 and the Board of Transportation Resolution September 8, 2000. The resolution reaffirms the Department's commitment to improving conditions for bicycling and walking, and recognizes non-motorized modes of transportation as critical elements of the local, regional, and national transportation system. The resolution encourages North Carolina cities and towns to make bicycling and pedestrian improvements an integral part of their transportation planning and programming.

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The Pedestrian Policy addresses TIP projects and makes an important distinction between "considering the needs of pedestrians to avoid creating hazards to pedestrian movements" and the concept of "facilitating pedestrian movements for other reasons."

HAZARDS

A hazard in this context is defined as a situation when pedestrian movements are physically blocked in a manner which forces pedestrians to use another mode of transportation or walk in an automobile traffic lane (parallel with the automobile traffic) to pass a barrier. The concept of "not creating a hazard" is intended to allow municipalities to have the flexibility to add pedestrian facilities as a part of the project, or in the future after the TIP project is complete. Our current standard cross sections generally do not create barriers for pedestrian movements.

PREVENTING HAZARDS

If there is evidence that a TIP project would create a hazard to existing pedestrian movements, the DOT will take the initiative to not create the hazard. However, if there is not evidence that a TIP project would create a hazard to existing pedestrian movements, the municipality will need to prove there will be pedestrian movements which will be affected within five years by the hazard created by the TIP project.

QUALIFYING THE NEED FOR PEDESTRIAN FACILITIES

Planning studies should evaluate the need for pedestrian facilities based on the degree to which the following criteria are met.

1. Local Pedestrian Policy
2. Local Government Commitment
3. Continuity and Integration
4. Location
5. Generators
6. Safety
7. Existing or Projected Pedestrian Traffic

REQUIREMENTS FOR DOT FUNDING:

REPLACING EXISTING SIDEWALKS

The DOT will pay 100% of the cost to replace an existing sidewalk which is removed to facilitate the widening of a road.

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TIP INCIDENTAL PROJECTS

DEFINED: Incidental pedestrian projects are defined as TIP projects where pedestrian facilities are included as part of the roadway project.

REQUIREMENTS:

The municipality and/or county notifies the Department in writing of its desire for the Department to incorporate pedestrian facilities into project planning and design. Notification states the party's commitment to participate in the cost of the facility as well as being responsible for all maintenance and liability. Responsibilities are defined by agreement. Execution is required prior to contract let.

The municipality is responsible for evaluating the need for the facility (ie: generators, safety, continuity, integration, existing or projected traffic) and public involvement.

Written notification must be received by the **Project Final Field Inspection (FFI) date.** Notification should be sent to the Deputy Highway Administrator–Preconstruction with a copy to the Project Engineer and the Agreements Section of the Program Development Branch. Requests received after the project FFI date will be incorporated into the TIP project, if feasible, and only if the requesting party commits by agreement to pay 100% of the cost of the facility.

Due to the technical difficulty of describing justification for pedestrian facilities, the committee chose a cost sharing approach to provide cost containment for the pedestrian facilities. The DOT may share the incremental cost of constructing the pedestrian facilities if the "intent of the criteria" are met. Only improvements that have a sidewalk adjacent to it will be included in the total project construction cost. Additionally, the cost of bridges will be funded entirely by the DOT. This total project construction cost does not include the construction cost of any incidental pedestrian facilities. A cost sharing approach is used to demonstrate the Department's and the municipality's/county's commitment to pedestrian transportation (sidewalks, multi-use trails and greenways). The matching share is a sliding scale based on population as follows:

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MUNICIPAL POPULATION	PARTICIPATION DOT	LOCAL
> 100,000	50%	50%
50,000 to 100,000	60%	40%
10,000 to 50,000	70%	30%
< 10,000	80%	20%

Note: The cost of bridges will not be included in the shared cost of the pedestrian installation if the Department is funding the installation under provision 6 – pedestrian facilities on bridges.

FUNDING CAPS

Funding caps are no longer applicable.

INDEPENDENT PROJECTS

DEFINED: The DOT has a separate category of funds for all independent pedestrian facility projects in North Carolina where installation is unrelated to a TIP roadway project. An independent pedestrian facility project will be administered in accordance with Enhancement Program Guidelines.

RIGHT-OF-WAY

The Department will review the feasibility of including the facility in our project and will try to accommodate all requests where the Department has acquired appropriate right of way on curb and gutter sections and the facility can be installed in the current project berm width. The standard project section is a 10-ft. (3.0-meter) that accommodates a 5-ft sidewalk. In accordance with AASHTO standards, the Department will construct 5-ft sidewalks with wheelchair ramps. Betterment cost (ie: decorative pavers) will be a Municipal responsibility.

If the facility is not contained within the project berm width, the Municipality is responsible for providing the right of way and/or construction easements as well as utility relocations, at no cost to the Department. This provision is applicable to all pedestrian facilities including multi-use trails and greenways.

MAINTENANCE

Local governments will be responsible for maintaining all pedestrian facilities.

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INTRODUCTION

These guidelines provide a procedure for implementing the Pedestrian Policy adopted by the Board of Transportation in August 1993 and the Board of Transportation Resolution September 8, 2000. The Pedestrian Policy addresses TIP projects and makes an important distinction between "considering the needs of pedestrians to avoid creating hazards to pedestrian movements" and the concept of "facilitating pedestrian movements for other reasons." Consequently, these guidelines are divided into three main sections:

1) Considering the needs of pedestrians to avoid creating hazards.
2) Quantifying the need for pedestrian facilities.
3) Requirements for DOT funding.

CONSIDERING THE NEEDS OF PEDESTRIANS TO AVOID CREATING HAZARDS

Section "d" of the Pedestrian Policy states: "*In the planning, design and construction of TIP transportation projects, the DOT shall consider the needs of pedestrians and will not create hazards to pedestrian movements.*" This means that during each phase of a project, a DOT employee should consider how the project will affect pedestrian movements. If the project will create a hazard to pedestrian movement, the DOT should use engineering judgment and find a way to remove the hazard. A hazard in this context is defined as a situation when pedestrian movements are physically blocked in a manner which forces pedestrians to use another mode of transportation, or walk in an automobile traffic lane (parallel with the automobile traffic) to pass as a barrier.

This does not mean that the DOT should build pedestrian facilities on all TIP projects. However, it does mean that the DOT should consider how projects will affect pedestrians and how projects can be designed to accommodate vehicular demands without creating barriers to pedestrians. Hazards can be divided into two categories, lateral barriers and perpendicular barriers. Lateral barriers prevent pedestrians from traveling parallel to the roadway. Perpendicular barriers prevent pedestrians from crossing a roadway.

The concept of "not creating a hazard" is intended to allow municipalities to have the flexibility to add pedestrian facilities as part of the project or in the future after the TIP

project is complete. Because bridges are so expensive and because they often have useful lives over fifty years, bridges should be given special consideration when pedestrian travel is anticipated.

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BRIDGES

Current standard cross sections generally do not create barriers for pedestrian movements. For bridges on streets with shoulder approaches, a minimum shoulder may be sufficient to "not create a hazard for pedestrian movements" over or under the bridge. For bridges on streets with curb and gutter approaches, the Department will fund and construct sidewalks on both sides of the bridge facility if the bridge is less than 200 feet in length. If the bridge is greater than 200 feet in length, the Department will fund and construct a sidewalk on one side of the bridge structure. The bridge will also be studied to determine the costs and benefits of constructing sidewalks on both sides of the structure. If in the judgement of the Department, sidewalks on both sides are justified, then they will be funded and constructed. For dual bridges less than 200 feet in length with a curb and gutter approach, sidewalks will be constructed on the outside of each bridge structure. If the dual bridges are greater than 200 feet in length, then a sidewalk on the outside of one bridge will automatically be funded and constructed. The bridges will also be studied to determine the costs and benefits of constructing sidewalks on the outside of both bridges and if the judgements of the Department, sidewalks on both bridges are justified, then they will be funded and constructed.

SHOULDER CROSS SECTIONS

Currently, there is no typical cross section for a rural road with a shoulder, and a pedestrian facility which is outside the ditch. However, when a rural road with a shoulder section has a pedestrian facility outside of the ditch, the ditch will not be considered a perpendicular barrier. Similarly, as long as there is some space where pedestrians can walk which is not in an automobile travel lane, the ditch will not be considered a lateral barrier either.

WIDENING PROJECTS

If a TIP project widens a road from 2 lanes to 5 lanes, the new 5-lane road is not considered a perpendicular barrier. Similarly, as long as there is some space where pedestrian can walk which is not in an automobile travel lane, the new 5-lane road is not considered a lateral barrier either.

RELOCATING PEDESTRIAN MOVEMENTS

This policy is not intended to require a pedestrian bridge or tunnel at interchanges where sidewalks and crosswalks are not practical. In these cases, the DOT may consider relocating the pedestrian movement to avoid creating unsafe situations or making

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unpracticed design modifications. Typically, relocated pedestrian movements should be no more than 800 meters (0.5 miles) away from the original path of the pedestrians. The 800 meter distance is a one way distance, not a round trip distance.

CONSTRUCTION PROCESS

During the construction phase of a project, there may be times when it is not possible to maintain all pedestrian movements through the entire construction process. When necessary, there may be temporary barriers to pedestrian movements in the work zone.

EXAMPLE

For example, the "XYZ" Expressway is a new controlled-access freeway through an established urban area. A major thoroughfare with sidewalks which will have a new interchange with the Expressway, connects a neighborhood on the north side of the Expressway with a hospital on the south side of the Expressway. Because the proposed interchange for the major thoroughfare is a Single-Point-Diamond design with free-flowing ramps in all four quadrants, there is no safe way for a pedestrian to cross the Expressway without conflicting with free-flowing traffic. Although there is a nearby railroad bridge over the Expressway, pedestrians are prohibited from that bridge because it was not designed to accommodate both trains and pedestrians. Consequently, residents who live in a neighborhood a few blocks from the hospital will now need to drive to the hospital or walk through a free-flowing traffic lane.

In this example the design engineer should make every reasonable effort to design this interchange to accommodate the automobile traffic, and not create a barrier for pedestrian movements. If the interchange design requires free-flow ramps as this Single-Point-Diamond design does, the engineer should determine if it is possible for pedestrians to cross the free-flow traffic lanes. If the peak hour traffic flow has acceptable gaps to allow pedestrians to cross safely, the ramps will not be considered a barrier. However, if traffic volumes or pedestrian volumes are too great, an alternative pedestrian facility should be considered. If accommodating pedestrians at the interchange will compromise safety or good engineering judgment, the engineer should consider if shifting the pedestrian movement away from the interchange is a feasible alternative.

QUANTIFYING THE NEED FOR PEDESTRIAN FACILITIES

Section "e" of the Pedestrian Policy states: "*The Department recognizes there are certain situations in which pedestrian facilities provide significant benefits in the movement of pedestrian traffic...*". If a municipality would like the DOT to consider a project for "significant benefits," the municipality is responsible for collecting any necessary information and submitting a written request prior to the initiation of a planning study. The

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DOT will review the request and, if necessary, verify the data from the municipality. If pedestrian facilities are not incorporated into a project during the planning phase, and if there are significant factors which change during the time between the project planning study and the project design phase, municipalities may resubmit a request for pedestrian facilities prior to or at the post hearing meeting for the Design Public Hearing or Combined Hearing (whichever is applicable). The costs of sidewalks added to a project after the post hearing meeting for the Design Public Hearing or Combined Hearing will be the responsibility of the municipality. The Manager of the Programming and TIP Branch may allow DOT participation and sidewalk construction cost after the post hearing meeting if there is sufficient justification.

Planning studies should evaluate the need for pedestrian facilities based on the degree which allow the following seven criteria to be met. Municipalities should address each of these criteria when submitting requests for pedestrian facilities. Subsequently, the DOT will make the final determination for pedestrian facility eligibility.

1. **Local Pedestrian Policy.** There is evidence that local policies on urban development are encouraging urban densities and residential developments to occur in a manner to facilitate pedestrian travel by reducing walking distances, and requiring sidewalk construction in development ordinances.

    - Is a pedestrian plan included in local thoroughfare plan?
    - Do subdivision ordinances require pedestrian facility construction?
    - Do local zoning ordinances facilitate pedestrian travel?
      (For example, do the zoning ordinances encourage mixed-use developments which are accessible to pedestrians or do the zoning ordinances encourage highway strip development which is not accessible to pedestrians?)

2. **Local Government or Local Sponsor Commitment.** There is a local government/sponsor plan and commitment to provide an integrated system of pedestrian facilities which will connect with pedestrian facilities provided by the project.

    - Does the local Capital Improvement Program include local funds for providing pedestrian facilities which will connect with pedestrian facilities provided by the NC TIP project?
    - How many pedestrian facilities currently connect with the pedestrian facilities provided by the project?
    - How many subdivisions have provided pedestrian facilities which are or will be connected with pedestrian facilities provided by the project?
    - Has a responsible local government agency agreed in writing to maintain the

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pedestrian facility?

3. **Continuity and Integration.** The project provides a connection to an existing or a proposed pedestrian network and will provide a critical link in the network.

   - Is the project a critical link in an existing network?
     (For example, will this project provide a missing link in an existing network where there are pedestrian facilities extending beyond the length of this project?)
   - Is the project a critical link in a proposed network?
     (For example, will this project provide any link in a proposed network where there will be pedestrian facilities extending beyond the length of this project?)

4. **Location.** The project is located within a Census defined urban area or growth area where development is anticipated in the immediate future; a majority of the properties within walking distance of the project are developed, or projected to be developed within 5 years at urban type residential densities. This five year period will begin at the completion of the appropriate environmental document.

   - Is the project located in a Census defined urban area?
   - Is the project located in a growth area (Urbanized Area Boundary) where development is anticipated in the immediate future, but is not in a Census defined urban area?
   - Are a majority of the properties within walking distance of the project developed, or projected to be developed within 5 years at urban type residential densities (a minimum of 1 dwelling unit per acre)?

5. **Generators.** The project serves as a primary access from one or more of the following to another:

   - -day care, elementary or secondary school
   - -college or university
   - -community facility (such as a library or park)
   - -public transportation
   - -commercial, office, industry, or business centers
   - -residential areas
   - -Will any of these land-uses within two kilometers (1.2 miles) of the project use this project as a primary access?

6. **Safety.** The project provides demonstrable safety benefits for pedestrians.

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- Will the pedestrian facility separate pedestrians from automobile traffic with a posted speed greater than 80 kilometers per hour (50 miles per hour)?
- Will the pedestrian facility be used by children (0-14), elderly (65+), handicapped, or low-income people?
- Will the pedestrian facility reduce potential pedestrian-vehicle conflicts?
- Will the pedestrian facility reduce potential identified safety needs of the area?

7. **Existing or Projected Traffic.** Continued, sustained pedestrian travel can be shown by any of the following:

- Evidence of existing usage such as well worn paths.
- Projected usage based on previous experience with similar facilities.
- Minimum of 150 pedestrians per 24 hour period along a corridor planned for the project.

REQUIREMENTS FOR DOT FUNDING

REPLACING EXISTING SIDEWALKS

Section "b" of the Pedestrian Policy states: "*When a highway construction project having to do with the widening of an existing street requires that an existing sidewalk be torn up to make room for the widening, it is the policy of the Department of Transportation to replace the sidewalk.*" This statement says the DOT will pay 100% of the cost to replace an existing sidewalk which is removed to make room for a widening project. There is no monetary cap for this category of funding pedestrian facilities.

PREVENTING HAZARDS

Section "d" of the Pedestrian Policy states: "*In the planning, design, and construction of TIP transportation projects, the DOT shall consider the needs of pedestrians and will not create hazards to pedestrian movements.*" If there is evidence that a TIP project would create a hazard to existing pedestrian movements, the DOT will take the initiative to not create the hazard. However, if there is evidence that a TIP project would create a hazard to existing pedestrian movements, the municipality will need to prove there will be pedestrian movements which will be affected within five years by the hazard created by the TIP project. The five year period will begin at the completion of the appropriate environmental document (Categorical Exclusion, Finding of No Significant Impact, or Environmental Impact Statement).

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CERTAIN SITUATIONS

Section "e" of the Pedestrian Policy states: "*The Department recognizes there are certain situations in which pedestrian facilities provide significant benefits in the movement of pedestrian traffic. The Department of Transportation may participate in the provision of these facilities on a full or shared-cost basis.*" This statement says the DOT may participate in funding incidental projects, and independent projects as described below.

INCIDENTAL PROJECTS

Incidental pedestrian projects are defined as TIP projects where pedestrian facilities are included as part of the project. The DOT may share the incremental cost of constructing the pedestrian facilities if the "intent of the criteria" are met, and the request for DOT participation is made prior to or at the post hearing meeting for the Design Public Hearing. Only improvements that have a sidewalk adjacent to it will be included in the total project construction cost. Additionally, the cost of bridges will not be included in the total project construction cost since the provision of pedestrian facilities on bridges will be funded entirely by the DOT. This total project construction cost does not include the construction cost of any incidental pedestrian facilities. The matching share is a sliding scale based on population as follows:

MUNICIPAL POPULATION	PARTICIPATION	
	DOT	LOCAL
> 100,000	50%	50%
50,000 to 100,000	60%	40%
10,000 to 50,000	70%	30%
< 10,000	80%	20%

The local government share of the pedestrian facility construction funding may not be Federal or State money for the purposed of these guidelines. In addition, the right-of-way municipalities provided for pedestrian projects may not be counted toward the required local contribution.

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EXAMPLE

A 10 mile project proposes to widen an existing two lane road to a five lane curb and gutter roadway. Four miles of the project is within the city limits and there are no existing sidewalks. The city requests that sidewalk be included on one side on 2 miles of the project that falls within the city boundaries. The DOT concurs that the sidewalk is warranted and it added to the project. The city population is 75,000.

To determine the contribution by the DOT and by the city, the "total project construction cost", for purposes of determining participation, must be calculated. Costs are included only if the construction occurs within municipal boundaries and a requested sidewalk is adjacent to the roadway. Additionally, the cost of bridges is excluded from the cost. Therefore, the "total project construction cost" will be the cost of improvements for 2 miles of the project. DOT estimates that it will cost $5 million to construct the 2 miles of improvements, not including the cost of the sidewalks or bridges. It is estimated that the sidewalk will cost $170,000 to construct. DOT's share would be 60% of $170,000 or $102,000. The city's share would be $68,000.

INDEPENDENT PROJECTS

Independent pedestrian projects are defined as projects where pedestrian facilities are the entire project. The DOT will have a separate category of money for all independent pedestrian facility projects in North Carolina. The independent pedestrian facility funds will be administered similar to the Bicycle Program. Municipalities will prioritize their requests under the enhancements section of the local request list, and the DOT will fund as many projects as funding will allow.

GENERAL INFORMATION

The attached flow chart illustrates the decision process for a project engineer. In addition, the funding caps, right-of-way and maintenance requirements described below must also be met.

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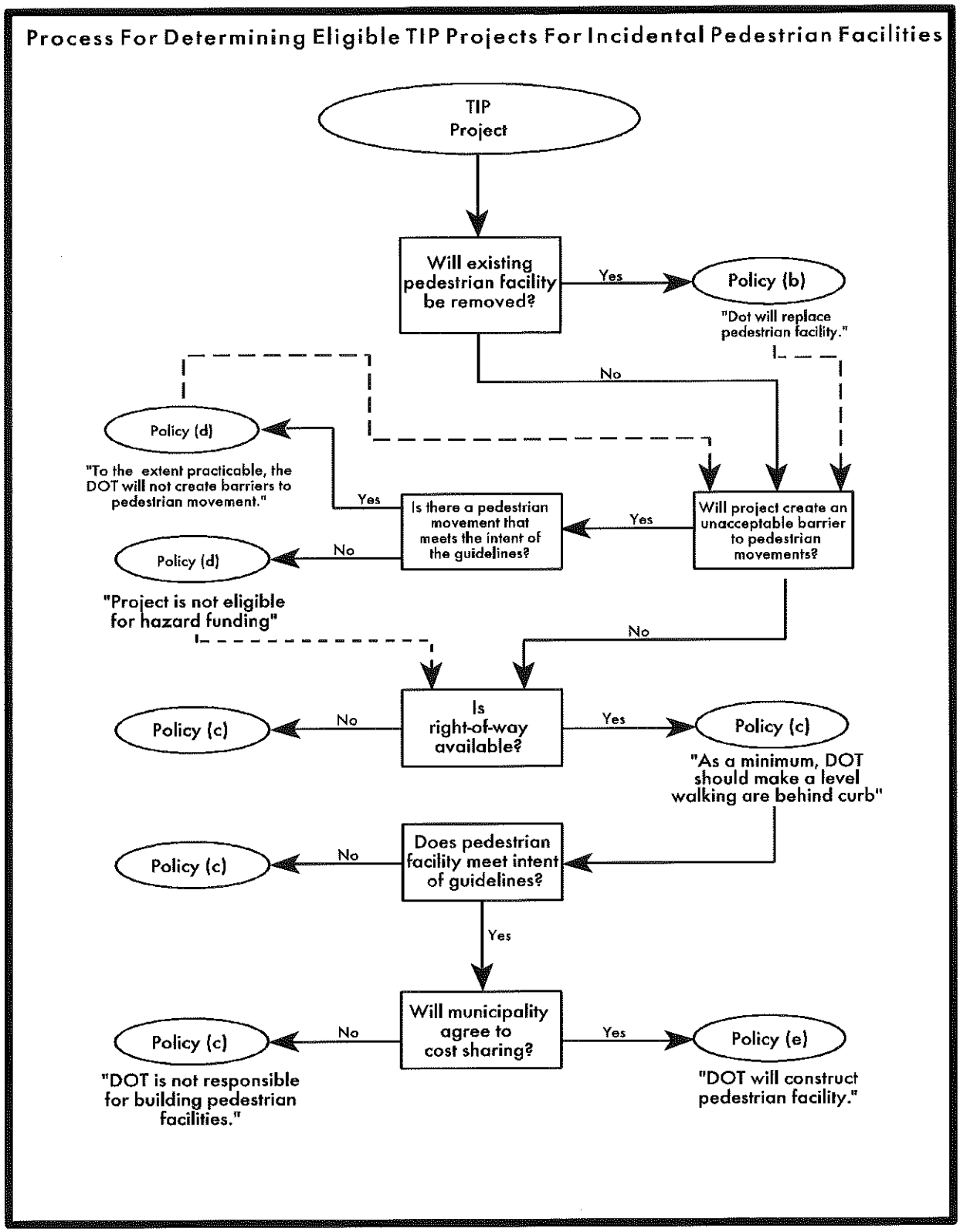

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FUNDING CAPS

Funding caps are no longer applicable.

RIGHT-OF-WAY

In general, municipalities are responsible for providing any right-of-way needed to construct pedestrian facilities. The DOT will allow pedestrian facilities on DOT right-of-way only if the pedestrian facility will not compromise the safety of vehicles or pedestrians. For preventing hazards, the DOT may buy the necessary right-of-way. For incidental and independent projects the DOT shall not pay extra right-of-way cost for pedestrian facilities.

Since the DOT's typical curb and gutter cross-section generally has a 3.0 meter (10 foot) berm, a 1.5 meter (5 foot) pedestrian facility may fit within this standard right-of-way.

Applicable AASHTO standards for right-of-way and design must be met. The DOT will not narrow automobile travel lanes to accommodate incidental pedestrian facilities. For example, if a project specifies five 3.6 meter (12 foot) lanes on a section of road, the DOT will not reduce the width of the travel lanes to 3.0 meters (10 feet) to create room for pedestrian facilities. In addition, if right-of-way is restricted, and there is insufficient room for pedestrian facilities and a utility strip, the utility strip will take precedence.

Applicable Federal and State regulations must also be met. For example, if right-of-way for a particular project is restricted by historic property, federal regulations on historic preservation may prohibit the DOT from using additional right-of-way for pedestrian facilities.

MAINTENANCE

Local governments are responsible for maintaining all pedestrian facilities. The Municipal Agreement will formally specify that the DOT is not responsible for maintaining pedestrian facilities.

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APPENDIX

POLICY ADOPTED BY THE NC BOARD OF TRANSPORTATION

.0406 CONSTRUCTION AND MAINTENANCE OF SIDEWALKS AND OTHER PEDESTRIAN FACILITIES

a) It is the policy of the Board of Transportation that highway funds are for the purpose of constructing and improving streets and highways for the movement of people and foods. Generally, within municipalities, the construction of a sidewalk on a state highway system street is considered a municipal responsibility.

b) When a highway construction project having to do with the widening of an existing street requires that an existing sidewalk be torn up to make room for the widening, it is the policy of the Department of Transportation to replace the sidewalk.

c) For construction and widening projects where sidewalks do not already exist, it is the policy of the Department of Transportation that it will not participate in the construction of sidewalks except as in subsections (d) and (e). If adequate right of way is available, the Department of Transportation will grade out a level walking area back of the curb in the utility strip. The municipality may, at its own discretion, construct sidewalks. If the municipality desires sidewalks as a part of the construction project, they will be constructed and the city will reimburse the Department of Transportation for the cost of the sidewalks by appropriate municipal agreement.

d) In the planning, design, and construction of TIP transportation projects, the Department of Transportation shall consider the needs of pedestrians and will not create hazards to pedestrian movements.

e) The Department recognizes there are certain situations in which pedestrian facilities provide significant benefits in the movement of pedestrian traffic. The Department of Transportation may participate in the provision of these facilities on a full or shared cost basis.

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North Carolina Administrative Code

19A NCAC 02D .0404 MAINTENANCE WITHIN MUNICIPALITIES

(a) Definitions and Abbreviations. The following is a listing of definitions to provide greater understanding of this Rule:

(1) Municipality means an incorporated city or town within the State of North Carolina.

(2) The State Highway System includes those streets and highways as described in G.S. 136-44.1.

(3) State Municipal System Street or Highway is any street or highway on the state highway system within a municipality. Note: See G.S. 136-66.1(1)

(4) Non-State System Municipal Street or Highway (Municipal System) is any street or highway accepted by the municipality which is not a part of the state highway system. [Note: See G.S. 136-66.1(2)]

(5) A Rural Highway or Street is highway or street on the state highway system outside the limits of a municipality.

(6) Board means the Board of Transportation.

(7) Maintenance means routine care or upkeep to keep roads, streets or highways in the existing condition and with the existing traffic carrying capacity.

(8) Pavements are the paved portion of streets including paved shoulders and on street parking areas but does not include sidewalks and driveways.

(9) Storm Drainage or Storm Sewers means a system of underground pipes, culverts, conduits or tunnels including drop inlets and catch basins, designed to convey water from surface areas to eventual disposal into outfall streams.

(10) Open Drainage means drainage systems utilizing open side ditches, tail, lateral and outfall ditches to convey surface water to outfall streams.

(11) Cross Pipe Lines are pipe lines under the roadway surface, designed to convey water from one side of a street or highway to the other.

(12) Shoulder is earthen, soil, clay, gravel or turf section of pavement support extending from outer pavement edge to the bottom of side ditch, including shoulder sections which are paved.

(13) Sidewalk means walkway, paved or unpaved, parallel to streets or highways.

(b) Maintenance Responsibility.

(1) The streets and highways comprising a part of the state highway system, at all times, are the responsibility of the Department of Transportation and this overall responsibility is not shifted to the municipality by reason of their assumption, under reimbursable contract, of maintenance, construction, or improvement on behalf of the Department of Transportation as outlined in G.S. 136-66.1.

(2) The cost of municipal maintenance is paid for out of funds allocated by the Board for this purpose.

(3) The Department of Transportation within its discretion may enter into contracts with municipalities for the purpose of maintenance, repair, construction, reconstructing, widening or improving state system streets within municipalities.

(4) The maintenance of state system streets may be performed by the municipality by a continuing agreement with the Department of Transportation on a reimbursement basis. Such an agreement may be executed covering all or part of maintenance operations on all or a part of the state system streets within the limits of the municipality involved.

(c) Policies and responsibilities.

(1) Patching and resurfacing of pavements is the responsibility of the Department of Transportation.

(2) Repairs for pavement cuts for utility repair and other purposes by or under the control of the municipality shall be the responsibility of the municipality. The Division of Highways district engineer, or his designated representative, shall be notified in writing 48 hours in advance of any pavement cut and approval must be obtained prior to making the cut. Pavement cuts due to emergencies shall proceed as necessary with the Division of Highways district engineer being notified as soon as possible after the emergency is discovered and the pavement cut is made or anticipated.
Note: See G.S. 136-93.

(3) If the maintenance of any state system street is performed by the municipality, then it shall be the responsibility of the municipality, subject to the approval and direction of the Department of Transportation, to install and maintain proper signs, barricades and other safety devices of like nature and to furnish flagmen when necessary; all in accordance with the Manual for Uniform Traffic Control Devices (MUTCD).

(4) An encroachment agreement is required for the initial installation of any utility on the state highway system right of way by the municipality as well as by utility companies and individuals.

(5) Drainage:

(A) The maintenance of roadway ditches including median drainage, where applicable, and cross drainage pipes, outfalls and structures is the responsibility of Department of Transportation within the highway right of way or within a drainage easement area.

(B) The maintenance of storm drainage and storm sewer systems draining state system streets is the responsibility of the Department of Transportation, within the highway right of way or within a drainage easement area. Where systems draining state system streets are enlarged and expanded to accommodate drainage from municipal streets, the initial cost and the maintenance cost shall be borne jointly by agreement.

(C) Attachments to drainage structures -- Written approval of the Department of Transportation is required prior to any utility or other attachment being made to any bridge or structure on the state highway system. Approval is also necessary before turning any utility under or through a bridge or drainage structure on the State Highway Sys

(6) Sidewalks. The maintenance of sidewalks is a municipal responsibility.

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(7) Roadside Maintenance:

(A) Freeways, interstate and other controlled access highways. All planting, plant maintenance, mowing, erosion control, and litter pickup are the responsibility of the Department of Transportation, except as otherwise provided herein.

(B) Non-controlled Access Surface Streets

(i) Without sidewalk or pedestrian space (paved or unpaved). Erosion control, machine mowing, litter pickup and the maintenance of trees over the entire width of right of way are the responsibility of the Department of Transportation. Maintenance of shrubs or other planting is also the responsibility of the Department of Transportation subject to the provision providing for specific planting projects as outlined in Part (7)(C) of this Paragraph.

(ii) With sidewalk or pedestrian space (paved or unpaved). Since the area outside of the curbs or within and beyond the sidewalk or pedestrian space is used almost exclusively for pedestrians, the maintenance of such areas is the responsibility of the municipality.

(C) Specific planting projects on state highway system right of way. Should the municipality desire more extensive planting than is provided by the Department of Transportation, a plan for such proposed planting shall be submitted to the Department of Transportation and shall be considered a construction or improvement item. An individual permit and agreement on Department of Transportation and municipal responsibilities for planting and plant maintenance will be required in each instance, covering not only financial responsibility but also the furnishing of personnel, equipment and materials for performing plant maintenance and associated hand mowing operations.

(D) Proposed planting by civic organizations. Civic organizations desiring to provide more extensive planting of trees and shrubs in the municipality on Department of Transportation right of way than is provided by the Department of Transportation shall handle negotiations through the municipality as outlined in Part (7)(C) of this Paragraph.

(8) Snow and Ice Control:

(A) The responsibility for clearing state system streets is the responsibility of the Department of Transportation; however, municipalities may, with the concurrence of the division engineer, execute an agreement with the Department of Transportation providing for reimbursement by the Department of Transportation to the municipality for the assumption of this responsibility.

(B) The removal of snow from sidewalk areas is not the responsibility of the Department of Transportation.

(9) Guard Rail. The maintenance, repair and replacement of guard rail on Highway System streets and highways is the responsibility of the Department of Transportation.

(10) Street Lighting:

(A) Freeways -- Interstate System and Other Controlled Access Highways. Where in the judgment of the Department of Transportation street lighting is necessary, the maintenance and the electric current necessary for the operation of the lighting system shall be the responsibility of the Department of Transportation.

(B) Other System Streets. The maintenance and the electric current for lighting systems on other than as referred to in Part (10)(A) of this Paragraph is the responsibility of the municipality, unless otherwise provided for by specific agreement.

(C) The installation of street lighting systems by the municipality on state system streets within the right of way may be allowed by the Department of Transportation by encroachment agreement only.

(11) Blocking of Traffic Lanes. In order to provide for the safe movement of traffic, it is a joint responsibility between the Department of Transportation and the municipality to insure that traffic lanes be kept open and if blocked at any time for any reason that such blockage is properly signed or flagged.

History Note: *Authority G.S. 136-66.1; 136-93; 143B-346; 143B-350(f); 143B-350(g);*
Eff. July 1, 1978;
Amended Eff. November 1, 1993.

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[MU-7] EXCEPTIONS TO MAINTENANCE RESPONSIBILITIES ON STATE HIGHWAY SYSTEM STREETS IN MUNICIPALITIES - Rev. 8/18/03

There are a number of maintenance activities that take place within the right of way of a State Highway System street inside the corporate limits of a municipality that are not considered appropriate or necessary for the movement of traffic upon the State Highway System streets. Therefore, these maintenance activities and financial responsibilities are borne by the appropriate municipality and the NCDOT has no liability for their activities. Some of the more important are outlined as follows:

A. Street Lighting

The normal lighting of municipal streets is in the interest of public safety. It is not considered a NCDOT responsibility. Therefore, the cost of installation of streetlights, the maintenance of streetlights and the payment of electrical bills is the responsibility of the municipality.

In certain instances, such as an Interstate or a controlled access facility interchange, the NCDOT may determine that additional lighting is necessary for traffic safety. In this instance, the NCDOT may undertake to install such additional lighting as necessary and work out agreements for the maintenance and payment of electrical bills with the municipality or appropriate utility.

B. Sidewalks

The construction and maintenance and all financial liability for accidents on sidewalks are the complete responsibility of the municipality. Similarly, that section of ground between the curb and gutter and the sidewalk and from the sidewalk to the edge of the right of way is considered a municipal responsibility from a maintenance standpoint.

C. Driveway Entrances

Control of construction of driveway entrances on curb and gutter streets and similarly on shoulder sections is considered a municipal responsibility. The determination of the number and location of these driveway entrances must be in accordance with manuals on driveway entrances as set forth by the NCDOT or such standards as developed by the municipality, whichever is more restrictive. All commercial driveway entrances and shopping centers must have the approval of the NCDOT.

D. Municipal Signing

There are a large number of signs used by the municipality to control parking on State Highway System streets. These are parking limit signs such as "2 hour parking" and other signs that do not have as their purpose the signing for the movement of traffic on the street or highway. These types of signing are the complete responsibility of the municipality. The municipality also, in some cases, may have an interest in erecting special destination signs or special "All America City" signs. All such signing for these purposes is set forth in the policies under Traffic Engineering, Chapter 12 of this manual.

E. Marking

There are certain types of parking space and other markings that are not necessary for the movement of traffic. These are the responsibility of the municipality and agreement on these matters is normally worked out between the municipality and the NCDOT Division Engineer.

F. Small Pavement Cuts

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There is a large number of pavement cuts on State Highway System streets within the municipalities. These are undertaken by the municipality and many types of utility companies.

In order to make these pavement cuts, these agencies must obtain a permit from the appropriate NCDOT District Engineer. The municipality or utility takes full responsibility for the erection of appropriate signing in conformance with the *Manual on Uniform Traffic Control Devices* and such other detours and safety devices as needed. Accidents caused by these activities are the responsibility of the municipality or appropriate utility agency.

G. Major Pavement Cuts

There are instances where the NCDOT receives requests for utility cuts completely across the pavement or for extensive distances along the entire State Highway System street.

It is the general policy of the NCDOT that these extensive pavement cuts are not normally permitted. The municipality or utility is required to tunnel under the State highway system street or place the utility outside of the pavement area if it is for an extended distance such as a new water line, storm sewer line, etc.

H. Planting on State Highway System Right of Way

Should the municipality desire more extensive planting than is provided by the NCDOT, a plan for such proposed planting should be submitted to the Department and would be considered a construction or improvement item. An individual permit and agreement on NCDOT and municipal responsibility for planting and plant maintenance will be required in each instance, covering not only financial responsibility but the furnishing of personnel also, equipment and materials for performing plant maintenance, and associated hand mowing operations.

I. Proposed Planting by Civic Organizations

Civic organizations desiring to provide more extensive planting of trees and shrubs on NCDOT rights of way shall handle negotiations through the municipality as outlined previously in this section.

For the guidance of municipalities and civic organizations in submitting their planting plans to the NCDOT, a document has been prepared entitled *Guidelines for Planting Within Highway Right of Ways (Click on link below)*. Compliance with these standards or acceptance shall be determined by the NCDOT on an individual basis.

http://www.doh.dot.state.nc.us/preconstruct/highway/dsn_srvc/value/manuals/

J. Blocking of Traffic Lanes

In order to provide for the safe movement of traffic, it is considered a joint responsibility between the NCDOT and the municipality to ensure that traffic lanes be kept open, and if blocked at any time, such blockage is properly signed or flagged. With its police power, the municipality has a high degree of responsibility for these activities.

K. Rubberized Railroad Crossings

In most instances, NCDOT funds were utilized to install those crossings. It is the municipality's responsibility to repair or replace those crossings. If the municipality fails to properly maintain the crossing, the NCDOT will remove the crossing and replace it with asphalt.

G.S. 136-18(5)

19A NCAC 02D.0406 (Construction and Maintenance of Sidewalks)

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Attachment 2

APPROVED 11/1/2011

MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
DAY WORK SESSION
October 6, 2011
1:30 pm

The Orange County Board of Commissioners met for a Work Session on Thursday, October 6, 2011 at the Southern Human Services Center, in Chapel Hill, N.C.

Chair Pelissier called the meeting to order at 1:50 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Bernadette Pelissier and Commissioners Valerie Foushee, Alice Gordon, Pam Hemminger, Earl McKee, and Steve Yuhasz
COUNTY COMMISSIONERS ABSENT: Barry Jacobs
COUNTY ATTORNEY PRESENT: John Roberts
COUNTY STAFF PRESENT: County Manager Frank Clifton and Clerk to the Board Donna S. Baker (All other staff members will be identified appropriately below)

1. Southwest Branch Library Siting Criteria

Asset Management Director Pam Jones said that this process is similar to what the Board has experienced before. The criteria can be applied to multiple sites. She and Library Services Manager Lucinda Munger went through the criteria, which is used nationally by a lot of different libraries.

Low	Medium	High	Phase I
1	2	3	**Visibility** - Visible from the street - Traffic count that meets or exceeds the average traffic counts of a major thoroughfare in a community - Visual appeal
1	2	3	**Site Capacity** - Meets minimum acreage (urban services vs. rural services) - Space for building and on-site parking - Adequate utilities - Space for future expansion - Space to accommodate the necessary setbacks, road expansions, and other site amenities
			Total: Phase I (If total ranking equals 6 or more, excluding a ranking of 1, go to Phase II)
Low	Medium	High	Phase II
1	2	3	**Centrality** - Existing population - Growth and development - Proximity to schools - Proximity to retail

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20,000 square-foot size facility could incorporate and how many people it could serve, including meeting rooms, etc.

Chair Pelissier asked that this information be presented at the meeting next week with the Town of Carrboro.

Lucinda Munger said that the services provided all depend on what will be included in the library facility.

Frank Clifton said that this library is not just for the Town of Carrboro, but for outside of the Town of Carrboro wherever it is put.

Commissioner McKee said that, as they look at this process, a great deal of the users will be from Carrboro and there will need to be some sort of agreement with Carrboro to expedite this process. He asked if there was information on how many patrons would be drawn off of the Chapel Hill Library.

Frank Clifton said that he agreed, but there are many people who do not live in Carrboro proper who would also come in and use this library.

Commissioner Yuhasz asked if the studies for this library take into account the building size of the current Main library. It was answered no.

Lucinda Munger said that the County is limited and cannot expand the new Orange County library facility physically. The patronage has almost doubled in the new facility with no room to grow. She wants to call the southwest library a partner to the Main library.

Commissioner Yuhasz suggested comparing the zoning process and see if there can be some pre-zoning from Carrboro that would help with the timing and the siting of the library. He also suggested having this conversation with the Town of Chapel Hill in case there is an appropriate place in Chapel Hill.

Commissioner Foushee said that it seems that what is here is in conflict. She said that the last process of siting a library did not go well. She asked how to juxtapose the problem that the residents have with increased traffic against having the site in a well-traveled area so that people will know that the library is there. Any neighborhood that is considered will be opposed by the residents. She said that the County needs to be careful about not excluding sites that are not within the municipality and sites that fall within Chapel Hill's Planning jurisdiction.

Chair Pelissier said that it is in Carrboro's interest to have the library sited in Carrboro.

Commissioner Yuhasz said that the County needs to make sure that the municipal partners recognize that Orange County is not just another customer.

Commissioner McKee said that before they start spending money on another site, he would like to see some sort of cooperation between the Town of Carrboro and Orange County, and he would also like to see an expedited review process.

Chair Pelissier said that if there is an agreement that a one-story facility is wanted, then this needs to be spelled out to the Town of Carrboro with the rationale. This needs to be clear.

Lucinda Munger said that another issue is on-site parking for a facility.

Commissioner Gordon arrived at 2:40 p.m.

Chair Pelissier said that the Board is pleased with the criteria and Carrboro will respond shortly.

2. Provision and Maintenance of Sidewalks in the County's Jurisdiction

Planner Perdita Holtz said that this item grew out of the attempts to work on design guidelines for the Efland core area. While working on this, it was realized that there should be some policy guidelines before working on the Efland-Mebane Small Area Plan. This plan recommends the provision of sidewalks throughout the whole area, particularly in the more dense development. Staff is seeking direction on the sidewalk provision. Another challenge is that the County does not have a way to maintain the sidewalks like municipalities would. She

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made reference to page 3 of the abstract, which lists the decisions to be made on this issue. These are shown below:

Decisions to be Made:

In order to proceed with the design guidelines for the Efland core area, staff needs direction from the BOCC on the sidewalk issue. Design guidelines for areas with a pedestrian network are quite different from areas without sidewalks. Additionally, preliminary research shows there could be particular challenges in the Efland area because public (NCDOT) right-of-way is much narrower in some areas than the current standard of 60 feet (or more, depending on roadway type), and in some cases parcels actually extend to the centerlines of streets and the public road is located within an easement.

Questions staff has included:

1. Does the BOCC want to proceed with the county "getting into the sidewalk business" at this time?
2. If so, is staff authorized to begin development of a sidewalk program for certain areas of the County (i.e., the Efland-Buckhorn-Mebane corridor to start). Does the BOCC have direction on any of the funding and maintenance issues discussed above, particularly the issue of providing sidewalks in an area that is already partially developed (the Efland core area)? (Note: a sidewalk program is likely to result in amendments to development regulations).

Options for providing sidewalks include:

a. Orange County or developer (for new construction) pays for and builds the sidewalks and either Orange County contracts with a city for maintenance or a Property Owners Association (setting up a POA would be a requirement for new construction) is responsible for maintaining the sidewalk. County general funds would be used under this option. Note that NCDOT would require a maintenance agreement with the County and NCDOT is willing to enter into third party agreements with the County as a "back-up" signatory for maintenance.
b. Orange County creates a special assessment district for sidewalk. Property owners within the district would be required to pay into the special district and a fund would be created for sidewalk construction and maintenance. Orange County would be responsible for maintenance, likely through contracting with another city for maintenance tasks.
c. Other options as the BOCC decides.

3. If not, should staff proceed with the Efland core area design requirements/guidelines? The requirements/guidelines will be more minimal than what the Small Area Plan recommended because of the differences in urban form a sidewalk network brings to an area.

Commissioner McKee said that he does not have a problem with major developments having sidewalks but he does not want to get Orange County in the business of building and maintaining sidewalks.

Commissioner Yuhasz said that he agreed with Commissioner McKee for not wanting Orange County to get into the sidewalk business. He said that if they look at large subdivisions,

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the Orange County subdivision regulations discourage large subdivisions. He said that it is not practical to add sidewalks to smaller subdivisions.

Commissioner Hemminger agreed and said that she does not want Orange County in the sidewalk business. However, she does want the County to be in the business of connectivity. She also wants to look at the Safe Route to Schools systems.

Commissioner Gordon agreed and said that there is no funding available to maintain the sidewalks. She said that there are ways to have connectivity without having sidewalks.

Frank Clifton said that it would be important to have a policy in case there is a development that wants to have sidewalks.

Chair Pelissier agreed with her colleagues.

Discussion ensued about bicycle lanes and the shoulders on US 70 in Efland.

Commissioner Yuhasz asked for information about the annual maintenance costs for sidewalks.

3. Paperless Agenda Options- canceled

Frank Clifton said that this item would be rescheduled for a night meeting.

Commissioner Hemminger said that if Durham County is doing this, she wants to see how it works and how it looks.

A motion was made by Commissioner Hemminger, seconded by Commissioner Yuhasz to adjourn the meeting at 3:05 p.m.
VOTE: UNANIMOUS

Bernadette Pelissier, Chair

Donna Baker, CMC
Clerk to the Board

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