

**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, April 3, 2013
Regular Meeting – 7:00 pm**

No.	Page(s)	Agenda Item
1.		CALL TO ORDER
2.		INFORMATIONAL ITEMS
	3-4	a. Planning Calendar for April and May
	5-8	b. Interest Areas Raised by Planning Board Members at January 9, 2013 Meeting
3.	9-14	APPROVAL OF MINUTES March 6, 2013 Regular Meeting
4.		CONSIDERATION OF ADDITIONS TO AGENDA
5.		PUBLIC CHARGE Introduction to the Public Charge
		<p>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.</p>
		Public Charge
		<p>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.</p>
6.		CHAIR COMMENTS

No.	Page(s)	Agenda Item
7.	15-36	<p>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO to modify existing language to provide additional reference to land disturbance thresholds related to stormwater management standards. This item was heard at the February 25, 2013 quarterly public hearing and was discussed by the Planning Board at its March 6 meeting.</p> <p>Presenter: Michael Harvey, Current Planning Supervisor</p>
8.		<p>COMMITTEE/ADVISORY BOARD REPORTS</p> <ul style="list-style-type: none"> a. Board of Adjustment b. Orange Unified Transportation
9.		<p>ADJOURNMENT</p>

**IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR
MICHAEL HARVEY (919-245-2597).**

April 2013

April 2013

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May 2013

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Mar 31 - Apr 6				7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)			
	7	8	9	10	11	12	13
Apr 7 - 13		7:30pm Board of Adjustment (West Campus Office Bldg)	7:00pm BOCC Reg Meeting (Department of Social Services)		7:00pm BOCC Budget Work Session (Southern Human Services)		
	14	15	16	17	18	19	20
Apr 14 - 20			7:00pm BOCC Work Session (Link Gov't Services Ctr)	7:00pm OUTBoard Meeting (West Campus Office Bldg)			
	21	22	23	24	25	26	27
Apr 21 - 27			7:00pm BOCC Reg Meeting (Southern Human Services)		7:00pm BOCC/Schools (Dept of Social Services)		
	28	29	30	May 1	2	3	4
Apr 28 - May 4							

* Requires Planning Board Member Attendance

May 2013

May 2013

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June 2013

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	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Apr 28 - May 4	Apr 28	29	30	May 1 7:00pm *PLANNING BOARD MEETING (West Campus Office Bldg)	2	3	4
	5	6	7 7:00pm BOCC Reg Meeting (Department of Social Services)	8	9 7:00pm BOCC Budget Work Session (Southern Human Services)	10	11
May 5 - 11	12	13 7:30pm Board of Adjustment (West Campus Office Bldg)	14 7:00pm BOCC Work Session (Link Gov't Services)	15 7:00pm OUTBoard Meeting (West Campus Office Bldg)	16	17	18
	19	20	21 7:00pm BOCC Reg Meeting (Southern Human Services)	22	23 7:00pm BOCC Budget Public Hearing (Department of Social Services)	24	25
May 12 - 18	26	27 HOLIDAY	28 7:00pm *QUARTERLY PUBLIC HEARING (Department of Social Services)	29	30 7:00pm BOCC Budget Public Hearing (Southern Human Services)	31	Jun 1
	May 19 - 25						
May 26 - Jun 1							

*Requires Planning Board Member Attendance

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.

March 14, 2013

Pete Hallenbeck emergency services items- the detailed list

a) Drain pipes under driveways:

Drain pipes should be 16' wide so that trucks can pull into driveways without getting "hung up" with a wheel in a ditch. Note that in addition to avoiding a catastrophic problem with the entrance to a residence blocked, this change also improves response time by a few seconds and avoids having the responding unit have to get way over into the opposing lane going very slowly in order to insure it can cross the drain pipe, making every day operations safer for all.

b) Cull-du-Sac diameters:

Some of the larger apparatus that responds to rural areas can be as long as 35 feet. With private roads, cull-du-sacs tend to slowly lose diameter as vegetation grows in. When bring water in for a house fire, often the only means for turning tankers around is to continue down to the end of a private road and use the cull-du-sac.

A minimum cleared diameter of 50 feet for new developments would insure that the fire service would operate at peak efficiency.

c) Pull-over areas on 1 lane private roads:

When a house is on fire, water often has to be brought in with tankers. These tankers go back and forth from a water point to the house that is on fire. If there is a long one lane road, tankers have to wait at the end of the road until there are no other vehicles on the road. An ordinance requiring a 50 foot long pull-over area of at least 22 feet every 500 feet would insure that fire suppression operations could occur with best efficiency. Note also that such a pull over would be of benefit to the residents on the private road.

d) Tree Clearance on Driveways:

Emergency apparatus is a tight fit with a 10' wide bay door. Heights for some department can be as much as 12 feet tall. Tree branches can droop when wet or when they have snow on them. An ordinance requiring a 14' wide by 14' tall clearance for driveways would insure that apparatus could negotiate the driveway with modest turns in it. If the ordinance would also read with something along the lines of "...and must be able to pass a vehicle 35' in length" that would be good too. Note that this would also be beneficial for the residents for both UPS delivery trucks and other vehicles such as gravel trucks or grading equipment trucks.

In California, there are rules that require an area sufficient to turn a fire truck around for each house. I think the cull-du-sac, pull-over requirements and this driveway clearance requirements are sufficient for our area (we are not prone to the wildfire situations that California has).

e) Gates:

Many people have either locked gates or electronically controlled gates at their driveways. This slows down emergency services personnel because they have to disassemble the gate when they arrive at the house. There is always a dilemma faced by responders as to how much force should be used. If a house is visibly on fire, then an aggressive approach is not questioned. But for medical or fire alarms, if the emergency was not sufficiently life threatening or if the property in jeopardy was not of sufficient value the gate is carefully disassembled or responders wait for someone to come and open the gate.

The purpose of an ordinance here is two fold- to establish liability for gate damage when responders damage a gate, and to require that there be some means whereby responders can have access to a code, lock-box, or some other mechanism that allows them to open the gate.

The benefit to the responders is no more conversations about who is going to replace that bolt on the gate. The benefit to the public is they don't die from a heart attack while responders take the gate apart.

f) Bridges on Roads and Driveways:

Private bridges must have a capacity of 40,000 pounds, be 12" wide, and use steel for the main beams of the bridge. The deck of the bridge should be above the 100 year flood plain. This allows a tanker with 2200 gallons of water cross the bridge. The benefit to the fire departments is apparatus won't fall through a bridge. The benefit to the homeowner is no access problems and their insurance company can write a policy. Most insurance companies, if they do an on site inspection, require a letter from the Fire Chief or Fire Marshal stating that the bridge is adequate for fire apparatus. Mortgages require that houses be above the 100 or 500 year flood plain, that often requires a surveyors' statement, so adding the bridge deck to that is a small incremental cost.

Home Occupations Comments:

The current ordinance limits the number of people who can work from a house to 2 people. The ordinance work for urban and suburban areas, but might limit small businesses or start-ups in less dense areas. The Efland small area plan group wrestled with this, and those discussions are relevant county wide. For the purpose of those discussions, the following exemplary businesses where discussed:

- Professional Services such as surveyor, engineering, software
- Professional Services such as accountant
- Professional Services such as medical services
- Service industry such as a hair stylist
- Service industry such as an electrician
- Service Industry such as landscaping

The impact of a home business can be measured in the following ways:

1) Parking for people working at the home.

- 2) Parking for people visiting the business
- 3) Number of people coming and going each day
- 4) Noise impact
- 5) Visual impact of the parking area, equipment or buildings
- 6) Signage for the business

Looking at the example businesses, you can see where they have different impacts. The electrician and landscaper may have virtually no visitors, and may require no signage. The hair stylist would have many visitors and probably want to have a sign. The accountant would have less visitors than the hair stylist, and may want a sign. The engineering or software company would have few visitors due to the contract nature of the work, and may not need any sign. The landscaper would need to have big pieces of equipment whereas the electrician would just need a vehicle and maybe a small outbuilding for parts. Medical services might be reviewing images and only have a visitor once a week, but might have a staff of 3 to deal with help, insurance paperwork, etc.

An ordinance calling out specific businesses would be constantly challenged based on a variety of subjective opinions regarding impact and “worthiness” of the business. An ordinance dealing with the impacts would be more consistent with how the UDO is written. Note also that existing areas of the county could ban businesses entirely. The UDO has a number of activities that are explicitly banned in the rural buffer. Note also that municipalities have their own ordinances regarding businesses. So it may be possible to make these changes such that they apply to county only areas and are not allowed in the rural buffer.

Based on Efland small area group meetings, this topic can be discussed at great length. And I look forward to the planning board discussing this! By way of example, here are some “too simple” illustrative rules for the above impacts:

- 1) Parking for people working at the home.
Limit parking to 3 non-residents.
- 2) Parking for people visiting the business
Limit parking to 2 visitors at a time- enough for someone who currently has an appointment and would have the next appointment waiting.
- 3) Number of people coming and going each day
Limit number of visits to 8 per day (one per hour).
- 4) Noise impact
Existing ordinance should be OK here.
- 5) Visual impact of the parking area, equipment or buildings
Parking area must be at least 300' from the nearest residence. One building up to 40 x 60 allowed for the business. No outside storage of business related items allowed (except for vehicles and “big equipment” like backhoe, etc).
- 6) Signage for the business
One sign, not to exceed four square feet, unlighted.

I hope this brief discussion help people think about this problem and results in a informed discussion.

- pete

DRAFT
MINUTES
ORANGE COUNTY PLANNING BOARD
MARCH 6, 2013
REGULAR MEETING

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MEMBERS PRESENT: Larry Wright, At-Large, Cedar Grove Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Johnny Randall, At-Large Chapel Hill Township; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; Dawn Brezina, Eno Township Representative;

MEMBERS ABSENT: Rachel Hawkins, Hillsborough Township Representative; Peter Hallenbeck (Chair), Cheeks Township Representative;

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

OTHERS PRESENT: Tom Heffner, Phil Koch, Pat & Ed Yahner

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for March and April
- b) Interest Areas Raised by Planning Board Members at January 9, 2013 Meeting

Lisa Stuckey: Since Pete is not present, I would like to table this until the next meeting.

AGENDA ITEM 3: APPROVAL OF MINUTES
JANUARY 9, 2012 ORC MEETING NOTES
JANUARY 9, 2012 REGULAR MEETING

Larry Wright: On page 7, line 333 and 334 should read, "Protect Rural Orange wanted to go through the special use permit process. The Board of Adjustment decided against the appeal process."

MOTION by Alan Campbell to approve the minutes with the change. Seconded by Maxecine Mitchell.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

Craig Benedict presented Larry Wright and Alan Campbell with certificates of appreciation for their dedication and their work on the Planning Board.

Lisa Stuckey: As Chair, Pete asked me to thank both of you very much for your service on this Board and for your service to our community and our county.

Alan Campbell: It has been a pleasure working with you and an honor to be on this Board.

DRAFT

55 Larry Wright: It has been a pleasure working with you and we have grown so much as a board.

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58 **AGENDA ITEM 5: PUBLIC CHARGE**

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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.

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PUBLIC CHARGE

The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time, should any member of the Board or any citizen 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.

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79 **AGENDA ITEM 6: CHAIR COMMENTS**

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82 **Agenda Item 7: PRELIMINARY PLAT – ANNANDALE AT CREEKWOOD – To review and make a recommendation to the BOCC on the Preliminary Plat application for Annandale at Creekwood.**
83 **Presenter:** Michael Harvey, Current Planning Supervisor
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Michael Harvey: Reviewed abstract.

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Johnny Randall: Why is the curb and gutter in this?

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Michael Harvey: The curb and gutter is necessary as part of the storm water management transfer system as discussed in the approved Flexible Plan option and detailed in the application packet. This project will need to comply with state storm water standards and requirements, the curb and gutter is just to guarantee the conveyance of storm water so it doesn't run over private property.

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Johnny Randall: So there is no option for swales that can sheet flow across properties?

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Michael Harvey: The applicant chose curb and gutter to avoid potential issues with runoff erosion or other problems.

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Johnny Randall: It is very effective at conveying it and point source outlets. More progressive developments are getting away from curb and gutter unless a sidewalk is necessary. Have we gone beyond the point of no return?

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Michael Harvey: You can express your willingness for them to reexamine their proposal but the flexible development option was recommended by the Planning Board and it showed curb and gutter. This proposal is based on previous Planning Board comments. The Erosion Control officer for Orange County has indicated approval of the preliminary storm water plan as well.

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Johnny Randall: Where will the outlet for the storm water be?

DRAFT

109
110 Phil Cook: I am with Earth Centric Engineering and we are the engineers for the project. There are two separate
111 outfalls for this roadway. (Pointed out the outfalls). There is actually an existing natural swale that comes on the
112 back which allows us to let that have a level spreader respect.

113
114 Johnny Randall: The other issue has to do with critters moving around (i.e. salamanders and box turtles). Given
115 that this development on two sides had significant natural heritage areas and there is a creek. I apologize this
116 didn't come to my attention earlier but I want it on the record.

117
118 Larry Wright: This is just for information, I was at a dinner meeting with a commissioner from another county and
119 she thought the DOT requirements for a cul-de-sac was 50 feet. Can you clarify that?

120
121 Michael Harvey: There is a difference between radius and the pavement portion. The minimum 37 feet of paved
122 area will be the minimum amount of paved area required for the project although the radius of the cul-de-sac will be
123 a lot wider to incorporate all elements in the right-of-way. The right-of-way for the cul-de-sac will have a radius of
124 50 feet. If there are no other questions, let's move on to utilities.

125
126 Alan Campbell: On the septic areas, it looked slightly more involved than a conventional system. Are they
127 basically conventional with some tweaks with pretty much the same cost?

128
129 Phil Cook: Not the same cost. They are a little more expensive. Some of the lots have conventional systems.
130 There are two systems that use one of the line reduction methods.

131
132 Johnny Randall: About the septic drain field areas, they are pushed to the limit of the lots where the 50 foot buffer
133 zone, could they be pulled closer to the homes? One issue that would make the Triangle Land Conservancy more
134 interested in this development would be to offer them the option of holding conservation easements on some of
135 those lands adjacent to both Duke Forest and their own property.

136
137 Michael Harvey: The areas with the plats have been identified as perkable soils. It is certainly possible to have
138 them moved. We require they be denoted on the plat to ensure there is perkable soil in each lot. With respect to
139 the open space ownership issue Mr. Heffner (the applicant), at the November 7, 2012 Planning Board meeting, the
140 question came up of ownership of open space, where discussions on conservations easements were made.
141 Essentially, it was his determination that the local residents would be more readily available to address issues in
142 respect to management of the open space areas.

143
144 Tom Heffner: My experience has been that it is preferable to have homeowner's association; there has to be
145 ownership of the open space so the HOA would own a fee simple interest in that space.

146
147 Michael Harvey: What will ultimately determine the final location of the septic field is the size of the house, the
148 number of bedrooms and the location of the well.

149
150 Johnny Randall: Given this site is forested with mature hardwood forest, if I, for instance, If the septic drain field
151 was pulled closer, there would be much greater sense of being in the forest.

152
153 Tom Heffner: Drain fields are not cleared.

154
155 Michael Harvey: Continued reviewing abstract.

156
157 Motion made by Larry Wright to approve the preliminary plat as submitted. Buddy Hartley seconded.
158 Vote: 9:1 (Randall opposed) passed.

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161 **Agenda Item 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – To make a recommendation**
162 **to the BOCC on government-initiated amendments to the text of the UDO to modify existing**

DRAFT

163 language to provide additional reference to land disturbance thresholds related to stormwater
 164 management standards. This item was heard at the February 25, 2013 quarterly public
 165 hearing.

166 **Presenter:** Michael Harvey, Current Planning Supervisor

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 168 Michael Harvey: This item begins on page 51 of the abstract. I would like to review what occurred at the Quarterly
 169 Public Hearing and get feedback. This item will come back at the April regular meeting once the comments from
 170 OWASA are obtained.

171
 172 Larry Wright: On the BOA, we heard an application where they were dealing with impervious surfaces. . They
 173 couldn't get the driveway to the house. I would like to know, translating it to this, this 6% is not 6% when someone
 174 buys a parcel and it is on a corner lot. The 6% is not their land.

175
 176 Michael Harvey: I will respectfully disagree. In the instance you are referring to, it is a 10 acre exempt subdivision,
 177 meaning it did not go through the formal staff review and approval process. They had easements for the various
 178 roadways placed on this property without thought of impacts associated with impervious surface limits. Roadway it
 179 does contribute to the 6% impervious surface limit but the problem was created through the process they went
 180 through in that the developer did not allocate impervious surface area from all of the lots to address roadway
 181 construction.

182
 183 Larry Wright: Are there parcels that were purchased like that application for the BOA that would be in the same
 184 scenario?

185
 186 Michael Harvey: I am sure there are.

187
 188 Larry Wright: What would happen?

189
 190 Michael Harvey: They apply for variances or make do with what they have.

191
 192 Alan Campbell: I would like to get a sense of the current requirement is 6% and University Lake requires a
 193 professionally prepared site plan. What is the benefit having that versus a plot plan? Does it help you understand
 194 they are meeting that 6%?

195
 196 Michael Harvey: We get with a certain level of specificity with a professionally prepared site plan versus a plot plan.
 197 Detailed are breakdowns of the impervious surface is just a prime example.

198
 199 Alan Campbell: It sounds like you are proposing an automatic burden on a lot of people when there is no need for it
 200 when you always have the option of requirement and storm water to back you up.

201
 202 Michael Harvey: That is not a wrong argument.

203
 204 Lisa Stuckey: Is there a consensus among the group that "c" is the feedback we want to give.

205
 206 Herman Staats: I understand based on that map that you have the 6% zones and they would have to have a
 207 professionally prepared plan. How does the storm water runoff criterion compare or what does that mean?

208
 209 Michael Harvey: Basically, we wanted to avoid county planning staff looking at one set of drawings and Orange
 210 County Erosion Control looking at a totally different set. On page 54 for example, you can have ½ to one acre of
 211 disturbance. If "c" were the option, regardless of the watershed you are in, if you exceed these thresholds; we need
 212 a professionally prepared site plan.

213
 214 Herman Staats: If we used "c" these people in the 6% zones would not have to do it unless they met the storm
 215 water criteria.

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DRAFT

217 Michael Harvey: Or we make the formal determination we cannot make an affirmative finding a permit can be
218 issued unless we have more detail.

219
220 Tony Blake: I am trying to understand the historical context here. I realize that was the only water supply when
221 that was put in effect. I don't understand why around Little River is 6% and others are not.

222
223 Craig Benedict: Part of University Lake is to ask OWASA what they know from history. That goes back before the
224 watershed rules were put in effect in 1994. Little River was in protection for a Durham water supply and that is not
225 a requirement of the state just Orange County protecting water supply. In Cane Creek, it is a very small watershed
226 and we are going to see what the differences or state mandates are in excess of that.

227
228 Herman Staats: The only other issue is the interaction with the public so if you use the storm water guidelines but
229 then you have the discretion of the requiring a professional plan, what will be the most public friendly.

230
231 Michael Harvey: There is language in the code that gives us discretion of requiring a professionally prepared site
232 plan if we can't make a decision with respect to the issuance of permit and what is proposed complies with County
233 regulations. The typical cadence for a permit review now is that local residents, developers, etc. come to the
234 planning department and we do a site assessment. That provides a brief explanation, examination of the natural
235 features on a property. We have been directed by the BOCC to provide you with OWASA feedback in response to
236 the change in the ordinance and they will be giving you some history.

237
238 Lisa Stuckey: At this point, we are waiting for OWASA?

239
240 Michael Harvey: We are looking to answer your questions tonight and give us feedback on the option preference.
241 What I have heard here is that there is a consensus for pursuing Option "c" while awaiting a response from
242 OWASA.

243
244
245 **Agenda Item 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** – To make a recommendation
246 to the BOCC on government-initiated amendments to the text of the UDO to make changes to
247 the section regarding the Planning Board's Rules of Procedure. This item was heard at the
248 February 25, 2013 quarterly public hearing.
249 **Presenter:** Perdita Holtz, Special Projects Coordinator

250
251 Perdita Holtz: Reviewed abstract.

252
253 **MOTION** by Larry Wright to accept the changes. Seconded by Maxecine Mitchell.
254 **VOTE: UNANIMOUS**

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257 **Agenda Item 10: PLANNING BOARD LIAISON TO THE OUTBOARD** – To nominate a Planning Board member to fill
258 the position on the OUTBoard designated for a Planning Board member.
259 **Presenter:** Perdita Holtz, Special Projects Coordinator

260
261 Perdita Holtz: Reviewed abstract.

262
263 Alan Campbell: Explained his work on the OUTBoard.

264
265 Andrea Rohrbacher: I would like to volunteer.

266
267 **MOTION** by Alan Campbell to accept Andrea Rohrbacher. Seconded by Maxecine Mitchell.
268 **VOTE: UNANIMOUS**

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DRAFT

271 **Agenda Item 11:** **ANNUAL BOCC RETREAT**– To receive a brief oral report on planning-related outcomes of the
272 annual BOCC retreat held on February 1, 2013.
273 **Presenter:** Craig Benedict, Planning Director
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275 Craig Benedict: Reviewed the goals from the BOCC Retreat.
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278 **AGENDA ITEM 12:** **COMMITTEE/ADVISORY BOARD REPORTS**
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- 280 a) Board of Adjustment
- 281 b) Orange Unified Transportation
- 282
- 283

284 **AGENDA ITEM 13:** **ADJOURNMENT**
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286 **MOTION:** made by Larry Wright to adjourn. Seconded by Maxecine Mitchell.
287

VOTE: UNANIMOUS

**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: April 3, 2013

**Action Agenda
Item No.** 7

SUBJECT: Continued Review of a Unified Development Ordinance Text Amendments –
Modification of Site Plan Submittal Requirements

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

1. Comprehensive Plan and Unified Development Ordinance Amendment Outline Form (UDO/Zoning 2012-016)
2. UDO Amendment Package
3. OWASA Response to Proposed Amendment
4. Excerpt Draft Minutes from February 25, 2013 Quarterly Public Hearing

INFORMATION CONTACT:

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Reynolds Ivins, Erosion Control (919) 245-2586
Craig Benedict, Director (919) 245-2575

PURPOSE: To continue discussion of, and make a recommendation on, a Planning Director initiated text amendment(s) to the Unified Development Ordinance (UDO) in regards to the submission of formal, professionally prepared, site plans.

BACKGROUND: This item was presented at the February 25, 2013 Quarterly Public Hearing and reviewed by the Planning Board at its March 6, 2013 meeting.

Excerpt, draft, minutes from the Quarterly Public Hearing are contained in Attachment 4. Agenda packet materials from the hearing can be accessed via the following link: <http://orangecountync.gov/occlerks/130225.pdf>

During the Planning Board meeting staff reiterated input from OWASA, relating to the text amendment, would be solicited. Staff has received a response (Attachment 3) from OWASA which expresses no concerns.

At the March 6, 2013 Planning Board meeting there was universal consensus that 'Option C', specifically requiring a professionally prepared site plan only when stormwater land disturbance thresholds are exceeded, was the preferred method to ensure consistency with respect to the submittal of professional site plans.

Attachment 2 contains the proposed amendments with additions shown in **red text** and proposed deletions are shown in **red strikethrough text** as well as footnotes documenting the rationale for the proposed modification.

Staff will reiterate this amendment does not alter existing development standards associated with the Watershed Protection Overlay Districts (i.e. impervious surface limits). Further work may be authorized by the BOCC to complete a comprehensive review of existing limits in the near future.

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

Planning Director's Recommendation: The Planning Director recommends **approval** of the proposed text amendments based on the following:

- a. Staff supports Option C, as recommended by the Planning Board, with respect to basing the need for a professionally prepared site plan on stormwater management standards rather than on the impervious surface limit of a particular watershed overlay district.
- b. The amendments eliminate existing inconsistencies and provide additional clarification on the submission of professionally prepared site plans.
- c. The amendments provide reference to recently adopted stormwater management standards, and
- d. The amendments are consistent with the overall intent of the adopted 2030 Comprehensive Plan.

For additional information please refer to Section B.1 and 2 in Attachment 1.

FINANCIAL IMPACT: See Section C.3 in Attachment 1.

RECOMMENDATION: The Planning Director recommends the Planning Board:

1. Deliberate as necessary on the proposed amendments;
2. Consider the new information supplied since the public hearing, specifically the OWASA letter in Attachment 3, and the Planning Director's recommendation to approve the UDO amendments contained in Attachment 2; and,
3. Make a recommendation to the BOCC on the proposed amendments in time for the **May 7, 2013** BOCC meeting.

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

UDO / Zoning-2012-016

Amendment(s) requiring submittal of formal site plans and stormwater management plans for residential and non-residential projects

A. AMENDMENT TYPE

Map Amendments

- Land Use Element Map:
From: ---
To: ---
- Zoning Map:
From:- --
To:---
- Other:

Text Amendments

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

B. RATIONALE

1. Purpose/Mission

In accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO, the Planning Director has initiated a text amendment to modify existing language requiring the submittal of formal stormwater plans as part of subdivision and development applications. The State recently implemented stormwater management and nutrient reduction

strategies. As part of these strategies, the County recently modified existing regulations mandating the preparation and submittal of formal, engineered, stormwater management plans as part of any development project where proposed land disturbance reached the following thresholds:

Watershed/River Basin	Stormwater – Non-residential	Stormwater – Residential
Cape Fear (includes the Back Creek, Haw River, Cane Creek, Jordan Lake, and University Lake protected and critical watershed overlay districts as well as those properties within the basin not located in a watershed overlay district).	Projects proposing over 21,780 square feet of disturbance are required to submit a stormwater management plan.	Projects proposing over 43,560 square feet of disturbance are required to submit a stormwater management plan.
Neuse (includes Flat River, Little River, Upper and Lower Eno protected and critical watershed overlay districts as well as those properties within the basin not located in a watershed overlay district).	Projects proposing over 12,000 square feet of disturbance are required to submit a stormwater management plan.	Projects proposing over 21,780 square feet of disturbance are required to submit a stormwater management plan.
Roanoke (includes South Hyco Creek protected watershed overlay district).	Projects proposing over 20,000 square feet of disturbance are required to submit a stormwater management plan.	Projects proposing over 43,560 square feet of disturbance are required to submit a stormwater management plan.

These changes were incorporated into the UDO on April 17, 2012. The agenda packet for this meeting can be found utilizing the following link: <http://orangecountync.gov/OCCLERKS/120417.htm>

Currently there are conflicting requirements within the UDO detailing when a formal, professionally prepared, site plan is required.

For example Section 2.4.1 requires a professionally prepared site plan for single-family developments on property located within the University Lake Protected and Critical Watershed Overlay Districts. Section 2.5.2, the section of the UDO addressing site plan application requirements, specifically exempt single-family development projects from submitting a professionally prepared site plan.

Problems also arise in those instances where a project’s proposed overall land disturbance requires submission of a formal stormwater management plan. Staff does not want there to be conflicting information provided to the public as to when a formal site plan is required nor do we want the staff of Current Planning and Erosion Control to potentially be looking at 2 different sets of plans proposing the development of a given property.

This proposed amendment is designed to:

1. Require formally prepared site plans for those projects exceeding established stormwater disturbance thresholds for residential projects.
Submittal of formal site plans is already required for all non-residential projects regardless of the proposed land disturbance activity.
2. Incorporate references within various locations of the UDO identifying which land development projects need to comply with these standards in an effort to eliminate confusion and provide definitive application submittal standards.
3. Add language requiring stormwater management plans for minor and major subdivisions where anticipated land disturbance activities would exceed established thresholds.

Both Planning and Erosion Control staff agree potential problems can be eliminated if there is a formal stormwater management plan approved during the subdivision review and approval process.

There are also 3 options with respect to addressing existing language in Section 2.4.1 requiring a professionally prepared site plan for any project within the University Lake Watershed Protection Overlay District:

- Option A: Leave as is – no change. (i.e. only properties in the University Lake Watershed impacted).
- Option B: Amend section requiring all watershed overlay districts with a 6% impervious surface limit be treated the same (i.e. professional site plan).
- Option C: Eliminate requirement all together and require professionally prepared site plans only when stormwater thresholds are exceeded.

Staff supports either Option B or C as detailed above.

2. **Analysis**

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

The proposed amendment is designed to incorporate established stormwater management land disturbance thresholds into existing language within the UDO requiring formal site plan preparation and submittal by an applicant when said thresholds are exceeded.

By modifying existing language we hope to eliminate unnecessary cost for the applicant, with respect to the completion of multiple site plans, and provide sufficient detail to residents, property owners, and developers on when formal site plan preparation is necessary.

The amendment is also designed to provide a 'central site plan' for review to ensure staff is reviewing and taking action on the same document to avoid confusion and unnecessary duplication of effort.

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

This amendment is designed to provide additional references to existing development standards already contained within the UDO.

4. New Statutes and Rules

This amendment is designed to reference compliance with recently adopted modifications to the UDO related to stormwater management and nutrient reduction standards consistent with the following State regulations:

- 15A NCAC 2B. 0277 Falls Lake Stormwater New Development Rule
- 15A NCAC 2B. 0265 and Session Law 2009-484 Jordan Lake Stormwater New Development Rules

C. PROCESS

1. TIMEFRAME/MILESTONES/DEADLINES

a. BOCC Authorization to Proceed

November 8, 2012. The BOCC voted unanimously to authorize staff to proceed with the amendment. Board members also requested staff present the proposed amendment to the Commission for the Environment (CFE) for its input. Staff presented this item to the CFE at its January 14, 2013 regular meeting. The CFE had no comments or concerns related to the proposal.

b. Quarterly Public Hearing

February 25, 2013. During the hearing the following comments were made:

1. A BOCC member asked staff to clarify the difference between impervious surface and land disturbance limits.

STAFF COMMENT: Land disturbance limits identify the total amount of land area that can be disturbed/cleared without the benefit of a formal erosion control or stormwater management plan being approved by the County.

Impervious surface limits establish the overall limit of 'development' that can occur on a given parcel (i.e. driveway, house, shed, etc.) based on its designated Watershed Protection Overlay District.

You can disturb more land area than you can actually develop.

Ultimately both regulations are an attempt by the County to address water quality issues through limiting the overall amount of 'impervious' surface placed on a parcel and requiring stormwater management devices in those cases where they are necessary.

2. A BOCC member expressed concern over the potential for increased costs to be incurred by property owners seeking to develop single-family residences with the submittal of professionally prepared site plan.
3. A BOCC member indicated she did not want existing regulations, specifically the requirement of a professionally prepared site plan for development within the University Protected and Critical Watershed Overlay districts, to change.

STAFF COMMENT: Staff reiterated the amendment would not alter development limitations (i.e. impervious surface limits) within

Watershed Protection Overlay Districts.

The only potential impact of the proposed amendment would be an expansion, or elimination, of the requirement for a professionally prepared site plan in watershed areas within an impervious surface limit of 6% depending on which course of action is chosen.

As written, the amendment package would still require a professionally prepared site plan if established stormwater management land disturbance thresholds were exceeded.

4. There was a general concern the proposal would allow for an increase in development opportunity within the various watershed districts.

STAFF COMMENT: The proposal would not impact existing impervious surface limits in any Watershed Protection Overlay District.

The text amendment merely seeks to clarify when a professionally prepared site plan is required and does not increase allowable impervious surface area throughout the County.

5. There was a general comment made over the need to have uniformity within the UDO with respect to when a professionally prepared site plan would be required.

A BOCC member indicated he felt requiring a professionally prepared site plan when land disturbance thresholds, consistent with existing stormwater management standards, were exceeded was a reasonable standard versus basing the submission on impervious surface limits.

6. A Planning Board member asked why the Haw River Protected Watershed Overlay District was not included within staff's recommendation for the submission of a professionally prepared site plan.

STAFF COMMENT: The Haw River Protected Watershed Overlay District has an impervious surface limit of 24%.

Staff's proposal seeks to amend the UDO to require overlay districts with a 6% impervious surface limit to submit a professionally prepared site plan.

7. A BOCC member indicated he felt there ought to be a reevaluation of impervious surface limits within respect to any watershed feeding into a public water intake for local residents.

The concern was the County was treating certain water supply watersheds differently from others, specifically focusing on the Haw River Protected Watershed Overlay District which serves as a public water source for Chatham County residents.

STAFF COMMENT: This can be undertaken at some point in the future if the BOCC directs staff to do so. It should be remembered that any such review will need to take existing State requirements into account.

8. A BOCC member asked staff to consider modifying provisions of Section 2.4.1 to include additional rationale for the submission of a universal site

plan into the proposed text. This BOCC member indicated she felt language within a footnote ought to be incorporated to provide additional 'explanation' on the need for the amendment.

STAFF COMMENT: Staff does not believe additional modification is necessary.

When the UDO was developed there was a conscious effort to eliminate explanatory language in an effort to streamline existing regulations and condense existing land use regulations.

The UDO is not intended to serve as a technical manual providing detailed insight into every 'standard' associated with a given development. It is, ultimately, staff's responsibility to educate local residents and developers with respect to the rationale behind a given regulation.

Unless specifically directed by the BOCC to begin re-inserting explanatory language, staff recommends keeping the language regulatory in nature.

- 9. While there was no formal consensus, a few BOCC members favored leaving language within the UDO requiring submission of a professionally prepared site plan for property located only within the University Lake Watershed Protection Overlay District.

Other BOCC members expressed support for eliminating the requirement altogether and basing the need for a formal site plan on established land disturbance thresholds for stormwater management plans.

- 10. Staff was directed to solicit comments on the proposal from OWASA to ascertain if they have any concerns.

STAFF COMMENT: Staff has contacted OWASA who has expressed no concern over the proposal. For more information please refer to Attachment 3.

c. BOCC Updates/Checkpoints

January 9, 2013 - BOCC members can view materials to be reviewed by the Planning Board's Ordinance Advisory Committee (ORC) as part of the Planning Board materials posted on-line each month. Packet materials can be viewed utilizing the following link: <http://orangecountync.gov/planning/documents/PBPacketJan2013.pdf>

February 5, 2013 – BOCC members approved the legal advertisement for the February 25, 2013 Quarterly Public Hearing with this item on the agenda.

May 7, 2013 - Receive Planning Board recommendation.

d. Other

2. PUBLIC INVOLVEMENT PROGRAM

Mission/Scope: Public Hearing process consistent with NC State Statutes and

Orange County ordinance requirements.

a. Planning Board Review:

January 9, 2013 – Ordinance Review Committee (ORC).
 A Planning Board member identified a punctuation error in Section 2.4.1 of the proposed amendment. An error was also identified within the site plan flow chart contained in Section 2.5.2. Staff has modified the proposal accordingly.

There was also a general discussion over staff’s recommendation to modify Section 2.4.1 expanding the list of Watershed Protection Overlay Districts requiring a professionally prepared site plan allowing for development. Staff agreed to solicit guidance from the BOCC at the public hearing.

March 6, 2013 - Planning Board regular meeting.
 There was unanimous consensus for ‘Option C’ (i.e. eliminate existing requirement for a professionally prepared site plan in the University Lake Protected Watershed Overlay Districts and based submittal of site plan on land disturbance activities consistent with established stormwater thresholds). The Board deferred making a recommendation until a response from OWASA was received.

April 3, 2013 (recommendation)

b. Advisory Boards:

Commission for the Environment (CFE) – January 14, 2013. The CFE had no comments related to the proposed amendment.

c. Local Government Review:

Courtesy Review – Town(s) of Chapel Hill, Carrboro, Hillsborough, City of Mebane in November of 2012. As of this date no comments have been received.

At the February 25, 2013 Quarterly Public Hearing staff was directed to solicit input from OWASA on the proposed text amendment. OWASA responded on March 21, 2013 they have no concerns over the proposed amendment package.

d. Notice Requirements

Legal advertisement was published on February 13 and 20, 2013.

e. Outreach:

- General Public: _____
- Small Area Plan Workgroup: _____

Other:

3. **FISCAL IMPACT**

While these proposed amendments are merely designed to incorporate necessary references with respect to complying with established thresholds, and requiring the submission of formal site plans in the event a stormwater management plan is required, staff had previously identified compliance with these new State required standards will impose additional costs for development projects and require additional staff resources.

Workload for Current Planning and Erosion Control staff to review and approve stormwater management plans required by the rules is expected to increase. Workload for staff with respect to the inspection of stormwater management features is also expected to increase. This may necessitate an increase in fees charged to developers.

As reported at the February 27, 2012 Quarterly Public Hearing, it is expected that enforcement of the new regulations will require, at a minimum, up to one additional full time employee for Erosion Control with an approximate cost of \$65,000.

Staff is continuing to evaluate workload and needs as the process moves forward.

D. AMENDMENT IMPLICATIONS

The amendments are in response to recent modifications to the UDO relating to compliance with stormwater and nutrient management requirements and staff's desire to ensure proper reference for compliance with these aforementioned new standards.

As previously indicated by staff, compliance with these required standards is expected to increase the cost of development and increase staff workload.

E. SPECIFIC AMENDMENT LANGUAGE

Please refer to Attachment 2.

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- ~~(D) Amendments initiated by Orange County shall not be subject to time limitations other than those specified by the Board of County Commissioners during the public hearing process.~~
- ~~(E) Evidence not presented at the public hearing may be submitted in writing to the Planning Board for consideration prior to the Planning Board's recommendation to the Board of County Commissioners. The Planning Board may consider additional oral evidence only if it is for the purpose of presenting information also submitted in writing.~~

2.3.11 Action by Board of County Commissioners

- ~~(A) The Board of County Commissioners shall not consider enactment of the proposed amendment until the Planning Board either makes its recommendation or takes no action on the application as prescribed in this section.~~
- ~~(B) In making its decision, the Board of Commissioners shall consider all relevant evidence presented at the public hearing and any submitted written evidence that was considered by the Planning Board in making its recommendation.~~
- ~~(C) The Board of Commissioners, upon receipt of a recommended Comprehensive Plan or portion thereof from the Planning Board, shall consider such recommendations and adopt them by resolution, either unchanged or with modifications.~~

SECTION 2.4: ZONING COMPLIANCE PERMITS

2.4.1 Applicability

- (A) As required by this Ordinance, a Zoning Compliance Permit must be issued before any new site development, building, structure, or vehicular use area may be erected, constructed or used.
- (B) Submittal and approval of a site plan (see Section 2.5) is required for issuance of a Zoning Compliance Permit except for:
- (1) Single-family detached dwellings and duplexes, and accessory structures to those residential uses ~~shall require a plot plan as detailed within Section 2.4.3 of this Ordinance. provided, however, when such uses are located in the University Lake Watershed Protection Overlay District, site plan approval shall be required.~~¹
- ~~(a) Single-family detached dwellings and duplexes outside of the University Lake Watershed Protection Overlay District and accessory structures to those residential uses shall be required to submit a Plot Plan (see Section 2.4.3 for Plot Plan specifications).~~
- In those instances, however, where the proposed level of land disturbance exceeds established thresholds as detailed within Section 6.14.5 of the Ordinance a formal site plan, prepared in accordance with Section 2.5, shall be required for submittal and approval.² **This site plan shall contain all required elements associated with obtaining a Zoning Compliance, Erosion Control, and Stormwater permit as detailed herein.**³

¹ The existing wording of the UDO has created confusion in the past over when a site plan is required. We have streamlined existing language in an attempt to eliminate confusion and specifically spell out when a plot plan versus a site plan is actually required..

² This paragraph has been modified based on the Planning Board recommendation made during the March 6, 2013 regular meeting.

³ The **red bold text** was added to address comments from the January 9, 2013 ORC meeting where members wanted some language encouraging the submittal of a single site plan complying with all zoning and erosion control/stormwater permit requirements.

- (2) Interior renovation or repair of an existing structure, provided the use of the lot and/or structure has not changed.
- (C) Issuance of a Zoning Compliance Permit is required prior to beginning the excavation for the construction, moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure. The Zoning Compliance Permit shall include a determination that plans, specifications and the intended use of the structure conforms to the provisions of this Ordinance.
- (D) Issuance of a Zoning Compliance Permit is required to change the type of use or type of occupancy of any building, or to expand any use on any lot on which there is a non-conforming use. The Zoning Compliance Permit shall include a determination that the proposed use conforms to the provisions of this Ordinance.

2.4.2 Requirements and Conditions

- (A) In cases where the development and/or commencement of a land use requires the issuance of a Special Use or a Conditional Use Permit, a Zoning Compliance Permit shall not be issued until the aforementioned permit has been issued by the responsible board in accordance with the review and approval procedures detailed herein.
- (B) Issuance of a Special Use or Conditional Use Permit does not negate the requirement for a Zoning Compliance Permit.
- (C) Issuance of a Zoning Compliance Permit does not establish a vested right to begin and complete construction or change the use/occupancy of a lot or building should regulations change subsequent to issuance of said permit.
- (D) Application for Zoning Compliance Permit shall specify the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (E) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Building Inspector has, after final inspection, issued a Certificate of Occupancy indicating compliance with all the provisions of this Ordinance.
- (F) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Orange County Health Department has approved the water supply and sewage disposal systems serving that use.
- (G) Issuance of a Certificate of Occupancy by the Building Official or the approval of a water supply and sewage disposal system by the Health Department shall in no case be construed as waiving any provision of this Ordinance.
- (H) Zoning Compliance Permits shall become null and void after 18 months from the date of issuance if a building permit is not applied for or land disturbing activities are not commenced in accordance with the provisions of this Ordinance.

2.4.3 Plot Plan Specifications

- (A) For development types requiring a plot plan rather than a site plan, the plot plan shall contain the following:
 - (1) A scaled drawing denoting the length of all property lines,
 - (2) A north arrow denoting the orientation of the lot and all proposed structures,
 - (3) The location of the proposed structure(s) and distances from all property lines,
 - (4) The location of the proposed driveway,
 - (5) The location of the proposed septic system and proposed drain lines on the property,

- (6) The location of the proposed well, and
- (7) The location of any protected features on the property (i.e. stream buffers, flood plain, wetlands, etc).
- (B) Base plot plans are available from the Planning Department and can be printed for a fee in accordance with the established fee schedule. Applicants may also use other sources of base plot plans provided the requirements of this Section are met.
 - (1) Planning staff is available to discuss compliance matters but shall not complete plot plans.

SECTION 2.5: SITE PLAN REVIEW

2.5.1 Review and Approval Flow Chart

The review and approval process for a Site Plan is shown in the procedure’s flowchart.⁴

2.5.2 Application Requirements

(A) Each site plan shall be prepared and sealed by an appropriately licensed professional with the following exceptions:

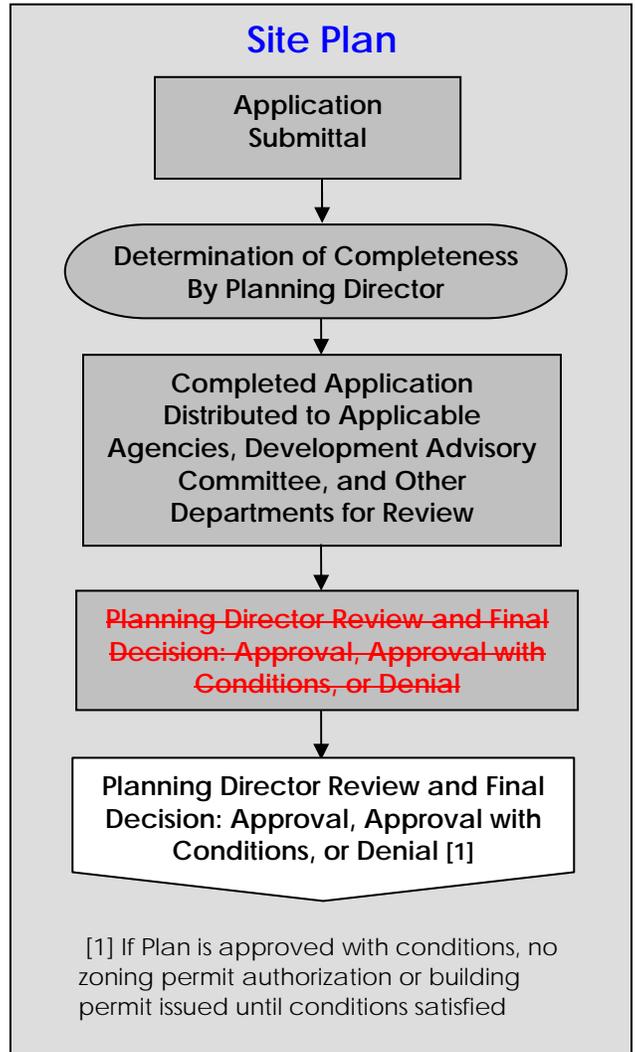
- (1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.
- (2) Accessory structures to existing permitted non-residential structures where vehicular use area is not extended and changes to existing grade are not more than one foot in elevation.

~~(3) Single family detached dwellings and duplexes, and accessory structures to such uses.⁵~~

~~(4)(3)~~ Large day care homes, as defined in Article 10, Definitions.

~~(5)(4)~~ Rural Guest Establishments with three guestrooms or less - Bed & Breakfasts.

- (B) The applicant shall submit to the Planning and Inspections Department:
 - (1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);
 - (2) The completed site plan application form;
 - (3) A copy of the Orange County tax map with the subject property identified;



⁴ At the January 9, 2013 ORC meeting Planning Board members expressed concern over duplication of language within the flow chart. The language is being deleted.

⁵ Staff is eliminating contradictory language within this section of the UDO.

- (4) Legal documentation, to be approved by the County Attorney, establishing entities responsible for control over common areas and facilities.
 - (5) Three copies of the Environmental Assessment and/or Environmental Impact Statement, if required under Section 6.16 of this Ordinance.
 - (6) A statement regarding the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (C) Other items which should be submitted simultaneously, but are not required as part of the site plan application are:
- (1) Erosion control and grading plans as necessary to be approved by the Erosion Control Officer for a grading permit,
 - ~~(1)~~(2) Stormwater management plans as necessary to be approved by the Erosion Control Officer prior to the issuance of a Zoning Compliance Permit, and
 - ~~(2)~~(3) Building construction plans to be approved by the Building Official prior to issuance of a building permit.

2.5.3 Plan Specifications

Each site plan shall be drawn at a scale adequate to show required detail and shall contain the following information:

- ~~(A)~~ The boundary of the lot(s) to be developed labeled with bearings and distances;
- ~~(B)~~ The name, address, and phone number of the applicant and the property owner;
- ~~(C)~~ Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
- ~~(D)~~ Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
- ~~(E)~~ Adjacent right-of-way widths with road names and numbers;
- ~~(F)~~ A development summary including total acres, proposed use(s), total building square footage, required and proposed parking spaces.
- ~~(G)~~ Demonstrated compliance with all applicable performance standards contained in Articles 3, 4, 5, and 6 of this Ordinance;
- ~~(H)~~ Maximum and proposed impervious surface and required stream buffers as detailed in Sections 4.2 and 6.12 of this Ordinance;
- ~~(I)~~ Estimated traffic generated by the proposed development in trips per day. If the estimate exceeds 800 trips per day, a traffic impact study must be submitted in accordance with Section 6.17;
- ~~(J)~~ Front, side, and rear building setbacks as required by Articles 3 and 5 of this Ordinance;
- ~~(K)~~ Location of all proposed buildings and structures labeled with floor area, building height and function, and proposed finished floor elevation;
- ~~(L)~~ Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Section 6.9 of this Ordinance, and entry/exit points of adjacent parcels;
- ~~(M)~~ Overhead and underground utilities with accompanying easements and storm drainage facilities/easements (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights);
- ~~(N)~~ Solid waste disposal facilities;

- (2) The estimated cost of the required improvements must be itemized and certified by the applicant's licensed professional engineer or licensed professional surveyor, if the surveyor was the original preparer of the plans for the subdivision.
- (3) In the case of minor subdivisions, the subdivider's licensed professional engineer or licensed professional surveyor may provide the itemized cost estimate.
- (4) Cost estimates must be based on industry norms within Orange County.
- (5) The Planning Director or Planning Board may require a higher guarantee amount when deemed necessary to address higher potential correction costs due to the subdivision's size and site characteristics, but in no event may the amount exceed 25% of estimated construction costs.
- (E) The guarantee shall have a term of two years and shall provide an option for annual renewal if the subdivider/developer has:
 - (1) Arranged for County inspection of the improvements,
 - (2) Submitted to the County an acceptable estimate of the costs necessary to correct any deterioration or defects discovered by the inspection, and
 - (3) Increased the amount of the security by the amount of said estimate.
- (F) The subdivider/developer shall pay a fee in accordance with the Fee Schedule adopted by the Board of County Commissioners at the time of the initial posting of the guarantee and for each subsequent renewal or extension to cover the County's administrative costs.

SECTION 7.5: SUBDIVISION AGREEMENTS

- (A) The subdivider of all minor and major subdivisions shall record a subdivision agreement outlining the limitations associated with the development of created lots at the Orange County Register of Deeds at the same time the Final Plat is recorded.
- (B) The purpose of the subdivision agreement is to provide detail on various development limitations that will regulate the overall development of property consistent with the approval of the subdivision.
- (C) This subdivision agreement shall, at a minimum, outline the following development criteria for property within the subdivision:
 - (1) Required development setbacks for lots within the project.
 - (2) Impervious surface limits for the lots within the development.
 - (3) The presence of identified environmental features (i.e. stream buffers, flood plain, wetlands, etc) and an explanation on how development of the lot(s) is impacted.
 - (4) The presence of identified cultural features listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".
 - (5) Identification of soil and septic limitations, if any, for each lot.
 - (6) Access restrictions for the project and individual lots.
 - (7) Limitations on land uses.
 - (8) Maintenance requirements for all roadways as well as references to the project's road maintenance agreement, if required.

SECTION 7.6: GENERAL DESIGN STANDARDS

The avoidance of congestion and overcrowding and the creation of conditions essential to public health, safety and the general welfare may be best accomplished through the application of design standards

providing for the distribution of population and traffic, safe and coordinated street systems, approved water supply and sewage disposal systems, usable lots and conformance to plans for Orange County as recommended by the Planning Board and adopted by the Board of Commissioners. The following general requirements and principles of land subdivision shall be observed:

7.6.1 Minimum Lot Size

- (A) All lots shall contain the minimum lot area required by Article 3 of this Ordinance and shall comply with all applicable development standards.
- (B) Any lot which provides an easement for individual septic disposal for use by a separate lot shall contain an additional 20,000 square feet to accommodate the septic easement.

7.6.2 Residential Density

The allowable density on a given parcel of property proposed for subdivision shall comply with the residential maximum density requirements in Section 4.2.4.

7.6.3 Land Suitability

- (A) In reviewing subdivision proposals, the Planning Department and Planning Board shall consider the overall design of the subdivision with the suitability of the land for development to insure that the platting and development of the subdivision will not create a danger to the health, safety, and welfare of Orange County residents.
- (B) Land suitability shall be determined by an investigation of conditions including but not limited to flood prone areas, soil drainage, drainage patterns, slope, historic sites, [maximum anticipated levels of land disturbance for the project and all proposed individual lots](#), and unique natural areas. The investigations shall be carried out by the Planning Board, the Planning Department, or other agencies or individuals having the appropriate technical expertise.
- (C) Special Flood Hazard Areas shall be considered during the review process.
- (D) Soils shall be evaluated for suitability or provisional suitability for septic tanks according to guidelines established in the Laws and Rules for Ground Absorption Sewage Disposal Systems, incorporated herein by reference.
 - (1) Each lot that does not contain a suitable building site shall be designated on the plat as being of restricted development potential and by instrument recorded in the Orange County registry as specifically prescribed by Section 7.14.3(E)(1) of this Ordinance.
- (E) **Drainage**
 - (1) Soil suitability, including slope and drainage, shall also be evaluated according to soil characteristics indicated by the Orange County Soil Survey and topography indicated by the U.S. Geological Topographic Maps.
 - (2) Each lot shall contain a suitable building area safe from inundation and erosion.
 - (3) Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water.
 - (4) Roads, driveways and utilities shall be protected from damage caused by improper stormwater management.
 - (5) Mechanical devices, drainage easements, natural buffers, large lots, and/or other technical means may be used to achieve these drainage objectives. Natural drainageways are a preferred means of stormwater run-off removal. The characteristics (including capacity) of natural drainageways shall be protected.
 - (6) Runoff levels from the 25-year storm after the site is developed shall not be greater than the rate of runoff on the same site in its natural state.

(7) In cases where anticipated land disturbance for the subdivision and the proposed lots will cumulatively exceed established thresholds denoted within Section 6.14.5 of this Ordinance, a formal stormwater management plan shall be required as part of the application submittal.⁶

(F) Resource Protection

- (1)** Applications for subdivision shall be evaluated by the Planning Department and Planning Board for potential impairment of habitat of rare and endangered species or unique natural areas.
- (2)** A strategy shall be developed to protect resources listed by the North Carolina Heritage Program, or identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina".
 - (a)** The strategy shall provide protection of identified natural and cultural resources from impacts which could result from development of the subdivision, and shall include one or more of the following:
 - (i)** Dedication of conservation easements,
 - (ii)** Restrictive covenants prohibiting clearing or disturbance of the resource areas,
 - (iii)** Dedication of resource areas to Orange County,
 - (iv)** Clustering of lots to minimize land disturbance and preserve the special features of the property,
 - (v)** Other restrictions or development options which provide an adequate level of protection.
- (3)** The Planning Department shall review available documentation of the particular site and determine if the proposed strategy adequately protects the identified resources.
- (4)** Maps, studies, and reports which are relevant to this section shall be maintained by the Planning Department.

SECTION 7.7: LOTS

7.7.1 Generally

All lots shall conform to all of the requirements of this Ordinance for the zoning district and any overlay district in which they are located.

7.7.2 Shape and Orientation

- (A)** The shape and orientation of lots shall be appropriate to the location of the subdivision and the development intended.
- (B)** Interior lot lines extending from a street should be approximately perpendicular or radial to the street right of way line.
- (C)** Lot lines shall be located to permit efficient installation and maintenance of utility lines on utility easements, to maximize buildable area, and, where applicable, to provide a suitable area for septic systems.

⁶ Staff would prefer comprehensive stormwater management plans rather than multiple plans, multiple systems, on individual lots that all have to be inspected by Erosion Control on a semi annual basis and maintained by individual property owners. Through this process staff is hoping to encourage neighborhood wide stormwater management plans to avoid unnecessary development and maintenance costs on individual property owners and encourage a comprehensive approach to stormwater and nutrient management.



ORANGE WATER AND SEWER AUTHORITY

*A public, non-profit agency providing water, sewer and reclaimed water services
to the Carrboro-Chapel Hill community.*

March 21, 2013

Michael D. Harvey, AICP, CFO, CZO
Current Planning Supervisor
Orange County Planning Department
PO Box 8181
Hillsborough, NC 27278

Subject: Comments on Orange County's Proposed Modifications to Site Plan Submittal
Requirements

Dear Mr. Harvey:

I am writing in response to your letter of March 12, 2013 in which you requested OWASA comments on proposed modifications to Orange County's site plan submittal requirements. OWASA understands the County's desire to have consistent requirements among the water supply watersheds with similar impervious surface requirements. It is also our understanding that no changes are being proposed to Orange County's impervious surface limitations applicable to development within the University Lake or Cane Creek watersheds. The respective watershed studies for those two drinking water supply sources highlighted the importance of impervious surface limits. OWASA staff would not support any future proposals for relaxation of the impervious surface limits.

Since stormwater management activities will be required in accordance with current regulations and plot plans are required for any development within a water supply watershed, we do not anticipate any impacts to our water supply in University Lake under the proposal to remove the site plan requirement for projects that do not disturb more than the established thresholds. Thus, OWASA staff does not have any concerns over proposed plans to eliminate the requirement for site plans for any development in the University Lake watershed.

Thank you for the opportunity to comment on the proposed modification to the County's requirements for site plans. If you have any questions, please contact me at 919-537-4214 or at rrouse@owasa.org.

Sincerely,

Ruth C. Rouse, AICP
Planning and Development Manager

cc: Ed Kerwin

1 **DRAFT**

2
3 **MINUTES**
4 **ORANGE COUNTY BOARD OF COMMISSIONERS**
5 **ORANGE COUNTY PLANNING BOARD**
6 **QUARTERLY PUBLIC HEARING**
7 **February 25, 2013**
8 **7:00 P.M.**
9

10
11 The Orange County Board of Commissioners and the Orange County Planning Board
12 met for a Quarterly Public Hearing on Monday, February 25, 2013 at 7:00 p.m. at the
13 Department of Social Services, 113 Mayo Street, Hillsborough, N.C.
14

15 **COUNTY COMMISSIONERS PRESENT:** Chair Barry Jacobs and Commissioners Mark
16 Dorosin, Alice Gordon, Earl McKee, Bernadette Pelissier, Renee Price and Penny Rich

17 **COUNTY COMMISSIONERS ABSENT:**

18 **COUNTY ATTORNEY PRESENT:** John Roberts

19 **COUNTY STAFF PRESENT:** County Manager Frank Clifton and Deputy Clerk to the Board
20 David Hunt (All other staff members will be identified appropriately below)

21 **PLANNING BOARD MEMBERS PRESENT:** Chair Pete Hallenbeck, and Planning Board
22 members Tony Blake, Rachel Phelps Hawkins, Alan Campbell, Maxecine Mitchell,
23 Johnny Randall, H.T. "Buddy" Hartley, and Herman Staats

24 **PLANNING BOARD MEMBERS ABSENT:** Dawn Brezina, Larry Wright, Andrea Rohrbacher
25 and Lisa Stuckey
26

27
28 **A. PUBLIC HEARING ITEMS**
29

- 30 **1. Unified Development Ordinance (UDO) Text Amendment** – To review government-
31 initiated amendments to the text of the UDO to modify existing language to provide additional
32 reference to land disturbance thresholds related to stormwater management standards. The
33 purpose of this amendment is to avoid requiring project applicants to submit multiple,
34 professionally prepared, and plans for a single development project.
35

36 **FEBRUARY 25, 2013**

37 **QUARTERLY PUBLIC HEARING**

38 **AGENDA ITEM:C-1**

39 **UDO TEXT AMENDMENT – SITE PLAN MODIFICATIONS**

40 **BACKGROUND:**

- 41 • On April 17, 2012 the BOCC approved mandated State stormwater management and
42 nutrient reduction rules/strategies.
- 43 • Need clearer standards in our site plan review/approval procedures section.
- 44 • Correct inconsistencies regarding when formal, professionally prepared, site plan is
45 required versus a plot plan prepared by applicant.

46 **WHAT THIS PROPOSAL DOES:**

- 1 1. Eliminate existing conflicts.
- 2 2. Require professionally prepared site plans for projects exceeding established
- 3 stormwater land disturbance thresholds.
- 4 3. Incorporate appropriate references to these land disturbance thresholds.
- 5 4. Add language requiring stormwater management plans for minor and major
- 6 subdivisions.

7 **WHAT THIS PROPOSAL DOES:**

- 8 • Changes to Section 2.4.1:
 - 9 – UDO requires a '*professionally prepared site plan*' in the University Lake
 - 10 Watershed Overlay Districts.
 - 11 – As proposed all watersheds with a 6% impervious surface limit have same
 - 12 standard (i.e. Upper Eno Critical, Cane Creek Protected and Critical, Little River
 - 13 Protected).
 - 14 – If approved, projects in these watershed overlay districts will require professional
 - 15 site plan

16 **SITE PLAN VERSUS PLOT PLAN:**

17 What is the difference between a professionally prepared site plan and a plot plan?

18 *Site Plan*

- 19 • Completed by a surveyor (i.e. professional)
- 20 • Based on actual legal description of property (plat, deed, etc.)
- 21 • More detailed information provided (i.e. structure location, impervious surface, etc.)

22 *Plot Plan*

- 23 • Scaled drawing done by property owner/contractor
- 24 • Typically based on Orange County GIS Map data
- 25 • Relies on applicant/contractor to provide detail on proposal

26 **IMPACTS:**

27 *Pros*

- 28 • More accurate depiction of property including environmental features (i.e. streams for
- 29 stream buffers).
- 30 • More accurate drawing of property and proposed development.

31 *Cons*

- 1 • Added cost.
- 2 • Added time for permit submittal.

3 **ORC COMMENTS:**

- 4 • Ordinance Review Committee (ORC) met to review this item on January 9, 2013.
- 5 • Made several recommendations to address identified concerns.
- 6 • Modifications incorporated by staff.
- 7 • ORC expressed need for guidance from BOCC on proposed modifications to Section
- 8 2.4.1.

9 **OPTIONS – Section 2.4.1:**

- 10 – Option A: Leave as is – no change. (i.e. Only properties in the University Lake
- 11 Watershed impacted).
- 12 – Option B: Amend section as suggested requiring all watershed overlay districts
- 13 with a 6% impervious surface limit be treated the same (i.e. professional site
- 14 plan).
- 15 – Option C: Eliminate requirement all together and require professionally prepared
- 16 site plans only when stormwater thresholds are exceeded.

17 **STAFF COMMENTS:**

- 18 • Proposed amendments make existing regulations easier to follow/understand what is
- 19 required.
- 20 • Proposal provides appropriate references to stormwater standards.
- 21 • Contradictions are eliminated.

22 **RECOMMENDATION:**

- 23 1. Receive the proposed amendments.
- 24 2. Conduct the public hearing and accept public, BOCC, and Planning Board comment on
- 25 the proposed amendments.
- 26 3. Refer the matter to the Planning Board with a request that a recommendation be
- 27 returned to the BOCC in time for the May 7, 2013 BOCC regular meeting.
- 28 4. Adjourn the public hearing until May 7, 2013 in order to receive and accept the Planning
- 29 Board's recommendation and any submitted written comments.

30

1 Commissioner McKee asked about a possible scenario. He said that if a four-lot
2 subdivision was approved this past year and two of the lots were built upon and did not have to
3 meet this requirement, then next year the other two lots were built upon, he asked if the other
4 two lots would have to absorb the entire disturbed area or just for their lots and Michael Harvey
5 said that it would be just for their lot. This is handled on a lot-by-lot basis.

6 Commissioner Rich asked about the additional cost for surveying and Michael Harvey
7 said \$500-1,000.

8 Commissioner Gordon made reference to page 12 and Section 2.4.1 and said that she
9 would not consider option 'c' because she would not go for changing the protection for
10 University Lake Watershed.

11 Michael Harvey indicated the proposed amendment would not impact existing
12 development regulations enforced in the University Lake Watershed Overlay district. The
13 proposal would only potentially eliminate the requirement for the submittal of a professionally
14 prepared site plan based solely on a parcels location within the district and link its submittal to
15 existing stormwater management thresholds instead. Michal Harvey asked if there was any
16 preference for option 'a' or 'b'.

17 Chair Jacobs said that he was deferring his opinion until he heard the questions from the
18 Planning Board.

19 Maxine Mitchell said that she would reserve her comments until this came back to the
20 Planning Board.

21 Commissioner McKee said that his preference would be option 'a'. He is concerned
22 about people that would be trying to build homes for family members, etc. He also does not
23 want to increase costs to landowners.

24 Chair Jacobs made reference to the Haw River watershed and said that this has been
25 identified as something that the County needs to address. He said that he would like for the
26 Planning Board to consider options 'a' and 'c'. He would also like to solicit options from
27 OWASA, Hillsborough, and Mebane.

28 Commissioner Pelissier said that she prefers option 'c'.

29 Commissioner Gordon said that she would like to look back and consider University
30 Lake Watershed. She would not want to change the University Lake Watershed. She would
31 prefer something that would protect all of the 6%.

32 Commissioner Dorosin said that it seems that this proposal is about creating consistency
33 within the ordinance.

34 Commissioner Rich asked that the Planning Board get feedback from OWASA. She is
35 leaning toward option 'c'.

36 A motion was made by Commissioner McKee, seconded by Commissioner Rich to close
37 the public hearing.

38 VOTE: UNANIMOUS

39 A motion was made by Commissioner Rich, seconded by Commissioner Gordon to refer
40 the matter to the Planning Board with a request that a recommendation be returned to the
41 BOCC in time for the May 7, 2013 BOCC regular meeting and adjourn the public hearing until
42 May 7, 2013 in order to receive and accept the Planning Board's recommendation and any
43 submitted written comments.

44 VOTE: UNANIMOUS