

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



**AGENDA  
ORANGE COUNTY PLANNING BOARD**

**ORANGE COUNTY WEST CAMPUS OFFICE BUILDING  
131 WEST MARGARET LANE – LOWER LEVEL CONFERENCE ROOM (ROOM #004)  
HILLSBOROUGH, NORTH CAROLINA 27278  
Wednesday, June 5, 2013  
Regular Meeting – 7:00 pm**

| No. | Page(s) | Agenda Item |
|-----|---------|-------------|
|-----|---------|-------------|

- 1. **CALL TO ORDER**
- 2. **INFORMATIONAL ITEMS**
  - 3-4 a. Planning Calendar for June and July
  - 5-8 b. Interest Areas Raised by Planning Board Members at January 9, 2013 Meeting

- 3. **APPROVAL OF MINUTES**  
9-12 April 3, 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.  | 13-18   | <b>ZONING ATLAS AMENDMENT</b> – To make a recommendation to the BOCC on a property owner-initiated amendment to the Zoning Atlas to rezone a 3.36 acre parcel of property along US Highway 70 (PIN 9893-81-7503) from EDE-1 (Economic Development Eno Lower Intensity) to EDE-2 (Economic Development Eno Higher Intensity). This item was heard at the May 28, 2013 quarterly public hearing.<br><br><b>Presenter:</b> Michael Harvey, Current Planning Supervisor   |
| 8.  | 19-32   | <b>COMPREHENSIVE PLAN FUTURE LAND USE MAP AND ZONING ATLAS AMENDMENTS</b> – To make a recommendation to the BOCC on government-initiated amendments to Comprehensive Plan Future Land Use Map and to the Zoning Atlas to assign land use category classifications and to establish zoning for properties that will now be within Orange County's planning jurisdiction as the result of the re-alignment of the Orange/Alamance County Line. This item was heard at the May 28, 2013 quarterly public hearing.<br><br><b>Presenter:</b> Michael Harvey, Current Planning Supervisor |
| 9.  | 33-34   | <b>PLANNING BOARD REPRESENTATIVE ON BOARD OF ADJUSTMENT</b> - To nominate a Planning Board member to fill the position on the Board of Adjustment designated for a Planning Board member.<br><br><b>Presenter:</b> Michael Harvey, Current Planning Supervisor  |
| 10. |         | <b>COMMITTEE/ADVISORY BOARD REPORTS</b><br>a. Board of Adjustment<br>b. Orange Unified Transportation   |
| 11. |         | <b>ADJOURNMENT</b>  |

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

# June 2013

| June 2013 |    |    |    |    |    |    | July 2013 |    |    |    |    |    |    |
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| May 26 - Jun 1 |        |  |   |   |   |     |       |
|                | 2      | 3  | 4   | 5   | 6   | 7   | 8     |
| Jun 2 - 8      |        |  | 7:00pm<br>BOCC Reg Meeting<br>(Department of Social Services)   | 7:00pm<br>*PLANNING BOARD MEETING<br>(West Campus Office Bldg ) | 7:00pm<br>BOCC Budget Work Session<br>(Southern Human Services) |     |       |
|                | 9      | 10   | 11  | 12  | 13  | 14  | 15    |
| Jun 9 - 15     |        | 7:30pm<br>Board of Adjustment<br>(West Campus Office Bldg) | 7:00pm<br>BOCC Budget Work Session<br>(Southern Human Services) |   | 7:00pm<br>BOCC Budget Work Session<br>(Southern Human Services) |     |       |
|                | 16     | 17   | 18  | 19  | 20  | 21  | 22    |
| Jun 16 - 22    |        |  | 7:00pm<br>BOCC Reg Meeting<br>(Southern Human Services)         | 7:00pm<br>OUTBoard Meeting<br>(West Campus Office Bldg)         |   |     |       |
|                | 23     | 24   | 25  | 26  | 27  | 28  | 29    |
| Jun 23 - 29    |        |  |   |   |   |     |       |
|                | 30     | Jul 1  | 2   | 3   | 4   | 5   | 6     |
| Jun 30 - Jul 6 |        |  |   |   |   |     |       |

\* Requires Planning Board Member Attendance

# July 2013

July 2013

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August 2013

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| Jun 30 - Jul 6 |               |  |           |   | HOLIDAY      |           |           |
|                | <b>7</b>      | <b>8</b>   | <b>9</b>  | <b>10</b>   | <b>11</b>    | <b>12</b> | <b>13</b> |
| Jul 7 - 13     |               | 7:30pm<br>Board of<br>Adjustment<br>(West Campus<br>Office Bldg) |           | 7:00pm<br>*PLANNING<br>BOARD MEETING<br>(West Campus<br>Office Bldg ) |              |           |           |
|                | <b>14</b>     | <b>15</b>  | <b>16</b> | <b>17</b>   | <b>18</b>    | <b>19</b> | <b>20</b> |
| Jul 14 - 20    |               |  |           |   |              |           |           |
|                | <b>21</b>     | <b>22</b>  | <b>23</b> | <b>24</b>   | <b>25</b>    | <b>26</b> | <b>27</b> |
| Jul 21 - 27    |               |  |           |   |              |           |           |
|                | <b>28</b>     | <b>29</b>  | <b>30</b> | <b>31</b>   | <b>Aug 1</b> | <b>2</b>  | <b>3</b>  |
| Jul 28 - Aug 3 |               |  |           |   |              |           |           |

\* 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 bringing 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 dis-assemble 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**  
**APRIL 3, 2013**  
**REGULAR MEETING**

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**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township;

**MEMBERS ABSENT:** Andrea Rohrbacher, At-Large Chapel Hill Township; Dawn Brezina, Eno Township Representative; Johnny Randall, At-Large Chapel Hill Township; Rachel Hawkins, Hillsborough Township Representative; Alan Campbell, Cedar Grove Township Representative

**STAFF PRESENT:** Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant II

**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

**AGENDA ITEM 3: APPROVAL OF MINUTES**  
**MARCH 6, 2013**

**MOTION** by Tony Blake to approve the March 6, 2013 Planning Board minutes. Seconded by Lisa Stuckey.  
**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.

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**DRAFT**

54 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting  
 55 until such time that a genuine commitment to this public charge is observed.  
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 58 **AGENDA ITEM 6: CHAIR COMMENTS**  
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60 Pete Hallenbeck: In your packet we had the summary of things people had talked about regarding directions to go  
 61 for the UDO and the Planning Board and I also enclosed 3 pages on what I have been thinking about with regard to  
 62 emergency services and home occupations. I don't really want to discuss those tonight. I put those in there so  
 63 you could see an example of what I'd like to see from members. We have the first step, things we're interested in,  
 64 I'd like as a second step to get more specific things. What I am purposing is that I'll take all that and condense it in  
 65 and then we can all read it and when it's time to discuss it, we have input from everyone and we've read it in  
 66 advance. It should be a wonderful discussion.  
 67

68 Lisa Stuckey: Are you going to send an email asking for us to submit it.  
 69

70 Pete Hallenbeck: Yes, I'll do that.  
 71

72  
 73 **Agenda Item 7: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** – To make a recommendation to  
 74 the BOCC on government-initiated amendments to the text of the UDO to modify existing  
 75 language to provide additional reference to land disturbance thresholds related to stormwater  
 76 management standards. This item was heard at the February 25, 2013 quarterly public  
 77 hearing and was discussed by the Planning Board at its March 6 meeting.  
 78 **Presenter:** Michael Harvey, Current Planning Supervisor  
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80  
 81 Michael Harvey: As you will recall last month we began looking at a purposed UDO text amendment where we  
 82 were wrestling with the notion of providing appropriate reference to recently approved stormwater management  
 83 guidelines. In doing this we identified several options and we were directed by the elected officials to get input from  
 84 OWASA. At last month's meeting there was a unanimous consensus amongst the Planning Board that option C  
 85 was the preferred method. This option has been incorporated into the proposed amendment package you are  
 86 reviewing this evening and has staff approval as well. What will happen now when you develop your property for a  
 87 residential use, the way this now reads, is if you reach the stormwater land disturbance thresholds that we have  
 88 provided on page 18 of your packet, you will have to produce a site specific development plan. The Ordinance also  
 89 now contains language indicating you are going to show us everything on that one site specific development plan  
 90 so that erosion control and current planning are looking at the same document. What we're hoping also is that  
 91 health is going to be looking at that same document so the three agencies that are clearly concerned about land  
 92 development and environmental protection are all going to be working from the same central document. We have  
 93 eliminated the 6% requirement, with respect to serving as a trigger for the submission of a professionally prepared  
 94 site plan, all together. Our opinion on the validity of this recommendation is bolstered by the fact that in attachment  
 95 3 of your packet, we have a letter from OWASA basically saying we don't care.  
 96

97 Michael Harvey: A couple of clarifying points, as you will recall this doesn't change impervious surface limits. One  
 98 of the concerns expressed by Commissioner Gordon at the quarterly public hearing is that we are going to be  
 99 lessening the protections for the University Lake both Critical and Protected overlay districts. This is simply not  
 100 true. 6% is still the impervious surface limit for this area of the County. There was a question at the last Planning  
 101 Board Meeting, what happens if you get your plot plan from an applicant and you think it's over its impervious  
 102 surface allotment. Staff can still require, per the UDO, a formally prepared site plan. We have done that on a few  
 103 occasions in Orange County even in the less protected watersheds. From our standpoint this is a reasonable  
 104 compromise, it provides the link we were looking for in terms of referring people to the stormwater thresholds. We  
 105 are asking the Board to complete its review, you have OWASA's statement and the ordinance amendment has  
 106 been rewritten to incorporate option c as suggested by the Board.  
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Maxecine Mitchell: So you're saying that the cutting of trees is part of the impervious surface?

Michael Harvey: That would be part of land disturbance, as we discussed at the quarterly public hearing when Commissioner Dorosin asked the same question but the simple act of cutting a tree does not mean you are adding impervious surface area to your property. Once you built a house, you build a driveway (gravel), these actions represent the placement of impervious surface area on your property which for the majority of the County is limited based on your location within a Watershed Protection Overlay District. Say you have a wooded area and you clear that for your septic field, you clear additional area for view shed, to support the development of your house, that is land disturbance activities. What this ordinance amendment does is make reference to existing standards that if you exceed this level of land disturbance, you have to do the formal stormwater plan and we will require the site specific development plan with it.

Pete Hallenbeck: So what we're looking at here is these disturbance limits that we're reviewing on page 18 is that disturbance defined as both the impervious surface and ground that you tear up for some reason.

Herman Staats: So that I understand, cutting timber is not land disturbance if you don't dig up the roots or bulldoze?

Michael Harvey: Cutting timber can be in certain circumstances, as defined by erosion control, can be land disturbance. There are situations where it is exempt because it is either a bona fide farm or if you're not disturbing the ground cover. In theory yes, that is true but once you disturb the ground cover then it becomes land disturbance.

Pete Hallenbeck: Commissioner McKee was curious how this would impact someone who wanted to build a house for parents or children on their land and I've had some emails and worked through some examples. My take is that there is no simple way to sum up the impact of this and say as long as it's only this size house, you're good because the process requires all these different aspects. What does house disturbance footprint, which is going to be an impervious surface plus some area of around it, the driveway footprint, the septic tank, other areas. Also having gone through the process of having built a house in the county, there is a bunch of stuff going on, and my experience was that the sooner you engage the planning department with what you're doing the better because they can walk you through the rules and this is all part of the process of designing what you're doing. I think the best you can do to explain it to people is just make them aware of this process.

Herman Staats: I remember Commissioner McKee was asking about what someone could do if they got a piece of land, the recommendation that we're making is based on the state law, is that right?

Michael Harvey: The recommendation you're making is, instead of having the existing standard which says everybody in University Lake has to give you a professionally prepared site plan no matter what, we are basically linking the submission of that site plan to the stormwater land disturbance thresholds we adopted last year. That to us is a universal standard. No matter what we do this is here. It's our position, and you have agreed with it, there's no need to have multiple caveats in the code which is what we have now.

Tony Blake: The County always has the sufficient cause to ask for one (site plan).

Michael Harvey: Yes, we do what is called a site assessment now for every project typically before they even apply for a building permit. Site assessment is designed to identify all environmental factors and issues on any given parcel of property. Its main purpose is to identify for health, in advance of their applying for a septic permit, what areas can and cannot support a septic system. We use that process, that document that we produce using aerial photography to identify these types of issues.

Pete Hallenbeck: My experience has been that if you can get the idea across to people to go talk to the County first you can avoid a lot of headaches and they will help you understand these Ordinances and help you work through the numbers and look at the options.

**DRAFT**

162 Michael Harvey: We've had a lot of success with the site assessment. People don't like to do it but when they find  
 163 that its free and find that we identify issues before they go spending money, they seem to be somewhat happier but  
 164 they still don't like the notion, it ultimately down to 'it's my property, I'll do what I want' and unfortunately that's not  
 165 viable opinion to have in an age when zoning and land use issues are at the forefront of regulation.

166  
 167 Lisa Stuckey: I can envision a person who is under the limits and goes forward and then slowly but surely they  
 168 landscape more and more over years.

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 170 Michael Harvey: It's not a cumulative issue. Impervious surface is a cumulative issue but land disturbance is not.  
 171 Having said that if you are required to adhere to an approved stormwater management plan and disturb property  
 172 invalidating that plan, you will have to take appropriate measures to address compliance with our regulations.

173  
 174 Pete Hallenbeck: There's the incremental project where you add impervious surface and there's the incremental  
 175 project where all the disturbed area from your previous project is grown over, has grass, is good and you're  
 176 disturbing a new area and those are different things.

177  
 178 Michael Harvey: Right, you may recall when Terry Hackett appeared before you last April, different types of land  
 179 cover have different levels of credit for stormwater. A forest has the best and grass is not bad but it is the worst you  
 180 can have because it is just grassy field. As we continue to move forward, these regulations are going to become  
 181 somewhat more cumbersome. There are going to be more impacts on property owners and ability to develop  
 182 property and unfortunately this is the direction we are headed.

183  
 184 **MOTION:** made by Tony Blake to accept the Planning Department's recommendation for Option C. Seconded by  
 185 Buddy Hartley.

186 **VOTE: UNANIMOUS**

187

188

189 **AGENDA ITEM 8: COMMITTEE/ADVISORY BOARD REPORTS**

190

191 a) Board of Adjustment

192 b) Orange Unified Transportation

193

194 Members and staff had some general discussion regarding cell towers.

195

196

197 **AGENDA ITEM 9: ADJOURNMENT**

198

199 **MOTION:** made by Lisa Stuckey to adjourn. Seconded by Tony Blake.

200 **VOTE: UNANIMOUS**

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: June 5, 2013

**Action Agenda  
Item No. 7**

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

---

**DEPARTMENT:** Planning and Inspections

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

No

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

- |  |   |
|--|---|
| 1. Vicinity Map                          | Michael D. Harvey, Planner III (919) 245-2597 |
| 2. Ordinance Approving Rezoning Petition | Craig Benedict, Director (919) 245-2575       |

---

**PURPOSE:** To make a recommendation to the BOCC on an owner-initiated general rezoning petition in accordance with the provisions of the Unified Development Ordinance (UDO).

**BACKGROUND:** This item was presented at the May 28, 2013 Quarterly Public Hearing where staff indicated the property owner, Mr. Alexander Baldwin, petitioned to rezone his 3.36 acre parcel of property (PIN 9893-81-7503):

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

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

The property is located on US Highway 70 East, adjacent to the Orange County Alcohol Beverage Control (ABC) store. Please refer to Attachment 1 for a vicinity map denoting the subject parcel.

Public Hearing: As detailed during the hearing, the applicant believes the EDE-2 zoning designation is more appropriate for the property given its frontage along US Highway 70 and represents a logical extension of the district. During the hearing the following questions were asked:

1. A BOCC member asked staff to clarify the size, and number, of parcel(s) subject to the petition.

*Staff Comment:* As detailed in the abstract and application package the property owner is seeking to rezone a 3.36 acre parcel of property to EDE-2 along US Highway 70. The property is adjacent to the Orange County ABC store, which has a street address of 5413 US Highway 70 East

2. A BOCC member asked what impacts the rezoning would have on required land use buffers.

*Staff Comment:* Section 6.8.12 (c) of the UDO requires a 100 foot width buffer be 'provided at the boundary of all Economic Development Districts'. A small portion of the subject parcel will be required to observe this perimeter buffer.

Additional land use buffers for the subject parcel will be determined at the time the property is developed in accordance with Section 6.8.12 (c) of the UDO.

3. A BOCC member asked if the rezoning request for this parcel would impact the zoning of the property to the south.

*Staff Comment:* Approval of this request will not alter or impact the zoning of the property to the south, which will remain zoned EDE-1.

Agenda materials from the May 28, 2013 Quarterly Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/130528.pdf>

Planning Director's Recommendation: The Planning Director recommends approval of the request finding that:

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

Attachment 2 contains the proposed Ordinance approving the rezoning.

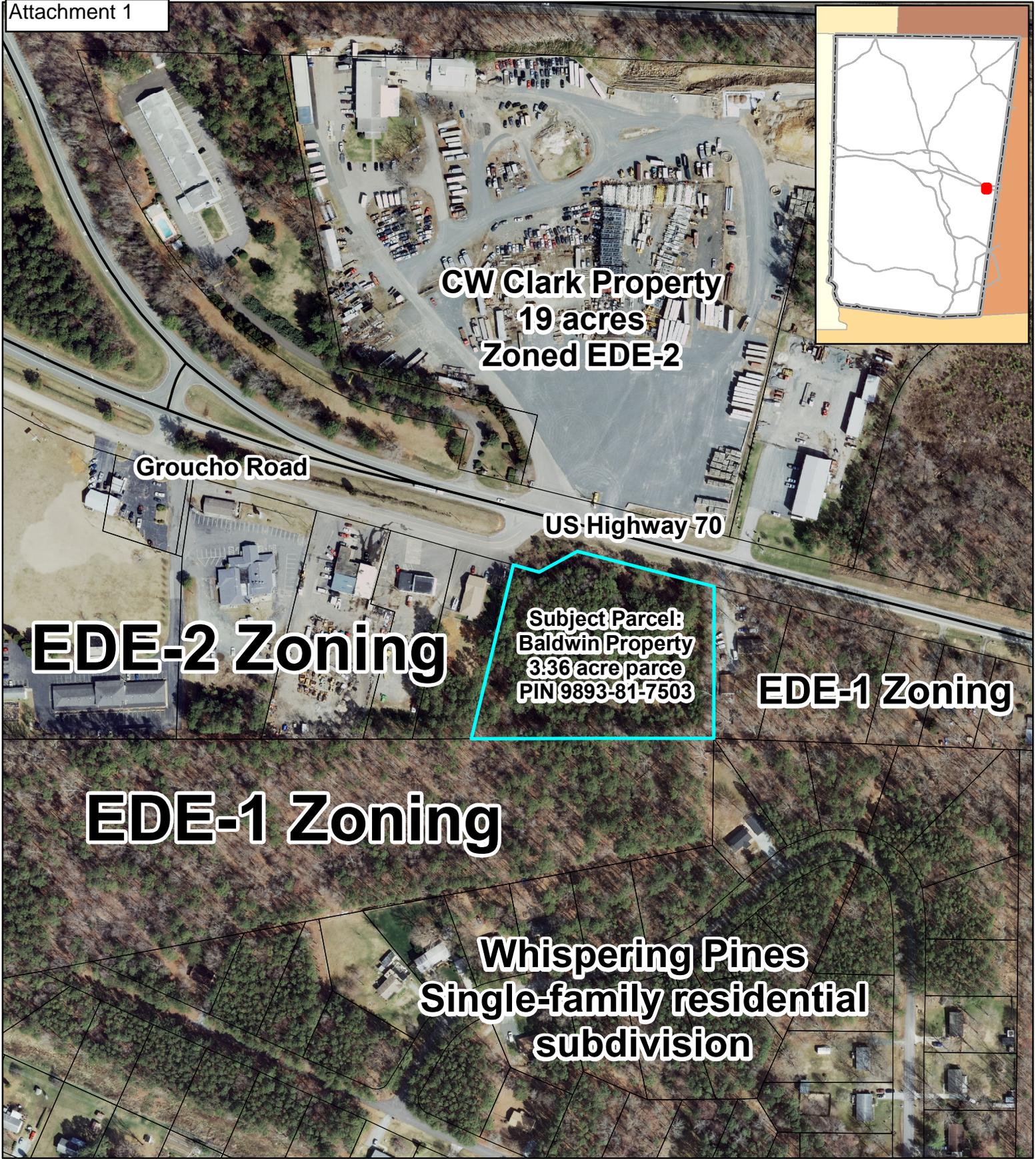
Procedural Information: In accordance with Section 2.8.8 of the UDO, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. The Planning Board may consider additional oral evidence only if it is for the purpose of presenting information 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.

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

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

1. Deliberate on the petition,
2. Consider the Planning Director's recommendation to proceed with Attachment 2 Approval of Rezoning, and
3. Make a recommendation to the BOCC on the proposed zoning atlas amendment in time for the **September 5, 2013** BOCC meeting.

Attachment 1





1 inch = 250 feet



Orange County Planning and Inspections Department  
4/12/2013

Ordinance #: \_\_\_\_\_

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

WHEREAS, Orange County has received and processed a petition seeking to amend the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), and

WHEREAS, This petition seeks to rezone an approximately 3.36 acre parcel of property off of US Highway 70, owned by Mr. Alexander Baldwin, identified with the Parcel Identification Number (PIN) 9893-81-7503 to Economic Development Eno Higher Intensity (EDE-2), and

WHEREAS, the property to be rezoned is identified further as follows:

COMMENCING FROM AN EXISTING CONTROL CORNER "A" IN THE SOUTHERN RIGHT OF WAY LINE OF GROUCHO ROAD, SAID CORNER LYING SOUTH 54°19'09" EAST 2,110.42 FEET (GRID DISTANCE: COMBINED GRID FACTOR 0.99994998) FROM N.C.G.S. (NAD 83/01) MOUNMENT "SKYLAND", SAID MONUMENT HAVING NORTH CAROLINA GRID COORDINATES NORTH=832,994.54 FEET AND EAST=1,996,584.19 FEET, SAID CONTROL CORNER BEING MARKED BY AN EXISTING RAILROAD SPIKE AND HAVING N.C. GRID COORDINATES (NAD 83/01) NORTH=831,763.59 FEET AND EAST=1,998,298.43 FEET; THENCE WITH THE SOUTHERN RIGHT OF WAY OF GROUCHO ROAD SOUTH 75°47'21" EAST 140.09 FEET TO AN EXISTING IRON; THENCE SOUTH 75°46'36" EAST 114.82 FEET TO AN EXSITING IRON IN THE SOUTHERN RIGHT OF WAY OF GROUCHO ROAD THE POINT OF **BEGINNING**; THENCE WITH SAID RIGHT OF WAY SOUTH 75°46'36" EAST A DISTANCE OF 49.17 FEET TO AN IRON SET; THENCE NORTH 59°22'44" EAST A DISTANCE OF 85.17 FEET TO AN IRON SET IN THE SOUTHERN RIGHT OF WAY OF U.S. HWY 70; THENCE WITH THE RIGHT OF WAY OF U.S. HWY 70 SOUTH 75°37'16" EAST A DISTANCE OF 136.30 FEET TO AN IRON SET; THENCE CONTINUING WITH SAID RIGHT OF WAY SOUTH 75°37'16" EAST A DISTANCE OF 140.50 FEET TO AN EXISTING IRON THE NORTHWESTERN CORNER OF JUANA G. MOSQUEDA (DEED BOOK 3695, PAGE 351 ORANGE COUNTY REGISTRY); THENCE LEAVING THE RIGHT OF WAY OF U.S. HWY 70 SOUTH 00°07'16" EAST A DISTANCE OF 305.16 FEET TO AN EXISTING IRON THE NORTHEAST CORNER OF CONSTANTINO ZOUMBOS AND ATHANASIOS

ANAGNOSTOPOULOS (DEED BOOK 1519, PAGE 267 ORANGE COUNTY REGISTRY); THENCE WITH THE NORTHERN PROPERTY LINE OF SAID OWNER SOUTH 89°58'02" WEST A DISTANCE OF 223.91 FEET TO AN IRON SET; THENCE SOUTH 89°58'02" WEST A DISTANCE OF 251.17 FEET TO AN IRON SET THE SOUTHERN CORNER OF THE ORANGE COUNTY ALCOHOLIC BEVERAGE CONTROL #6 (DEED BOOK 255, PAGE 990 ORANGE COUNTY REGISTRY); THENCE WITH THE EASTERN PROPERTY LINE OF SAID OWNER NORTH 13°58'41" EAST A DISTANCE OF 353.33 FEET TO THE POINT OF **BEGINNING**, AND BEING ALL OF LOT "B" CONTAINING 3.39 ACRES AS SHOWN ON PLAT ENTITLED "FINAL PLAT ALEXANDER BALDWIN" DATED FEBRUARY 26, 2010 BY WHM JR PLS, SUMMIT CONSULTING PROJECT 08-142 RECORDED IN THE OFFICE OF THE ORANGE COUNTY REGISTER OF DEEDS IN PLAT BOOK 106, PAGE 162 TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION OF SAME.

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

- a. The Future Land Use Map.
- b. Principle 7: Promotion of Economic Prosperity and Diversity.
- c. Economic Development (ED) 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.
- d. Objective ED-2.5: Identify lands suitable to accommodate the expansion and growth of commercial and industrial uses.
- e. 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.
- f. 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.

and

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

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the property as described herein to Economic Development Eno Higher Intensity (EDE-2)

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

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on \_\_\_\_\_, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SEAL

\_\_\_\_\_  
Clerk to the Board of Commissioners

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: June 5, 2013

**Action Agenda  
Item No. 8**

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

**DEPARTMENT:** Planning and Inspections

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

No

**ATTACHMENT(S):**

**INFORMATION CONTACT:**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. Future Land Use Map/Zoning Atlas Amendment Outline Form (CP 2013-01)</li> <li>2. Current/Proposed Land Use</li> <li>3. Resolution Amending Comprehensive Plan Future Land Use Map</li> <li>4. Ordinance Amending Zoning Atlas</li> </ol> | <p>Michael D. Harvey, Planner III (919) 245-2597<br/>Craig Benedict, Director (919) 245-2575</p> |
|--|--|

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

**BACKGROUND:** This item was heard at the May 28, 2013 Quarterly Public Hearing where staff indicated this item is designed to address the final disputed area of the Orange Alamance County line (i.e. the 9% area) consistent with Session Law 2012-108 adopted on June 28, 2012.

Please refer to Section B.1 of Attachment 1 for additional information.

Public Hearing: Please refer to Section C.1.b of Attachment 1 for a synopsis of comments made during the hearing. Agenda materials from the May 28, 2013 Quarterly Public Hearing can be viewed at: <http://orangecountync.gov/occlerks/130528.pdf>

Planning Director's Recommendation: The Planning Director recommends the Land Use and Zoning designations be extended as proposed based on the following:

- A. The amendments extend existing zoning and land use designations onto those portions of property now located within the County's planning jurisdiction as a result of the formalization of the County line; and,
- B. The amendments are consistent with the goals and policies of the adopted 2030 Comprehensive Plan.

Please refer to Section B.2 of Attachment 1 for additional information. Attachments 3 and 4 contain the Resolution and Ordinance approving the Future Land Use Map and Zoning Atlas Amendments as recommended by the Director.

Procedural Information: In accordance with Section 2.8.8 of the UDO, any evidence not presented at the public hearing must be submitted in writing prior to the Planning Board's recommendation. The Planning Board may consider additional oral evidence 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.

**FINANCIAL IMPACT:** See Section C.3 of Attachment 1.

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

1. Deliberate as necessary,
2. Consider the Planning Director's recommendation to proceed with Attachments 3 and 4, and
3. Make a recommendation to the BOCC on the proposed Comprehensive Plan Future Land Use Map and Zoning Atlas amendments, as contained within Attachments 3 and 4, in time for the **June 18, 2013** BOCC meeting.

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

CP & Zoning 2013-01

May 28, 2013 Quarterly Public Hearing:

Orange – Alamance Boundary Land Use and Zoning Amendments

## A. AMENDMENT TYPE

### Map Amendments

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

### Text Amendments

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

## B. RATIONALE

### 1. Purpose/Mission

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

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

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

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

Please refer to Attachment 2 for maps of the aforementioned properties.

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

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

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

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

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

**2. Analysis**

As required under Section 2.3.9 of the Orange County Unified Development Ordinance, the Planning Director is required to: *‘cause an analysis to be made of the application and, based upon that analysis, prepare a recommendation for consideration by the Planning Board and the Board of County Commissioners’*. In analyzing this proposal, the following information is offered:

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

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

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

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

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

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

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

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

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

quality of life.

- Goal 2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.
- Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation systems.

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

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

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

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

## C. PROCESS

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

#### a. BOCC Authorization to Proceed

February 5, 2013

#### b. Quarterly Public Hearing

May 28, 2013. During the public hearing the following questions/comments were made:

1. A Planning Board member asked if the County should be concerned with the actual language contained within Session Law 2012-108 prior to taking action on the proposed map amendments. Specifically a concern was expressed over the use of ‘historic’ in Section1 of the law when, technically, this was not the proper word choice to convey the intended meaning.

*Staff response:* Session Law 2012-108 was adopted on June 28, 2012. Regardless of concerns over word choice, the legality of the Orange-Alamance boundary line re-alignment is not in question and the County can proceed with the rezoning action as presented by staff.

c. BOCC Updates/Checkpoints

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

d. Other

**2. PUBLIC INVOLVEMENT PROGRAM**

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

a. Planning Board Review:

June 5, 2013 (for recommendation)

b. Advisory Boards:

N/A

c. Local Government Review:

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

d. Notice Requirements

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

e. Outreach:

General Public: Open House: An open house was held on April 22, 2013 to allow impacted property owners to review staff's recommendation(s).  
Staff sent out letters via first class mail informing property owners of the meeting on April 12, 2013.  
No one attended the open house and staff received no inquiries.  
  
Public Hearing: Notification letters were sent via first class mail to impacted property owners prior to quarterly public hearing, no later than May 10, 2013 in accordance with Section 2.8.7 of the UDO.  
  
Letters were also sent to all property owners within 500 feet of those parcels subject to rezoning informing them of the

public hearing in accordance with Section 2.8.7 of the UDO. Signs advertising the hearing were placed on the subject parcels as required by Section 2.8.7 of the UDO.

Small Area Plan Workgroup:

Other:

**3. FISCAL IMPACT**

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

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

Existing Planning staff included in the Departmental staffing budget will accomplish the work required to process this amendment.

**D. AMENDMENT IMPLICATIONS**

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

**E. SPECIFIC AMENDMENT LANGUAGE**

Please refer to Attachments 3 and 4 for the Resolution amending the Future Land Use Map and the Ordinance amending the official Zoning Atlas.

**Primary Staff Contact:**

Michael D. Harvey

Planning

(919) 245-2597

mharvey@orangecountync.gov

# Caswell County

# Alamance County

ANDERS CT

ANDERS WAY

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

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

Hyco Creek  
Unprotected Watershed

AR

Back Creek  
Protected Watershed

# Alamance County

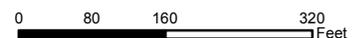
ELIZAVIN

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

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



1 inch = 208.333 feet



|              |
|--------------|
| ATTACHMENT 3 |
|--------------|

RESOLUTION # \_\_\_\_\_

## A RESOLUTION AMENDING THE 2030 COMPREHENSIVE PLAN

WHEREAS, Orange County initiated an amendment to the Orange County 2030 Comprehensive Plan Future Land Use Map, as established in Section 2.3 of the Orange County Unified Development Ordinance (UDO), to assign or extend land use categories for approximately 11 properties along the Orange-Alamance county line in northwestern Orange County along Eliza Lane, and

WHEREAS, these properties are being located within the County's planning jurisdiction a result of the Orange-Alamance County Line Adjustment project consistent with Session Law 2012-108 (commonly referred to as the '9% line') enacted by the North Carolina General Assembly on June 28, 2012, and

WHEREAS, the properties subject to this resolution are further described utilizing Parcel Identification Numbers (PIN) data provided by the Orange County Tax Administration department, as follows:

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

and

WHEREAS, the area surrounding these aforementioned properties are designated as being located within the Agricultural Residential Land Use Category, and

WHEREAS, the Planning Director has recommended that all of the aforementioned parcels be assigned the Agricultural Residential Land Use Category designation, and

WHEREAS, the requirements of Section 2.3 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, the Board finds that the proposed Future Land Use Map amendment is internally consistent with the 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

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

- Goal 1: Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.
- Goal 2: Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.
- Goal 3: A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation systems,

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of Orange County, North Carolina, that the Future Land Use Map, provided in Chapter 5 of the Land Use Element of the 2030 Comprehensive Plan, is hereby amended as described herein to become effective June 18, 2013.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the aforementioned 2030 Comprehensive Plan amendments were adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2013 and shall become effective upon adoption.

---

Donna Baker, Clerk, Orange County Commissioners

Ordinance #: \_\_\_\_\_

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

WHEREAS, Orange County initiated an amendment to the Orange County Zoning Atlas, as established in Section 1.2 of the Orange County Unified Development Ordinance (UDO), to extend existing zoning designations for 11 properties along the Orange-Alamance county line in northwestern Orange County along Eliza Lane, and

WHEREAS, these properties are being located within the County's planning jurisdiction a result of the Orange-Alamance County Line Adjustment project consistent with Session Law 2012-108 (commonly referred to as the '9% line') enacted by the North Carolina General Assembly on June 28, 2012, and

WHEREAS, the parcels subject to this Ordinance, identified utilizing Parcel Identification Numbers (PIN) data provided by the Orange County Tax Administration department, are identified as follows:

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

and

WHEREAS, the parcels subject to this Ordinance, identified utilizing the aforementioned PIN data, are already partially zoned Agricultural Residential (AR) as denoted on the Orange County Zoning Atlas, and

WHEREAS, 5 of these parcels, specifically those with PINs:

|                 |                 |                 |
|-----------------|-----------------|-----------------|
| 1. 9920-46-1170 | 2. 9920-46-1550 | 3. 9920-47-1131 |
| 4. 9920-46-1843 | 5. 9920-46-1967 |                 |

are located within the Back Creek Protected Watershed Protection Overlay District.

WHEREAS, only those portions of the properties denoted utilizing the above referenced PIN data that were not previously within Orange County are subject to this Ordinance, and

WHEREAS, the requirements of Section 2.8 of the Unified Development Ordinance (UDO) have been deemed complete, and

WHEREAS, pursuant to Sections 1.1.5 and 1.1.7 of the UDO and to Section 153A-341 of the North Carolina General Statutes, the Board finds that the rezoning will carry out the intent and purpose of the adopted 2030 Comprehensive Plan or part thereof including, but not limited to, the following:

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

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

Land Use Goal 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 systems,

and

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

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to zone the portions of the aforementioned parcels, as detailed within Session Law 2012-108 and further detailed herein, Agricultural Residential (AR).

BE IT FURTHER ORDAINED THAT the Orange County Zoning Atlas is hereby amended to extend the Back Creek Protected Watershed Protection Overlay District over the 5 parcels as detailed herein.

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

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing ordinance was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I, Donna S. Baker, Clerk to the Board of Commissioners for Orange County, DO

HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on \_\_\_\_\_, 2013 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of the said Board.

WITNESS my hand and the seal of said County, this \_\_\_\_\_ day of \_\_\_\_\_,  
2013.

SEAL

\_\_\_\_\_  
Clerk to the Board of Commissioners

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: June 5, 2013

**Action Agenda  
Item No. 9**

**SUBJECT:** Discussion of Planning Board Representative on the Board of Adjustment

**DEPARTMENT:** Planning and Inspections

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

No

**ATTACHMENT(S):**

None

**INFORMATION CONTACT:**

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

**PURPOSE:** To discuss the continued viability of having a Planning Board member serve on the Board of Adjustment (BOA) and, if necessary, solicit volunteers/make an appointment recommendation to the BOCC to fill the aforementioned position.

**BACKGROUND:** There is a 'seat' reserved on the BOA for a Planning Board member. This seat is currently vacant due to the expired term of Dr. Larry Wright. Staff does not believe there is a need to for the Planning Board to continue having a member serve on the BOA and would like to recommend the discontinuation of the practice.

The position appears to have been intended to ensure there was an appropriate level of feedback provided to the Planning Board, as a whole, on various development issues reviewed by the BOA. There may have also been a perceived need to provide the Board 'with a voice' on development applications under review.

Staff can provide minutes from any BOA meeting, or provide a report on reviewed items from the BOA Chair as necessary, to the Planning Board for their edification. We also do not believe it necessary to leave a 'seat open' specifically for a Planning Board member, especially if no one is able to serve. It would be more prudent to allow an interested Orange County resident to serve on the BOA rather than keep a seat open unnecessarily.

The BOA is a County advisory board having the following duties:

1. Hear, review, and take action on the appeal of any order, decision, or determination made by the Planning Department,
2. Hear and take action on Class B Special Use Permit applications, and
3. Hear and take action of variance applications from the dimensional requirements detailed within the Unified Development Ordinance (UDO).

Membership consists of 5 regular, and 2 alternate members each appointed by the BOCC for 3 year terms. The BOA acts in a quasi-judicial capacity meaning actions to approve or deny a request are based on the '*sworn testimony and competent material evidence*' entered into the record during the meeting. Meetings typically occur on the second Monday of each month at 7:30 p.m. in the lower level conference room, same room as the Planning Board meetings, of the West Campus Office building.

Current members of this board are as follows:

| <b>Name</b>         | <b>Position</b>  | <b>Term</b>   |
|---------------------|--|---|
| Mr. David Blankford | Full Member  | Term ends June 30, 2014   |
| Dr. James Carter    | Full Member  | Term ends June 30, 2013<br>Cannot be reappointed                      |
| Mr. Mark Micol      | Alternate Member   | Term ends June 30, 2013<br>Can be reappointed                         |
| Dr. Dawn Brezina    | Full Member  | Term ended June 30, 2012 – BOCC has not taken action to fill seat yet |
| Dr. Larry Wright    | Former Planning Board seat – BOCC to consider moving to Full Member of the BOA | Term ends June 30, 2013   |

County policy is that citizens may serve on a maximum of two advisory boards. Current Planning Board members who do not serve on a second board are:

|                       |                   |
|-----------------------|-------------------|
| Tony Blake            | Maxecine Mitchell |
| Buddy Hartley         | Johnny Randall    |
| Rachel Phelps-Hawkins | Pete Hallenbeck   |
| Herman Staats         |                   |

As of the writing of this abstract there has not been a Planning Board volunteer for this position.

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

1. Provide input on whether the BOCC should change the BOA membership slots so that a current Planning Board member does not necessarily have to also serve on the BOA.
2. If necessary, designate a Planning Board member for appointment consideration by the BOCC to serve on the BOA.