

MINUTES
ORANGE COUNTY PLANNING BOARD
MARCH 3, 2010
REGULAR MEETING

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MEMBERS PRESENT: Larry Wright, At-Large, Cedar Grove Township; Tommy McNeill, Eno Township Representative; Mary Bobbitt-Cooke, Cheek Township Representative; Peter Hallenbeck, At-Large, Cheeks Township; Earl McKee, Little River Township Representative; Rachel Hawkins, Hillsborough Township Representative; May Becker, At-Large Chapel Hill Township; Mark Marcoplos, At-Large, Bingham Township;

MEMBERS ABSENT: Brian Crawford (Chair), At-Large, Eno Township; Judith Wegner (Vice-Chair), Bingham Township Representative; Samantha Cabe, Chapel Hill Township Representative; Jeffrey Schmitt, Cedar Grove Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Tom Altieri, Comprehensive Planning Supervisor; Michael Harvey, Zoning Administration; Tina Love, Administrative Assistant II;

(Documents handed out to Planning Board: Planning Board Rules of Procedure-Updated February 3, 2010; Email letter to Craig Benedict from Douglas Efland regarding Upper Eno Critical Area; Revised Section 4.2.27 of the Zoning Ordinance and map of Proposed Upper Eno Watershed Critical Area with revised West Ten Area; February 22, 2010 Quarterly Public Hearing Comments concerning Upper Eno Watershed Critical Area with notation identifying who made comments)

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

NOTE: Due to absence of both the Chair and Vice-Chair, Larry Wright was selected to chair the meeting.

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Next Regular Planning Board meeting scheduled for Wednesday, April 7, 2010
- b) Planning Calendar for March and April

AGENDA ITEM 3: APPROVAL OF MINUTES

Larry Wright: Are there any changes or corrections to the minutes?

May Becker: I have a correction to line 334, seconded by should be Mary Bobbitt-Cooke not May Becker.

Mary Bobbitt-Cooke: I don't think what I had to say at the end of the meeting is clear, from lines 708 thru 711. If you think it is clear I will not make changes or try to clarify.

Consensus was that members understood the entry.

Craig Benedict: Line 399 should read you cannot instead of you can.

MOTION made by Mary Bobbitt-Cooke to approve minutes with corrections. Seconded by Earl McKee.

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.

60 The general purpose of OCPB is to guide and accomplish coordinated and harmonious development.
61 OCPB shall do so in a manner which considers the present and future needs of its citizens and
62 businesses through efficient and responsive process that contributes to and promotes the health, safety,
63 and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive
64 governance and quality public services during our deliberations, decisions, and recommendations.
65

66 **PUBLIC CHARGE**

67 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to
68 conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At
69 any time, should any member of the Board or any citizen fail to observe this public charge, the Chair will
70 ask the offending member to leave the meeting until that individual regains personal control. Should
71 decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment
72 to this public charge is observed.
73

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75 **AGENDA ITEM 6: CHAIR COMMENTS**
76 None
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79 **AGENDA ITEM 7: ZONING ORDINANCES AND ATLAS AMENDMENT AND COMPREHENSIVE PLAN – LAND USE ELEMENT TEXT AND**
80 **MAP AMENDMENT**
81 To review and make a recommendation to the BOCC on the proposed text and map amendments heard
82 at the February 22 Quarterly Public Hearing regarding Watershed Protection Overlay District changes in
83 the Upper Eno watershed.
84 *Presenter: Craig Benedict, Planning Director*
85

86 Craig Benedict: Good Evening, we heard this item at the February 22 Quarterly Public Hearing. (Review PowerPoint
87 Presentation maps).
88

89 Larry Wright: How many units per acre are allowed in the other watersheds.
90

91 Craig Benedict: One unit per five acres in both these. While protecting these critical watersheds that are part of the OWASA
92 service area except if someone has only a 10 or 12 acre lot that they can subdivide it into two acre lots or densities for the first 10
93 acres. Someone can put seven two acre lots in this subdivision. The rest can be open space. Even though I calculated those
94 five two acre lots for the first ten acres, then you are only allowed two lots and the rest can be open space. Our interest is not to
95 have big lots without protecting open space. A question that I did not put on here but is probably in your mind is that we have
96 two critical area watersheds that have a certain level of protection. Why don't we have the same level of protection in this area?
97 We are trying to correct the definitions of the lines of the maps.
98

99 Mary Bobbitt-Cooke: Going back to your sample, the 6% of impervious and this type of subdivision, part would fall back on the
100 two acre lot loophole, right? For the road that comes in.
101

102 Craig Benedict: We will take the impervious of the entire 20 acres and do 6% on that. You can shift some of this impervious that
103 could have gone here and it can be re-designated towards those two acre lots. You just don't do the two acres times 6%. You
104 can do another 20 acre site times 6% and apportion it to the road and to the lot and what we do to the subdivision is that we look
105 at that during the minor or major subdivision process and make sure there is an allocation and as we put in the agenda package,
106 there are some people that have subdivisions that go back to 1970 even before there were subdivision rules and we work with
107 them on a case by case basis and find out what they had. We also added something in, you saw at the public hearing, this
108 sliding scale, if someone has small lots that are freestanding all by themselves, there is a sliding scale that allows them to remain
109 at the 12% level.
110

111 Mary Bobbitt-Cooke: Some of those lots may require the house, just because of the way it perks, to be at the back of the lot
112 which means that a lot of their impervious land will be taken out by the road and driveway and that means the house is getting
113 smaller.
114

115 Craig Benedict: We have been able to analyze the lots and have done typical plans but take a look at a typical one acre lot and
116 how much can be done with the driveway or a two acre lot. We are conscious that the driveway can eat up a lot of space on this
117 and we will be working to have a better scale but here you could have a miniature barn on here plus a house, plus a driveway.
118 Michael, if you could work with Glenn and Jennifer to get more a scale for this. The numbers are right but the scale is skewed.

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Mary Bobbitt-Cooke: I am concerned about those properties where there has to be a long driveway to get to the house and what are the negatives to allow somebody a higher level of imperviousness.

Craig Benedict: We have a 1994 line for the watersheds. The 1994 line was something the Board of County Commissioners designated. All they had to do in 1994 by state rules was to put a one half mile buffer around Lake Ben Johnson and half mile buffer around Corporation Lake. The rest of this dark blue outline was a decision of the Board of County Commissioners. They decided in 1994 to preserve the buffer, these reservoirs that weren't here yet, West Fork on the Eno, also, Lake Orange, and another ghost reservoir known as the Upper Eno above McGowan Creek. They also put a buffer around a future reservoir known as Seven Mile Creek. They didn't, in 1994, have good definitions to explain how this line was created. There were holes in the definition.

Larry Wright: What wouldn't have run up?

Craig Benedict: The ghost reservoir known as the Upper Eno above McGowan Creek.

Perdita Holtz: Larry, if you look on page 49 of your packet, those reservoirs are shown.

Craig Benedict: On page 49, the old blue lines were bubbling around where these points of the reservoir came out but if you try to protect that there would be missing spots there. In October when we had a meeting with the Board of County Commissioners and this board we spoke about some of the controversy that was coming. It was a decision of the Planning Board to get the Comprehensive Plan out of the way and move forward with the development of the UDO and make the definitions better in the UDO. Then I went to the Board of County Commissioners in November 2007, I explained the issue with the watershed lines. They said we know it is an important issue, do it by sectors based on some small area plan interest and then bring it forward. In October, we explained this is what is required and this is what we have done extra. The direction we got from the Board of County Commissioners in October was to make the definitions be about as close as you can get to what the 1994 line was, which is what our proposal does. It is almost exactly the same as the 1994 line with about an 8% difference. (Explained sections on map). If you look at the new definitions, we have almost redefined the 1994 lines with a 92% match.

Mary Bobbitt-Cooke: Everything in the dark blue line is critical or is it critical and protected?

Craig Benedict: Critical has a higher level of protection than protected.

Mary Bobbitt-Cooke: Beyond the blue line there is also a protected line out there?

Craig Benedict: Yes.

Mary Bobbitt-Cooke: How far does that go?

Craig Benedict: This map shows everything outside the critical, this is all protected. Only the white areas are unprotected.

Mary Bobbitt-Cooke: Is there a page or section that describes the difference between protected and critical?

Craig Benedict: The definitions we have for protected are in our zoning code and we are not changing those because we are saying protected areas as designated by the state watershed, levels 2, 3 and 4. We can dig up that reference for you. We can't really change what the protected classification is.

Mary Bobbitt-Cooke: Essentially, the difference in density?

Craig Benedict: Yes. In this area, the differentiation is how many houses per acre and the impervious percentage. The difference is 6% imperviousness in the critical and 12 % in the protected.

Perdita Holtz: There was a table included in our public hearing materials and also on our website.

Larry Wright: We talk about dwellings units per acre or structures or impervious surface, do we consider at all, the soil type because it is known that in northern Orange County especially that it is very impervious soil type and is that factored in your runoff coefficients and so on.

177 Craig Benedict: There was an assumption throughout Orange County, even though soils are different, the clay soils and even
178 some sandy soils still do not have good qualities of percolation so the 6% and 12% take that into consideration. Everything
179 shown on this map for septic systems, red is severe limitations, the yellow is moderately severe. I won't say that the great septic
180 soils you have in other parts of the country, I think North Carolina has some trouble and the mountains for steep slopes problems
181 that because of the clay in the Piedmont has trouble and then you get to the sandy soils down east and you run into depth of
182 water table which creates problems. We do take into the consideration the difficult soils. Someone at the meeting asked about
183 why we count driveways as impervious even if they are gravel. The runoff from a gravel driveway is about 95% still. In prepared
184 lawns in North Carolina is about 50-60% impervious. It may be a year or two years from now, we had talked about giving people
185 benefits when they have a two acre lot if they preserve more native tree area. A native tree area only has about 5-10%
186 impervious.

187
188 Mary Bobbitt-Cooke: Going back to the map with the critical area, you talked about the part that you were going to propose to
189 move portions of critical area, what was the reason for that?

190
191 Craig Benedict: The reason we are backing this up is the county has identified the Seven Mile Creek area since 1987 as an
192 important natural area. We are talking about this area, Hillsborough, this is the Eno River and this is the Seven Mile Creek area.
193 This is called a Natural Heritage site and the county has actually purchased some land in that area shown on this map. We are
194 saying that most likely we will never build a reservoir here over top of these natural areas in the county but suggesting that we
195 pull it back and at least protect the streams. Is that watershed protection for the intake of Hillsborough or is it for the protection of
196 the natural areas in here. I think the presentation on the 22nd was more focused on, it will improve water quality, is the focus of
197 that area probably more environmental than water supply, probably yes.

198
199 May Becker: You mentioned that Seven Mile Creek will probably never be a reservoir because, I guess that is not clear to me,
200 one of the things that came up in the town meeting was the question of why remove these potential reservoir sites as potential
201 reservoir sites because water is an important natural resource. My concern is that if we move a potential reservoir then if the
202 critical area is also reduced, then the level of watershed protection is reduced and the potential of protecting water in the future
203 would no longer be there.

204
205 Craig Benedict: Two things, either we protect future reservoirs as if they were going to be there and do the full half mile buffer
206 around it or protect the future reservoirs partially, not to full like it was flooded, but protect the streams that lead up to that
207 reservoir. What happens with this map is that you see us pulling back with the new description, notice the reservoir still fits
208 inside there. There were people who said if we are not to build a reservoir, let's get rid of the big critical areas and then others
209 that say that they might come here so why don't you protect all or part of it. We are suggesting that we protect an area, whether
210 reservoir or natural areas but not to the full extent so we can pull some of the Economic Development areas out in the Efland
211 area north of I-85 the way the line is now, it goes halfway up to the railroad tracks off I-85 so the development potential in Efland
212 village area is limited. Our proposal because we are only suggesting to buffer the streams and not the big reservoir anymore, we
213 are able to pull that line farther out. We are suggesting and asking the board to consider that the state says you can pull it out to
214 a roadway or other man made structure so we can pull back this proposed line to West Ten Road. A comment from the public
215 hearing was there was some land here that doesn't flow directly to the streams so that was more than the half mile distance so it
216 made sense. Some areas, green dots, we are suggesting is that before runoff occurs from any development in the Efland village
217 area that these can become erosion control and BMP devices before the runoff comes under the interstate. DOT owns the land
218 up here and we hope to work with them in the future to turn some of their erosion control issues into a bioretention area.

219
220 Mary Bobbitt-Cooke: Who owns the property in the area?

221
222 Craig Benedict: This is West Ten Road and this is the I-85 connector. DOT owns a big piece over here and a private land owner
223 here and two small houses coming down West Ten Road. After you get past this point, this is all Economic Development again.

224
225 Craig Benedict: We connect to that other line down here at West Ten. The way we would add this change is how we described
226 those other conditions on this map. To further define it, to exclude that area of the land north of the center line of West Ten Road
227 and west of the center line of the I-85 Connector. Some people may say forget the future reservoirs, forget the streams, block off
228 Seven Mile Creek altogether. I don't think there was consensus on that but that was an option. Protect the streams between the
229 reservoirs on the Eno River. Protect the natural areas of associated feeder streams. The decision to keep this for purposes of
230 environmental protection of Seven Mile Creek, Crabtree Creek and Rocky Run, that is something the board should say, yes that
231 is one of the criteria. Sometimes we would end up with a little island between all our rules and we suggested that if do all our
232 half mile buffers all over, there is some isolated criteria and we suggest even though that does not meet the half mile definition,
233 we suggested putting that in there. One of our commissioners said that just because it is ease of administration, should you
234 include that in a critical area designation or just allow it the way it is. I would like you to decide on that tonight or in April. This is

235 what staff was saying should be critical, why, because it is surrounded by critical. Should the private property rights of the
236 people in that area, should they be allowed to put one unit per acre.
237
238 Mary Bobbitt-Cooke: It will still be protected?
239
240 Craig Benedict: Yes.
241
242 Mary Bobbitt-Cooke: The difference between protected and critical as I read it was rather small.
243
244 Craig Benedict: Yes. Half the impervious, 12% to 6% and from two units per acre to one unit per acre. As we said in the
245 hearing, the typical density of this entire area is over two acres per unit because that is the way it has been developed. I have
246 not seen any subdivisions that have been, on the average, under two acres per unit.
247
248 Mary Bobbitt-Cooke: The Bluffs?
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250 Craig Benedict: The lots are 1.3 acres but the total density is over two units per acre.
251
252 Mary Bobbitt-Cooke: If you take all the land?
253
254 Craig Benedict: Yes. You will see in the Bluffs, the density is the overall. Typically, the Bluffs had more fields, as one of these
255 parcels down here that had some controversy associated with it because there is ridge line here and with this development flow
256 into that the way it is now, the Seven Mile Creek area or will it flow to Rocky Run which wasn't listed as a critical area. That is
257 why we have to correct this so we don't run into a case by case.
258
259 Mary Bobbitt-Cooke: I had to go back to the mention of protect natural areas which in some ways is different than protect quality
260 of water and I think it is a very important discussion about protecting natural areas. I don't think we are giving it due diligence
261 because we are trying to get this in under water quality. I don't like to kind of mad dash this together but to take it out and have
262 an in-depth discussion about natural area so we really understand what we are protecting and then protect it in a way that it has
263 more to do with environmental protection.
264
265 Craig Benedict: Presently, we have more latitude with zoning regulations. The state gives us more power for water quality
266 reasons so we use that umbrella of state watershed rules to both protect water quality areas and as a secondary and possibly
267 equal benefit are natural areas because it has its own purposes. We are using that umbrella but it has dual proposes but I think
268 in our discussion, we are seeing that in this case, this is of equal importance, as is the water quality issues.
269
270 Larry Wright: Craig, what do you have to present and I see there is quite a bit here, I think we really need to move forward.
271
272 Mary Bobbitt-Cooke: Can I request that at the next meeting, we talk about the natural areas . The other thing is this map here
273 is not aligned with the map with the purple line.
274
275 Craig Benedict: We are going to go back to the questions to find out where you want to go with these issues, protect the whole
276 reservoir, shrink them down to a different size.
277
278 Larry Wright: Can we have just a very short review of what we are supposed to be doing?
279
280 Craig Benedict: We need to make the map match the definitions. I don't think there is any latitude; we have to include the state
281 critical areas.
282
283 Earl McKee: Talking about your state critical areas, going back to the drawing of the ridge line, the state critical areas would be
284 defined as half mile or to the ridge line, whichever is chosen or actually whichever is the closest, is that correct?
285
286 Craig Benedict: Whichever is closer. The state has a watershed definition, this is actually a sub watershed because the actual
287 watershed changed where this is lower Eno unprotected. That is the definition we use for the ridge line of the watershed. The
288 ridgeline of the sub watershed goes here. Those definitions have to be very specific. There is 13 watersheds here, this is an
289 Upper Eno Watershed, Little River Watershed, Flat River, there are 13 of these designated watersheds so if that is the
290 watershed line, there is 101 little sub watersheds and we are not including those as the ridgeline breaks of the sub watersheds.
291 There was a question about the state critical areas and how we define them so we are in agreement that we are going to protect
292 at least those two areas. Are we in agreement that we are going to protect the West Fork and Lake Orange with a half mile
293 buffer?

294
295 Larry Wright: Let's put this in the form of a proposal to give an up or down vote on.
296
297 Craig Benedict: A critical area really isn't much of a decision point. Class II Reservoirs.
298
299 Larry Wright: We are voting for what now?
300
301 Craig Benedict: We are voting to pass these as an Orange County designated critical area and have a half mile of protection
302 around those two reservoirs. A Class II reservoir is where there is not a pipe that goes directly into it. These are more flood
303 control and water storage and then they release water downstream.
304
305 Perdita Holtz: Maybe we should show that maps that show the critical area broken down by criteria and have them vote by
306 criteria.
307
308 Craig Benedict: This is the state criteria; there is not a vote on that because we cannot go less than the state. We can go more
309 and everything after this is more than what the state requires.
310
311 Larry Wright: We are going to make an up or down vote on we need a map to match the definitions of the Class II areas?
312
313 Craig Benedict: Yes.
314
315 Mary Bobbitt-Cooke: We want to maintain a critical area in the Class II reservoirs.
316
317 Larry Wright: Any other discussion?
318
319 Mary Bobbitt-Cooke: The fact that those two Class II reservoirs are not connected to Class I reservoirs is of no concern in this
320 vote?
321
322 Craig Benedict: They are hydrologically connected.
323
324 Perdita Holtz: Maybe it would be helpful if you showed how the criteria get applied.
325
326 Craig Benedict: That is the first criteria, second criteria, the third criteria is applying this between the reservoirs, and then we
327 have the fifth order streams. A first order stream is that first point where water starts flowing, two ones flow into a creek to make
328 a second order and when two second order stream come together, they form third order, once you get third, forth and fifth order,
329 you start getting a reasonable stream flow.
330
331 Mark Marcoplos: The issue now is do we want to maintain a reasonably strict standard of water protection, half mile around
332 these two reservoirs, it doesn't mean no one lives there, it is a level of zoning proven to work in other areas and to me it is a
333 pretty simple matter of yes, we would want to do that. We certainly want to protect the reservoirs we have. I think it is a no
334 brainer.
335
336 Mary Bobbitt-Cooke: When you had your community meeting, you had one in that area, what were the comments in the
337 community about this? It really expands the area or retracts the area.
338
339 Craig Benedict: It does expand a section out here but there is only an 8% difference overall.
340
341 Mary Bobbitt-Cooke: What did they say about it? Does anybody here live up there?
342
343 Larry Wright: Yes. I do.
344
345 Craig Benedict: You build less with these new restrictions. As I said it will depend on the soils and the history of the average lot
346 size in that area is more restrictive than what we are suggesting now. In the community meeting, we talked about paper zoning,
347 one unit for one acre that we show you on paper but then we coined a new phrase called land zoning and that is what the land
348 can actually handle and that is where the soils and the well and the stream buffers affect the lot size. We are not suggesting one
349 unit per five acres we are just creating better definition and protecting that one half mile around this future Phase II reservoir.
350
351 Larry Wright: I would like to close the discussion. Let's vote on this first issue. Can you state it again, Craig?
352

353 Craig Benedict: This criteria is a county designated criteria where we take the Class II reservoirs, Lake Orange, West Fork on
354 the Eno and do a half mile buffer around them and accepting that over any ridgeline encroachment that you would cut off that
355 half mile buffer at that point. Also, below the reservoir dam, you do not see a half mile buffer there on this criteria because the
356 water doesn't flow from below the dam to above the dam.

357
358 Larry Wright: I would like to entertain a vote. All in favor for this Class II protection.
359 Vote: Unanimous

360
361 Craig Benedict: The next bullet is applying the criteria that we are protecting the streams between these two Class II Reservoirs
362 and where they are picked up in the next reservoir down here. This is the Eno River and the West Fork of the Eno River. This
363 criterion creates a half mile buffer on both sides of the stream.

364
365 Earl McKee: Is it my understanding that by using the half mile buffers in this area, that we are going to require a larger lot size by
366 definition and my question is this reservoir, even though proposed, may or may not be built. If the reservoir was sitting there, I
367 don't have a problem with putting a half mile boundary around it to protect the water quality of the lake if it exists. I realize the
368 water is flowing from the reservoirs through the stream bed down to the pick up point but I question that the likelihood of
369 additional pollution, not like a Hurricane Fran situation, but additional pollution from the stream flow down. I am questioning the
370 need for this half mile boundary on the river or creek from the reservoirs down to Corporation Lake.

371
372 Craig Benedict: There were two questions. One is we are not putting our buffers against this future reservoir that was ghosted
373 in We are just going to the actual Eno River and this is the West Fork Eno River. We are not talking about the bubbles out here
374 in this criteria. The reason for it is the water that gets picked up at Lake Ben Johnson and Corporation Lake is a combination of
375 water that is held back in these reservoirs plus all these little streams that feed into Eno. We are saying additional
376 sedimentation; more impervious could create difficulties for the quantities in these two points. This is not a major change. In this
377 whole section, this is less than what it was before.

378
379 Earl McKee: Have there been or are there studies taken at the dam or just below the dam site on both these reservoirs and just
380 above Corporation Lake to compare the water quality as it exits the reservoir and is picked up at Corporation Lake.

381
382 Craig Benedict: There is not but last night on our agenda, we did get approval to get sampling points along sections of the
383 Neuse River Basin so we are starting to do samplings at different points on the Eno but we don't have any water quality data.
384 There have been studies by the Upper Neuse River Basin Authority that suggested lower densities and lower impervious in these
385 areas which we can provide you with that supports our keeping a critical area of this size.

386
387 Mary Bobbitt-Cooke: In terms of what we are going to hear, looking at protecting space between the reservoirs, are we still going
388 back to A and B?

389
390 Craig Benedict: We are going to go exactly as shown.

391
392 Mary Bobbitt-Cooke: If we vote on that, we will still consider the critical area line in terms of either A or B?

393
394 Craig Benedict: As we go through these criteria, you will be making decisions over here. They will be defacto decisions by
395 voting on these things it will be answering those questions.

396
397 Mary Bobbitt-Cooke: When we are looking at streams between the reservoirs, that doesn't necessarily address the issue of the
398 critical line at Seven Mile Creek Reservoir?

399
400 Craig Benedict: We are not there yet.

401
402 Mark Marcoplos: What we are looking at is that we are protecting the water in the two reservoirs with a relatively high standard
403 because we have already decided we will protect the half mile around those two reservoirs. We are protecting water quality
404 because we believe that is the right thing to do. That water will then flow down to Corporation Lake and Ben Johnson Lake
405 where it will be picked up for treatment. The streams are flowing in and the same water we are protecting up in the reservoirs is
406 coming down to the treatment facility. It would be highly illogical not to protect that water all the way to the pipe.

407
408 Mary Bobbitt-Cooke: It was already protected in the 1994 plan they are just changing the lines and you are saying the reason we
409 want to change these lines is because....

410

411 Mark Marcoplos: You are just matching reality of what we have learned since then. We certainly logically would want to protect
412 that so I don't see any logical way we would want to say let's not protect it.
413
414 Mary Bobbitt-Cooke: That question isn't on the table. We can't undo the 1994 decisions; we are talking about the 2010 lines.
415
416 Craig Benedict: Recreating the 1994 with better definitions.
417
418 Mary Bobbitt-Cooke: Without undoing the 1994 so that is not even under consideration.
419
420 Mark Marcoplos: I was picking up on a little bit of consideration of maybe some changes there.
421
422 Earl McKee: I am not suggesting changes, my question is have there been studies done as to the water quality at the base of
423 the two reservoirs and at the pick up point at Corporation Lake to find out whether there is a change of water quality in that
424 stream flow. Is it the same quality at the base at the beginning or is it deteriorating on the way down and if it has been
425 deteriorated on the way down then that would be the logical extension of how far back the boundaries should be.
426
427 Tommy McNeill: Mr. Benedict, is there a concern of yours about that?
428
429 Craig Benedict: The development that is there now is an existing condition so we are trying to prevent contamination by lower
430 impervious and higher density. The study may not show if we ever did a study five years from now and we let that go back to
431 one unit per acre and found a problem then there is no way we can tell people to get out of there. We are going to do a study to
432 create some benchmarks but we are suggesting that we need to stay at that one unit per two acres so we don't get into difficult
433 situations.
434
435 Mary Bobbitt-Cooke: We don't know if all these zoning requirements and restrictions actually get to the end we want which is
436 better quality water, the evaluation hasn't been done so we don't know if all this zoning and Class I, Class II, etc. makes a
437 difference.
438
439 Perdita Holtz: There have been studies throughout the country that talk about how higher density and higher urban development
440 leads to worse runoff conditions. We are trying to minimize the risk that we will have problems.
441
442 Mary Bobbitt-Cooke: I am trying to interpret what Earl is saying, he wants to know if we know now that this makes a difference
443 and the outflow....
444
445 Earl McKee: I am not suggesting we take out the '94 line or go to one half mile but when we get down further and start talking
446 about these bubbles, I have questions. I am not suggesting we take out the half mile protection on this stream. My question is is
447 there a study as to whether, the half mile seems to be arbitrary in some respects, and I realize it had to be set at some point.
448 What I am trying to balance is the need for the water to be protected to have any quality at all against personal property rights.
449 How does it balance out between the rights of the property owners versus the needs of the water users because water users do
450 not own that property?
451
452 Larry Wright: Craig, does this really affect property rights?
453
454 Craig Benedict: I see the zoning in this case as not overly restricting what the land can handle which means it does not affect
455 the property rights.
456
457 Larry Wright: I would like to entertain three more questions, and then I am going to close the discussion. Let's make sure the
458 questions and comments pertain to the point at hand.
459
460 Mary Bobbitt-Cooke: Is this a half mile across here or a mile?
461
462 Craig Benedict: One half mile at either side of the river, one mile total.
463
464 Mary Bobbitt-Cooke: What is the river it runs down?
465
466 Craig Benedict: Eno River.
467
468 Larry Wright: Tell us about what we are voting on and tell us about the preservation and what we will be doing and voting on.
469

470 Craig Benedict: Do you want to create a half mile buffer around these streams, Eno River, Upper Eno River, and West Fork on
471 the Eno River and keep them in the critical area?

472
473 Larry Wright: I would like to entertain a vote. He wants a straw vote.

474 Vote: Unanimous

475
476 Craig Benedict: The next criteria. We are building the future shape of our critical area. There are some other streams involved
477 here. These streams specifically, Seven Mile Creek is a fifth order stream and there is some Eno River between these reservoirs
478 down here. With this criterion, defined in the package, is a small segment here and the Seven Mile Creek, fifth and fourth order
479 stream in that area. The reason for protecting Seven Mile Creek is this is a large order stream almost in order range of the Eno
480 River, provides a lot of water to this intake. Even though we collect a lot of water from Lake Ben Johnson in this area, there is a
481 large watershed area for this Seven Mile Creek and that is why they put a potential reservoir there so we are suggesting
482 protection about two and one half miles up stream. The board may say 2 ½ mile is too far; let's go two miles or one half mile.

483
484 Mary Bobbitt-Cooke: I would like to recommend, in your recommendation for the straw vote, that you follow the new lines that
485 came from the county hearing as well as the community which was the new one you passed out tonight.

486
487 Craig Benedict: With one minor addition. The little pullout of that Seven Mile Creek bubble above West Ten Road.

488
489 Larry Wright: Are those two different votes. I think we are looking at Proposed Upper Eno Watershed Critical Area West Ten
490 Area Revision and then this callout here? Could you clarify?

491
492 Craig Benedict: This was the original definition within the 22nd public hearing package and that included the half mile off Seven
493 Mile Creek. Earlier tonight, I suggested an amendment to pull this line back as shown in the attachment that was handed out
494 tonight, I suggested that this criteria that this half mile, excluding this new language about Seven Mile Creek which would be
495 shown on this map.

496
497 Larry Wright: You would like a separate vote on that?

498
499 Craig Benedict: Yes.

500
501 Mark Marcoplos: This is all part of the same thing. If we are going to give protection to that stream based on a criteria we have
502 discussed, it's going to resolve in the solution of that area.

503
504 Craig Benedict: The two votes that could be out there are; don't exclude that area; the other vote is excluding that area.

505
506 Rachel Hawkins Phelps: Why is it excluded?

507
508 Craig Benedict: Because the area, you can decide to use manmade features such as a road, you don't have to exactly use that
509 half mile buffer from Seven Mile Creek. They were suggesting in this area actually showed that some water in this area flows
510 north over and back again so we took a micro scale look at this and say it is reasonable to use a roadway in this case because
511 waters do not flow directly down this way from that line.

512
513 Perdita Holtz: Craig, did you mention something that the Efland Mebane plan calls for mixed use for that entire area?

514
515 Craig Benedict: Yes. We thought it would be problematic to have a little section of that area over here in some critical area and
516 allow development adjacent to it.

517
518 Mark Marcoplos: We are talking about protecting drinking water flowing into the reservoir so that is consistent with everything
519 else we have done. I know there is some feeling that this process ought to resolve in the lowering of some regulation
520 somewhere for commercial development and if we do protect that area and remove that section Craig has been talking about, we
521 accomplish both things. We protect the drinking and we make a rationale decision that the area around I-85 is right for
522 development, it's not going to make a big difference in that watershed.

523
524 May Becker: My concern is that right off the interstate, we are essentially trying to protect a potential reservoir, if you develop
525 more in that area, it is common sense, there will be potential for run off. It seems that it would be wiser to protect that area.

526

527 Earl McKee: We pulled back to West Ten, why did we not go back to this point to catch this half mile boundary there and bring it
528 down to West Ten because this whole area here is an Economic Development Zone. I guess technically, this would be
529 Economic Development Area even though it is in critical area?

530
531 Craig Benedict: The logic was the Efland Mebane Small Area Plan that studied this area, throughout Efland and over to
532 Mebane, had in their recommendations that the I-85 was the cutoff between areas that could have urban styled developmeny
533 and could be easily serviceable by public water and sewer because these flow back to McGowan Creek because once you get to
534 this area, it starts flowing toward the Eno so the Efland Mebane plan supported having a cutoff somewhere here and plus this
535 section of Efland, this is a mixed use area and it recommended to go down to I-85.

536
537 Earl McKee: It seems odd to leave that little area because you are pulling it back to West Ten all the way to the access road on
538 70.

539
540 Mary Bobbitt-Cooke: Earl, I know this area and it is not really a good road. There is that Ben Johnson Road.

541
542 Earl McKee: It seemed odd that it would come down and then cut off. One side of that access road would be as accessible as
543 the other side.

544
545 Pete Hallenbeck: I was part of the Efland Small Area Plan and can explain the thinking was with regards to the big area between
546 the connector and Mount Willing. From here to here, the topology is rolling, if you have gone off the interstate on Exit 60 the land
547 just rises up, there is even a water tank up there then everything drains from this way to this way. Even though it was in a crow's
548 fly distance, if you start looking at water flow, it wasn't anywhere near. The thinking was why we are taking this 80 acre parcel
549 out of play when water here goes through a substantially longer path than the other protected. This area is the low area that
550 feeds down in the streams between Ben Johnson and I-85 and it was close enough to the flow that it was not clear that it was a
551 good area to develop and also it would be a lot of work to bring water and sewer pump station. Those were the two factors.

552
553 May Becker: In terms of the ground water, very little is known as far as how contaminants move through there so even if studies
554 are done, it may not be until afterwards that one would know what the actual effects of the reservoir are and another point would
555 be that water is a very limited resource and it is a natural resource and so knowing we only have a very limited number of
556 watersheds and potential reservoirs, putting some type of development around that area and weakening the protection doesn't
557 seem to make sense.

558
559 Mary Bobbitt-Cooke: It is not weakening anything south of I-85 because that is not how the water flows. In this particular area, it
560 is flowing up so it won't flow down and get into Seven Mile Creek. Also, what you have are citizens that put together the
561 Economic Development Plan for that area and we should be willing to citizens, especially those who live in that area and be
562 flexible about that and take their things into consideration. Finally, Seven Mile Creek flowing on the other side of the I-85 access,
563 the one big area Earl was concerned about, it doesn't lend itself to development so leaving it accomplishes nothing but taking it
564 away won't either.

565
566 Larry Wright: Are we ready to vote. Please tell us exactly what we are voting on.

567
568 Craig Benedict: The vote could be this is the exclusion, excluding this from this critical area on this map....

569
570 Larry Wright: The vote is....not the vote could be.

571
572 Craig Benedict: This area, Seven Mile Creek, 2 ½ miles from intake and the Eno River between these two Class I reservoirs, ½
573 mile buffer on either side, protect that as critical area, excluding this area north of West Ten Road and west of the I-85 connector.

574
575 Larry Wright: All in favor?

576 Vote: One opposed (May Becker)

577
578 Larry Wright: May, do you express a dissenting opinion?

579
580 May Becker: I would like to protect the watershed including, not excluding, the area north of West Ten Road and west of the I-85
581 connector in order not to weaken the watershed protection and in order to protect the area from potential runoff; we shouldn't
582 make an exception for the area north of West Ten Road. Dissenting opinion: I would like to protect the critical area, Seven Mile
583 Creek, 2 ½ miles from intake and the Eno River between these two Class I reservoirs, ½ mile buffer on either side, protect that
584 as critical area, including, not excluding, this area north of West Ten Road and west of the I-85 connector. In terms of the ground
585 water, very little is known as far as how contaminants move through these types of systems-- I find it imperative that the water

586 bodies be protected from potential road runoff, etc., i.e. that the critical line in this area not be weakened, especially considering
587 the potential growth impacting the area and its very limited hydrologic resources.
588
589 Earl McKee: Why was 2 ½ miles chosen instead of 1 ½ miles or 5 miles.
590
591 Craig Benedict: It matched what was there in 1994. In 2 ½ miles, if a reservoir were put there, it means that would cover that
592 flooded area which is shown in the package. It still gives you a level of protection, not like you were given with the entire
593 reservoir but at least a partial.
594
595 Craig Benedict: There are two more criteria and we will let the board decide if you want to finish these two tonight to close the
596 whole discussion or move to some UDO stuff. The two criteria would be adding these streams and adding those streams would
597 be another. This can be picked up next month.
598
599 Larry Wright: Is the board's pleasure to continue this and table the UDO for another meeting.
600
601 Michael Harvey: I need a decision on one item and a minute or two for the last one.
602
603 Larry Wright: How can we manage this?
604
605 Craig Benedict: Within ten minutes we can wander through these criteria. Then by 9:30 or 9:45 we can address that.
606
607 Earl McKee: I think what we should cover what is on our agenda.
608
609 Mark Marcoplos: I want to speak about one part of this we haven't talked about. I don't have to do that I will be happy to go
610 straight to the Board of County Commissioners with what I am going to say. I am going to give you a 30 second to one minute
611 preview. I am either going to do the five to eight minute thing here or I am going to do it for the Board of County Commissioners.
612
613 Craig Benedict: Second to the last criteria, is third and fourth order streams that flow directly into Class I reservoirs, Lake Ben
614 Johnson, this is a third order stream, this might be a fourth order stream that flows into Corporation Lake. This one was
615 completely covered by the 1994 Watershed map, not the definition. Any contamination that occurs in the stream that is just a
616 mile problem, Class I reservoir, we thought that was important. Was it 2 ½ miles Perdita?
617
618 Perdita Holtz: I think it was 1 ½ miles.
619
620 Craig Benedict: This criterion is third and fourth order streams flowing directly into a Class I reservoir. That only involves Rocky
621 Run, which was not included in the 1994 description. The one here was completely part of the 1994 line no change to the line in
622 that area. In this area we are including probably 700 acres more into the critical area than was in 1994. The density is roughly
623 two acres per unit.
624
625 Earl McKee: When we are talking order streams, is this our definition, a county definition or state defined.
626
627 Craig Benedict: This is a national definition. The definitions are in the packet.
628
629 Mark Marcoplos: We can't go wrong protecting the water. We could go wrong not protecting it.
630
631 Mary Bobbitt-Cooke: I live in this area; I have to say I was surprised that Rocky Run was not protected. We are very glad to see
632 that new bubble added out here. It does make sense to have it there.
633
634 Larry Wright: Other comments.
635
636 Craig Benedict: You are voting on including these two streams in the critical area definition, Rocky Run, 1 ½ miles up, one half
637 mile on either side of that stream and including them in the critical area definition.
638
639 Larry Wright: All in favor?
640 Vote: Unanimous
641
642 Larry Wright: Carries. Next point.
643

644 Craig Benedict: This is the last criteria. You see four different streams come into the picture here. The stream might be ID
645 2109; Crabtree Creek are two streams that used to flow into this Seven Mile Creek reservoir. Those were being protected
646 previously because of that future reservoir site. This stream parallels, comes from the Eno, Dry Run Creek that comes up here
647 and in a previous program you could see it was being protected also. I can say there is a difference I have been researching
648 more recently, the difference between these two streams and these two streams. This reservoir was quite confined, there wasn't
649 too many bubbles on the outside we think it should have been bubbled out a little even in 1994. In talking to residents of this
650 area, this stream, Panther Branch, is a very low flow stream. I can't compare it to what Crabtree and stream IN 1625 might be
651 over here but notice the difference with these two third order streams how it is in a shallower basin and this would have been the
652 Seven Mile Creek reservoir. If these up here were excluded from your determination, you could probably still put that reservoir
653 there if you wanted to because those two new bubbles would not affect where that goes but if you exclude these two third order
654 streams, you would be losing that protection of that Seven Mile Creek.

655
656 Mary Bobbitt-Cooke: You are actually reducing the area for that, the blue line, the pull back.

657
658 Earl McKee: I think that with the two nodes in the upper part, you are able to confine the potential lake within the '94 boundaries
659 without that extension of that area. I don't see any point in having that extension out there and you are able to confine the lake
660 within the old half mile boundary. On the lower nodes, I don't really have a problem with putting it there, I realize it pulls it back
661 but I don't believe that lake will ever be under any circumstances.

662
663 Craig Benedict: So Earl is saying that he doesn't feel the need....

664
665 Earl McKee: My question is where do you stop? If we could set back, it will change it to $\frac{3}{4}$ of a mile but if it is confined within the
666 $\frac{1}{2}$ mile boundary we have set, if this lake is ever built and it is confined within the $\frac{1}{2}$ mile boundary and we have set a straight
667 line we should stick with. Otherwise, you are going to follow every creek and every stream.

668
669 Mark Marcoplos: The whole discussion has been based on the idea that we are not thinking about the future reservoirs, we are
670 thinking about the water systems we are using now and the proximity of that stream and that small micro water shed
671 Corporation Lake and the stream flowing down from the two upper reservoirs is what we are really talking about now. That
672 whole idea of will these ever be reservoirs is a whole other long discussion. We are really talking about how does it affect the
673 system we are using now and you can make a good argument that is significant watershed that is impacting the existing water
674 flow and down from the upper reservoirs and so close to Corporation Lake that would be better to err on the side of caution.

675
676 Mary Bobbitt-Cooke: I don't see how we can talk about quality of water without thinking it about it regionally. . I would like for
677 you to speak to the regionality of water because we can't really make a statement of the pretty little area and not think about it in
678 terms of the whole region. I would like for the natural area discussion be pointed out before we zip through all this because I
679 think the Seven Mile Creek piece is the natural area that is being umbrellaed in but I don't know for sure. I would like a little more
680 disclosure.

681
682 Craig Benedict: The regional water discussion will be next month and I will show how it evolved under connectivity. We
683 definitely, over the last five years have been focusing on that and the comment about the environmental issues, we will put
684 together a little package for next month to discuss where the natural sites, where the mountain to sea trail and find out do we get
685 a dual purpose with a water quality consideration here that handles environmental issues, you can decide on that. The
686 discussion tonight comes back to this one that we are just talking about four bubbles, if you want to include these two bubbles
687 down here. These bubbles stay within the 1994 description and these wander beyond the 1994. You can see how these pop
688 out more.

689
690 May Becker: My thought is that we should say that if we have standards we have followed since 1994 and we want to keep the
691 same quality, at a minimum, maybe cleaner, it would seem we would want to keep the level of protection.

692
693 Mary Bobbitt-Cooke: We don't even have a baseline for the quality of water we have now so there is no way we could know if
694 we kept it where it is today or got better.

695
696 May Becker: It is clear that if we strengthen the protection we would presumably....

697
698 Mary Bobbitt-Cooke: That is an assumption.

699
700 Larry Wright: I would like to close the discussion and vote on these separately with discussion between the two. I feel there is a
701 difference of opinion on the two that some members may vote differently than the other. Number one is one to the north and

702 number two on the one to the south. Craig, I would like to have you summarize what we are voting on with each one and it will
703 be an up and down.
704
705 Craig Benedict: The northern streams, stream ID 1498 putting a half mile buffer on both sides and the end and on Dry Run
706 Creek putting a half mile buffer on Dry Run Creek and there is one mile from where they enter into the Eno River or the Class I
707 reservoir.
708
709 Larry Wright: All in favor of the top one as it is shown on the map.
710 Vote: Passed (No – Pete Hallenbeck, Mary Bobbitt-Cooke, Earl McKee)
711
712 Larry Wright: Dissenting opinion.
713
714 Earl McKee: Does not conform to the parameters we set around the other two existing lakes, Orange Lake and West Fork. This
715 bubble out does not conform to the parameters of the two existing lakes.
716
717 Pete Hallenbeck: I was concerned that the bubble at Panther Branch was an anomaly of the criteria used to define the zones. I
718 think it is inconsistent to the flow of that creek.
719
720 Mary Bobbitt-Cooke: I wonder how many other third order creeks that haven't been identified. We should have all the third order
721 creeks identified before we vote on one.
722
723 Craig Benedict: The second one is the two streams, Crabtree Creek and stream 2109 doing a ½ mile buffer on either side of
724 these streams, one mile from where they enter into Seven Mile Creek.
725
726 Larry Wright: All in favor.
727 Vote: Unanimous
728
729 Mark Marcoplos: One thing I want to say.
730
731 Larry Wright: Please quickly.
732
733 Mark Marcoplos: I know you all probably don't want to hear this...I think you really do want to hear it...
734
735 Larry Wright: When you do this, say at the beginning that you want additions to the agenda.
736
737 Mark Marcoplos: I will summarize it quickly. We will talk about regional water next month. On page 21, Planning Board
738 Ordinance Review committee, it talks about the issue of whether we want to preserve all these potential reservoir sites as
739 reservoir sites because that is a major part of the review. We are basically saying protect some of the sites as natural areas. I
740 was on the OWASA board for 6 ½ years through the droughts, we purchased the quarry when I was on the OWASA board and
741 that is a major part of the future water supply for Chapel Hill/Carrboro and it was never discussed as being anything other than a
742 source for Chapel Hill and Carrboro. It is essential to Chapel Hill and Carrboro. In addition to that, one of the major policies that
743 was enacted while I was on the board was to maximize conservation of our local resources before we went outside the region to
744 get water because it was apparent to us on the board that we have that capability. We are talking about needing that water in
745 2035. There was a meeting a couple of months ago that I first heard mentioned that there was any discussion of Orange County
746 outside the Chapel Hill/Carrboro area getting water from that quarry. Such a major issue and somebody somewhere said to you
747 that this might happen. We don't need water from Jordan Lake. Chatham County needs it, Durham County needs it. Chatham
748 County overreached. They have houses there that plan to be built that don't have water. Durham did the same thing. They
749 want water from Jordan Lake. OWASA has an intake on the west side of Jordan Lake that is a prime intake site. They came to
750 OWASA and Orange County and said let's all work together because you have what we want, this intake. There is this thing
751 quietly going on that threatens to regionalize the water. It is a big issue, do we partner with these other municipalities and lose
752 an incredible utility in OWASA. At a Assembly of Governments meeting last year, I went and gave my statement about it. Many
753 other elected officials also said to OWASA, this doesn't make sense. We don't think this is a good idea; we have great water,
754 why should we bail these other jurisdictions that didn't plan very well. OWASA has continued with this process despite the
755 feedback.
756
757 Craig Benedict: A Mr. Efland did provide an email that was distributed about stream ID 1498, Panther Branch, please read that.
758
759
760

761 **AGENDA ITEM 8: REVIEW OF DRAFT UNIFIED DEVELOPMENT ORDINANCE**
762 To review certain sections of the draft Unified Development Ordinance.
763 *Presenter: Michael Harvey, Planner III*
764
765 Larry Wright: How much time to you need?
766
767 Michael Harvey: I obviously cannot present this material within 5 minutes. However please not that within the abstract on page
768 67, there are formatting questions we need direction on from the Board.
769
770 Larry Wright: How long will this take?
771
772 Michael Harvey: That depends on the board. We have an existing ordinance that has stuff that is disjointed and located in
773 different sections. We have examples on page 83 that essentially says that we can provide the same information on zoning
774 development and land use regulation in a table or list format. Please excuse the graphics. Your options are to leave the
775 ordinance how it is with different sections and different options will allow us to a reformatting staff to incorporate it in one section
776 in a table or a list. Option B is a table example on page 84-85 and pages 86-88 is the list.
777
778 Tommy McNeill: What does staff recommend?
779
780 Michael Harvey: I have asked staff and unfortunately I have gotten answers for both B and C. My recommendation is table
781 format.
782
783 Earl McKee: From a user standpoint, what is the easiest thing for Joe walking in the door to understand?
784
785 Michael Harvey: In my humble opinion it is Option B.
786
787 Perdita Holtz: I agree.
788
789 Mary Bobbitt-Cooke: I think it depends if you are conceptionally a table person or conceptionally a list person. If you use this
790 list, you would have very descriptive lead in which you don't seem to have so it would require a little more thought.
791
792 Michael Harvey: All this is for is to get feedback. Those options start to compile a lot of the information governing developmental
793 rural buffer. If you don't want to make a decision tonight, my suggestion is that what we were going to do anyway saying we
794 have two weeks to get me your emailed comments.
795
796 Larry Wright: On the graphics table format, I don't see any references, how will you cite something here?
797
798 Michael Harvey: On B, development standards, I have listed that information.
799
800 Larry Wright: But to reflect Earl's questions, I am Joe Citizen and I don't know what B2, B3 means.
801
802 Michael Harvey: If you ask me, I live in the rural buffer, what are the development standards for my property; I would give you
803 these pages and explain them to you. We are asking the board to take this and look at it and send written comments within the
804 next two weeks, both on conditional use and on this.
805
806 Larry Wright: Do you want to do a straw vote? We are voting for Option B in table format.
807 Vote: Passed with one No vote from Mary Bobbitt-Cooke.
808 Perdita Holtz: Mary, do you see that the standards will be there. The real choice is whether you want to have your graphics right
809 there or in a separate appendix.
810
811 Mary Bobbitt-Cooke: I know.
812
813 Michael Harvey: I can't cover conditional use in the time we have left.
814
815 Larry Wright: What would you recommend?
816
817 Michael Harvey: I recommend that you read it and give your comments back. I will say that what we are essentially proposing to
818 do is create a conditional use zoning process where there will be floating districts throughout the county. Those floating districts
819 are going to allow uses that might have been approved as part of the small area planning process or the submitted process. As

820 you will note, as detailed in proposed regulations on page 72 of your abstract, we have put in placeholders for several different
821 types of districts. We are not eliminating the planning development process as we currently have it. We are augmenting and
822 adding to it. There will still be a plan development process for the Board of County Commissioners to review a site specific plan
823 and have the issue of Special Use Permit at the same time. The conditional zoning process is for districts where the county has
824 studied and approved the authorization and development of that district so that an individual can come up with a site specific
825 development plan and ask to develop his property consistent with that category. This process allows the Board of County
826 Commissioners and the individual through the development review process to negotiate conditions that will be applicable to that
827 one property and then it is approved in a legislative review process. You have, on pages 69 and 70 the breakdown of various
828 review process. Review this and get me back critical comments.
829

830 Craig Benedict: Just so you can see the graphic of what he just said, there are different uses in the county and different
831 processes of approval of those 101 uses. Some are permitted by right; staff does those through the site plan process. Some of
832 give this Class A or Class B Special Use Permit. Then the new thing we are creating. We have a rezoning process, legislative,
833 you can you like it or not. When you ask for a rezoning, you get multiple uses. What he is describing just has you read this
834 material that conditional use will talk about a certain property and a certain use or a combination. It is still a legislative process.
835

836 Larry Wright: Where would have Buckhorn Village have been? Would it go under the conditional use now?
837

838 Michael Harvey: As it is currently written, it would still be in the planned development process meaning you have to have both
839 rezoning and an SUP.
840

841 Larry Wright: We were quasi judicial.
842

843 Craig Benedict: This was the PB process, you had to decide whether that was appropriate to change the zoning there, then after
844 that, you had a quasi judicial process. This is the one step process.
845

846 Larry Wright: That would still be the two step process?
847

848 Michael Harvey: The only thing is different is there will be specific districts. An example is Ag services. Very specific criteria
849 have to be met in order for this to be applied for. After it is applied the Board of County Commissioners and the applicants have
850 the ability to negotiate site specific conditions. The only caveat is they have to be mutually agreed upon.
851

852 Mark Marcoplos: Is there an Ag services list already done?
853

854 Michael Harvey: There is an Ag services that has been worked on for several years.
855

856 Mark Marcoplos: We are being asked to have an opinion on this before we know really what the actual uses are?
857

858 Michael Harvey: No. The only thing you are approving is the process. Ag service just exists as a placeholder.
859

860 Larry Wright: What are our marching orders?
861

862 Michael Harvey: Review what we have submitted and give me your comments and concerns in two weeks and I will try to
863 address them.
864

865 Larry Wright: Within two weeks.
866

867 Michael Harvey: I can provide electronic copies.
868

869 Larry Wright: I didn't realize we could still submit comments on lighting, etc. When is the end date on that?
870

871 Michael Harvey: We asked everyone to submit comments within two weeks of the last meeting. If you have any additional
872 comments, just get them into me and we will process them. We have already begun to make modifications.
873

874 Larry Wright: In the next two weeks, review pages 65 to the end.
875

876 Craig Benedict: Also about conditional use, we are probably one of the only counties that don't have the opportunity to look at
877 things that way.
878

879 Larry Wright: Could you please send this electronically?

880

881 Michael Harvey: Yes. And it is already in your packet.

882

883

884 **AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS**

885 a) Board of Adjustment

886 b) Orange Unified Transportation

887 c) Efland-Mebane Small Area Plan Implementation Focus Group

888

889

890 **AGENDA ITEM 10: ADJOURNMENT**

891

892 **MOTION:** Mary Bobbitt-Cooke made a motion to adjourn. Seconded by Tommy McNeill

893 **VOTE:** Unanimous

894

Brian Crawford, Chair