

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



**AGENDA  
ORANGE COUNTY PLANNING BOARD**

**WHITTED MEETING FACILITY  
300 WEST TRYON STREET, SECOND FLOOR  
HILLSBOROUGH, NORTH CAROLINA 27278**

**Wednesday, May 1, 2024**

**Regular Meeting – 7:00 pm**

<u>No.</u>	<u>Page(s)</u>	<u>Agenda Item</u>
1.		<b>CALL TO ORDER</b>
2.	4 - 5	<b>INFORMATIONAL ITEMS</b> a. Planning Calendar for May and June
3.	6 - 7 8 - 20	<b>APPROVAL OF MINUTES</b> April 3, 2024 Ordinance Review Committee (ORC) Notes April 3, 2024 Regular Meeting Minutes
4.		<b>CONSIDERATION OF ADDITIONS TO AGENDA</b>
5.		<b>PUBLIC CHARGE</b> 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 its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, County staff, and Board members. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

The Planning Board asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

Please be kind to everyone.

No.	Page(s)	Agenda Item
6.		<b>CHAIR COMMENTS</b>
7.	21 - 87	<p><b>ZONING ATLAS AMENDMENT (CONVENTIONAL DISTRICT)</b> - To review and make a recommendation to the BOCC on an applicant-initiated zoning atlas amendment to rezone two parcels totaling +/- 9.37 acres from R-1 (Rural Residential) to GC-4 (General Commercial).</p> <p>The parcels are located at 3009 Forrest Ave., Efland within the Cheeks Township (PINs: 9854-18-4217 and 9854-18-9274). This item is scheduled for BOCC public hearing on June 4, 2024.</p> <p><b>Presenter:</b> Brian Collie, Planner II</p>
8.	88 - 95	<p><b>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – TOBACCO AND HEMP RETAIL USE</b> - To review and make a recommendation to the BOCC on proposed amendments to the UDO pertaining to “Tobacco and Hemp Retail” uses. This amendment is in response to a petition made by the BOCC and was reviewed at the April 3, 2024 ORC meeting. It is scheduled for BOCC public hearing on June 4, 2024.</p> <p><b>Presenter:</b> Cy Stober, Planning Director</p>
9.	96 - 131	<p><b>UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – REGULATORY REFORM COMPLIANCE AND CONFORMANCE</b> – To review and make a recommendation to the BOCC on Planning Director-initiated amendments to the UDO in response and pertaining to NC Session Laws 2023-108 and 2023-137, which affect the County’s abilities to regulate residential architecture, as well as densities and impervious surfaces in water supply watersheds. This amendment was reviewed at the April 3, 2024 ORC meeting and is scheduled for BOCC public hearing on June 4, 2024.</p> <p><b>Presenter:</b> Cy Stober, Planning Director</p>
10.		<b>ADJOURNMENT</b>

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### Monthly Planning & Inspections Newsletter

Sign up at <https://www.orangecountync.gov/list.aspx?ListID=408> to receive the monthly communication on happenings in the Planning & Inspections Department.

### Written Comments

Interested persons who cannot attend the meeting in-person are invited to submit written comments on agenda items to the Planning Board via email at [planningboard@orangecountync.gov](mailto:planningboard@orangecountync.gov) no later than 3:00 p.m. on the afternoon of the meeting. Please include in the Subject line of the email the title of the agenda item your comment pertains

to. Emails sent to this address are viewable on Google Groups:  
<https://groups.google.com/g/ocplanningboard>

Written comments can also be dropped off at the Planning Department's offices at 131 W. Margaret Lane, 2<sup>nd</sup> floor, Hillsborough, NC during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday). Written comments will be scanned and sent by staff to the email address indicated above.

### Review Process

The Planning Board is an appointed volunteer advisory board which makes recommendations to the Board of County Commissioners (the elected officials). The Board of County Commissioners holds a formal public hearing and makes decisions. Section 2.8 of the County's [Unified Development Ordinance](#) contains a flowchart depicting the review process for rezoning and text amendment applications.

### Planning Board Member Potential Conflict of Interest

It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. Board members having any conflicts of interest or appearances of conflict with respect to matters before the Board should identify the conflict or appearance of conflict and refrain from undue participation in the matter involved.

As a reminder, NC General Statute § 160D-109 establishes the following standard: Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

If any Planning Board member has any concern about a possible conflict related to an agenda item, please notify Planning staff and get in touch directly with a member of the County Attorney's staff before the meeting time to determine whether a conflict exists – and if so, how best to handle the potential conflict.

May 2024						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
Notes: * Planning Board Member Attendance Required  Planning Board meetings are held in room 230 on the second floor of the Whitted Building located at 300 W. Tryon St., Hillsborough, NC 27278			Planning Board Meeting 7:00 pm*  Whitted Bldg.			
5	6	7	8	9	10	11
		BOCC Business Meeting 7:00 pm  Whitted Bldg.	Board of Adjustment 7:00 pm  Whitted Bldg.			
12	13	14	15	16	17	18
		BOCC Budget Public Hearing/Work Session 7:00 pm  Whitted Bldg.		BOCC Budget Work Session 7:00 pm  Southern Human Serv Ctr.		
19	20	21	22	23	24	25
		BOCC Business Meeting 7:00 pm  Southern Human Serv Ctr.		BOCC Budget Work Session 7:00 pm  Whitted Bldg.		
26	27	28	29	30	31	
	<b>HOLIDAY</b>	BOCC Budget Work Session 7:00 pm  Southern Human Serv Ctr.		BOCC Budget Public Hearing/Work Session 7:00 pm Southern Human Serv Ctr.		

June 2024						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
Notes: * Planning Board Member Attendance Required  Planning Board meetings are held in room 230 on the second floor of the Whitted Building located at 300 W. Tryon St., Hillsborough, NC 27278						
2	3	4	5	6	7	8
		BOCC Business Meeting 7:00 pm Whitted Bldg.	Planning Board Meeting 7:00 pm* Whitted Bldg.	BOCC Budget Work Session 7:00 pm Whitted Bldg.		
9	10	11	12	13	14	15
		BOCC Staff Eval Closed Session 7:00 pm Whitted Bldg.	Board of Adjustment 7:00 pm Whitted Bldg.			
16	17	18	19	20	21	22
		BOCC Business Meeting 7:00 pm S. Human Services Ctr.	<b>HOLIDAY</b>			
23	24	25	26	27	28	29
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SUMMARY NOTES  
ORANGE COUNTY PLANNING BOARD  
APRIL 3, 2024  
ORDINANCE REVIEW COMMITTEE

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**NOTE: A QUORUM IS NOT REQUIRED FOR ORDINANCE REVIEW COMMITTEE MEETINGS.**

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**MEMBERS PRESENT:** Adam Beeman (Chair), Cedar Grove Township Representative; Lamar Proctor (Vice-Chair), Cheeks Township Representative; Beth Bronson, At-Large Representative; Marilyn Carter, At-Large Representative; Statler Gilfillen, Eno Township Representative; Chris Johnston, Hillsborough Township Representative; Whitney Watson, At-Large Representative.

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**STAFF PRESENT:** Cy Stober, Planning & Inspections Director; Perdita Holtz, Deputy Director – Long Range Planning & Administration; Patrick Mallett, Deputy Director – Development Services; Lauren Coffey, Planner I

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**AGENDA ITEM 1: CALL TO ORDER**

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Meeting began at 6:02 PM.

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**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – TOBACCO AND HEMP RETAIL USE - To review BOCC-initiated amendments to the UDO pertaining to "Tobacco and Hemp Retail" uses.**

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**PRESENTER:** Cy Stober, Planning & Inspections Director

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Mr. Stober gave a brief presentation on the proposed amendments which were initiated by a BOCC member.

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Chair Beeman confirmed that existing primary sales uses are existing nonconformities.

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Mr. Johnston asked if there were any similar locational restrictions. Mr. Stober provided the example of how the Ordinance handles sexually oriented businesses.

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**AGENDA ITEM 3: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – REGULATORY REFORM COMPLIANCE AND CONFORMANCE – To review Planning Director-initiated amendments to the UDO in response and pertaining to NC Session Laws 2023-108 and 2023-137, which affect the County's abilities to regulate residential architecture, as well as densities and impervious surfaces in water supply watersheds.**

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**PRESENTER:** Cy Stober, Planning & Inspections Director

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Mr. Stober discussed changes that will occur to bring the UDO into compliance with State law. These include a change of responsibility title of UDO compliance to the Planning Director, broadening the definition of Residential Development, a 5-part test for Residential Density, and modifications to impervious surface ratios.

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Mr. Stober discussed stormwater management applicability of the Ordinance changes.

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**AGENDA ITEM 4: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – LANDSCAPING STANDARDS – To review Planning Director-initiated amendments to the UDO pertaining to Section 6.8 "Landscaping, Buffers & Tree Protection" regulations.**

54

**PRESENTER:** Cy Stober, Planning & Inspections Director

55

Mr. Stober explained the benefit of these changes to provide clarification, encourage connectivity, and bring the language to reflect current best practices.

54 Chair Beeman requested that the language of these changes not be worded as "must." to allow for more flexibility in  
55 the event of hardships.

56

57 Mr. Stober explained the changes will move the Protection of Existing Vegetation section, change Land Use Buffers  
58 to Landscape Buffers and reduce the number of types of buffers, and eliminate reference to "scenic views."

59

60 Chair Beeman noted that planting should not be in front of utilities. Mr. Stober stated that standards will be cross  
61 referenced with State Building Code.

62

63 **AGENDA ITEM 5: ADJOURNMENT**

64 The meeting adjourned at 7:03 PM.

MEETING MINUTES  
ORANGE COUNTY PLANNING BOARD  
APRIL 3, 2024  
REGULAR MEETING

**MEMBERS PRESENT:** Adam Beeman (Chair), Cedar Grove Township Representative; Lamar Proctor (Vice-Chair), Cheeks Township Representative; Delores Bailey, At-Large Representative; Beth Bronson, At-Large Representative; Marilyn Carter, At-Large Representative; Statler Gilfillen, Eno Township Representative; Chris Johnston, Hillsborough Township Representative; Steve Kaufmann, Bingham Township Representative; Whitney Watson, At-Large Representative.

**MEMBERS ABSENT:** Charity Kirk, At-Large Representative; Liz Kalies, Chapel Hill Township Representative.

**STAFF PRESENT:** Cy Stober, Planning & Inspections Director; Patrick Mallett, Deputy Director – Development Services; Taylor Perschau, Current Planning and Zoning Manager; Ashley Moncado, Planner III; Lauren Coffey, Planner I.

**OTHERS PRESENT:** Phil Koch, EarthCentric Engineering, Inc.; Shawn Sidener, EarthCentric Engineering, Inc.; Jamie Cox.

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

The meeting began at 7:04 PM.

**AGENDA ITEM 2: INFORMATION ITEMS**

None.

**AGENDA ITEM 3: APPROVAL OF MINUTES**

March 6, 2024 Regular Meeting Minutes

**MOTION BY** Lamar Proctor to approve the minutes with corrections to line 59 and line 251. Seconded by Marilyn Carter.

**AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

None.

**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 law 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

50 governance and quality public services during our deliberations, decisions, and  
 51 recommendations.

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 54 **PUBLIC CHARGE**  
 55 The Planning Board pledges to the citizens of Orange County its respect. The Board asks  
 56 its citizens to conduct themselves in a respectful, courteous manner, both with the Board  
 57 and with fellow citizens. At any time, should any member of the Board or any citizen fail to  
 58 observe this public charge, the Chair will ask the offending member to leave the meeting  
 59 until that individual regains personal control. Should decorum fail to be restored, the Chair  
 60 will recess the meeting until such time that a genuine commitment to this public charge is  
 61 observed.

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 64 **AGENDA ITEM 6: CHAIR COMMENTS**  
 65 None.

66  
 67 **AGENDA ITEM 7: MAJOR SUBDIVISION CONCEPT PLAN** – To review and take action on a Concept Plan  
 68 application for a Major Subdivision named Stonewall. The proposal is for an 18-lot subdivision on approximately  
 69 36.36 acres with 47.9% (17.42 acres) of dedicated open space. The parcel is located on Miller Road in the  
 70 Hillsborough Township, PIN 9875-64-5097.

71  
 72 Taylor Perschau overviewed the Standard Major Subdivision process and the timeline of review. She explained  
 73 that there will be two major subdivisions to review, beginning with the Stonewall Subdivision, which does not  
 74 include a preliminary plat at this time.

75  
 76 Ashley Moncado: Ashley Moncado, Planner III with the Planning Department. And the first item tonight for the  
 77 Board review is Concept Plan for a Major Subdivision on approximately 36 acres. The site is currently  
 78 undeveloped and located within the Rural Residential and Agricultural Residential zoning districts. It is located in  
 79 the Lower Eno Unprotected Watershed. Surrounding parcels are zoned as R1 and AR and include undeveloped  
 80 parcels, as well as single-family homes. Based on the Future Land Use Map, the parcel is classified as Rural  
 81 Residential and Agricultural Residential in the Central Orange Coordinated Area Land Use Plan, it is classified  
 82 as Rural Living. The applicant is proposing a Flexible Major Subdivision including 18 lots. The average lot size  
 83 is a little over 40,000 square feet. Based on the Conservation Cluster Flexible Development Option, applicants  
 84 are required to provide a minimum of 33 percent open space. This applicant is proposing 47.9 percent, or 17.42  
 85 acres of open space. The applicant is requesting reduced front and side setbacks for this proposed subdivision,  
 86 which is allowed based on the Flexible Development Option. They are also providing a 30-foot, Type B  
 87 landscape buffer along the western property line, which runs along Miller Road. Access to the site is proposed  
 88 via a 50-foot public right of way, and lots will be served by individual wells and septic systems. The majority of  
 89 the existing site is cleared. An eastern portion of the site includes trees and some existing vegetation. A stream  
 90 is located in a floodplain along the northern and then the eastern partial part of the site. In addition, there is also  
 91 a 100-foot-wide Duke Power utility easement that runs directly through the site here and has three utility towers.  
 92 The site analysis sheets detail the environmental features on the site, as well as identifies the Primary and  
 93 Secondary Open Space Areas. Again, existing trees and a stream, floodplain, and buffer areas are all contained  
 94 along the northern and eastern parcel. The different colors are the varying slopes on the site. The lighter yellow  
 95 includes areas with a slope of 7.5 to 15 percent. The darker yellow includes areas with a slope of 15 to 25  
 96 percent, and then the darker, the pink-reddish color here are areas with a slope greater than 25 percent. The  
 97 Primary Open Space totals almost 13 acres, and includes the stream, flood, buffer areas, as well as the slopes  
 98 greater than 15 percent. The Secondary Open Space Areas total 4.52 acres and include the buffer areas along  
 99 the western property line, as well as includes a gap here that runs along the southern portion of the site up

100 against that private road. The Secondary Open Space also includes the remaining areas of slope with less than  
101 15 percent. The proposed Concept Plan in front of you all tonight, which includes the 18 lots. It gives an  
102 approximate location of building footprint and location of the future homes. Wells are also identified by the blue  
103 dots, as well as approximate septic areas are identified with the green. The blue kind of looking ponds are the  
104 approximate location of stormwater control measures on this site. Again, the 30-foot Type B Landscape Buffer is  
105 shown here along the western part of the site, and the proposed 50-foot public right of way is shown providing  
106 access to the 18 lots with a cul-de-sac at the end. The cul-de-sac does meet NC Fire Code. The proposed  
107 public road is subject to NCDOT design and construction standards, no roadway improvements are being  
108 required by NCDOT; however, a driveway permit will be required. The subdivision was presented at the  
109 February 1st Development Advisory Committee meeting. Comments are provided in Attachment 5. The  
110 Neighborhood Information Meeting was held by the applicant on February 13th. The NIM report is contained in  
111 Attachment 4 of your packets, and then tonight, here we are at the Planning Board Meeting for you to receive and  
112 review the Concept Plan, approving the Flexible Development Option, and then, as this moves forward, the  
113 Preliminary Plat will be coming back to you all on some time in the future for your recommendation to the BOCC.  
114 Per Section 2.15.2 of the UDO, the Planning Director is required to prepare and submit a recommendation on the  
115 Concept Plan to the Planning Board for consideration. This analysis from the application has been deemed  
116 complete in accordance with the requirements of Section 2.2 and 2.15.2 of the UDO. Staff has determined that  
117 the property is of sufficient size to support the proposed subdivision. Staff has determined that the Concept Plan  
118 should conform with the Development Standards of Article 6 and Subdivision Standards of Article 7 of the UDO,  
119 and staff supports the approval of the Flexible Development Option contained in Attachment 1. The Planning  
120 Director recommends the Board receive and discuss the Concept Plan application and approve the Flexible  
121 Development Option contained in Attachment 1. At this time, I don't know if you have any questions for staff or  
122 questions for the applicants.

123  
124 Phil Koch: My name is Phil Koch, EarthCentric Engineering. We're out of Mebane. We've worked with  
125 Orange County for almost 30 years at this point, so, we're really happy to kind of be back in the area and do some  
126 additional work with the County. Most of the things that I do are 12-lot subdivisions or lower. So, I don't end up  
127 in front of you very often. This particular subdivision, I think, Ashley has presented very well. One of the things  
128 that the applicant was very good about doing, and chose to do from the very beginning of this, was to turn around  
129 and only utilize area that, for the most part, was already cleared. There are some trees that will be cleared. At  
130 the very end there's a cul-de-sac that's kind of unavoidable, but in order to make up for that, he's also providing  
131 that 49 percent plus open space. The entire Duke Power easement that's there is all part of the open space as  
132 well, so, none of the lots will extend back there. There is no reason for those lots to go back beyond that, so  
133 we've been able to maintain basically the entire stream buffer in the area there, all as part of the open space, and  
134 that will remain as is. Any trails that would be placed back there would be basically foot trails, and we would be  
135 working with the County in order to actually place those trails. So, with that in mind, if you have any questions, I'm  
136 happy to address them.

137  
138 Statler Gilfillen: I have one simple question, I'm not sure I'm understanding. As I look at the plan here, over  
139 on this side up in the corner, it says "wall." What is the wall?

140  
141 Phil Koch: I believe there is an existing wall out there. That is not something that was put there.

142  
143 Statler Gilfillen: When you say an existing wall, are we talking archaeological, 20th Century? Any idea what  
144 we're talking about here?

145  
146 Phil Koch: It's an old, like an old piece of a structure that's back that way. We are not touching that.  
147 That's in the open space. It will be maintained as it is and left there.

148  
149 Statler Gilfillen: Has anybody contacted the Orange County Historic Board?

150  
151 Phil Koch: They have actually reported on that the Clearinghouse. It's an old retaining wall. Nobody  
152 really seems to know what that was related to but it's not on the Historical Registry and it's noted in the  
153 Clearinghouse that there's nothing of archaeological importance there. This site had been used for agricultural  
154 purposes, so, it's possible it was just something from some of that work out there.  
155

156 Beth Bronson: And this is by that 25 percent slope?  
157

158 Phil Koch: That I'd have to look at again, but it's, it's actually on the opposite side of where the  
159 development is going. The stream actually runs between us and that wall, but that wall is on the property. Yes.  
160

161 Marilyn Carter: I just wanted to ask about the boundaries of the, the site and just to confirm my  
162 understanding. The boundaries are just to the north of that Duke Power easement or do the boundaries extend  
163 further north past the Panther Court section?  
164

165 Ashley Moncado: This is the existing parcel line, and the Duke Power easement runs here. All the proposed  
166 lots and single-family homes are going to be located south outside the utility easement, but the parcel does go all  
167 the way up here. This is the area where there's flood, there's 500 Year Floodplain. There is the stream, the  
168 80-foot stream buffer is all within that northern area. And there is a little neighborhood here that's off of Panther  
169 Court. There's some single-family homes there, and the parcel line is here, and before it heads back north again.  
170

171 Statler Gilfillen: Quick question long term. Five years from now you've got this built. Each of those houses  
172 are owned by an individual, different family. However, who controls or is responsible for the additional land  
173 surrounding each one of the –  
174

175 Phil Koch: That, that's all part of the HOA. That's a requirement. There has to be an HOA also from  
176 the standpoint of stormwater control measures on this, so that's all rolled into the HOA documents. Those have  
177 not been put together and should be coming with the plat.  
178

179 Delores Bailey: We received a letter from a young woman who wasn't able to make the meeting tonight, and  
180 she was concerned about the safety in this area. Particularly, she said she'd like to urge in an effort toward  
181 building community stewardship to consider ways to make these roads safer for all of us. I'd like to urge you to  
182 recommend to the developers and Orange County Commissioners that the proposed trail in the Stonewall  
183 Development be open to the community and around it. And then the other question she talked about was safety  
184 issues as they walk to school. Can you address that for me?  
185

186 Phil Koch: Well, in the first instance regarding walking to school, my understanding is they are walking  
187 up the roadway now. There is nothing along that roadway. There is no sidewalk –  
188

189 Delores Bailey: But I think what she is concerned about is if you put 18 more families there, and they have  
190 cars, then it's going to become ever more dangerous.  
191

192 Phil Koch: Let me address that from the DOT standpoint real quick. This road currently is limited at  
193 10,000 travel trips a day. That's actually in your report. That's your average daily travel. Currently, the road  
194 sees 1,600 trips per day, and this development, at best, will put in another 150 trips per day. We're not even  
195 coming close to the current standard that this road is listed for capacity from that standpoint. Additionally, in  
196 terms of safety, one of the concerns that was raised to us was that they were walking up the roadway. In all  
197 honesty, this is the safest part of the roadway. We are actually sitting at the high point, and we have provided  
198 additional space back from the roadway, a 30-foot buffer, in order to be able to see better along it, so I believe we  
199 have done what's necessary from the standpoint of safety in terms of that.

200  
201 Whitney Watson: So, I'm just looking and trying to determine where the property line is on the south, and if  
202 Minnick Road, which is a private road, is impacted by the property line, or if there's any kind of easement there?  
203  
204 Phil Koch: It's actually not impacted by the property lines. Property lines were actually pulled away  
205 slightly from Minnick Road to allow for that area that was part of this parcel. This parcel originally went to the  
206 center line of Minnick Road, so the open space now extends from the centerline back into the property to where  
207 the back of the property lines, and that's been provided as open space to make that essentially act as if it were a  
208 public open space. Or a private right of way that had full right of way.  
209  
210 Whitney Watson: And so will there be landscaping buffers, plantings required along that line?  
211  
212 Phil Koch: No. There's not any that I know of that are required on that. Now, whatever is required by  
213 the County would have to be there as part of the full design. But again, I want to point out, that's a private road  
214 right now, and in fact, this property was subdivided out in order to help the neighbor who lives there actually have  
215 a full access right of way to his house.  
216  
217 Marilyn Carter: Just following on Delores' question about road safety, can you talk about how the proposed  
218 private road meets Miller? And what is the topography where the road meets the private road –  
219  
220 Phil Koch: But the road that we are currently putting in is a public road, not a private road.  
221  
222 Marilyn Carter: My apologies. So, the road that you would put in for the development, can you talk about  
223 that road and how it interacts with the main road, and what's the topography of that junction?  
224  
225 Phil Koch: That is actually at roughly the high point there. That has been reviewed thoroughly by the  
226 DOT. We have walked that with them. They actually asked for a sight distance study out there which has been  
227 done, and they agree that this is, in fact, not only the best, but it does provide full sight distance for the  
228 intersection south, as well as the roadway toward the north.  
229  
230 Marilyn Carter: Is there any visibility issue on that turn?  
231  
232 Phil Koch: No. The only visibility issue they have asked us to do some additional work on would be  
233 there's a couple of trees out there that will require some pruning. That's it. But the sight distance itself is, I want  
234 to say, it's 400 feet. Don't quote me on that right off hand. I can pull that analysis out. I think we actually  
235 measured it out to 500 feet, and at that point the DOT was fine with it. It meets all AASHTO standards.  
236  
237 Beth Bronson: Does it include that turning lane in? They determined you did not need that. Correct?  
238  
239 Phil Koch: We do not need a turning lane out here, any type, no.  
240  
241 Statler Gilfillen: The property to the north, it's open land. Is that going to be available to the public for people  
242 to walk through there, or be part of, or not? Or is that to be closed for this group?  
243  
244 Phil Koch: Well, I mean, technically it's part of this subdivision, but I know that neighbors are already  
245 on the land regularly walking dogs, et cetera. I don't know that there would be a way to prevent that anyway, but  
246 I do know they cross over the stream there and actually do walk their dogs there. So, I would imagine the trails  
247 themselves would remain there.  
248

249 Statler Gilfillen: Looking at the land as a practical matter, I'm looking at the end of the driveway, there's a  
250 circle there. It's going to a pond, and it goes immediately to the owner's property's line. If somebody were  
251 walking a dog back there were injured, an emergency vehicle had to get in, that pond would restrict their access  
252 up to there.

253  
254 Phil Koch: There's going to be some modifications and find a way out just from the standpoint of  
255 addressing items with the County there, but honestly, there is room between that pond to actually have the trail  
256 system come directly off that and still beside the property line there and have adequate width.

257  
258 Delores Bailey: Were the work that the DOT did and the studies that they did, they were done during busy  
259 times and slow times as well?

260  
261 Cy Stober: The trip generation, they take a baseline and they look at peak volume, and so peak hours  
262 are rush hour. I think it's 4 to 6 in the afternoon, and I can't remember if 7 to 9 or 6 to 8 in the morning, and then  
263 that's when they generally look at road conditions, and then there's a baseline for off-peak conditions, and that's  
264 how they calculate the volume on the road, the current traffic that's generated on the road. They put out the  
265 rubber tubes, and they do that on a cycle. I think it's every 3 years. I don't know when Miller Road was last  
266 counted.

267  
268 Lamar Proctor: So, Minnick Road is the private road to the south. And that just remains a private road, and  
269 then the Department of Environment identified Stroud's Creek that runs along the north and the eastern edge of  
270 the property. And it delineates it as highest conservation value, 10 of 10, so I'm just wondering if you could  
271 describe what measures and how did you design this site plan to avoid interference with Stroud's Creek and  
272 preserve its biodiversity and integrity.

273  
274 Phil Koch: So, they have a specific distance they prefer you to try stay off of that. We exceed that  
275 in virtually every spot except for right at the very corner with where the one SCM is, SCM being structural or  
276 stormwater control measure, that's by the cul-de-sac, and again, it may still not go into that distance with it's  
277 finally designed. I overestimated in general the size of the SCMs because I typically take into account the  
278 amount of water that we're required to hold, plus what I expect for back slopes. So, rather than turning around  
279 and doing what a lot of people do and just take the amount of water, throw that on there and that's it.

280  
281 Lamar Proctor: Are there trails back there, and will they be open to the public?

282  
283 Phil Koch: There is nothing back there right now. The intent is work with the County. They have  
284 already spoken someone in the County about this. Any trails that would go back there, we would work with the  
285 County on where they should be placed in order to prevent any damage to wildlife, et cetera that might be back  
286 there.

287  
288 Lamar Proctor: I just imagined that as people move in with the surrounding houses that are there that that  
289 space may actually get more use as walking trails, or low impact or –

290  
291 Phil Koch: And that's probable. I mean, that's what has happened at my house as well. But again, the  
292 one thing that helps here is the separation of the Duke Power easement of the lots from that area. It helps protect  
293 that area because there's nothing they can do from a standpoint of building back that way, or creating anything  
294 other than pedestrian traffic back there.

295  
296 Lamar Proctor: So you're unable to develop or build on the north and the far eastern portion.

297

298 Phil Koch: Yeah. There's nothing that we could do north of the stream because we simply can't access  
299 it, but even on the southern part of the stream that Duke Power easement is going to act as our hard break from  
300 going back there with any kind of lot, or any kind of structure.

301  
302 Lamar Proctor: So, this plan, as it's presented, will be like the final development for this parcel.  
303

304 Phil Koch: Yes. That's the intent of the Concept Plan is to give you. You're looking at probably about  
305 90 percent of what this layout is going to end up being. The other 10 percent are little things that would have to  
306 change just as we work through design.  
307

308 Lamar Proctor: And the green spaces on each individual parcel, I assume that there's regulations within the  
309 HOA that prohibit development of those or building of sheds or things. Like how does that all work?  
310

311 Phil Koch: The green spaces that are shown there are representative of the septic areas that are in  
312 there.  
313

314 Lamar Proctor: So you can't do anything with it.  
315

316 Phil Koch: Well, you don't want to do anything in there. You know, if a lot actually has more septic area  
317 than is required for that lot, somebody could possibly put an accessory dwelling in there, but they would have to  
318 still have septic space to accommodate that. I mean, that would be the only structures that I can think of, some  
319 kind of an accessory dwelling or shed.  
320

321 Statler Gilfillen: Did you individually do the septic check each in front of those?  
322

323 Phil Koch: These septic soils were originally identified by Alan Clapp. He's pretty knowledgeable on  
324 this. He's way more knowledgeable than I am, but we feel pretty comfortable that the space that's allotted for the  
325 septic provides for three to five bedroom homes throughout that area.  
326

327 Cy Stober: Mr. Chair, if I may, I just want to remind you of what this is tonight. So, to Mr. Proctor's point  
328 on Stroud's Creek and the continued dialogue between the Department of Environment Agricultural Parks and  
329 Recreation about the possible trails networks and so on, so, this is the Concept Plan. It's not the Preliminary  
330 Plat. You can make a recommendation to the applicant. You can also make a recommendation to the Board of  
331 Commissioners, external to the entire subdivision process on a possible partnership or a role for DEAPR to have  
332 in either preserving and protecting or minimally developing that area for public access. So, that would be just  
333 initiated by this Board. It would need a separate motion and so forth, but when this comes back as a Preliminary  
334 Plat, just as a point of process, I would just offer you that guidance. There are things within the Major Subdivision  
335 review process that you can interact with the applicant on, but there's also maybe a recommendation about a  
336 significant resource that you may want to make a separate recommendation to the Board on, so just offering that  
337 feedback.  
338

339 Chris Johnston: Our purpose isn't to make suggestions to the applicant. It's more to approve or deny based on  
340 UDO conformance and that sort of thing. We're not here to do the design. We can make suggestions, but in  
341 terms of what we're here to do, it either fits or it doesn't.

342 Marilyn Carter: The UDO requires a Neighborhood Information Meeting which appears to have been well  
343 attended, and so I'm interested to know at that meeting what was the primary feedback? What specific actions,  
344 if any, were taken as a result of that feedback at that meeting?  
345

346 Phil Koch: The majority of the design work in all honesty was pretty much in relation to comments from  
347 the DAC. The biggest thing that came up again, well there were two things, stormwater, which always comes up

348 at every meeting. I'm just going to tell you that's honest to God truth. Everybody always thinks that we're going  
349 to end up creating more stormwater on them. The truth is there are State regulations regarding that, and we  
350 have to meet that, and the County has regulations involved with that and that's one of the reasons why the  
351 stormwater control measures are shown on the plan as they are. Again, the County knows me very well. I do a  
352 lot of stormwater work in this County, and we try to be very cognizant of what the County actually needs from that  
353 standpoint. The other one that came up was traffic, but again, many of the comments regarding traffic, the DOT  
354 outright has stated clearly do not apply. We were told that it is far too heavy a traffic out here, that the road has  
355 more traffic than it can bear out there, and again, the DOT is saying that we actually have less than 20 percent of  
356 the capacity of the roadway up there right now. So, in their mind, there really was no reason to do anything  
357 beyond verify the sight distance, and they have asked for some things regarding clearing some of the trees,  
358 making it more appropriate to improve the sight distance where the trees were encroaching on that and that has  
359 been handled. So, but those were the major questions, or comments, and the other was to ask again for  
360 additional open space beyond what we had preferably saving a group of trees that were in the middle of the site,  
361 and frankly, we're already providing almost 50 percent open space which is almost 20 percent more than was  
362 required to begin with. Now, admittedly, that open space is down by the stream, and that was one of the things.  
363 Well, of course, it's down by the stream. You know, you can't use the stream. Well, that's actually how your  
364 Ordinance requires us to set aside open space is to use that open space first, and we would have done that  
365 anyway because we would prefer to protect the stream, so we attempted to do those things ahead of time in our  
366 design work.

367  
368 Mr. Koch discussed NCDOT limitations on sidewalk provision and the lack of impact the development may have  
369 on safety-improving measures for Miller Road.

370  
371 Beth Bronson: I just have one more question about the lot size, the requirement for septic and well, is that  
372 meeting the threshold of 1 acre?

373  
374 Phil Koch: This exceeds the threshold. We're staying at the 40,000 square foot mark. We could  
375 actually have gone down lower on this.

376  
377 Beth Bronson: And I would assume that it also was in the report, but that all of the percing has been  
378 performed so that you could guarantee 18 homes.

379  
380 Phil Koch: They do a soil study out there. Nobody's going to actually set the entire perc sites and septic  
381 sites up until lots have essentially been agreed on, and then Orange County will go out and analyze each one  
382 and tell them exactly what they would have to do to move a line if they feel like there's not enough, but that will be  
383 evaluated at that time.

384  
385 Chair Beeman agreed to accept public comment.

386  
387 Jamie Cox: I appreciate it. Hi I'm Jamie Cox. You'll see my name on there. We lived at the end of  
388 Minnick Road, so we're adjacent to this property, participated in the public meeting, and I am a recovering city  
389 planner and a land use and zoning lawyer. I did want to take the opportunity, we've asked the question, and I  
390 think it's appropriate and within the authority of this Board to ask the question, will 18, and actually it's 19, wells  
391 being drilled there have any negative impact on the adjacent property and our water quality or water pressure?  
392 If the answer is "I don't know," can we please find out? And if the answer is "no," that's awesome. We love that.  
393 And if the answer is "yes," what is our recourse? This seems like the appropriate time for this body to make that  
394 determination. It seems like a lot of wells and a lot of septic tanks in an area where there are historically poor  
395 soils and a rural transition. Other than that, we're not opposed to development. We're excited about having new  
396 neighbors, and we did ask, just for point of clarification, we did ask that the existing trees, which are – I mean, I  
397 love the fact that they're staying off of the non-buildable area. That's awesome. There is an area of mature trees

398 that we didn't ask be included in open space but ask that the design consider maintaining those trees as lot  
399 features, like not put them in septic or roadway. Simply mature trees, very few of them, on the property and  
400 would probably increase the property value as well. That's our primary concern, the number of wells and septic  
401 tanks, seems like an awful lot in that area. We've asked the question to staff and to the developer, and so far it  
402 doesn't sound like there is an answer. Will that many wells being drilled in that area have an impact on our  
403 water? That's our question. Thank you for letting me speak.

404  
405 Chair Beeman explained his personal experience of going through septic permitting and Mr. Koch reiterated that  
406 the a soil study was preformed to determine the preliminary information on septic sites and that permitting will be  
407 required for each lot.

408  
409 Phil Koch: I would like to address one thing in regards to the trees. The trees that will have to get taken  
410 out, and the only thing that we would be actually, definitely taking out is what's in the roadway and right of way to  
411 build the road and what has to come out for the SCMs. Whatever's on the lot, if it can stay there, they have not  
412 set the house locations. Those house locations are conceptual in nature right now, so it is possible that they  
413 could, in fact, fit houses in between trees. So, by no means are we saying we're tearing out all the trees that exist  
414 there. We can only show that area is subject to development because it's part of a lot.

415  
416 Lamar Proctor: And, to ask the question directly, has there been any hydrology study to determine the  
417 answer to Mr. Cox's question? Regarding wells.

418  
419 Phil Koch: No. Because, again, you're using guidelines. I'm relying on Alan Clapp's judgment. Right?  
420 His professional judgment. I have no reason to suspect Mr. Clapp's judgment is not good given that he worked  
421 for the County for years. We don't anticipate any problem. In fact, even if you look at the State guidelines for how  
422 close wells can be together, this would not typically be a problem. So, the Orange County's guidelines for well  
423 placement in relation to each other, is actually stricter than the State guidelines.

424  
425 Mr. Stober explained that there is a USGS ground water assessment for the County providing some guidance.

426  
427 Lamar Proctor: Got it. I didn't know if there were any examples of multiple well drillings that affected  
428 adversely surrounding properties in Orange County.

429  
430 Cy Stober: Not to my knowledge. I do know of wells going dry, but they're on a case-by-case basis,  
431 and they're all in different locations in the County, and seem to be situational. But I will say with a caveat, I'm not  
432 a hydrogeologist. I don't work at the Department of Environmental Health.

433  
434 Adam Beeman: People visualize it as a giant lake under the ground, and we've put 19 straws in it, and that's  
435 not what we're doing. We're not putting 19 straws in the same pool. You're crushing the rock and that water's  
436 filtrating and piling up in that tube and you're not necessarily tapping into the same pool that everybody's into.  
437 And I think that's the hard part for people to get around their head, is that we don't just put 19 straws into the  
438 same cup.

439  
440 **MOTION BY** Chris Johnston to approve the Concept Plan. Seconded by Steve Kauffman.

441  
442 **MOTION PASSED UNANIMOUSLY.**

443  
444 Lamar Proctor: And, can I make a second motion to ask the Planning Department and Board of County  
445 Commissioners to consider the preservation of Stroud's Creek in the continuing development of this parcel? Or  
446 how should I phrase that? My idea is given the parks and environmental concerns about Stroud's Creek and

447 identifying it as 10, 10 in terms of conservation value that it be an overt consideration in terms of the continued  
448 development of the parcel and the open space. Does that make sense?

449  
450 Cy Stober: This is the Concept Plan. The Preliminary Plat will be presented to you again at a future  
451 date. Is your preference to have that recommendation ride with the preliminary plat to the Commissioners, as an  
452 associated recommendation or independent?

453  
454 Mr. Proctor decided to retract the motion until the Preliminary Plat stage after discussion of procedure with Mr.  
455 Stober.

456  
457 Beth Bronson requested clarification from Ms. Moncado on primary versus secondary open space.

458  
459 Marilyn Carter: My question is actually of a general nature. Given the potential to take recommendations  
460 back to the Board of Commissioners. In doing some reading on conservation subdivisions, the North Carolina  
461 State University has a guidebook that actually quotes Orange County and it is an exemplary starting point for  
462 these types of subdivisions and open space requirements. I'm curious what are our current open space  
463 requirements for these types of conversation subdivisions?

464  
465 Ms. Moncado explained current open space requirements and their relationship to the Flexible Development  
466 option.

467  
468 Marilyn Carter: This particular guide recommends 50 to 70 percent of the buildable land being set aside as  
469 open space. I know we have some unique soils challenges here, in Orange County, perhaps, unique geology.  
470 But I was just curious why that differential of 33 percent, 50 to 70, and is it the soil's quality or is it something  
471 else?

472  
473 Cy Stober: No. I think that there's the open space requirements in the UDO and then there's the goals  
474 that are in the Comprehensive Plan, and they're different. So, we have set a lower threshold for regulation than  
475 the aspirational goals that are in the Comprehensive Plan and perhaps in another document. Perhaps Land's  
476 Legacy. I'm not sure where, exactly those numbers come from right now, and I can do research to get back to  
477 you on that, but, I did look at that pamphlet and it's largely still consistent with what we practice. So, those  
478 allowances for flexible development and conversation cluster subdivision were contemporary. Then, not much  
479 has changed in terms of our process, since then. And that's twelve years. That was around 2010.

480  
481 **AGENDA ITEM 8: MAJOR SUBDIVISION CONCEPT PLAN AND PRELIMINARY PLAT** – To review and take action on a  
482 Concept Plan and Preliminary Plat application for a Major Subdivision named Williams Glen. The proposal is for  
483 a 15-lot subdivision on approximately 28.17 acres with 35% (9.95 acres) of dedicated open space. The parcel is  
484 located on Lawrence Road in the Eno Township, PIN 9883-09-8108.

485  
486 Ashley Moncado: The next item is for you to review is a Major Subdivision Concept Plan and Preliminary Plat  
487 application for the Williams Glenn Subdivision on approximately 28 acres. The site is undeveloped and located  
488 within the Rural Residential zoning district and Lower Eno Unprotected Watershed. Surrounding parcels are  
489 zoned as R1, R2 and R4. Parcels to the north and to the east are undeveloped. Parcels to the south and to the  
490 west contain single-family homes and there is church directly west of the existing site. The parcels is classified  
491 as 20-Year Transition Area in the Orange County Future Land Use Map, and it is classified as Mixed Residential  
492 Neighborhood in the Central Orange Coordinated Area Land Use Plan. The applicant is proposing a Flexible  
493 Major Subdivision, including 15 single-family homes. The average lot size is 1.12 acres. Based on the  
494 Conservation Cluster of Flexible Development Option, they are required to provide, at least, 33 percent open  
495 space. The applicant is proposing 35 percent open space or 9.95 acres. The subdivision is planning to meet the  
496 setback standards of the R1 zoning district. A 20-foot Type A landscape buffer is being provided along the

497 southern parcel line and a 30 foot Type B landscape buffer is provided on the western property line along  
498 Lawrence Road. Access is being provided by a 50-foot public right of way, and the site will also be served by  
499 individual wells and septs. For existing conditions on this site, and we do have the larger Lawrence Road site,  
500 here, for review tonight. So please be mindful the actual subdivision, being located down here in this quadrant.  
501 There's an existing tree line. There is also a stream located on the existing site that would require a 65-foot  
502 buffer. I was going to move on to the site analysis, zoomed in to the actual site, the actual parcel related to the  
503 subdivision. You can see the stream here, as well as a 65-foot stream buffer. The lighter yellow includes areas  
504 with a slope of 7.5 to 15 percent, and this pink-reddish color here includes a slope of greater than 25 percent.  
505 The Primary Open Space totals 1.09 acres, and includes the stream. The stream buffer area and the little pocket  
506 of slope, there. The Secondary Open Space totals 8.86 acres and includes the areas around the proposed lots  
507 along the northern end, the western side, and the southern side of the site and includes the remaining areas. It's  
508 been identified by yellow for slope. And then, here, we have the Concept Plan. We can see the 15 lots, the lot  
509 lines, possible building location footprints. Wells are identified by the blue dots. Potential septic areas are  
510 identified by the green polka dots at the rear of the lots. We can also see the 50-foot public right of way that is  
511 being proposed to provide access to all the proposed single-family homes, and that does include an 18-foot  
512 travel way that will be in that public right of way. Finally, there is also 20-foot wide pedestrian access corridor,  
513 which will be connected to the cul-de-sac, running north to connect to the northern parcel, which would be the  
514 future home of the recreational facilities that were affiliated with SUP that was approved by the Board of  
515 Adjustment. We have the Preliminary Plat, which you'll notice is very similar to the Concept Plan on the last  
516 slide. Again, we can see the lot lines. We can see the setbacks that are being proposed based on the R1 zoning  
517 district. Landscape buffer is being identified on the western side, as well as the southern side of the parcel.  
518 Stream and stream buffer and stormwater control measures are being identified here with circles, on the  
519 Preliminary Plat. The Preliminary Plat also identifies 20-foot-wide drainage and access easements along the  
520 northern part of the parcel here. It kind of cuts between these two lots along the southern side of the proposed  
521 lots. The Concept Plan for this application was presented at the January 18th DAC. The Preliminary Plat was  
522 presented at the February 15th DAC. Comments are provided in your agenda packets. The Neighborhood  
523 Information Meeting was coordinated by the applicant and held on February 13th. The NIM report is in your  
524 packets as well. This is where we kind of get a little different from the last application and what Taylor hinted at  
525 earlier this evening. Tonight, you will receive and review the Concept Plan; approve the Flexible Development  
526 Option; and then you'll be looking at reviewing the Preliminary Plat and providing a recommendation on the  
527 Preliminary Plat to the BOCC. The Planning Director recommendation in front of you tonight, is to receive and  
528 discuss the Concept Plan application; approve the Flexible Development Option contained in Attachment 1; and  
529 then receive the Preliminary Plat application and recommend approval of the Preliminary Plat, as submitted.

530  
531 Statler Gilfillen: I am the Eno Village representative to the Planning Board. Lawrence Road is a street. It's  
532 one of the only bypasses of Hillsborough, and we're all aware of the traffic congestion and the problems that we  
533 have. Each time that you add a new access to Lawrence Road, you begin to control or potentially even make it  
534 more dangerous going up and down Lawrence Road. I have some serious qualms, not with the development  
535 itself, with providing two immediate accesses to Lawrence Road. When I look at this, as a licensed architect,  
536 with over 40 years of experience in planning and design, why it is really necessary to design this to have two  
537 accesses that close together, with individual cars coming out of each one of those streets will slow and congest  
538 the traffic along Lawrence Road? I have serious problems with the design as it's presented, not the concept of  
539 what he's trying to do. Thank you.

540  
541 Phil Koch: So I'm very familiar with layout from the SUP, as well as from this, and the two things are  
542 actually separate items, and the DOT has required turn lanes for the access that's above, that's going into the  
543 ball field area, play area, all of that that is involved in the athletic association and a separate entrance here. And  
544 they have reviewed this entrance. They are in agreement that this is the best spot for the entrance. I have looked  
545 at it with them out on the site. They have actually stated this, I believe, even when the SUP was going through  
546 that this was an acceptable entrance, and now they've come back, and they've met with us in the field and said

547 this is where they want the entrance to be. It is near where the church entrance is, and they did not want these  
548 lots coming out on to the roadway north. They did not want it to tie to the one for the ball field.

549  
550 Statler Gilfillen: What's their logic for that?

551  
552 Phil Koch: They wanted to go ahead and bring out to Lawrence Road.

553  
554 Adam Beeman: Do you know if the road for the athletic fields, is that a private road or public? I believe it's  
555 private, but I'm not positive.

556  
557 Cy Stober: It's a Type A private road. The subdivision road will be publicly dedicated and maintained  
558 by North Carolina DOT.

559  
560 Adam Beeman: So you can't have a public tied to a private.

561  
562 Phil Koch: And I will add that for the number of lots that are here, this must be a public road.

563  
564 Marilyn Carter: I have a question about the DAC comments. One of the comments refers to the lot sizes  
565 and concept wastewater disposal areas prohibit the department's siting private wells on each lot, according to  
566 the setback requirements of Orange County, and then a community well may be a solution, otherwise permitting  
567 is subject to denial. Where's the impact of that item in the DAC report on the plan?

568  
569 Phil Koch: That comment was made at the original DAC. These locations, as they're currently shown,  
570 actually address that comment and were sent back and have been reviewed, and they do meet the standards  
571 now.

572  
573 Delores Bailey: What size will the houses be?

574  
575 Phil Koch: I don't know the exact size of the house. The way that we set this up, I believe, I think it's a  
576 7,500 square foot block. That's not the house size. That's just the pad. So it was a proportion of that pad. I can't  
577 tell you the exact size of the house. And, again, part of that will be defined also by the septic field.

578  
579 **MOTION BY** Lamar Proctor to approve the Concept Plan Flexible Development Option as included in Attachment  
580 1. Seconded by Marilyn Carter. Adam Beeman, Lamar Proctor, Delores Bailey, Beth Bronson, Marilyn Carter,  
581 Chris Johnston, Steve Kaufmann, and Whitney Watson in favor. Statler Gilfillen against.

582  
583 **MOTION PASSED EIGHT TO ONE.**

584  
585 Ashley Moncado: The Preliminary Plat is in Attachment 2 of your materials.

586  
587 Beth Bronson: The proposed stormwater control measures are just five different areas of where that would  
588 be added to? Can you elaborate on what management plan you have –

589  
590 Phil Koch: Those are, again, those are State mandated. Location is based on the actual contours on  
591 the site. We've placed these in the low area so that we can direct water to them. The actual sizing will be done  
592 based on State requirements. The County has its own requirements. They generally match the State's for the  
593 most part, but we work with them pretty heavily on these things. So, they do have to meet that before they'll get  
594 approval.

595

596 Beth Bronson: I see that the Primary Open Space on the Concept Plan versus the Preliminary, is the 1.09  
597 acres for Primary and then 8.86 for the Secondary Open Space?

598

599 Ashley Moncado: Yes.

600

601 Beth Bronson: Is there any reason why you would not have done a conservation easement, like, working  
602 with the neighboring or adjacent properties on maintaining open space, rather than choosing to have the HOA do  
603 it themselves?

604

605 Phil Koch: This is typical of any subdivision, is that the HOA actually is involved in doing the  
606 maintenance of the open space, including all the SCMs that are involved here. In this case, because this is all  
607 within an integrated area, it's basically, because of that. The HOA would have to maintain the SCMs. In that  
608 case, they're just going to go ahead and handle the rest of the open space.

609

610 **MOTION BY** Lamar Proctor to approve the Preliminary Plat as submitted. Seconded by Steve Kaufman. Adam  
611 Beeman, Lamar Proctor, Delores Bailey, Beth Bronson, Marilyn Carter, Chris Johnston, Steve Kaufmann, and  
612 Whitney Watson in favor. Statler Gilfillen against.

613

614 **MOTION PASSED EIGHT TO ONE.**

615

616 **AGENDA ITEM 9: ADJOURNMENT**

617

618 **MOTION BY** Lamar Proctor to adjourn meeting. Seconded by Marilyn Carter.

619

620 **MOTION PASSED UNANIMOUSLY.**

621

622 The meeting adjourned at 8:44 PM.

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date: May 1, 2024**

**Action Agenda  
Item No. 7**

**SUBJECT:** Zoning Atlas Amendment – 3009 Forrest Ave., Efland, Cheeks Township

**DEPARTMENT:** Planning and Inspections

**ATTACHMENTS:**

1. Application, including Map of Land Proposed for Rezoning and Supplemental Materials
2. Staff Report
3. Notification Materials and Certification
4. Project Correspondence and Development Advisory Committee Comment(s)
5. Statement of Consistency
6. Draft Ordinance

**INFORMATION CONTACT:**

Brian Collie, Planner II, (919)245-2599  
Taylor Perschau, Current Planning and Zoning Manager, (919) 245-2597  
Cy Stober, Planning Director, (919)245-2592

**PURPOSE:** To review and make a recommendation to the Board of County Commissioners (BOCC) on an applicant-initiated Zoning Atlas Amendment to rezone two parcels totaling +/- 9.37 acres (PINs: 9854-18-4217 and 9854-18-9274) located at 3009 Forrest Ave., Efland, Cheeks Township. The proposed rezoning is:

**FROM:** R-1 (Rural Residential)

**TO:** GC-4 (General Commercial)

**BACKGROUND:** On February 13, 2024, a Conventional Zoning Atlas Amendment application (Attachment 1) was received proposing to rezone +/- 9.37 acres two parcels at 3009 Forrest Ave., Efland. The Staff Report in Attachment 2 contains additional information, maps, and analysis.

**Requirements:** As detailed within the Zoning Atlas Amendment application package (Attachment 1), and Section 2.8 of the UDO, submittals are required to contain:

1. A completed/signed Zoning Atlas Amendment application;
2. A map, at a legible scale, showing the land proposed for rezoning;
3. A detailed narrative denoting the following:
  - a. The existing zoning of the subject property and the requested zoning, as defined in Article 3 of the UDO;
  - b. The current land use designation of the subject property consistent with the Orange County Comprehensive Plan and Future Land Use Map (FLUM), which can be accessed utilizing the provided links.

- c. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request;
  - d. The changed, or changing, conditions (if any) that makes the proposed amendment reasonable and necessary to promote the public health, safety, and general welfare;
  - e. How the proposed amendment is consistent with, or carries out the intent and purpose of, the Orange County Comprehensive Plan.
4. Plan review fee(s) consistent with the adopted Orange County Fee Schedule.

**Basic Review Process:** A conventional district rezoning application requires submission of a detailed area map and other documents, in accordance with Section 2.8.3(A) of the Unified Development Ordinance (UDO). A site-specific plan is not required for conventional rezoning applications and conditions cannot be applied to an approval action. The typical cadence for the review is as follows:

- **FIRST ACTION** – Staff holds a Development Advisory Committee Meeting.  
*STAFF COMMENT:* The Development Advisory Committee Meeting was held on March 21, 2024, at 9:30 a.m., via Microsoft Teams. Comments received from this review are available in Attachment 4.
- **SECOND ACTION** – The Planning Board reviews the application at a regular meeting and makes a recommendation to the BOCC.  
*STAFF COMMENT:* The Planning Board will review this application at its regular meeting on May 1, 2024.
- **THIRD ACTION** – The BOCC receives the Planning Board and staff recommendations at an advertised public hearing and makes a decision on the application.  
*STAFF COMMENT:* The public hearing will be scheduled following the issuance of a recommendation from the Planning Board.

**Public Notification:** In accordance with Section 2.8.7 of the UDO, notices of the Planning Board meeting were mailed via first class mail to property owners within 1,000 ft. of the subject parcel. These notices were mailed on April 16, 2024, 15 days before the meeting. Staff also posted the subject parcel with signs on April 19, 2024, 12 days before the meeting. See Attachment 3 for the notification materials.

**Planning Director’s Recommendation:**

The Planning Director recommends **approval** of the Statement of Consistency, indicating the amendments are reasonable and in the public interest, contained in Attachment 5 and the proposed zoning atlas amendment ordinance contained in Attachment 6.

**FINANCIAL IMPACT:** This request has been reviewed by various County departments who have determined that the approval of the request would not create the need for additional funding for the provision of County services. Costs associated with advertising, including the public hearing notice and mailings, are covered by the application fee.

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

1. Receive the rezoning application,
2. Deliberate on the proposal as desired,

3. Consider the Planning Director's recommendation, and
4. Make a recommendation to the BOCC on the Statement of Consistency (Attachment 5) and the proposed ordinance (Attachment 6) for BOCC consideration during a public hearing to be conducted for review of this request.

Attachment 1



Orange County Planning & Inspections Department
131 W. Margaret Lane, Suite 200, Hillsborough, NC 27278
919-245-2575 or planningapps@orangecountync.gov

Zoning Atlas Amendment – Rezoning Application

Please check all applicable boxes and complete the required documentation. Additional information and submittal requirements are contained in Sections 2.8 and 2.9 of the Unified Development Ordinance (UDO). If completing by hand, please use black or blue ink.

Date: 05-02-2023 Rezoning Request: [X] Conventional District [ ] Conditional District

Contact Information

Property Owner(s): Efland Ruritan Club
Mailing Address: P.O. Box 250 Efland NC 27302
Phone: 919-730-0174 Email: eflandruritans@gmail.com
Applicant (if different than property owner): Anthony Cecil ( President Efland Ruritan Club)
Mailing Address: 5229 US 70 Mebane NC 27302
Phone: 919-730-0174 Email: cheezy174@gmail.com

Property Information

Parcel ID Number (PIN): 9854184217 & 9854189274 Total Acreage: 9.37 acres
Address: 3009 Forrest Ave Efland NC 27243 & 3100 Forrest Ave Efland NC 27243
Future Land Use Map Classification: Commercial Industrial Transtion
Current Zoning Designation: Rural Residential(R1)
Requested Zoning Designation: General Commercial 4

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

Other Submittal Requirements

Conventional District Rezoning Application

Based on Section 2.8.3 of the Unified Development Ordinance (UDO):

- [X] A map, at a legible scale, showing the property(s) subject to the request. A map may be procured at the Planning Department for a fee in accordance with the adopted Orange County Fee Schedule.
[X] A legal description of the property(s) proposed for rezoning.
[X] A list showing the names and addresses of all adjacent property owners within 1000-feet of the subject property.
[X] A detailed narrative denoting the following:
i. The alleged error in the Zoning Atlas (if any) that will be corrected by the proposed request.

- ii. The changed, or changing, conditions (if any) that makes the proposed amendment reasonable necessary to promote the public health, safety, and general welfare.
- iii. How the proposed amendment is consistent with, or carries out the intent and purpose of the adopted Orange County Comprehensive Plan, or part thereof.

The filing fee per the adopted Orange County fee schedule.

**Conditional District Rezoning Application**

Based on Section 2.9.2 (C) of the Unified Development Ordinance (UDO):

A site plan prepared in accordance with the provisions of Section 2.5 of the UDO. Applications for a Master Plan Development (MPD) Conditional District (CD) shall adhere to the site plan preparation requirements outlined in Section 6.7 of the UDO.

All CD applications, regardless of type, shall include a detailed landscape plan showing the location of on-site significant trees; proposed screening, buffers, and landscaping; and any proposed treatment of any existing natural features.

A detailed description of the proposed use of property including an outline of the proposed development. This will include a detailed summary of proposed utility services. The utility service plan for applications for a Home Park (HP) CD shall specify if the proposed services are temporary or permanent connections.

A detailed traffic survey, regardless of estimated daily trips, prepared in accordance with North Carolina Department of Transportation requirements and Section 6.17 of the UDO.

The appropriate environmental document(s) prepared in accordance with Section 6.16 of the UDO.

A schedule of construction of all elements of the proposal.

Other information identified during the pre-application conference deemed essential to demonstrate the project's compliance with these regulations.

The filing fee per the adopted Orange County fee schedule.

**Certification and Signatures**

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

Efland Ruritan Club

Anthony Cecil

**Owner Signature(s)**

**Applicant Signature** (if different from owner)

02-13-2024

02-13-2024

Date 2-13-24

Date 2-13-24

*Anthony Cecil*

*Anthony Cecil*

Upper Eno Protected Watershed

AUBREY GRAHAM LN

26

60' ROW

70

9854180304  
ANDY LLOYD LAND  
INVESTMENT CO LLC &  
NC2  
DB 5517/PG 453  
**NC2**

9854184217  
EFLAND RURITAN CLUB  
R1  
DB 485/PG 120

9854184217  
EFLAND  
RURITAN  
CLUB  
R1  
DB 485/PG 120

9854189274  
EFLAND  
RURITAN  
CLUB  
R1  
DB 407/PG 404

9854280393  
LUCKY 4  
PROPERTIES LLC &  
NC2  
DB 5682/PG 337  
**NC2**

9854281107  
BRICIA KRISTELY C  
ET AL DIAZ & DULCE  
MARIA LOPEZ DIAZ  
R1  
DB 6391/PG 147

MAPLE ST

9854089170  
DORIS S CECIL &  
JULIE CHARLENE CECIL  
R1  
DB 597/PG 430

9854173499  
JAMES H NICHOLSON  
& RENEE H NICHOLSON  
R1  
DB 6426/PG 220

9854189274  
EFLAND RURITAN CLUB  
R1  
DB 407/PG 404

9854282060  
CHRISTOPHER T SMITH  
& HEATHER N SMITH  
R1/AR  
DB 5990/PG 31

9854181001  
HOWARD BENTLY JR  
CECIL & EVELYN M CECIL  
R1  
DB 582/PG 522

9854172953  
ANDREW B  
LLOYD JR &  
R1  
DB 5517/PG 453

9854175987  
WILLIAM EDWARD CRABTREE  
& ANN N CRABTREE  
R1  
DB 375/PG 468

9854274714  
NORTH CAROLINA  
RAILROAD COMPANY &  
R1/AR  
BK 6672/PG 2186

FORREST AVE

60' ROW

GYM RD

AR

SOUTHERN DR

-  Parcels to be Rezoned
-  Efland Interstate Zoning Overlay
-  Efland Village Zoning Overlay
-  Zoning

N




0 75 150 Feet

FILED  
BOOK/PAGE 382 PAGE# 550

MAR 4 2 26 PM '97

BETTY JUNE HAYES  
REGISTER OF DEEDS  
ORANGE COUNTY, N.C.

BOOK 382 PAGE 550

R/S Paid None

Excise Tax

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
Verified by ..... County on the ..... day of ....., 19 ....  
by .....

Mail after recording to A. B. Lloyd, Jr., Rt. #1, Efland, N. C. 27243

This instrument was prepared by THARRINGTON, SMITH & HARGROVE

Brief description for the Index 8.25 Ac.; Cheeks Township

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 4th day of March, 1982, by and between

GRANTOR

GRANTEE

Orange County Board of Education  
200 East King Street  
Hillsborough, N. C. 27278

Robert B. Nichols, Turner J. Forrest,  
Charles A. Brown and Andrew B. Lloyd,  
Jr., Trustees of Efland Ruritan Club,  
an unincorporated association

Route #1, Efland, N. C. 27243

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that

certain lot or parcel of land situated <sup>near</sup> ~~in~~ the City of Hillsborough, Cheeks Township, Orange County, North Carolina and more particularly described as follows:

See description in attached Exhibit A.

The property hereinabove described was acquired by Grantor by instrument recorded in .....

A map showing the above described property is recorded in Plat Book ..... 35 ..... page ..... 15 .....

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

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

Ad valorem taxes for the year 1982 and subsequent years.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

Orange County Board of Education

(Corporate Name)

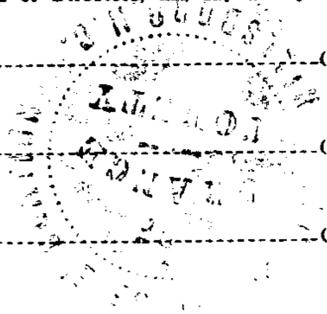
By: *Oscar A. Compton*

Oscar A. Compton

Chairman

ATTEST: *R. Mike Simmons*  
R. Mike Simmons Secretary (Corporate Seal)

USE BLACK INK ONLY



SEAL-STAMP

NORTH CAROLINA, Orange County.

I, a Notary Public of the County and State aforesaid, certify that Oscar A. Compton  
R. Mike Simmons Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 4 day of March 1982

My commission expires: 10-30-84 Evelyn M. Cecil Notary Public

SEAL-STAMP

NORTH CAROLINA, Orange County.

I, a Notary Public of the County and State aforesaid, certify that R. Mike Simmons

personally came before me this day and acknowledged that he is Secretary of  
Orange County Board of Education a North Carolina corporation, and that by authority duly

given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman  
XXXXXXXX sealed with its corporate seal and attested by him as its Secretary.

Witness my hand and official stamp or seal, this 4 day of March 1982

My commission expires: 10-30-84 Evelyn M. Cecil Notary Public

The foregoing Certificate(s) of Evelyn M. Cecil, Notary Public of Orange County, N. C.

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. This the 4th day of March, 1982 at 2:26 P.M. in Book 382 Page 550.

Betty June Hayes REGISTER OF DEEDS FOR Orange COUNTY

By Bruce B. Verner Deputy Assistant - Register of Deeds

Exhibit "A"

BEGINNING, at a point in the southern right-of-way of US 70, the NE corner of A. B. Lloyd, Jr. property, a concrete monument. Running thence with the southern right-of-way of US 70 S 86°19'37" E 556.09 feet to a concrete monument. Thence, continuing with the southern right-of-way of US 70 counter-clockwise along the arc of a circle having central angle 05°40'40" and radius 2532.17' a distance of 250.92 feet to a point, an iron stake. (Chord = S 89°09'57" E 250.82 feet). Running thence S 03°19'15" W 318.29 feet to a point in S.R. 1327. Thence, S 86°35'45" E 153.57 feet to a point. Thence, S 01°45'35" W 25.78 feet to a point in the southern right-of-way of S.R. 1327, an iron stake. Thence, continuing S 01°45'35" W, with the western line of property of David F. Wright, 237.09 feet to an iron stake near a concrete monument in the northern right-of-way of the Southern Railroad, the SW corner of said Wright. Thence, with the northern right-of-way of Southern Railroad counter-clockwise along the arc of a curve with central angle 09°06'45" and radius 2282.96' a distance of 363.09 feet to a railroad spike in S.R. 1322, the SE corner of property of Robert E. Nicholson. (Chord = N 83°33'29" W 362.71'). Thence running with the eastern property line of said Nicholson N 03°21'54" E 218.54 feet to a point in S.R. 1322, a nail. Thence, running with said Nicholson, N 86°35'45" W 195.16 feet to a point, a concrete monument. Thence, continuing with said Nicholson, N 03°24'15" E 25.00 feet to a concrete monument. Thence, continuing with said Nicholson, N 86°35'45" W 161.37 feet to a point, the NW corner of said Nicholson, a concrete monument. Thence, continuing with said Nicholson S 03°21'54" W 135.81 feet to the NE corner of A. B. Lloyd, Jr., a concrete monument. Thence, with the north line of said Lloyd, N 86°35'45" W 136.34 feet to a point in the eastern line of property of Archie M. Graham, the NW corner of said Lloyd property, a concrete monument. Thence, with the eastern line of said Graham, N 03°21'54" E 156.71 feet to the NE corner of said Graham, a concrete monument (passing through an iron stake 135.81 feet from the beginning of this course). Thence, with said Graham N 86°36'12" W 112.97 feet to the SE corner of the first mentioned A. B. Lloyd Jr. property, a concrete monument. Running thence with the eastern line of said Lloyd property N 03°23'48" E 288.77 feet to the point and place of BEGINNING. Containing 8.25 acres and being Tract A according to plat and survey of Alois Callemyn, R.L.S. 2544, entitled "Property of Orange County Board of Education." Revision dated December 8, 1981, recorded in the Orange County Registry in Book 35, Page 15.

PREPARED BY: / : Dalton H. Loftin, Attorney at Law, P. O. Box 744, Hillsborough, N. C.

NORTH CAROLINA. ORANGE COUNTY

THIS DEED, MADE AND ENTERED INTO THIS THE 25 DAY OF January 19 83 BY AND BETWEEN Robert Ervin Nicholson and wife, Eunice L. Nicholson

PIN 9854-18-4079 Assigned by 3.39. A.3Z CLRO

PARTY OF THE FIRST PART AND

Efland Ruritan Club, a non-profit unincorporated association, Route 1, Box 127, Efland, N.C.

PARTY OF THE SECOND PART. WITNESSETH: 27243

THAT THE SAID PARTY OF THE FIRST PART. IN CONSIDERATION OF THE SUM OF TEN DOLLARS AND OTHER GOOD, VALUABLE AND SUFFICIENT CONSIDERATIONS, PAID BY THE SAID PARTY OF THE SECOND PART. THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED. HAS BARGAINED AND SOLD AND BY THESE PRESENTS DOES BARGAIN, SELL AND CONVEY UNTO THE SAID PARTY OF THE SECOND PART AND HIS HEIRS AND

ASSIGNS ALL THAT CERTAIN TRACT OR PARCEL OF LAND IN Cheeks TOWNSHIP ORANGE COUNTY, NORTH CAROLINA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an existing concrete monument near the South wall of the cafeteria shown on the plat hereinafter referred to, said plat and property now being owned by the Efland Ruritan Club, the grantee herein; thence from said beginning point along the West line of the Efland Ruritan Club property South 03° 24' 15" West a distance of 25.00 feet to a concrete monument set at a Southwest corner of the Efland Ruritan Club property; thence a new line with the property of Robert Ervin Nicholson North 86° 35' 45" West a distance of exactly 15 feet to a new corner; thence another new line with the property of Robert Ervin Nicholson North 03° 24' 15" East a distance of 25.00 feet to another new corner in the South line of the Efland Ruritan Club property; thence along the South line of the Efland Ruritan Club property South 86° 35' 45" East a distance of 15 feet to the beginning point. The courses and distances given in the aforesaid description are based upon those shown on plat of survey of property of Orange County Board of Education by Alois Callemyn, Registered Land Surveyor, dated November 30, 1981 (revised December 8, 1981) and duly recorded in the Orange County Registry in Plat Book 35 at Page 15.

MERGE PIN 9854-18-4217 Assigned by 3.39. A.2A

RECEIVED 1984 SEP 25 PM 2:01 ORANGE CO. LAND RECORD

THE ABOVE DESCRIBED PROPERTY WAS CONVEYED TO GRANTEE BY DEED RECORDED IN BOOK PAGE

TO HAVE AND TO HOLD THE AFORESAID TRACT OR PARCEL OF LAND AND ALL PRIVILEGES AND APPURTENANCES THEREUNTO BELONGING TO THE SAID PARTY OF THE SECOND PART AND HIS HEIRS AND ASSIGNS IN FEE SIMPLE FOREVER, EXCEPT AS SET FORTH ABOVE. AND THE SAID PARTY OF THE FIRST PART DOES COVENANT THAT HE IS SEIZED OF SAID PREMISES IN FEE SIMPLE AND HAS THE RIGHT TO CONVEY THE SAME IN FEE SIMPLE; THAT THE SAME ARE FREE FROM ENCUMBRANCES EXCEPT AS SET FORTH ABOVE; AND THAT HE WILL WARRANT AND DEFEND THE SAID TITLE TO THE SAME AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER. WHEREVER USED HEREIN, THE SINGULAR NUMBER SHALL INCLUDE THE PLURAL, THE PLURAL THE SINGULAR, AND THE USE OF ANY GENDER SHALL BE APPLICABLE TO ALL GENDERS, AS THE CONTEXT MAY INDICATE.

IN TESTIMONY WHEREOF THE SAID PARTY OF THE FIRST PART HAS HEREUNTO SET HIS HAND AND SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

Robert Ervin Nicholson (SEAL) ROBERT ERVIN NICHOLSON

Eunice L. Nicholson (SEAL) EUNICE L. NICHOLSON

DALTON H. LOFTIN NOTARY PUBLIC ORANGE COUNTY, N.C.

STATE OF NORTH CAROLINA COUNTY OF Orange i. Dalton H. Loftin A NOTARY PUBLIC OF SAID COUNTY, DO HEREBY CERTIFY THAT Robert Ervin Nicholson and Eunice L. Nicholson

GRANTOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING DEED.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE 25 DAY OF January 19 83

MY COMMISSION EXPIRES: 11-9-86 Dalton H. Loftin (SEAL) NOTARY PUBLIC

STATE OF COUNTY OF A NOTARY PUBLIC OF SAID COUNTY, DO HEREBY CERTIFY THAT

GRANTOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING DEED.

WITNESS MY HAND AND NOTARIAL SEAL, THIS THE DAY OF 19

MY COMMISSION EXPIRES: NOTARY PUBLIC (SEAL)

STATE OF NORTH CAROLINA—COUNTY OF ORANGE

THE FOREGOING CERTIFICATE (X) OF Dalton H. Loftin,

A NOTARY (X) PUBLIC OF THE DESIGNATED GOVERNMENTAL UNITS IS (X) CERTIFIED TO BE CORRECT.

FILED FOR REGISTRATION ON THE 25th DAY OF September 19 84 AT 2:39 O'CLOCK P. M.,

AND DULY RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF THIS COUNTY IN BOOK (X) NO. 485 PAGE 120

BETTY JUNE HAYES, REGISTER OF DEEDS

BY: Binnie B. Warner ASST. (X)

RETURN TO: Ben Lloyd, Rt. #1, Efland, N. C. 27243

PIN	OWNER1_LAST	OWNER1_FIRST	ADDRESS1	CITY
9854073630	BENNETT	FREDERICK J	3406 SOUTHERN DR	EFLAND
9854074304	EFLAND	KNOX J TRUSTEE	P O BOX 296	EFLAND
9854074868	LOFTIN	HUGH M	P O BOX 156	EFLAND
9854074909	CECIL	CURTIS RONALD	PO BOX 112	EFLAND
9854074954	SFR3 010 LLC		500 WESTOVER DR #14104	SANFORD
9854076601	DUFFY	KATIE	2407 CHESTNUT RIDGE CHURCH RD	EFLAND
9854076851	NORTH CAROLINA RAILROAD COMPANY		2809 HIGHWOODS BLVD	RALEIGH
9854076999	CATES	EARL MONROE	2407 CHESTNUT RIDGE RD	EFLAND
9854077569	DARLING	PAUL V	3310 SOUTHERN DR	EFLAND
9854077601	WIEBE	JEFFREY TRUSTEE	4712A DAIRYLAND RD	HILLSBOROUGH
9854077979	HIGGINS	ELDON JON	3309 FOREST AVE EAST	EFLAND
9854078611	WIEBE	JEFFREY TRUSTEE	4712A DAIRYLAND RD	HILLSBOROUGH
9854078927	SPIRITUAL ASSEMBLY OF THE BAHAIS OF	ORANGE COUNTY NC INC	2202 SCHLEY RD	Hurdle Mills
9854078931	SPIRITUAL ASSEMBLY OF THE BAHAIS OF	ORANGE COUNTY NC INC	2202 SCHLEY RD	Hurdle Mills
9854078939	SPIRITUAL ASSEMBLY OF THE BAHAIS OF	ORANGE COUNTY NC INC	2202 SCHLEY RD	Hurdle Mills
9854078949	SANSEVERINO	EDWARD	3303 FORREST AVE	EFLAND
9854078996	CECIL	DORIS SQUIRES	PO BOX 112	EFLAND
9854079412	EFLAND	DOROTHY M HRS	PO BOX 525	EFLAND
9854079976	SWIGGETT	JOLINDA O	3227 FOREST AV	EFLAND
9854080094	FORREST RESOURCES LLC		261 GOVERNORS AVE	MEDFORD
9854080850	KARAN INC		3419 US HWY 70 W	EFLAND
9854081212	EFLAND UNITED METHODIST	CHURCH	PO BOX 121	EFLAND
9854081353	EFLAND METHODIST	CHURCH	PO BOX 121	EFLAND
9854081693	KARAN INC		3419 US HWY 70 W	EFLAND
9854083138	EFLAND UNITED METHODIST	CHURCH	P O BOX 121	EFLAND
9854083232	EFLAND UNITED METHODIST	CHURCH	PO BOX 121	EFLAND
9854083321	EFLAND METHODIST	CH	PO BOX 121	EFLAND
9854083835	GADDY	JOHN S	1112 PALMERS GROVE CH RD	HILLSBOROUGH
9854083995	LLOYD	GARY	PO BOX 149	EFLAND
9854084052	WAGNER	DAVID C	1916 MOOREFIELDS RD	Hillsborough
9854084057	YOUNG	BARBARA ANN	301 HELMSDALE DR	CHAPEL HILL
9854084115	YOUNG	BARBARA ANN	301 HELMSDALE DR	CHAPEL HILL
9854084152	YOUNG	BARBARA ANN	301 HELMSDALE DR	CHAPEL HILL

9854084252 YOUNG	HAROLD E JR	105 OAK ST	EFLAND
9854084353 EFLAND UNITED METHODIST	CHURCH	P O BOX 121	EFLAND
9854084605 AZZU	NINA TRUSTEE	723 BLACKFRIARS LOOP	CARY
9854086528 CATES	JARED J	3309 US 70 W	EFLAND
9854087250 SPIRITUAL ASSEMBLY OF THE BAHAIS OF	ORANGE COUNTY NC INC	2202 SCHLEY ROAD	Hurdle Mills
9854087925 WILKERSON	WENDY B	4831 BROCK DR	HURDLE MILLS
9854088690 RILEY	DALTON R JR	3303 US HWY 70 W	EFLAND
9854088807 EVANS	MARK A	PO BOX 285	EFLAND
9854089170 CECIL	DORIS S	P O BOX 112	EFLAND
9854089250 WARREN	LARRY F	PO BOX 818	HILLSBOROUGH
9854092254 EFLAND	DOUGLAS KEITH	PO BOX 98	EFLAND
9854093093 CATES	EARL M	2407 CHESTNUT RIDGE RD	EFLAND
9854097115 WESTBROOK	KENNETH M	PO BOX 245 N OAK ST	EFLAND
9854097347 WIEBE	JEFFERY J	4712A DAIRYLAND RD	HILLSBOROUGH
9854097700 EFLAND	DONALD C	P O BOX 97	EFLAND
9854161576 EFLAND INDUSTRIAL OWNER 1 LLC		3953 MAPLE AVE	DALLAS
9854171451 DUFFY	KATIE	2407 CHESTNUT RIDGE CHURCH RD	EFLAND
9854172953 LLOYD	ANDREW B JR	2701 US 70W	EFLAND
9854173499 NICHOLSON	JAMES H	3211 FORREST AVE	EFLAND
9854175987 CRABTREE	WILLIAM EDWARD	3205 FORREST AVE	EFLAND
9854178549 MINNIS	ODELL CECIL JR	3210 SOUTHERN DR	EFLAND
9854180304 ANDY LLOYD LAND INVESTMENT CO LLC		2701 HWY 70	EFLAND
9854180519 LLOYD	TIMOTHY KYLE	3225 US 70 W	Efland
9854181001 CECIL	HOWARD BENTLY JR	3223 FORREST AVE	EFLAND
9854182816 JANSEN	KAITLIN MARIE	3219 US 70 W	EFLAND
9854184217 EFLAND RURITAN	CLUB	PO BOX 250	EFLAND
9854184616 HARVEY	NOEL G PAK	3211 US 70 W	EFLAND
9854186730 GRAHAMS MOBILE HOME PARK LLC		3201 US 70 W	EFLAND
9854187792 GRAHAMS MOBILE HOME PARK LLC		3201 US 70W	EFLAND
9854189274 EFLAND RURITAN	CLUB	PO BOX 250	EFLAND
9854191355 GRAHAM	DANIEL SHANE	295 AUBREY GRAHAM LN	EFLAND
9854195220 GRAHAMS MOBILE HOME PARK LLC		3201 US 70W	EFLAND
9854195489 SMITH	JOHN	284 AUBREY GRAHAM LN	EFLAND
9854272077 WINDHAM MOBILE HOME PARK INC		PO BOX 462	EFLAND

9854274714	NORTH CAROLINA RAILROAD COMPANY		2809 HIGHWOODS BLVD	RALEIGH
9854274929	HALL	NATHAN	3058 GYM RD	EFLAND
9854274935	SNODGRASS	ANN C	3014 GYM RD	EFLAND
9854275965	SHEPARD	SIMONE	3008 GYM RD	EFLAND
9854276296	WINDHAM MOBILE HOME PARK INC		PO BOX 462	EFLAND
9854277830	MURRAY	WALLACE KENT	3004 GYM RD	EFLAND
9854278799	MURRAY	JO ANN	2918 GYM RD	EFLAND
9854279581	NORTH CAROLINA RAILROAD COMPANY		2809 HIGHWOODS BLVD	RALEIGH
9854280393	LUCKY 4 PROPERTIES LLC		3131 US 70 W	Efland
9854281107	DIAZ	BRICIA KRISTELY C ET AL	6609 RUSSELL RD	DURHAM
9854281628	CRAIG LLOYD LAND INVESTMENT	COMPANY LLC	2701 US 70 W	EFLAND
9854282060	SMITH	CHRISTOPHER T	3102 GYM RD	EFLAND
9854282236	EFLAND METHODIST	CHURCH	3418 US 70 W	EFLAND
9854282776	WALKER	MATTHEW	3021 US 70 W	EFLAND
9854283244	FORREST RESOURCES LLC		261 GOVENORS AVE	MEDFORD
9854283860	BUMGARNER	KATHARINE J	3017 HWY 70 W	EFLAND
9854285809	HARRINGTON	KAITLIN E	3011 US 70 W	EFLAND
9854286888	HUTCHINSON	AMANDA J	3107 US HWY 70 W	EFLAND
9854287990	HUTCHINSON	AMANDA J	3107 US HWY 70 W	EFLAND
9854288315	OROURKE	JOHN TIMOTHY	222 BREIFNE CT	EFLAND
9854293318	HUTCHINSON	AMANDA J	298 CURIE DR	SAN JOSE
9854299149	POOLE	EDNA BURKE N HRS	114 HILLSPRING LN	CHAPEL HILL
9854371750	MURRAY	WALLACE KENT	2912 GYM RD	Efland

## Orange County Planning Board and County Commissioners

My name is Anthony Cecil, I am the President of the Efland Ruritan Club. Efland Ruritan Club requests that our property at 3009 Forrest Ave and 3100 Forrest Ave Efland NC 27243 be changed from Zoning Ordinance Residential R-1 to General Commercial 4 Use designation.

We are making this request for several reasons.

1. We are a nonprofit civic organization who purchased this property in 1981 from the Orange County School Board. This property was previously used as the Old Efland High School and Efland Elementary School before we purchased it. Since then, we have used the property for community use and community improvement. No one has ever lived on the property, and we feel the property should have never been designated as a residential (r-1) property but instead should have been designated as Commercial Property from the beginning.
2. We use and rent out our property for community use more in line with commercial uses than residential uses.
  - A) We, the Efland Ruritan Club, have held events such as rodeos, carnivals, concerts, festivals etc. from the time we acquired the property until today. We do this to help pay for our property and to help improve our facilities for community use such as playgrounds, walking tracks etc. We also raise money to donate to our county and community emergency services, schools, churches, scholarships, people in need etc.

B) We also allow other organizations and individuals to rent or just use our property for community events and community improvement. Organizations such as Relay for Life, American Red Cross, Hillsborough Hog Day, Timeless Cruizers, Hillsborough Sports Fishing Club, Orange County Sheriffs Department, local churches and schools have all used our property to help support their goals to help improve our community for all Orange County Citizens.

We also allow individuals to rent or use our property as a lower cost alternative to larger facilities for family functions, parties, funerals, blood drives etc.

3. The Efland Ruritan Club is in negotiation with the State Employees Credit Union about putting a SECU Cash Points Machine on Efland Ruritan Club property for the citizens of Efland and Orange County.

This would be beneficial to all Efland and Orange County Citizens as a low-cost affordable access to banking without wasting gas or money to go to Hillsborough or Mebane to have access to their money. We cannot proceed with these negotiations until this Zoning issue is resolved.

4. The current use is in line with the County's Comprehensive Land Use Plan and Future Land Use Map, which designates this area as a Commercial-Industrial Transition Activity Node. This rezoning request would not only support the Club's activities, but also align with the County's intended use for this area.

In conclusion, the Efland Ruritan Club has no current or long-term plans to sell our property or bring any other commercial business to our property other than SECU Cash points. The existence of the club supports healthy and appropriate growth nearby while establishing a protected area that serves the community. We are requesting this rezoning designation to Commercial Non-Residential General Use Zoning to help bring The Efland Ruritan Club more in line with County Ordinances when conducting our business. It will allow us to continue to act as a focal point between community engagement and economic development, as exemplified by the desire to partner with SECU to bring the Efland and Orange County Citizens access to more local, easier and more affordable banking alternative. Thank You for considering this rezoning request.

Sincerely Anthony Cecil (President of the Efland Ruritan Club)

## Zoning Atlas Amendment –Conventional Rezoning District Application

Other Submittal Requirements - Based on Section 2.8.3 of the Unified Development Ordinance (UDO):

- iii. How the proposed amendment is consistent with or carries out the intent and purpose of the adopted Orange County Comprehensive Plan, or part thereof.

### **Question:**

List the future land use designation of the subject property consistent with the Orange County Comprehensive Plan and Future Land Use Map (FLUM, see chapter 5: Land Use Element), and is it consistent the zoning district requested per Appendix F?

### **Response:**

Both parcels (PINs: 9854-18-4217 and 9854-18-9274) on the Orange County FLUM are within the Commercial-Industrial Transition Activity Node.

The Commercial-Industrial Transition Activity Node is defined as, “land near major transportation routes that could be provided with public water and wastewater services and is appropriate for retail and other commercial uses; manufacturing and other industrial uses; office and limited (not to exceed 25% of any Node) higher density residential uses.”

Per Appendix F, the General Commercial (GC-4) zoning district is consistent and may be applied within a Commercial-Industrial Transition Activity Node.

## Determining Comprehensive Plan Consistency

### **1- Applicable Adopted Plans**

- The requested zoning district indicated for the Land Use Classification is shown on the chart in Appendix F of the 2030 Comprehensive Plan.

### **2- Potable Water and Wastewater**

- The project does not require public utilities, but is located within Orange County’s Primary Service Area as identified on the Water and Sewer Management, Planning and Boundary Agreement Map.

### **3- 2030 Comprehensive Plan – Chapter 2, Planning Principles**

- Question: How does the proposed rezoning amendments carry out the Planning Principles of the Comprehensive Plan?
  - o Response: Included in the attached Comprehensive Plan Consistency Checklist.

### **4- 2030 Comprehensive Plan – Goals and Objectives**

- Question: How does the proposed rezoning amendments carry out the Goals and Objectives of the Comprehensive Plan?
  - o Response: Included in the attached Comprehensive Plan Consistency Checklist.

## Determining 2030 Comprehensive Plan Consistency

(To be completed for Zoning Atlas Amendments and Special Use Permits)



Applicable Adopted Plans	
Is the project subject to the Hillsborough-Orange Central Orange Coordinated Area (COCA) Land Use Plan? (Y/N) If Yes, include comments.	<del>Y</del> /N
Comments:	
Is the project subject to the Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan? (Y/N) If Yes, include comments.	<del>Y</del> /N
Comments:	
Is the requested zoning district indicated for the Land Use Classification, as shown on the chart in Appendix F of the 2030 Comprehensive Plan? If No, include comments.	Y/ <del>N</del>
Comments:	
Does the proposed project fit with the written text of the Land Use Classification, as found in Article 10 of the UDO, and Chapter 5 and Appendix F of the 2030 Comprehensive Plan. If No, include comments.	Y/ <del>N</del>
Comments:	
Does the proposed project require a Future Land Use Map (FLUM) Amendment? If Yes, include comments on the proposed Land Use Classification and any pertinent Land Use Category Locational Criteria, Appendix G of the 2030 Comprehensive Plan.	<del>Y</del> /N
Comments:	

Potable Water and Wastewater	
Does the project require Public Utilities (i.e. Water and/or Sewer)? (Y/N)	Y/N
Comments: <u>already existing</u>	
If Public Utilities are required, is the project located within a Primary Service Area as identified on the Water and Sewer Management, Planning and Boundary Agreement Map? (Y/N) If No, include comments.	Y/ <del>N</del>

Comments:

Orange County Primary Service Area

## 2030 Comprehensive Plan – Chapter 2 Planning Principles

Planning Principle	Consistency (Y/N/Not Applicable)
<p><b>1. EFFICIENT AND FISCALLY RESPONSIBLE PROVISION OF PUBLIC FACILITIES AND SERVICES</b></p> <p>Orange County's public facilities and services should be delivered in a manner that efficiently uses existing capacity. Expansions of facilities and services should be made only after careful consideration of the costs and benefits of expansion.</p>	yes
<p>Comments: The Land Use Plan designates this area as a Commercial-Industrial Transition Activity Node, and changing the zoning to GC-4 will fall in line with designation.</p>	
<p><b>2. SUSTAINABLE GROWTH AND DEVELOPMENT</b></p> <p>Growth and development within the county should occur in a pattern, location, and density that is sustainable over the long-term.</p>	yes
<p>Comments: By confirming the zoning of this parcel as GC-4, the Ruritan Club will be able to anchor and support additional sustainable growth in the nearby area while maintaining its current spaces and offerings to the community.</p>	
<p><b>3. A. ENCOURAGEMENT OF ENERGY EFFICIENCY, LOWER ENERGY CONSUMPTION AND THE USE OF NON-POLLUTING RENEWABLE ENERGY RESOURCES</b></p> <p><b>3. B. PROMOTION OF BOTH AIR QUALITY PROTECTION AND THE DEVELOPMENT OF AN EFFECTIVE TRANSPORTATION SYSTEM</b></p> <p>Decreasing the use of non-renewable resources and lowering energy consumption are encouraged in both public and private activities. The county's transportation system should be enhanced to promote more energy efficient modes of travel and improve air quality.</p>	n/a
<p>Comments:</p>	
<p><b>4. NATURAL AREA RESOURCE PRESERVATION</b></p> <p>Protection of the County's natural areas, including forests, wildlife habitat, and other important open spaces should be a priority. The County should work with regional and local organizations, the towns, and private landowners to promote and achieve preservation of the County's important natural resources.</p>	n/a
<p>Comments:</p>	
<p><b>5. PRESERVATION OF RURAL LAND USE PATTERN</b></p> <p>The County's rural areas are a cherished component of the County's character. Future development should preserve and enhance the county's rural landscape.</p>	yes

Comments:	This location has been an important part of Efland, historically. It has served as a local high school in the past and for many years now as a place for the community to come together. We intend to continue this tradition for the foreseeable future.	
<b>6. WATER RESOURCES PRESERVATION</b>		
The County has finite water resources to provide to future populations. The protection and management of the County's water resources should be a high priority.		n/a _____
Comments:		
<b>7. PROMOTION OF ECONOMIC PROSPERITY AND DIVERSITY</b>		
Development of a diversity of new businesses and expansion of existing businesses should occur in Orange County.		yes _____
Comments:	Our community events attract people from the local and surrounding areas, allowing opportunities for collaboration and growth that might otherwise be missed.	
<b>8. PRESERVATION OF COMMUNITY CHARACTER</b>		
Future growth and development should occur in a manner that preserves and enhances the existing character of the County, its townships, and rural crossroads communities.		yes _____
Comments:	This community space provides a place and opportunity for neighbors to meet, engage with one another, and actively engage in supporting their local community	

2030 Comprehensive Plan – Chapter 5 Land Use Element, Sections 5.6 and 5.7, Most Applicable Goals and Objectives		
		Consistency (Y/N/Not Applicable)
<b>Land Use Overarching Goal:</b> 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.		yes _____
Comments:	Matching the zoning with the Land Use Plan allows this space to support additional services that the local community would benefit from, such as the addition of an ATM.	
<b>Land Use Goals and Objectives</b>		Consistency (Y/N/Not Applicable)
<b>Goal 1:</b> Fiscally and environmentally responsible, sustainable growth, consistent with the provision of adequate services and facilities and a high quality of life.		yes _____
Comments:	Quality of life services such as a local ATM make life easier for residents and keep them in the local community (instead of traveling further afield to satisfy relatively basic needs).	
<b>Objective LU-1.1:</b>		
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-		yes _____

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.	
Comments: Existing community services such as space for gathering and community building can be expanded in the future to better support the area - ATM, bus stop, etc.	
<b>Goal 2:</b> Land uses that are appropriate to on-site environmental conditions and features, and that protect natural resources, cultural resources, and community character.	yes _____
Comments: Specifically protects the community character of Efland by serving the local residents via events and as a place for residents to gather	
<b>Objective LU-2.1:</b> Maintain the rural, low-density land surrounding Chapel Hill and Carrboro Transition Areas as Rural Buffer land, as designated on the Land Use Plan.	n/a _____
Comments:	
<b>Objective LU-2.2:</b> Continue to protect valuable resource land such as productive agricultural areas, natural areas, historic sites and properties, and potential reservoir sites through the County's Lands Legacy Program, and by directing incompatible development away from these areas through land use and zoning policies and regulations.	yes _____
Comments: This is a site of historical significance to Efland since the local high school building was here.	
<b>Objective LU-2.4:</b> Evaluate the development potential in rural crossroads communities to identify whether current regulations permit appropriate development that is in character with these communities, and whether potential development in these areas would require significant expansions or cause depletions of public services.	n/a _____
Comments:	
<b>Objective LU-2.6:</b> Protect prime reservoir sites from adverse development impacts and ensure that regulations for these areas are appropriate.	n/a _____
Comments:	
<b>Goal 3:</b> A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.	yes _____
Comments: The intention is to continue similar usage of this land, which in turn supports and deepens the community and rural character of Efland.	
<b>Objective LU-3.1:</b> Discourage urban sprawl, encourage a separation of urban and rural land uses, and direct new development into areas where necessary community facilities and services exist through periodic updates to the Land Use Plan.	yes _____

Comments: Proper zoning designation which matches the Land Use Plan will help keep commercial usage where it is intended to be	
<u>Objective LU-3.2:</u> Coordinate land use patterns to facilitate the expanded use of non-auto modes of travel, the increased occupancy of automobiles, and the development and use of an energy-efficient transportation system.	n/a
Comments:	
<u>Objective LU-3.3:</u> Discourage new intensive non-residential land uses, or the expansion of existing intensive uses, in the area designated Rural Buffer.	n/a
Comments:	
<u>Objective LU-3.4:</u> Recognize the right to farm and discourage the location of new non-farm development, particularly more intensive residential development, within farming areas to minimize the incidence of complaints and nuisance suits against farm operations.	n/a
Comments:	
<u>Objective LU-3.5:</u> Encourage energy and water use in an efficient manner by industries and encourage energy efficient industries to locate or expand in the County in Rural Industrial, Commercial/Industrial, and Economic Development Nodes.	n/a
Comments:	
<u>Objective LU-3.7:</u> Ensure that new development patterns in non-residential nodes encourage a clustered, walkable development pattern and discourage strip development.	yes
Comments: This could be a good landing spot for people who could then walk to nearby shops in the future.	
<u>Objective LU-3.9:</u> Create new zoning district(s) which allow for a mixing of commercial and residential uses, a mixing of housing types, and creates a more pedestrian friendly development pattern. New districts should be applied in areas where public services exist or are planned for in the future, in areas that promote higher intensity and high density uses on the Land Use Plan map.	n/a
Comments:	
<b>Goal 4:</b> Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.	n/a
Comments:	

<u>Objective LU-4.1:</u> Support the use of individual manufactured housing units as a useful housing resource in the County by increasing the opportunities where these units can locate by-right.	n/a _____
Comments:	
<b>Goal 5:</b> Life, health, and property safe from hazards.	n/a _____
Comments:	
<u>Objective LU-5-1:</u> Prohibit new development in special flood hazard areas as defined by the Federal Emergency Management Flood Insurance Rate Map, effective February 2, 2007.	n/a _____
Comments:	

2030 Comprehensive Plan – Chapter 3 Economic Development Element, Sections 3.5 and 3.6, Most Applicable Goals and Objectives	
	Consistency (Y/N/Not Applicable)
<b>Economic Development Overarching Goal:</b> Viable and sustainable economic development that contributes to both property and sales tax revenues, and enhances high-quality employment opportunities for County residents.	yes _____
Comments: Commercially zoned properties tend to have a higher value than residential properties, which could increase the tax burden for these particular parcels. Additionally, with a strong community presence drawing people out, other businesses might be attracted to open in the area.	
Economic Development Goals and Objectives	Consistency (Y/N/Not Applicable)
<b>Goal 2:</b> Infrastructure that supports desired development.	n/a _____
Comments:	
<u>Objective ED-2.1:</u> Encourage compact and higher density development in areas served by water and sewer.	n/a _____
Comments:	
<u>Objective ED-2.2:</u> Encourage mixed use projects that support walkable communities.	n/a _____

Comments:	
<b>Objective ED-2.3:</b> Promote public transportation, alternative modes of transportation, and encourage carpooling and park-and-ride participation.	yes _____
Comments: <input type="text" value="The club would entertain a discussion of building a bus stop."/>	
<b>Objective ED-2.5:</b> Identify lands suitable to accommodate the expansion and growth of commercial and industrial uses in the County.	yes _____
Comments: <input type="text" value="This land has already been identified in the Land Use Plan as suitable to accommodate expansion and growth of commercial uses."/>	
<b>Objective ED-2.7:</b> Select industrial sites in Economic Development Areas based on present and planned supporting systems, such as public water and sewer, access to adequate highway, rail, or public transportation infrastructures, and minimize detrimental environmental or negative social outcomes.	n/a _____
Comments:	
<b>Objective ED-2.8:</b> Adjust ongoing designation and zoning of Economic Development Districts to avoid the area designated as the Rural Buffer.	n/a _____
Comments:	
<b>Objective ED-2.9:</b> Consider industrial sites in Agricultural-Residential areas along the U.S. 70/I-85 highway and rail corridor to take advantage of the corridor's locational attributes. A limited number of small scale Rural Industrial Nodes, not requiring urban type services, may be appropriate elsewhere in the County where good access exists.	n/a _____
Comments:	

2030 Comprehensive Plan – Chapter 4 Housing Element, Sections 4.6 and 4.7, Most Applicable Goals and Objectives	
	Consistency (Y/N/Not Applicable)
<b>Housing Overarching Goal:</b> Opportunity for all citizens of Orange County to rent or purchase safe, decent, accessible, and affordable housing.	n/a _____

Comments:	
<b>Housing Goals and Objectives</b>	<b>Consistency (Y/N/Not Applicable)</b>
<b>Goal 1:</b> A wide range of types and densities of quality housing affordable to all in all parts of the County.	n/a
Comments:	
<u>Objective H-1.5:</u> Ensure that a variety of housing types can be developed throughout the County in a sustainable manner that locates housing near employment centers and commercial centers and that efficiently uses existing and planned public services.	n/a
Comments:	
<u>Objective H-1.6:</u> Promote innovative approaches to housing that are responsive to the needs of Orange County, maintain quality and human scale, increase energy efficiency, and reduce construction and maintenance costs.	n/a
Comments:	
<b>Goal 2:</b> Housing that is useable by as many people as possible regardless of age, ability or circumstance.	n/a
Comments:	
<u>Objective H-2.1:</u> Accommodate the development of group homes, foster care facilities, transitional housing facilities and other housing types in appropriate locations to provide increased opportunities for social interaction, a de-institutionalized lifestyle, and gainful employment.	n/a
Comments:	
<u>Objective H-2.3:</u> Increase the number of affordable multi-family housing units which are designed to support the needs of the elderly, especially those with limited incomes.	n/a
Comments:	

2030 Comprehensive Plan – Chapter 6 Natural and Cultural Resources Element, Sections 6.3, 6.4.4.3, and 6.4.5.3, Most Applicable Goals and Objectives

	Consistency (Y/N/Not Applicable)
<b>Natural and Cultural Systems Overarching Goal:</b> A sustainable balance and appreciation of natural, cultural and agricultural resources.	
Comments:	
<b>Natural and Cultural Systems Goals and Objectives</b>	Consistency (Y/N/Not Applicable)
<b>Goal 6:</b> Sustainable quality and quantity of ground and surface water resources.	n/a _____
Comments:	
<u>Objective WR-1:</u> Preserve natural resources such as grasslands, woodlands and wetlands to allow for water recharge of ground water and water quality protection.	n/a _____
Comments:	
<u>Objective WR-7:</u> Promote land use patterns that preserve the natural hydrologic system and maintain a sustainable "carrying capacity" balance for the future between ground water and surface water resources.	n/a _____
Comments:	
<u>Objective WR-20:</u> Promote Best Management Practices for new developments which minimize stormwater runoff.	n/a _____
Comments:	
<b>Goal 7:</b> A balanced and healthy diversity of native plant and animal populations.	n/a _____
Comments:	
<u>Objective NA-1:</u> Conserve high-priority natural areas and wildlife habitats, including wetlands, rivers and streams, floodplains, steep slopes, prime forests, wildlife corridors, and other critical habitats.	n/a _____
Comments:	

<p><u>Objective NA-4:</u> Encourage adequate stormwater runoff controls in existing developed areas and require these controls for new subdivisions to protect sensitive downstream aquatic habitat.</p>	<p>n/a _____</p>
<p>Comments:</p>	
<p><u>Objective NA-5:</u> Prohibit development that would cause adverse impacts on highly significant natural areas and wildlife habitat.</p>	<p>n/a _____</p>
<p>Comments:</p>	
<p><b>Goal 8:</b> Networks of protected natural, cultural and agricultural lands.</p>	
<p>Comments:</p>	
<p><u>Objective NA-10:</u> Require that all major subdivisions (defined as having more than 5 lots according to the Orange County Unified Development Ordinance) include within their boundaries open space suitable for low-impact recreation and wildlife habitat.</p>	<p>n/a _____</p>
<p>Comments:</p>	
<p><u>Objective NA-13:</u> Promote clustering of residential development and dedication of large areas of undisturbed land for low-impact recreational use by residents and for wildlife habitat. Where feasible, these areas should be contiguous to neighboring tracts of undisturbed land.</p>	<p>n/a _____</p>
<p>Comments:</p>	
<p><u>Objective NA-15:</u> Protect land in and around biologically significant areas, and connections between these areas, to allow for the maintenance of native wildlife and plant populations and their functional relationships.</p>	<p>n/a _____</p>
<p>Comments:</p>	
<p><u>Objective NA-17:</u> Maintain and protect land that contains valuable productive resources, such as prime farmland and prime forestland, by directing incompatible development away from these areas.</p>	<p>n/a _____</p>
<p>Comments:</p>	

2030 Comprehensive Plan – Chapter 7 Parks and Recreation Element, Sections 7.5 and 7.6, Most Applicable Goals and Objectives	
	Consistency (Y/N/Not Applicable)
<b>Parks and Recreation Overarching Goal:</b> Regionally coordinated park facilities that provide healthy opportunities for recreation and exercise for all citizens of Orange County, and that preserve important cultural and natural resources.	yes _____
Comments: <input type="text" value="Currently serves as a free access park for the community."/>	
Parks and Recreation Goals and Objectives	Consistency (Y/N/Not Applicable)
<b>Goal 3:</b> Recreational facilities available for the public use in a manner that is multi-generational and accessible to all County citizens at both the countywide and community levels.	yes _____
Comments: <input type="text" value="Playground, open space, and walking track available for use and enjoyment of the community."/>	
<u>Objective PR-3.1:</u> Locate parks and recreational facilities close to residential areas and transportation nodes, to increase public knowledge and accessibility to these facilities, including alternative transportation modes.	n/a _____
Comments:	
<b>Goal 4:</b> Healthy lifestyles, quality of life and community building through the provision of a variety of affordable recreational facilities and choice of leisure activities, while responding to the changing needs and interests of County residents.	yes _____
Comments: <input type="text" value="Combo of available facilities and community-building events, educational opportunities, etc."/>	
<u>Objective PR-4.1:</u> Developers shall provide for adequate and appropriate open space suitable for active/low-impact recreation in residential developments.	n/a _____
Comments:	
<b>Goal 5:</b> Park and recreational facilities that are environmentally-responsible, and where cultural and natural resources and open space within these sites are protected.	n/a _____
Comments:	
<u>Objective PR-5.1:</u>	

Locate parks and recreational facilities close to residential areas to encourage informal interaction with nature, encourage walkability, and create areas of wildlife habitat with appropriate recreational facilities within the more populated areas.	n/a _____
Comments:	
<u>Objective PR-5.4:</u> Encourage development of a system of private open space and conservation areas, including nature preserves, parks, linear parks, and scenic vistas compatible with the character of Orange County.	yes _____
Comments: <input type="text" value="Serves as a park"/>	
<u>Objective PR-5.5:</u> Develop linear parks and rustic trails in the Rural Buffer, and explore opportunities for preservation and connectivity along other identified stream corridors.	n/a _____
Comments:	

**2030 Comprehensive Plan – Chapter 8 Services and Facilities Element, Sections 8.3 and 8.4.1.3, Most Applicable Goals and Objectives**

	<b>Consistency (Y/N/Not Applicable)</b>
<b>Services and Facilities Overarching Goal:</b> Growth consistent with the provision of adequate and sustainable County services and facilities while managing the impacts upon the environmental infrastructure and effectively protecting the County’s natural and cultural resources.	yes _____
Comments: <input type="text" value="Infrastructure is already in place and operating."/>	
<b>Services and Facilities Goals and Objectives</b>	<b>Consistency (Y/N/Not Applicable)</b>
<b>Goal 1:</b> Efficient provisions of public water and sewer service systems which are consistent with the Land Use Plan and which abide by the current Water and Sewer Management Planning Boundary Agreement, the existing Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Land Use Plan, and future agreements to be negotiated among the County and public and private service.	yes _____
Comments: <input type="text" value="Systems are already in place and operating."/>	
<u>Objective WW-2:</u> Coordinate the provision of potable water and sanitary sewer services with the County’s Land Use Plan and Orange County-Chapel Hill-Carrboro Joint Planning Agreement and	n/a _____

Land Use Plan, targeting these services to urban, transitional, and economic development districts in a manner that does not endanger environmental resources.	
Comments:	
<b>Goal 2:</b> Adequate, safe, and healthy groundwater withdrawal and wastewater disposal systems with minimal impacts upon water and land resources.	n/a _____
Comments:	
<u>Objective WW-10:</u> Ensure that all development projects of a dense character have access to clean, safe, and reliable water supplies.	n/a _____
Comments:	
<u>Objective WW-12:</u> Prohibit package sewage treatment plants in the Watershed Critical Areas.	n/a _____
Comments:	
<u>Objective WW-15:</u> Prohibit commercial and industrial land uses from locating and/or expanding within identified Watershed Critical Areas.	n/a _____
Comments:	
<u>Objective WW-16:</u> Ensure that the type of wastewater disposal facilities serving a development are appropriate given present and future demand for service, the distribution of users, and the capacity of the natural environment to absorb the impact.	n/a _____
Comments:	
<u>Objective WW-18:</u> Allow on-site wastewater disposal in rural areas where soil conditions are acceptable. Where there are unacceptable soils, state-approved on-site sewage disposal systems shall be required.	n/a _____
Comments:	
<b>Goal 3:</b> High quality educational facilities that support our diverse and growing population and present opportunities for life-long learning.	n/a _____
Comments:	
<u>Objective E-3:</u> Achieve an equitable distribution of educational facilities.	n/a _____

Comments:	
<b>Goal 5:</b> Efficient and effective drainage, stormwater, floodplain management, and erosion control systems.	yes _____
Comments: <input type="text" value="Any necessary measures installed as needed and required over the years."/>	
<u>Objective EC-1:</u> Continue to use Best Management Practices (BMP's) for stormwater control, as outlined within the Orange County Unified Development Ordinance, to minimize potential adverse impacts on the water quality.	n/a _____
Comments:	
<u>Objective EC-3:</u> Prohibit activities that adversely affect surface and ground water systems that may serve or do serve as a public water supply.	n/a _____
Comments:	
<u>Objective EC-4:</u> Use low-impact stormwater design principles when developing new or retrofitting existing drainage systems that do not functionally approximate the natural drainage pattern.	n/a _____
Comments:	
<u>Objective EC-5:</u> Minimize sedimentation and erosion to reduce the transport of sediment and pollutants to surface waters.	n/a _____
Comments:	
<u>Objective EC-6:</u> Protect and maintain the existing aquatic, riparian and terrestrial habitats-of fish and wildlife.	n/a _____
Comments:	
<b>Goal 6:</b> Less solid waste per capita with cost effective and environmentally responsible disposal and management.	n/a _____
Comments:	
<u>Objective SW-2:</u> Encourage the recycling of solid waste, including but not limited to the preference for deconstruction practices over demolition, to minimize waste disposed of in landfills.	n/a _____
Comments:	

<p><u>Objective SW-5:</u> Require new construction and substantial remodeling of non-single family property to set-aside adequate space and access for solid waste management and recycling materials storage on site.</p>	<p>n/a</p>
<p>Comments:</p>	
<p><b>Goal 7:</b> Efficient and effective public safety including, police, fire, telecommunications, emergency services, and animal services.</p>	<p>n/a</p>
<p>Comments:</p>	
<p><u>Objective PS-T-1:</u> Ensure the provision of adequate public safety protection standards for residential, commercial, and industrial development.</p>	<p>yes</p>
<p>Comments: Should any public safety officials need use of the space for any public safety reason, it is available to them at pretty much any time.</p>	
<p><u>Objective PS-T-5:</u> Include in applied site design standards for residential, commercial, and industrial development, appropriate road design standards to ensure adequate law enforcement and emergency vehicle access to the development.</p>	<p>n/a</p>
<p>Comments:</p>	
<p><u>Objective PS-T-8:</u> Encourage the expansion of affordable, high-speed Internet access, fiber-optic lines, and other high-speed communication networks to rural and underserved areas.</p>	<p>yes</p>
<p>Comments: Free parking and base camp for installers of these services</p>	

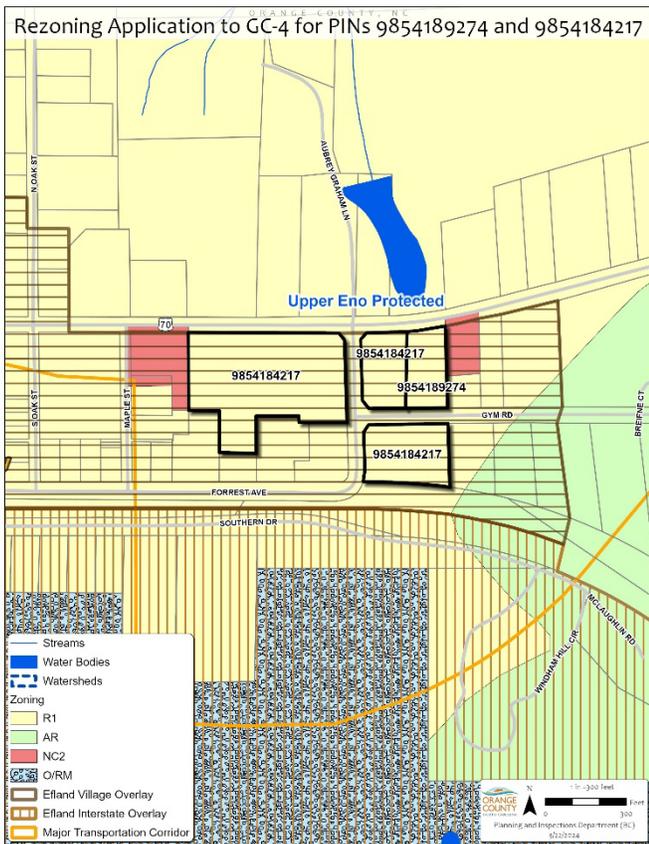
<p>2030 Comprehensive Plan – Chapter 9 Transportation Element, Sections 9.5 and 9.6, Most Applicable Goals and Objectives</p>	
	<p><b>Consistency (Y/N/Not Applicable)</b></p>
<p><b>Transportation Overarching Goal:</b> An efficient and balanced transportation system that uses multiple motorized and non-motorized modes of transportation and for which the planning, design, and implementation will be guided by the following overarching qualities:</p>	<p>n/a</p>
<p>Comments:</p>	
<p><b>Transportation Goals and Objectives</b></p>	<p><b>Consistency (Y/N/Not Applicable)</b></p>

<p><b>Goal 1:</b> An efficient and integrated multi-modal transportation system that protects the natural environment and community character.</p>	<p>n/a</p>
<p>Comments:</p>	
<p><u>Objective T-1.3:</u> Develop new transportation facilities in a manner that has a positive impact or avoids negative impacts on the natural environment, including air quality, water resources, biological resources, and wildlife habitat.</p>	<p>n/a</p>
<p>Comments:</p>	
<p><u>Objective T-1.4:</u> Develop new transportation facilities in a manner that has a positive impact or avoids negative impacts on the community, including historical or cultural assets, existing neighborhoods, schools and recreational facilities, and the overall rural character in Orange County.</p>	<p>yes</p>
<p>Comments: <input type="text" value="The club is willing to entertain adding a bus stop"/></p>	
<p><b>Goal 3:</b> Integrated land use planning and transportation planning that serves existing development, supports future development, and is consistent with the County’s land use plans which include provisions for preserving the natural environment and community character.</p>	<p>n/a</p>
<p>Comments:</p>	
<p><u>Objective T-3.4:</u> Direct development to higher density mixed-use districts along transit corridors and make necessary multi-modal transportation improvements to service lands that are slated for future intense development, such as Economic Development Districts.</p>	<p>n/a</p>
<p>Comments:</p>	

<p>2030 Comprehensive Plan – All Elements, Any Other Applicable Goals and Objectives</p>	
<p><b>Other Applicable Goals and Objectives</b></p>	<p><b>Consistency (Y/N/Not Applicable)</b></p>
<p><b>Goal __:</b></p>	
<p>Comments:</p>	

<u>Objective</u> :	<b>Consistency (Y/N/Not Applicable)</b>
Comments:	





Interlocal Agreement Applicable (Y/N)	No
Current Zoning District	R-1 (Rural Residential)
Requested Zoning District	GC-4 (General Commercial)
Requested Zoning District Consistent with Appendix F of 2030 Comprehensive Plan	Yes
Existing Zoning Overlay Districts	Efland Village Overlay Upper Eno Protected Watershed
Amendments Proposed for Overlay Districts (Y/N)	No

**Surrounding Land Uses and Zoning**

North	Single-family residential lots, along with a +/- 6.41-acre Mobile Home Park.  All are zoned R-1 (Rural Residential); all of these lots are also outside the “Efland Village” overlay district.
South	Single-family residential lots, and the N.C. Railroad Company  All are zoned R-1 (Rural Residential).
East	Commercial auto repair shop zoned NC-2 (Neighborhood Commercial), and two single-family residential lots, one zoned R-1 (Rural Residential), and the other split-zoned R-1 and AR (Agricultural Residential)
West	Commercial auto repair shop zoned NC-2 (Neighborhood Commercial), and single-family residential lots, all zoned R-1 (Rural Residential)

**Existing Roads**

North	US HWY 70 W
South	Gym Rd. & Forrest Ave.
East	Gym Rd.
West	Maple St. (200 feet away)



**Existing Conditions/Physical Features**

The parcel currently supports a large, flat, grassed field that contains a walking track, playground equipment, approximately 1.5 acres of gravel parking, and two Ruritan Club buildings (brick, and concrete block).  
  
Parcels separated by Forrest Ave. and Gym Rd.

**Public Water and Sewer**

The properties are served by Orange Alamance Water System, Inc., (OAWS) water lines and City of Mebane 8” gravity-fed sewer lines along their street frontages. Development of the properties could be done with these utilities but will be at the discretion and permitting authority of OAWS and the City, respectively. The properties are located outside of Mebane’s annexation geography and will remain within Orange County’s jurisdiction, regardless of sewer or septic treatment.  
  
The properties are identified within the Orange County Primary Service Area in the Water and Sewer Management, Planning, and Boundary Agreement.

## Zoning Overview

### Conventional District Rezoning

Zoning promotes development of land uses that can co-exist in proximity to one another consistent with the promotion of the public health, safety, and general welfare. Regulations established by the UDO provide opportunities/constraints associated with land development in an attempt to ensure one person’s ‘reasonable use’ of property does not impact another person’s ability to make reasonable use of their property.

In acting on this request, the County is unable to impose conditions and the applicant is not required to define what type of development (i.e. land use) is anticipated. If approved, all 52 land uses permitted within the GC-4 (General Commercial) district could be developed on the property accordingly, consistent with applicable regulations. Conventional district rezoning applications are processed in a legislative manner (i.e., does not require sworn testimony or evidence) and decisions are based on the Board of County Commissioners determination the request is consistent with the purpose and intent of the Comprehensive Plan.

A formal site plan, reviewed and approved by staff in accordance with Section 2.5 of the UDO, must be submitted and approved prior to any development activity on the parcel.

## Review Milestones

Application Submittal Date	Submitted on February 13, 2024, completed on March 15, 2024.
Orange County Development Advisory Committee (DAC) Review	March 21, 2024
Note: the DAC is a staff/agency committee, established in Section 1.9 of the Unified Development Ordinance.	

## Analysis

As required under Section 2.8.5 of the UDO, the Planning Director shall cause an analysis to be made of the application. In analyzing this request, the Planning Director offers the following:

1. The application is complete in accordance with the requirements of Section 2.8.3 of the UDO;
2. The proposal is consistent with goals/objectives outlined within the Orange County Comprehensive Plan concerning development, including:
  - a. Planning Principle 2. Sustainable Growth and Development: *Growth and development within the county should occur in a pattern, location, and density that is sustainable over the long-term.*

The properties are located in the Commercial-Industrial Transition Activity Node (CITAN) on the Future Land Use Map (FLUM), and is defined in the 2030 Comprehensive Plan as “[I]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village

Zoning Overlay District, which is defined in the UDO as "...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems."

The properties are largely already developed as impervious surface and rezoning allows for the opportunity to redevelop this property to achieve the goals of both this planning principle and the overlay district, which identify the area and properties as where density and non-residential uses should be encouraged.

- b. Planning Principle 5. Preservation of Rural Land Use Pattern: *The County's rural areas are a cherished component of the County's character. Future development should preserve and enhance the county's rural landscape.*

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as "[I]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses." It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as "...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems."

By supporting the rezoning and redevelopment of these properties in Efland, the owners can provide for goods and services in an area designated to do so, filling a market need without encroaching into rural areas. It will also have the indirect impacts of likely reducing vehicle miles traveled and carbon emissions, by providing for such services in a locale that is closer to the homes of Efland community residents so that they do not have to travel to municipal locations, as currently required due to the lack of commercial businesses.

- c. Planning Principle 6. Water Resources Preservation: *The County has finite water resources to provide to future populations. The protection and management of the County's water resources should be a high priority.*

The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County's stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters.

- d. Planning Principle 7. Promotion of Economic Prosperity and Diversity: *Development of a diversity of new businesses and expansion of existing businesses should occur in Orange County.*

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as "[I]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses." It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as "...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems." By supporting the rezoning and redevelopment of these properties in

Efland, the owners can provide for goods and services in an area designated to do so, filling a market need without encroaching into rural areas.

- e. Planning Principle 8. Preservation of Community Character: *Future growth and development should occur in a manner that preserves and enhances the existing character of the County, its townships, and rural crossroads communities.*

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as “...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.”

By supporting the rezoning and redevelopment of these properties in Efland, the owners can provide for goods and services in an area designated to do so, filling a market need without encroaching into rural areas. It also has the potential to enhance the Efland community, providing for convenient location to realize more and better goods and services than currently available in the community.

- f. 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.*

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as “...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.” A rezoning to GC-4 is more consistent with these stated goals and objectives than the current R-1 zoning of the properties.

- g. 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.*

The Efland Village Zoning Overlay District, which is defined in the UDO as “...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.” The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used, so that they may better serve the needs of the Efland community. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County’s stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters. While these properties have no direct access to transit services, the properties are immediately adjacent to the Orange-Durham Connector (ODX) fixed-route transit service line and accessibility could be explored in the future, if warranted by analysis.

- h. Land Use 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.*

The Efland Village Zoning Overlay District, which is defined in the UDO as “...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.” The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used, so that they may better serve the needs of the Efland community. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County’s stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters. While these properties have no direct access to transit services, the properties are immediately adjacent to the Orange-Durham Connector (ODX) fixed-route transit service line and accessibility could be explored in the future, if warranted by analysis. All development standards required by the UDO will be applied to any applications for construction on these properties, serving many of the stated objective purposes.

- i. 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.*

The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used, so that they may better serve the needs of the Efland community. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County’s stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters.

By supporting the rezoning and redevelopment of these properties in Efland, the owners can provide for goods and services in an area designated to do so, filling a market need without encroaching into rural areas. It will also have the indirect impacts of likely reducing vehicle miles traveled and carbon emissions, by providing for such services in a locale that is closer to the homes of Efland community residents so that they do not have to travel to municipal locations, as currently required due to the lack of commercial businesses.

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

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial

uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as “...*an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.*” A rezoning to GC-4 is more consistent with these stated goals and objectives than the current R-1 zoning the properties.

The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used, so that they may better serve the needs of the Efland community. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County’s stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters. While these properties have no direct access to transit services, the properties are immediately adjacent to the Orange-Durham Connector (ODX) fixed-route transit service line and accessibility could be explored in the future, if warranted by analysis. All development standards required by the UDO will be applied to any applications for construction on these properties, serving many of the stated objective purposes.

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

The Orange County staff has noticed the public regarding this application, as required by Sections 2.8.7, 2.9.1(D), and 2.9.2 of the UDO, including a required Neighborhood Information Meeting, mailings to neighboring property owners, posting of the property. Additionally, staff have provided all application documents on the Active Development Projects webpage, responded to public inquiries, posted social media notices on the project, featured it in the weekly County newsletter, communicated directly to individuals contacting the department about the project, and made the Planning Board available for public emails concerning the application.

- l. Appendix F, Land Use Classification Description for Commercial-Industrial Transition Activity Node (CITAN): *Identifies areas changing from rural to urban in form and density. A full range of commercial and industrial activities would be appropriate and allowed.*

A rezoning to GC-4 is more consistent with this description than the current R-1 zoning of the properties.

3. The amendment is reasonable and in the public interest because it furthers the goals of the adopted Comprehensive Plan and is located in an area designated on the Future Land Use Map as “Community-Industrial Transition Activity Node.” Such Nodes have been identified as areas changing from rural to urban in form and density, allowing a full range of commercial and industrial uses (reference pages 5-15 and F-1 of the Comprehensive Plan and page 10-7 of the UDO).

PLANNING *and* INSPECTIONS

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Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

**CERTIFICATION OF MAILING  
ZONING ATLAS AMENDMENT  
ORANGE COUNTY, NORTH CAROLINA**

I, Brian Collie, Planner II, with Orange County, North Carolina, DO HEREBY CERTIFY that in accordance with the provisions of Sections 2.3.5 and 2.8.7 of the Orange County Unified Development Ordinance I have mailed, or have caused to be mailed, a Notice of the Planning Board Meeting to be held regarding Zoning Atlas amendments proposing to rezone two parcels of property located at 3009 Forrest Ave., within the Cheeks Township of Orange County (PIN's 9854-18-4217, and 9854-18-9274).

The owners were identified according to the Tax Records, as required by Sections 2.3.5 and 2.8.7 of the Orange County Unified Development Ordinance.

The mailed notices specified the date, time, place and subject of the Planning Board Meeting.

WITNESS my hand, this 16<sup>th</sup> day of April 2024.

*Brian Collie*

Brian Collie  
Planner II



Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

April 19, 2024

## **NOTICE OF PLANNING BOARD MEETING**

Dear Property Owner:

This notice is to inform you of the May 1, 2024, Planning Board meeting, at which an application to rezone two parcels totaling +/- 9.37 acres (PINs 9854-18-4217, & 9854-18-9274) will be reviewed. The subject properties are located at 3009 Forrest Ave. Efland, within Cheeks Township. This notification is occurring in accordance with the provisions of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the Orange County Unified Development Ordinance (UDO). **You are receiving this notice because you own property located within 1,000-feet of the parcels requested for rezoning.**

### **YOUR PROPERTY IS NOT PROPOSED FOR REZONING.**

Property Information	
<b>Parcel ID Number (PIN)</b>	9854-18-4217 & 9854-18-9274
<b>Owner / Applicant</b>	Efland Ruritan Club
<b>Agent</b>	Anthony Cecil (President, Efland Ruritan Club)
<b>Location</b>	3009 Forrest Ave., Efland
<b>Acreage</b>	+/- 9.37 Acres (Two Parcels)
<b>Current Land Use Designation</b>	Commercial-Industrial Transition Activity Node (CITAN)
<b>Current Zoning</b>	Rural Residential (R-1)
<b>Proposed Zoning</b>	General Commercial (GC-4)
<b>Watershed Designation</b>	Upper Eno Protected Watershed

The two parcels are currently zoned R-1 (Rural Residential). The requested zoning district is GC-4 (General Commercial). Additionally, due to the property's location, the Upper Eno Protected Watershed zoning overlay regulations will be applied.

This amendment request will be reviewed by the Orange County Planning Board at a regular meeting at **7:00 p.m., May 1, 2024, at the Whitted Meeting Facility (300 West Tryon Street,**

**Hillsborough, NC – see attached map).** All interested persons are invited to address the Planning Board with their comments regarding the application. The Planning Board is an advisory board comprised of appointed volunteers that makes recommendations to the Orange County Board of County Commissioners (BOCC) regarding land use and zoning matters. The Planning Board must recommend one of the following four actions at their meeting, 1) Approval, 2) Denial, 3) Approval, but with specified changes, or 4) that the Planning Board be given extended time to consider the matter.

Planning Board Meeting Information	
<b>Date</b>	May 1, 2024
<b>Time</b>	7:00 p.m.
<b>Place</b>	Whitted Meeting Facility
<b>Address</b>	300 West Tryon Street, Hillsborough, NC
<b>Assigned Planner</b>	Brian Colloe, Planner II Email: bcollie@orangecountync.gov Phone: 919-245-2599

\*\*\*

A formal joint public hearing on the proposed amendment will be held by the BOCC. The date of the joint public hearing has not yet been determined. You will receive another written notice about the public hearing at a later date.

If you cannot attend the Planning Board meeting and the website does not answer your questions about the applications, you may call (919) 245-2575 during regular business hours and you will be directed to a staff person who can assist you.

Sincerely,

Cy Stober  
Planning & Inspections Director

Additional information is available on the Orange County Planning Department's website:  
<https://www.arcgis.com/apps/dashboards/16e9edd5de724468aed69571dd1d9e70>



# Whitted Building (300 W. Tryon St.) – Meeting Location <sup>66</sup>







## Attachment 4

April 1, 2024

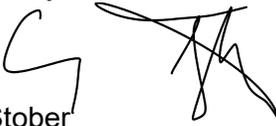
Efland Ruritan Club Rezoning Application  
Case #: MA24-0001  
PIN's: 9854-18-4217 and 9854-18-9274  
3009 Forrest Ave.

Re: Development Advisory Committee Report (per UDO Section 1.9.5)

On March 21, 2024, the Orange County Development Advisory Committee met for a final review and discussion of the conventional rezoning application Case #MA24-0001 from Efland Ruritan Club for PIN's 9854-18-4217 and 9854-18-9274.

The Orange County Development Advisory Committee has no objections to the approval of the zoning atlas amendment so long as the items in the attached departmental memos are addressed. The application package features an abstract and staff report that provide the foundations for my recommendation regarding this application and request.

Sincerely,

  
Cy Stober  
Planning & Inspections Director

## TECHNICAL MEMORANDUM

**TO:** Taylor Perschau, Planning & Zoning Supervisor  
**FROM:** Darlene Weaver, Transportation Planning Manager  
**DATE:** March 21, 2024  
**SUBJECT:** DAC Transportation Review: #MA24-001

The following memo summarizes Orange County Transportation Services (OCTS) review of application #MA24-001 Efland Ruritan Club

OCTS analyzed the documents listed below in accordance with County Unified Development Ordinance (UDO) and all transportation policies, programs, and plans:

1. Application and Site Plan
2. Zoning Report

We offer the following assessment for Development Advisory Committee's (DAC) considerations.

Methodology:

The following resources are used, each with separate comments:

UDO:

No Comment

Orange County Complete Street Policy:

No Comment

Orange County Vision Zero Policy:

No Comment

Short Range and Long Range Transit Plans:

No Comment

All other Transportation Plans:

No Comment

Thank you very much for the opportunity to review and provide comments. Please forward any questions, comments or concerns to Darlene Weaver at [dweaver@orangecountync.gov](mailto:dweaver@orangecountync.gov).

**From:** [Edwards, Charles N](#)  
**To:** [Brian Collie](#); [Britney Pendleton](#); [Michael Rettie](#); [Christian Hirni](#); [Victoria Hudson](#); [Nathan Jacobsen](#); [Elizabeth Farnan](#); [Matthew Taylor](#); [Darlene Weaver](#)  
**Cc:** [Taylor Perschau](#); [Patrick R. Mallett](#)  
**Subject:** RE: [External] Efland Ruritan Club Memos  
**Date:** Tuesday, March 26, 2024 2:20:54 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[image005.png](#)

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Brian,

Please accept this e-mail as reply to your request. NCDOT previously provided the comments below to DAC on 03/19/24. I have no additional comments at this time.

*MA24-0001 (Efland Ruritan Club), Conventional Rezoning Request*

- *No site plan was found on the package. Additional site information including the proposed location of the kiosk, access, parking, and circulation is needed to proceed with review.*

**C. N. Edwards Jr., PE (Chuck)**

District Engineer  
 North Carolina Department of Transportation  
 Division of Highways  
 Division 7, District 1

336 570 6833  
[cnedwards@ncdot.gov](mailto:cnedwards@ncdot.gov)

115 East Crescent Square Drive  
 P. O. Box 766  
 Graham, NC 27253




---

**From:** Brian Collie <bcollie@orangecountync.gov>  
**Sent:** Tuesday, March 26, 2024 9:41 AM  
**To:** Britney Pendleton <brpendleton@orangecountync.gov>; Michael Rettie <mrettie@orangecountync.gov>; Christian Hirni <chirni@orangecountync.gov>; Hudson, Victoria <vhudson@orangecountync.gov>; nate jacobsen <njacobsen@orangecountync.gov>; Elizabeth Farnan <efarnan@orangecountync.gov>; Edwards, Charles N <cnedwards@ncdot.gov>; Matthew Taylor <mtaylor@orangecountync.gov>; Weaver, Darlene <dweaver@orangecountync.gov>

**Cc:** Taylor Perschau <tperschau@orangecountync.gov>; Patrick R. Mallett <pmallett@orangecountync.gov>  
**Subject:** [External] Efland Ruritan Club Memos

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

DAC,

Hello all! Reaching out to request a memo from each of your Departments to include in the agenda package for the Efland Ruritan Club's conventional rezoning application (MA24-0001), that was reviewed at last weeks meeting agenda.

Very Respectfully,

Brian S. Collie, Planner II  
Orange County Planning & Inspections Department



Office Phone: (919) 245-2599

Fax: (919) 644-3022

Orange County Planning Website: <https://orangecountync.gov/792/Planning-Inspections>

Orange County Land Use Plan 2050 Project Website: <https://www.orangecountylanduseplan.com>

Address:

131 W. Margaret Lane, Suite 201

P.O. Box 8181

Hillsborough, NC 27278

Pursuant to North Carolina General Statute 132, correspondence sent and received from this account is a public record and may be disclosed to third parties.

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



# Orange County Emergency Services

A Prepared, Coordinated, and Integrated Emergency Services System

E-911 | Fire Marshal | EMS | Emergency Management

Fire & Life Safety Division

**TO:** Cy Stober, AICP – Director, Planning & Inspections  
**FROM:** Elizabeth Farnan – Fire Marshal, Emergency Services  
**CC:** Brian Collie, Planner II • Planning & Inspections  
**Date:** March 26, 2024  
**CASE:** MA24-0001  
**PIN:** 9854184217  
**SUBJECT:** Map Amendment Review Regarding Conformance with Orange County Unified Development Ordinance (UDO) for Emergency Apparatus Access, Addressing, and Water Availability for Required Fire Flow

This memo is to show that the Fire & Life Safety Division has **NO OBJECTIONS** to the approval of Efland Ruritan’s Club conventional rezoning from Rural Residential (R1) to General Use Non-Residential.

Thank you,

Elizabeth Farnan, FM

Email: [efarnan@orangecountync.gov](mailto:efarnan@orangecountync.gov)

Cell: 919-537-2149



PLANNING *and* INSPECTIONS

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Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

## MEMORANDUM

**TO:** Cy Stober, AICP – Director, Planning & Inspections Department

**FROM:** Christopher Sandt, PE – County Engineer; and  
Steve Kaltenbach – Erosion Control and Stormwater Supervisor

**CC:** Patrick Mallett – Deputy Director Development Services

**DATE:** April 10, 2024

**CASE:** MA24-0001

**PINs:** 9854-18-4217 and 9854-18-9274

**WATERSHED:** Upper Eno Protected (Neuse River Basin)

**PROJECT:** Efland Ruritan Club  
Non-Residential Conditional District (NR-CD) Zoning Atlas Amendment

**SUBJECT:** Summary of Findings Regarding Conformance with Orange County Unified Development Ordinance (UDO) for Erosion and Sedimentation Control and Stormwater Management

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This memo summarizes the findings of an Erosion and Sedimentation Control and Stormwater Management assessment by the Orange County Development Services Division (hereafter, the “Division”) of the submitted Map Amendment application for a NR-CD Conditional District, submitted as “Efland Ruritan Club” project (hereafter, the “project”). The project is located within 8.26 acres of property located at 3009 Forrest Avenue in Efland, North Carolina.

The request proposes rezoning from R-1 to GC-4 with development consisting of:

- One SECU Cash Points ATM

The Staff comments contained herein are based upon the submittal of a required Rezoning Application received February 13, 2024. These findings should not be interpreted as the Division’s final analysis/approval of the proposed development. Upon zoning approval, the proposed development would be under the threshold for a required Land Disturbing Permit (LDP).

**Erosion and Sedimentation Control:**

According to current Orange County GIS imagery of the project parcel, there are no mapped stream features or other water features within the project parcel boundaries. Orange County enforces stream buffers along streams, rivers, water bodies, and other water features (e.g. wetlands) as outlined in Section 6.13 of the Orange County UDO. Based on the submitted materials for the proposed development, the project could meet the basic Erosion and Sedimentation Control requirements as outlined in Section 6.15 of the Orange County UDO and could be developed as generally proposed.

**Stormwater Management:**

The project parcel is located in the Upper Eno Protected (Neuse River Basin) Overlay District and is therefore subject to compliance with the Neuse Nutrient Management Strategy. There are no known Special Flood Hazard Areas (SFHAs) located on the project parcel. Based on the submitted materials for the proposed development, the project could meet the basic Stormwater Management requirements as outlined in Section 6.14 of the Orange County UDO. While preliminary at this stage of Orange County review, the proposal is under the threshold for stormwater review.

**Conclusion:**

The Division has No Objections to the approval of the rezoning request so long as a complete LDP application and supporting plans and calculations are submitted to Orange County for review and approval prior to commencement of on-site Land-Disturbing Activity, if thresholds were to be reached or exceeded with any future plan changes. As the project progresses, additional field observations, and/or permitting by others (e.g. US Army Corps of Engineers, NC Department of Environmental Quality, NC Department of Transportation, etc.), additional buffers, setbacks, and/or additional Orange County review and permitting may apply beyond the proposed development as shown with this rezoning request.

---

 Christopher Sandt, PE

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 Date




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 4/8/2024

---

 Steve Kaltenbach

---

 Date



**Roy Cooper**  
Governor

**Pamela B. Cashwell**  
Secretary

April 18, 2024

Brian S. Collie  
Orange County Planning & Inspections  
131 W. Margaret Lane, Suite 201  
Hillsborough, NC 27278-

**Re: SCH File # 24-E-4300-0249 Efland Ruritan Club requests that our property at 3009 Forrest Ave and 3100 Forrest Ave Efland NC 27243 be changed from Zoning Ordinance Residential R-1 to Commercial Non-Residential General Use designation.**

Dear Brian S. Collie:

The above referenced environmental impact information has been reviewed through the State Clearinghouse under the provisions of the North Carolina Environmental Policy Act.

Attached to this letter are comments made in the review of this document. The appropriate document should be forwarded to the State Clearinghouse for compliance with State Environmental Policy Act.

If you have any questions, please do not hesitate to contact me at (984) 236-0000.

Sincerely,

KADISHA MOLYNEAUX  
State Environmental Review Clearinghouse

Attachments

**Mailing**  
1301 Mail Service Center | Raleigh, NC 27699-1301



[ncadmin.nc.gov](http://ncadmin.nc.gov)

**Location**  
116 West Jones St. | Raleigh NC 27603  
984-236-0000 T

Control No.: 24-E-4300-0249  
County.: ORANGE

Date Received: 3/18/2024  
Agency Response: 4/17/2024  
Review Closed: 4/17/2024

JESSICA MOSLEY  
CLEARINGHOUSE COORDINATOR  
DEPT OF TRANSPORTATION

Project Information

Type: State Environmental Policy Act ping  
Applicant: Orange County Planning & Inspections  
Project Desc.: Efland Ruritan Club requests that our property at 3009 Forrest Ave and 3100 Forrest Ave Efland NC 27243 be changed from Zoning Ordinance Residential R-1 to Commercial Non-Residential General Use designation.

As a result of this review the following is submitted:

No Comment       Comments Below       Documents Attached

Reviewed By: JESSICA MOSLEY

Date: 4/5/2024

Control No.: 24-E-4300-0249  
County.: ORANGE

Date Received: 3/18/2024  
Agency Response: 4/17/2024  
Review Closed: 4/17/2024

DEVON BORGARDT  
CLEARINGHOUSE COORDINATOR  
DEPT OF NATURAL & CULTURAL  
RESOURCE

Project Information

Type: State Environmental Policy Act ping  
Applicant: Orange County Planning & Inspections  
Project Desc.: Efland Ruritan Club requests that our property at 3009 Forrest Ave and 3100 Forrest Ave Efland NC 27243 be changed from Zoning Ordinance Residential R-1 to Commercial Non-Residential General Use designation.

As a result of this review the following is submitted:

No Comment       Comments Below       Documents Attached

Reviewed By: DEVON BORGARDT

Date: 3/21/2024

Control No.: 24-E-4300-0249  
County.: ORANGE

Date Received: 3/18/2024  
Agency Response: 4/17/2024  
Review Closed: 4/17/2024

JINTAO WEN  
CLEARINGHOUSE COORDINATOR  
DPS - DIV OF EMERGENCY MANAGEMENT

Project Information

Type: State Environmental Policy Act ping  
Applicant: Orange County Planning & Inspections  
Project Desc.: Efland Ruritan Club requests that our property at 3009 Forrest Ave and 3100 Forrest Ave Efland NC 27243 be changed from Zoning Ordinance Residential R-1 to Commercial Non-Residential General Use designation.

As a result of this review the following is submitted:

No Comment       Comments Below       Documents Attached

Reviewed By: JINTAO WEN

Date: 4/8/2024

Control No.: 24-E-4300-0249  
County.: ORANGE

Date Received: 3/18/2024  
Agency Response: 4/17/2024  
Review Closed: 4/17/2024

LYN BILES  
CLEARINGHOUSE COORDINATOR  
DEPT OF ENVIRONMENTAL QUALITY

Project Information

Type: State Environmental Policy Act ping  
Applicant: Orange County Planning & Inspections  
Project Desc.: Efland Ruritan Club requests that our property at 3009 Forrest Ave and 3100 Forrest Ave Efland NC 27243 be changed from Zoning Ordinance Residential R-1 to Commercial Non-Residential General Use designation.

As a result of this review the following is submitted:

No Comment       Comments Below       Documents Attached

Reviewed By: LYN BILES

Date: 3/22/2024

**STATEMENT OF CONSISTENCY  
OF A PROPOSED ZONING ATLAS MAP AMENDMENT  
WITH THE ADOPTED ORANGE COUNTY 2030 COMPREHENSIVE PLAN**

An applicant-initiated amendment to the Zoning Atlas has been reviewed to rezone a parcel as follows:

Parcel Identification Number (PIN)	Township	Owner of Record	Current Zoning	Proposed Zoning
9854-18-4217 9854-18-9274	Cheeks	Efland Ruritan Club	<ul style="list-style-type: none"> <li>• R-1 (Rural Residential, 9.37 acres);</li> <li>• Upper Eno Protected Watershed, &amp; Efland Village Overlay Districts.</li> </ul>	<ul style="list-style-type: none"> <li>• GC-4 (General Commercial);</li> <li>• Upper Eno Protected Watershed, &amp; Efland Village Overlay Districts.</li> </ul>

The Planning Board hereby finds:

- a. The requirements of Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments* of the UDO have been deemed complete; and,
- b. Pursuant to Sections 1.1.5 *Statement of Intent - Amendments*, and 1.1.7 *Conformance with Adopted Plans* of the UDO and to Section 160D-604(d) *Planning Board review and comment – Plan Consistency* and 160D-605(a) *Governing Board Statement – Plan Consistency* of the North Carolina General Statutes, the Board finds sufficient documentation within the record denoting that the amendment **is consistent** with the adopted 2030 Comprehensive Plan.
- c. The proposal is consistent with goals/objectives outlined within the Comprehensive Plan concerning development, including:
  - Planning Principle 2. Sustainable Growth and Development: *Growth and development within the county should occur in a pattern, location, and density that is sustainable over the long-term.*

The properties are located in the Commercial-Industrial Transition Activity Node (CITAN) on the Future Land Use Map (FLUM), and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the Unified Development Ordinance (UDO) as “...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.”

The properties are largely already developed as impervious surface and rezoning allows for the opportunity to redevelop this property to achieve the goals of both this planning principle and the overlay district, which identify the area and properties as where density and non-residential uses should be encouraged.

- Planning Principle 5. Preservation of Rural Land Use Pattern: *The County's rural areas are a cherished component of the County's character. Future development should preserve and enhance the county's rural landscape.*

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as “...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.”

By supporting the rezoning and redevelopment of these properties in Efland, the owners can provide for goods and services in an area designated to do so, filling a market need without encroaching into rural areas. It will also have the indirect impacts of likely reducing vehicle miles traveled and carbon emissions, by providing for such services in a locale that is closer to the homes of Efland community residents so that they do not have to travel to municipal locations, as currently required due to the lack of commercial businesses.

- Planning Principle 6. Water Resources Preservation: *The County has finite water resources to provide to future populations. The protection and management of the County's water resources should be a high priority.*

The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County's stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters.

- Planning Principle 7. Promotion of Economic Prosperity and Diversity: Development of a diversity of new businesses and expansion of existing businesses should occur in Orange County.

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as “...an urban village style of development in an area of the county served, or intended to be

*served, by public water and sewer systems.*” By supporting the rezoning and redevelopment of these properties in Efland, the owners can provide for goods and services in an area designated to do so, filling a market need without encroaching into rural areas.

- **Planning Principle 8. Preservation of Community Character:** Future growth and development should occur in a manner that preserves and enhances the existing character of the County, its townships, and rural crossroads communities

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as “...*an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.*”

By supporting the rezoning and redevelopment of these properties in Efland, the owners can provide for goods and services in an area designated to do so, filling a market need without encroaching into rural areas. It also has the potential to enhance the Efland community, providing for convenient location to realize more and better goods and services than currently available in the community.
- **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.*

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as “...*an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.*” A rezoning to GC-4 is more consistent with these stated goals and objectives than the current R-1 zoning of the properties.
- **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.*

The Efland Village Zoning Overlay District, which is defined in the UDO as “...*an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.*” The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used, so that they may better serve the needs of the Efland community. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County’s stormwater and water supply watershed regulations;

the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters. While these properties have no direct access to transit services, the properties are immediately adjacent to the Orange-Durham Connector (ODX) fixed-route transit service line and accessibility could be explored in the future, if warranted by analysis.

- Land Use 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.*

The Efland Village Zoning Overlay District, which is defined in the UDO as “...an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.” The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used, so that they may better serve the needs of the Efland community. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County’s stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters. While these properties have no direct access to transit services, the properties are immediately adjacent to the Orange-Durham Connector (ODX) fixed-route transit service line and accessibility could be explored in the future, if warranted by analysis. All development standards required by the UDO will be applied to any applications for construction on these properties, serving many of the stated objective purposes.

- 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.*

The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used, so that they may better serve the needs of the Efland community. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County’s stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters.

By supporting the rezoning and redevelopment of these properties in Efland, the owners can provide for goods and services in an area designated to do so, filling a

market need without encroaching into rural areas. It will also have the indirect impacts of likely reducing vehicle miles traveled and carbon emissions, by providing for such services in a locale that is closer to the homes of Efland community residents so that they do not have to travel to municipal locations, as currently required due to the lack of commercial businesses.

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

The properties are located in the CITAN on the FLUM, and is defined in the 2030 Comprehensive Plan as “[/]and focused on designated road intersections within either a 10-year or 20-year transition area that is appropriate for retail and other commercial uses and/or manufacturing and other industrial uses.” It is also located in the Efland Village Zoning Overlay District, which is defined in the UDO as “...*an urban village style of development in an area of the county served, or intended to be served, by public water and sewer systems.*” A rezoning to GC-4 is more consistent with these stated goals and objectives than the current R-1 zoning of the properties.

The rezoning of these properties will enable their redevelopment for commercial purposes, which is how they have been historically used, so that they may better serve the needs of the Efland community. Redevelopment of existing impervious area will result in no new impacts to the watershed or receiving waters, should the redevelopment occur within this existing impervious area. Development exceeding that developed area would be subject to regulation under the County’s stormwater and water supply watershed regulations; the properties are located in the Upper Eno Protected Watershed. Due to the availability of City of Mebane sewer access, no septic treatment will be required, further reducing potential impacts to the surrounding waters. While these properties have no direct access to transit services, the properties are immediately adjacent to the Orange-Durham Connector (ODX) fixed-route transit service line and accessibility could be explored in the future, if warranted by analysis. All development standards required by the UDO will be applied to any applications for construction on these properties, serving many of the stated objective purposes.

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

The Orange County staff has noticed the public regarding this application, as required by Sections 2.8.7, 2.9.1(D), and 2.9.2 of the UDO, including a required Neighborhood Information Meeting, mailings to neighboring property owners, posting of the property, and advertisement in the local newspapers. Additionally, staff have provided all application documents on the Active Development Projects webpage, responded to public inquiries, posted social media notices on the project, featured it in the weekly newsletter, communicated directly to individuals contacting the department about the project, and made the Planning Board available for public emails concerning the application.

- Appendix F, Land Use Classification Description for Commercial-Industrial Transition Activity Node (CITAN): *Identifies areas changing from rural to urban in form and density. A full range of commercial and industrial activities would be appropriate and allowed.*

A rezoning to GC-4 is more consistent with this description than the current R-1 zoning of the properties.

The amendment is consistent with these goals because the proposed development is consistent with existing/anticipated development within the area and the land use associated with the project is compatible with various 2030 Comprehensive Plan goals detailed above.

- d. The amendment is reasonable and in the public interest because it furthers the goals of the adopted Comprehensive Plan and is located in an area designated on the Future Land Use Map as “Community-Industrial Transition Activity Node.” Such Nodes have been identified as areas changing from rural to urban in form and density, allowing a full range of commercial and industrial uses (reference pages 5-15 and F-1 of the Comprehensive Plan and page 10-7 of the UDO).

The Planning Board hereby adopts this Statement of Consistency and the findings expressed herein and recommends the Board of County Commissioners consider adoption of the proposed Zoning Atlas Amendment.

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Adam Beeman, Chair

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Date

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

WHEREAS, Orange County has received and processed an application 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 a 8.25 acre parcel of property (PIN 9854-18-4217), and an adjoining 1.12 acre parcel of property (PIN 9854-18-9274) both from R-1 (Rural Residential) to GC-4 (General Commercial), hereafter 'the Property'; and

WHEREAS, the requirements of Section 2.8 of the UDO have been deemed complete; and

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

WHEREAS, the Board has found the proposed zoning atlas amendment to be consistent with the adopted 2030 Comprehensive Plan and reasonable and in the public interest.

WHEREAS, the property lies within the Upper Eno Protected Watershed delineated by the NC Department of Environmental Quality Water Supply Watershed program and is thereby consistent with that same zoning overlay district, as established in Section 4.2 of the UDO.

BE IT ORDAINED by the Board of Commissioners of Orange County that the Orange County Zoning Atlas is hereby amended to rezone the aforementioned 8.25 acre and 1.12 acre parcels to GC-4 (General Commercial), as detailed within the submitted application.

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 \_\_\_\_\_, 2024.

I, Laura Jensen, 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 \_\_\_\_\_, 2024 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 \_\_\_\_\_, 2024.

SEAL

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

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date: May 1, 2024**

**Action Agenda  
Item No.   8**

**SUBJECT:** Unified Development Ordinance Text Amendment – Tobacco and Hemp Retail Use

**DEPARTMENT:** Planning and Inspections

**ATTACHMENT(S):**

1. Statement of Consistency
2. UDO Text Amendments

**INFORMATION CONTACT:**

Cy Stober, Director (919) 245-2592

**PURPOSE:** To review and make a recommendation to the Board of County Commissioners (BOCC) on Commissioner-initiated text amendments to the Unified Development Ordinance (UDO) regarding use, regulation, and definition of “Tobacco and Hemp Retail” use.

**BACKGROUND:** At the February 6, 2024, meeting of the Orange County Board of Commissioners, at the introduction of Commissioner Fowler, the BOCC directed the County Attorney’s Office to provide a drafted UDO amendment to regulate the retail use of businesses that primarily rely upon the sale of tobacco and hemp products. The intent is to limit exposure of minors to such products, as well as ensure that they are not densely focused in any part of Orange County. The County Attorney’s Office, basing proposed amendment language on recently-adopted amendments to Wake County’s ordinances for similar purposes, provided draft language to the Planning Department for review and presentation as an UDO amendment.

Orange County is proposing to amend the UDO to:

1. Define “Tobacco and Hemp Retail” use;
2. Allow “Tobacco and Hemp Retail” as use in NR-CD zoning districts; and
3. Requiring that any such establishment be at least 1,000 feet from any of the following:
  - A. Tobacco and Hemp Retail;
  - B. Schools, including:
    - Schools: Performing Arts, Sports, and Recreation,
    - Schools: Preparatory,
    - Schools: Technical, Trade, and Skill Training, and
    - Schools: Universities, Colleges;
  - C. Parks and Recreational Facilities; and
  - D. All Residential Uses

Planning Director's Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Approval and Consistency indicating the text amendments are reasonable and in the public interest, as contained in Attachment 1.
2. Unified Development Ordinance (UDO) text amendments, as contained in Attachment 2.

**FINANCIAL IMPACT:** There are no costs associated with this project other than the use of staff time and the required legal advertisement for the text amendment's public hearing. County staff has and will continue to accomplish the necessary tasks associated with amending the UDO and the legal advertisement will be paid from budgeted funds for this purpose.

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

1. Review and discuss the proposed UDO text amendments;
2. Consider the Planning Director's recommendation; and
3. Make a recommendation to the BOCC on the Statement of Approval and Consistency (Attachment 1) and the proposed UDO text amendments (Attachment 2) in time for the **June 4, 2024**, BOCC meeting.

**STATEMENT OF APPROVAL AND CONSISTENCY OF  
A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT WITH  
ADOPTED ORANGE COUNTY PLANS**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to add requirements for “Tobacco and Hemp Retail” use.

The Planning Board hereby recommends approval of the proposed text amendment and issues this Statement of Consistency pursuant to NCGS § 160D-604 (d) Planning board review and comments – Plan consistency. The Planning Board finds:

1. The requirements of UDO Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments*, including review by the Development Advisory Committee (DAC), as required in UDO Section 1.9, *have* been met;
2. The amendment is consistent with the adopted 2030 Orange County Comprehensive Plan, as prescribed by UDO Section 1.1.5 *Statement of Intent – Amendments* and Section 1.1.7 *Conformance with Adopted Plans*;
3. The amendment supports the following principles and goals in the plan:
  - a. **Planning Principle 8:** Future growth and development should occur in a manner that preserves and enhances the existing character of the County, its townships, and rural crossroads communities.
  - b. **Land Use Element Goal 3:** A variety of land uses that are coordinated within a program and pattern that limits sprawl, preserves community and rural character, minimizes land use conflicts, supported by an efficient and balanced transportation system.
  - c. **Land Use Element Goal 4:** Land development regulations, guidelines, techniques and/or incentives that promote the integrated achievement of all Comprehensive Plan goals.
  - d. **Parks and Recreation Goal 4:** Healthy lifestyles, quality of life and community building through the provision of a variety of affordable recreational facilities and choice of leisure activities, while responding to the changing needs and interests of County residents.
4. The amendment is consistent with this principle and these goals because implementation will result in a healthier populace in Orange County.
5. The amendment is reasonable and in the public interest because it allows for the use of Tobacco and Hemp Retail establishments while minimizing their exposure to minors and avoids their concentration in any one area of the county through the application of

suitable and reasonable development standards.

The Planning Board hereby adopts this Statement of Approval and Consistency and the findings expressed herein.

---

Adam Beeman, Chair

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Date



- (1) The following Multiple Uses are permitted in the O/RM zoning district when the Principal Use type is Research Facility Without Manufacturing and shall adhere to the standards of Section 5.19.3(B)(2):
  - (a) Financial Services
  - (b) Service land uses limited to Beauty & Barber Shops, Laundry and Dry Cleaning Services
  - (c) Eating and Drinking Establishments limited to Nightclubs, Bars, Pubs, Restaurants Carry Out and General
  - (d) Retail, limited to 12,000 sq.ft. of building area/
  - (e) Manufacturing, Assembly, Processing, and Distribution Uses – Other, limited to Printing & Lithography
- (2) Multiple Uses, identified in Section 5.15.2(B)(1), are permitted only in accordance with the following standards:
  - (a) The site plan shall identify the square footage of each structure by type of use.
  - (b) The Principal Use type of Research Facility Without Manufacturing must be established on the site.
  - (c) The Multiple Use shall not exceed 25% of the total square footage of all structures on the site.

## SECTION 5.20: STANDARDS FOR RETAIL USES

### 5.20.1 Retail

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#### (A) Use Standards

##### (1) Specific Standards for the LC-1, NC-2, and EC-5 Zoning Districts

- (a) Uses shall be limited to 12,000 sq.ft. of building area.
- (b) No outdoor sales/displays shall be permitted.

##### (2) Specific Standards for the CC-3 Zoning District

- (a) Uses shall be limited to 24,000 sq.ft. of building area.
- (b) Outdoor sales/displays shall be permitted subject to the following:
  - (i) No more than 20% of the property area shall be utilized to support outdoor sales/displays.
  - (ii) Displays shall not be located within any required parking, septic disposal, or land use buffer area on the property.
  - (iii) Displays shall not block entrances and exists to the structure.

##### (3) Outdoor sales/displays shall be allowed in other districts subject to the following:

- (a) No more than 25% of the property area shall be utilized to support outdoor sales/displays.
- (b) Displays shall not be located within any required parking, septic disposal, or land use buffer area on the property.
- (c) Displays shall not block entrances and exists to the structure.

### 5.20.2 Country Store

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#### (A) General Standards for Evaluation

- (1) Outdoor storage of products shall be permitted in the rear yard of the primary structure and shall be screened from view of adjacent properties.
- (2) Outdoor storage areas shall not be permitted to encroach upon required parking spaces.
- (3) All structures and outdoor storage areas shall be located a minimum of 100 feet from adjacent residentially zoned property.
- (4) The site shall be located on a major road, as classified in the Orange County Comprehensive Plan, unless permitted as an ASE-CD.
- (5) Parking shall not be located in the front yard space.
- (6) Application materials shall include a comprehensive groundwater study, for facilities expected to use more groundwater on an annual basis than an average single family residence (which uses 240 gallons of water per day) built at the highest density the existing zoning district would allow. For example, if the existing zoning district allows a residential density of 1 unit for 2 acres and the proposed use is on a six acre parcel (which could yield 3 residences), the proposed use(s) may use three times the water used by an average single family residence (or 720 gallons per day, on an annualized basis) before a comprehensive groundwater study is required. The water usage rates of any existing use subject to zoning regulations located on the same lot shall be taken into account when determining if a comprehensive groundwater study is required. Said study shall detail:
  - (a) The amount of water anticipated to be used on a daily, weekly, monthly, and annual basis by regulated uses located on the parcel (e.g., water usage by bona fide farm uses is not required to be included);
  - (b) An analysis of the amount of groundwater withdrawal considered to be safe and sustainable in the immediate vicinity; and
  - (c) An analysis of whether other wells in the vicinity of the proposed use are expected to be affected by withdrawals made by the proposed use.

### 5.20.3 Tobacco and Hemp Retail

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#### (A) Use Standards

- (1) Tobacco and Hemp Retail uses must be located at least 1,000 feet from the following land uses:
  - (a) Tobacco and Hemp Retail;
  - (b) Schools, including:
    - (i) Schools: Performing Arts, Sports, and Recreation,
    - (ii) Schools: Preparatory,
    - (iii) Schools: Technical, Trade, and Skill Training, and
    - (iv) Schools: Universities, Colleges;
  - (c) Parks and Recreational Facilities; and
  - (d) all Residential Uses.

## SECTION 5.21: STANDARDS FOR MISCELLANEOUS USES

### 5.21.1 Major Subdivision

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#### (A) Standards for Conditional Districts

## Tobacco and Hemp Retail

A retail store with principal sales and/or distribution of:

- a) any product that contains tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, and is intended for human consumption, as defined by G.S. § 14-313(4), including but not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or *vaped* tobacco substitutes, chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products. Excluded from this definition are tobacco products approved by the USFDA for treatment of tobacco use and dependence.
- b) any product that contains tetrahydrocannabinol (THC), irrespective of whether the THC is hemp derived or synthetic. Excluded from this definition are products that contain no greater than 0.3 percent THC.
- c) any product that contains *Mitragyna speciosa*, commonly known as kratom.

### Traffic Generation: Low

Uses which generate an average of less than 200 vehicle trips per day.

### Traffic Generation: Medium

Uses which generate an average of between 200 and 800 vehicle trips per day.

### Traffic Generation: High

Uses which generate an average of more than 800 vehicle trips per day.

### Transmission Lines

- a) For lines carrying electrical energy, transmission lines are those which carry 45,000 volts or more.
- b) For lines which carry liquids or gases, transmission lines are those operating or designed to operate at pressures of one hundred pounds per square inch or greater.

### Travel Trailer

A structure that is:

- a) Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and
- b) Designed for temporary use as sleeping quarters, but that does not meet the definition of a manufactured home.

### Tree, DBH

Diameter at breast height of a tree, which is measured at 4.5 feet above ground surface level.

### Tree, Critical Root Zone

The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone is approximately one foot of radial distance for every inch of tree's DBH, with a minimum of eight feet.

### Tree, High Value

A tree that meets or exceeds the following standards: for pine species, 14" DBH or greater, or 18" or greater stump diameter, and for hardwood or wetland species, 16" DBH or greater, or 24" or greater stump diameter.

### Trip Generation Rates

The total count of trips to and from a study site per unit of land use as measured by parameters such as dwelling units, acres, etc.

### Twenty-Year Transition Land

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
**Meeting Date: May 1, 2024**

**Action Agenda  
Item No. 9**

**SUBJECT:** Unified Development Ordinance Text Amendment – Regulatory Reform Compliance & Clarifications

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**DEPARTMENT:** Planning and Inspections

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**ATTACHMENT(S):**

1. NCSL23-108 (excerpt)
2. NCSL23-137 (excerpt)
3. Statement of Consistency
4. Proposed UDO Text Amendments (collated)

**INFORMATION CONTACT:**

Cy Stober, Director (919) 245-2592

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**PURPOSE:** To review and make a recommendation to the Board of County Commissioners (BOCC) on County-initiated text amendments to the Unified Development Ordinance (UDO) in response to North Carolina Session Laws (NCSLs) 23-108 and 23-137, as well as to clarify two related matters for improved administration of the UDO.

**BACKGROUND:** The North Carolina General Assembly passed two laws over Governor Cooper's veto in the 2023 session that are relevant to the text of Orange County's UDO. The first was NCSL23-108 ([Attachment 1](#)), which expanded the definition of "residential" uses or zoning to all structures under the regulatory umbrella of the NC State Residential (Building) Code. This effectively expands this definition from one- and two-family dwellings to include three- and four-family dwellings. The consequence is the lack of Orange County authority to regulate the architecture or appearance of such structures, requiring amendment of **Sections 2.5.3** (Site Plan Specifications), **4.6.2** (Major Transportation Corridor (overlay district) Application), and, for discussion, the definition of "Residential Development" in **Article 10**.

Staff has initiated a relevant amendment **Section 2.4.2** ("Zoning Compliance Permits, Requirements and Conditions") to transfer the responsibility of affirming UDO compliance before a Certificate of Occupancy is issued from the Building Inspector to the Planning and Inspections Director. The Inspections staff should be focused on NC State Building Codes compliance and not also be responsible for enforcement of Orange County's local development and use standards. For similar purposes, staff is recommending a revision to the definition of "Residential Development".

NCSL23-137 ([Attachment 2](#)) was the "Regulatory Reform Act" and provides for the elimination of density regulations in water supply watersheds under the following conditions:

- 1) The property was developed prior to the effective date of the applicable water supply watershed regulations;
- 2) The property has not been combined with additional lots after January 1, 2021;
- 3) The property has not participated in density averaging, as allowed by NC G.S. § 143-214.5(d2);

- 4) The current use of the property is nonresidential;
- 5) The remaining vegetated buffers on the property are preserved in accordance with Section 6.13.4 of this Ordinance.

This new standard is proposed as the new **Section 4.2.4(A)**, “Residential Density, Density Exceedance Allowance”.

Accompanying this statutory amendment is one to the **Section 6.14** Stormwater standards, clarifying that, under such situations, only the new “built upon area” (aka “impervious surface”) must be treated with Stormwater Control Measures, as required by State and federal laws; the existing BUA does not require stormwater treatment. The developer may elect to treat the existing BUA, and it may be offered as a condition of approval of a conditional zoning or special use permit application, but it cannot be required. This additional allowance is reflected primarily in the new **Section 6.14.5(C)** “Redevelopment Exemption”, as well as subsection **4.2.7(E)** “Modifications of the Impervious Surface Ratio”.

Planning Director’s Recommendation: The Planning Director recommends **approval** of the:

1. Statement of Approval and Consistency indicating the text amendments are reasonable and in the public interest, as contained in Attachment 3.
2. Unified Development Ordinance (UDO) text amendments, as contained in Attachment 4.

**FINANCIAL IMPACT:** There are no costs associated with this project other than the use of staff time and the required legal advertisement for the text amendment’s public hearing. County staff has and will continue to accomplish the necessary tasks associated with amending the UDO and the legal advertisement will be paid from budgeted funds for this purpose.

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

1. Review and discuss the proposed UDO text amendments;
2. Consider the Planning Director’s recommendation; and
3. Make a recommendation to the BOCC on the Statement of Approval and Consistency (Attachment 3) and the proposed UDO text amendments (Attachment 4) in time for the **June 4, 2024**, BOCC meeting.

AN ACT TO REORGANIZE THE BUILDING CODE COUNCIL AND CREATE THE RESIDENTIAL CODE COUNCIL, TO AMEND VARIOUS PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE AND LAND DEVELOPMENT REGULATIONS, AND TO INCREASE THE PROJECT COST MINIMUM FOR APPLICABILITY OF GENERAL CONTRACTOR LICENSING REQUIREMENTS.

The General Assembly of North Carolina enacts:

**BUILDING CODE COUNCIL REORGANIZATION, CREATION OF THE RESIDENTIAL CODE COUNCIL, AND CLARIFY STATUTORY REFERENCES TO THE NORTH CAROLINA STATE BUILDING CODE**

**SECTION 1.(a)** Article 9 of Chapter 143 of the General Statutes reads as rewritten:

"Article 9.

"~~Building Code Council~~Council, Residential Code Council, and North Carolina State Building Code.

**"§ 143-136. Building Code Council created; membership, committees.**

...

(d) Building Code Committee Created; Duties. – Within the Building Code Council, there is hereby created a Building Code Committee for all structures except those subject to the North Carolina ~~State Residential Building Code: Residential Code for One and Two Family Dwellings.~~Code. The committee shall be composed of the following nine members of the Building Code Council:

- (1) One of the licensed architects appointed by the chairman of the Building Code Council.
- (2) The licensed engineer practicing mechanical engineering.
- (3) The licensed engineer practicing electrical engineering.
- (4) The licensed engineer practicing structural engineering.
- (5) The municipal elected official.
- (6) The fire service representative.
- (7) The municipal or county building inspector.
- (8) The State agency engineer.
- (9) The licensed general contractor.

The chairman of the Building Code Council shall call the first meeting of the Committee, at which meeting the Committee shall elect a chairman from among the members of the Committee as the first order of business. Thereafter, the Committee shall meet upon the call of the chairman to review any proposal for revision or amendment to the North Carolina ~~State Building Code,~~ including provisions applicable to the North Carolina Energy Conservation Code, the North Carolina Electrical Code, the North Carolina Fuel Gas Code, the North Carolina Plumbing Code, the North Carolina Mechanical Code, the North Carolina Existing Building Code, and any other code applicable to commercial or multi-family construction, and no revision or amendment to any of these codes applicable to commercial or multi-family construction may be considered by the Building Code Council unless recommended by this committee. This committee shall also

telecommunication facility regulation, historic preservation or landmark regulation, housing code, North Carolina State Building Code enforcement, or any other regulation adopted pursuant to this Chapter, or a local act or charter that regulates land use or development."

**SECTION 1.(d)** G.S. 160D-702 reads as rewritten:

**"§ 160D-702. Grant of power.**

(a) A local government may adopt zoning regulations. Except as provided in subsections (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land. A local government may regulate development, including floating homes, over estuarine waters and over lands covered by navigable waters owned by the State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. Where appropriate, a zoning regulation may include requirements that street and utility rights-of-way be dedicated to the public, that provision be made of recreational space and facilities, and that performance guarantees be provided, all to the same extent and with the same limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1.

(b) Any regulation relating to building design elements adopted under this Chapter may not be applied to any structures subject to regulation under the North Carolina Residential Code for One and Two Family Dwellings except under one or more of the following circumstances:

- (1) The structures are located in an area designated as a local historic district pursuant to Part 4 of Article 9 of this Chapter.
- (2) The structures are located in an area designated as a historic district on the National Register of Historic Places.
- (3) The structures are individually designated as local, State, or national historic landmarks.
- (4) The regulations are directly and substantially related to the requirements of applicable safety codes adopted under G.S. 143-138.
- (5) Where the regulations are applied to manufactured housing in a manner consistent with G.S. 160D-908 and federal law.
- (6) Where the regulations are adopted as a condition of participation in the National Flood Insurance Program.

Regulations prohibited by this subsection may not be applied, directly or indirectly, in any zoning district or conditional district unless voluntarily consented to by the owners of all the property to which those regulations may be applied as part of and in the course of the process of seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval, nor may any such regulations be applied indirectly as part of a review pursuant to G.S. 160D-604 or G.S. 160D-605 of any proposed zoning amendment for consistency with an adopted comprehensive plan or other applicable officially adopted plan.

For the purposes of this subsection, the phrase "building design elements" means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One and Two Family Dwellings Code.

Nothing in this subsection affects the validity or enforceability of private covenants or other contractual agreements among property owners relating to building design elements.

- (c) A zoning or other development regulation shall not do any of the following:
- (1) Set a minimum square footage of any structures subject to regulation under the ~~North Carolina Residential Code for One and Two Family Dwellings Code~~.
  - (2) Set a maximum parking space size larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking."

**SECTION 1.(e)** G.S. 160D-804(i) reads as rewritten:

"(i) Minimum Square Footage Exemption. – The regulation shall not set a minimum square footage of any structures subject to regulation under the ~~North Carolina Residential Code for One and Two Family Dwellings Code~~."

**SECTION 1.(f)** G.S. 160D-706(b) reads as rewritten:

"(b) When adopting regulations under this Article, a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of those terms in another statute or in a rule adopted by a State agency, including the ~~State Building Code Council or Residential Code Council~~."

**SECTION 1.(g)** G.S. 160D-915(a)(5) reads as rewritten:

"(5) Temporary family health care structure. – A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the North Carolina State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted."

**SECTION 1.(h)** G.S. 160D-1001(c) reads as rewritten:

"(c) This Article is supplemental to the powers conferred upon local governments and does not preclude or supersede rights and obligations established pursuant to other law regarding development approvals, site-specific vesting plans, or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the North Carolina State Building Code or State or local housing codes that are not part of the local government's development regulations. When the governing board approves the rezoning of any property associated with a development agreement executed and recorded pursuant to this Article, the provisions of G.S. 160D-605(a) apply."

**SECTION 1.(i)** G.S. 160D-1103 reads as rewritten:

**"§ 160D-1103. Qualifications of inspectors.**

No local government shall employ an inspector to enforce the North Carolina State Building Code who does not have one of the following types of certificates issued by the North Carolina Code Officials Qualification Board attesting to the inspector's qualifications to hold such position: (i) a probationary certificate, (ii) a standard certificate, or (iii) a limited certificate which shall be valid only as an authorization to continue in the position held on the date specified in G.S. 143-151.13(c) and which shall become invalid if the inspector does not successfully complete in-service training specified by the Qualification Board within the period specified in G.S. 143-151.13(c). An inspector holding one of the above certificates can be promoted to a position requiring a higher level certificate only upon issuance by the Board of a standard certificate or probationary certificate appropriate for such new position."

**SECTION 1.(j)** G.S. 160D-1104, as amended by Section 4(b) of this act, reads as rewritten:

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**PART I. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES PROVISIONS**

**WATER SUPPLY WATERSHED PROTECTION CHANGES**

**SECTION 1.** G.S. 143-214.5 reads as rewritten:

**"§ 143-214.5. Water supply watershed protection.**

...

(d3) A local government implementing a water supply watershed program shall allow an applicant to exceed the allowable density under the applicable water supply watershed rules if all of the following circumstances apply:

- (1) The property was developed prior to the effective date of the local water supply watershed program.
- (2) The property has not been combined with additional lots after January 1, 2021.
- (3) The property has not been a participant in a density averaging transaction under subsection (d2) of this section.
- (4) The current use of the property is nonresidential.
- (5) ~~In the sole discretion, and at the voluntary election,~~ At the election of the property owner, the stormwater from ~~all of the existing and new~~ any net increase in built-upon area on the property above the preexisting development is treated in accordance with all applicable local government, State, and federal laws and regulations.
- (6) The remaining vegetated buffers on the property are preserved in accordance with the local water supply watershed protection program requirements.

...."

**STORMWATER PROGRAM CHANGES**

**SECTION 2.** G.S. 143-214.7 reads as rewritten:

**"§ 143-214.7. Stormwater runoff rules and programs.**

...

(b2) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel,

mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle. The owner or developer of a property may opt out of any of the exemptions from "built-upon area" set out in this subsection. For State stormwater programs and local stormwater programs approved pursuant to subsection (d) of this section, all of the following shall apply:

...

- (2) Development may occur within the area that would otherwise be required to be placed within a vegetative buffer required by the Commission pursuant to G.S. 143-214.1 and ~~G.S. 143-214.7~~ this section provided the stormwater runoff from the entire impervious area of the development is collected, treated, and discharged so that it passes through a segment of the vegetative buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements. For the purpose of this subdivision, the entire impervious area of the development shall not include any portion of a project that is within a North Carolina Department of Transportation or municipal right-of-way.

...

(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. ~~Provided, however, a redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity. A property owner may voluntarily elect to treat all the stormwater from resulting from the net increase in built-upon area above the preexisting development or redevelopment activities described herein~~ for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3). This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances.

...

(b5) An applicant for a new stormwater permit, or the reissuance of a permit due to transfer, modification, or renewal, shall have the option to submit a permit application for processing to a unit of local government with permitting authority in whose jurisdiction the project to be permitted is located, or, where a unit of local government with permitting authority in whose jurisdiction the project to be permitted is located has established a joint program with one or more units of local government pursuant to subsection (c) of this section, other local governments in the joint program.

(c) The Commission shall develop model stormwater management programs that may be implemented by State agencies and units of local government. Model stormwater management programs shall be developed to protect existing water uses and assure compliance with water quality standards and classifications. A State agency or unit of local government may submit to the Commission for its approval a stormwater control program or a stormwater permitting program for implementation within its jurisdiction. To this end, State agencies may adopt rules, and units of local government are authorized to adopt ordinances and regulations necessary to establish and enforce stormwater control ~~programs—programs and stormwater permitting programs.~~ Units of local government are authorized to create or designate agencies or subdivisions to administer and enforce the programs. Two or more units of local government are

authorized to establish a joint program or a joint stormwater permitting program and to enter into any agreements that are necessary for the proper administration and enforcement of the program.

...

(c7) The Department shall not require an applicant for a new permit to take any action with respect to an unaffiliated adjacent property and shall not condition issuance of a new permit on action to be taken by an existing permit holder with respect to the permitting of an unaffiliated adjacent property. For purposes of this section, the following definitions apply:

- (1) "Applicant" means the person applying for a new permit to be issued pursuant to this section and, if the applicant is a business entity, applicant also includes (i) the parent, subsidiary, or other affiliate of the applicant, (ii) a partner, officer, director, member, or manager of the business entity, parent, subsidiary, or other affiliate of the applicant, and (iii) any person with a direct or indirect interest in the applicant, other than a minority shareholder of a publicly traded corporation who has no involvement in management or control of the corporation or any of its parents, subsidiaries, or affiliates.
- (2) "Unaffiliated adjacent property" means a property (i) for which the applicant does not have, and has not had, an ownership interest and (ii) that is not subject to a permit issued pursuant to this section that also governs the property for which the new permit is sought.
- (3) As used in this section, the words "affiliate," "parent," and "subsidiary" have the same meaning as in 17 Code of Federal Regulations § 240.12b-2.

(c8) The Department shall rescind a permit issued under this section without the consent of the permit holder where the permitted development has not been initiated within five years after the date of permit issuance. No less than 90 days prior to rescission, the Department shall notify the permit holder of its intent to rescind the permit and allow the permit holder 60 days in which to respond and request an extension of the permit.

...."

## **AMEND STORMWATER FEE CONSIDERATIONS**

**SECTION 3.(a)** G.S. 160A-314(a1) reads as rewritten:

- "(a1) (1) Before it establishes or revises a schedule of rates, fees, charges, or penalties for stormwater management programs and structural and natural stormwater and drainage systems under this section, the city council shall hold a public hearing on the matter. A notice of the hearing shall be given at least once in a newspaper having general circulation in the area, not less than seven days before the public hearing. The hearing may be held concurrently with the public hearing on the proposed budget ordinance.
- (2) The fees established under this subsection must be made applicable throughout the area of the city. Schedules of rates, fees, charges, and penalties for providing stormwater management programs and structural and natural stormwater and drainage system service may vary according to whether the property served is residential, commercial, or industrial property, the property's use, the size of the property, the area of impervious surfaces on the property, the quantity and quality of the runoff from the property, stormwater control measures in use by the property, the characteristics of the watershed into which stormwater from the property drains, and other factors that affect the stormwater drainage system. Rates, fees, and charges imposed under this subsection may not exceed the city's cost of providing a stormwater management program and a structural and natural stormwater and drainage system. The city's cost of providing a stormwater management program and a structural and natural stormwater and drainage system includes any costs

**STATEMENT OF APPROVAL AND CONSISTENCY OF  
A PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT WITH  
ADOPTED ORANGE COUNTY PLANS**

Orange County has initiated an amendment to the Unified Development Ordinance (UDO) to respond to and comply with NC Session Laws 23-108 and -137.

The Planning Board hereby recommends approval of the proposed text amendment and issues this Statement of Consistency pursuant to NCGS § 160D-604 (d) Planning board review and comments – Plan consistency. The Planning Board finds:

1. The requirements of UDO Section 2.8 *Zoning Atlas and Unified Development Ordinance Amendments*, including review by the Development Advisory Committee (DAC), as required in UDO Section 1.9, *have* been met;
2. The amendment is consistent with the adopted 2030 Orange County Comprehensive Plan, as prescribed by UDO Section 1.1.5 *Statement of Intent – Amendments* and Section 1.1.7 *Conformance with Adopted Plans*, and will “correct a manifest error in the Ordinance”;
3. The amendment is generally inconsistent with the goals and objectives of the 2030 Comprehensive Plan, but is compliant with adopted State laws, and does support the following objectives in the 2030 Comprehensive Plan:
  - a. **Land Use Objective LU-4.2:** Review and amend the Orange County Unified Development Ordinance to identify and eliminate existing regulatory impediments to objectives identified in the Comprehensive Plan. Such objectives include but are not limited to the development of energy efficient buildings within the County, water efficiency standards for new development, and development of affordable housing.
  - b. **Housing Objective H-4.4:** Working collaboratively with the towns, identify regulatory barriers to be removed and opportunities for development incentives to encourage the construction of a diverse range of housing types countywide.
4. The amendment is consistent with this principle and these goals because implementation will result in more redevelopment options for redevelopment projects in Orange County.
5. The amendment is reasonable and in the public interest because it brings the County’s development standards into compliance with North Carolina State laws.

The Planning Board hereby adopts this Statement of Approval and Consistency and the findings expressed herein.

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Adam Beeman, Chair

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Date

- (4) Recommend the Planning Board be given extended time to consider the matter.
- (C) Should the Planning Board fail to make a recommendation prior to the Public Hearing, the application shall be forwarded to the Board of County Commissioners without a Planning Board recommendation.

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

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- (A) The Board of County Commissioners shall hold a public hearing after the Planning Board either makes its recommendation or takes no action on the application within 30 days of its referral.
- (B) After the Board of County Commissioners closes the public hearing, the Board of County Commissioners shall do one of the following:
  - (1) defer a decision to a later Board of County Commissioners meeting date, or
  - (2) make a decision.
- (C) In making its decision, the Board of Commissioners shall consider comments made at the public hearing, the Planning Board's recommendation, and the Planning Director's recommendation.

## **SECTION 2.4: ZONING COMPLIANCE PERMITS**

### **2.4.1 Applicability**

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- (A) As required by this Ordinance, a Zoning Compliance Permit must be issued before any new site development, building, structure, or vehicular use area may be erected, constructed or used.
- (B) Submittal and approval of a site plan (see Section 2.5) is required for issuance of a Zoning Compliance Permit except for:
  - (1) Single-family detached dwellings and duplexes, and accessory structures to those residential uses shall require a plot plan as detailed within Section 2.4.3 of this Ordinance.  
  
In those instances, however, where the proposed level of land disturbance exceeds established thresholds as detailed within Section 4.2.10 of this Ordinance, a formal site plan prepared in accordance with Section 2.5 of this Ordinance, shall be required for submittal and approval. This site plan shall contain all required elements associated with obtaining a Zoning Compliance Permit and Land Disturbing Permit (LDP) as detailed herein.
  - (2) Interior renovation or repair of an existing structure, provided the use of the lot and/or structure has not changed.
- (C) Issuance of a Zoning Compliance Permit is required prior to beginning the excavation for the construction, moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure. The Zoning Compliance Permit shall include a determination that plans, specifications and the intended use of the structure conforms to the provisions of this Ordinance.
- (D) Issuance of a Zoning Compliance Permit is required to change the type of use or type of occupancy of any building, or to expand any use on any lot on which there is a non-conforming use. The Zoning Compliance Permit shall include a determination that the proposed use conforms to the provisions of this Ordinance.

### **2.4.2 Requirements and Conditions**

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- (A) In cases where the development and/or commencement of a land use requires the issuance of a Special Use Permit, a Zoning Compliance Permit shall not be issued until

the aforementioned permit has been issued by the Board of Adjustment in accordance with the review and approval procedures detailed herein.

- (B) Issuance of a Special Use Permit does not negate the requirement for a Zoning Compliance Permit.
- (C) Issuance of a Zoning Compliance Permit does not establish a vested right to begin and complete construction or change the use/occupancy of a lot or building should regulations change subsequent to issuance of said permit.
- (D) Application for Zoning Compliance Permit shall specify the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (E) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the **Building Inspector Planning and Inspections Director** has, after final inspection, issued a Certificate of Occupancy indicating compliance with all the provisions of this Ordinance.
- (F) No building, structure, or zoning lot for which a Zoning Compliance Permit has been issued shall be used or occupied until the Orange County Health Department has approved the water supply and sewage disposal systems serving that use.
- (G) Issuance of a Certificate of Occupancy by the Building Official or the approval of a water supply and sewage disposal system by the Health Department shall in no case be construed as waiving any provision of this Ordinance.
- (H) Zoning Compliance Permits shall become null and void after 18 months from the date of issuance if a building permit is not applied for or Land-Disturbing Activities are not commenced in accordance with the provisions of this Ordinance.
- (I) Projects needing a Performance Guarantee shall abide by the provisions of Section 2.27 of this Ordinance.

### **2.4.3 Plot Plan Specifications**

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- (A) For development types requiring a plot plan rather than a site plan, the plot plan shall contain the following:
  - (1) A scaled drawing denoting the length of all property lines,
  - (2) A north arrow denoting the orientation of the lot and all proposed structures,
  - (3) The location of all existing structures, driveways, and areas of impervious surface,
  - (4) The location of the proposed structure(s) and distances from all property lines,
  - (5) The location of the proposed driveway,
  - (6) The location of the proposed septic system and proposed drain lines on the property,
  - (7) The location of the proposed well, and
  - (8) The location of any protected features on the property (i.e. stream buffers, flood plain, wetlands, etc.), and
  - (9) The location and dimensions of proposed parking areas.
- (B) Base plot plans are available from the Planning Department and can be printed for a fee in accordance with the established fee schedule. Applicants may also use other sources of base plot plans provided the requirements of this Section are met.
  - (1) Planning staff is available to discuss compliance matters but shall not complete plot plans.

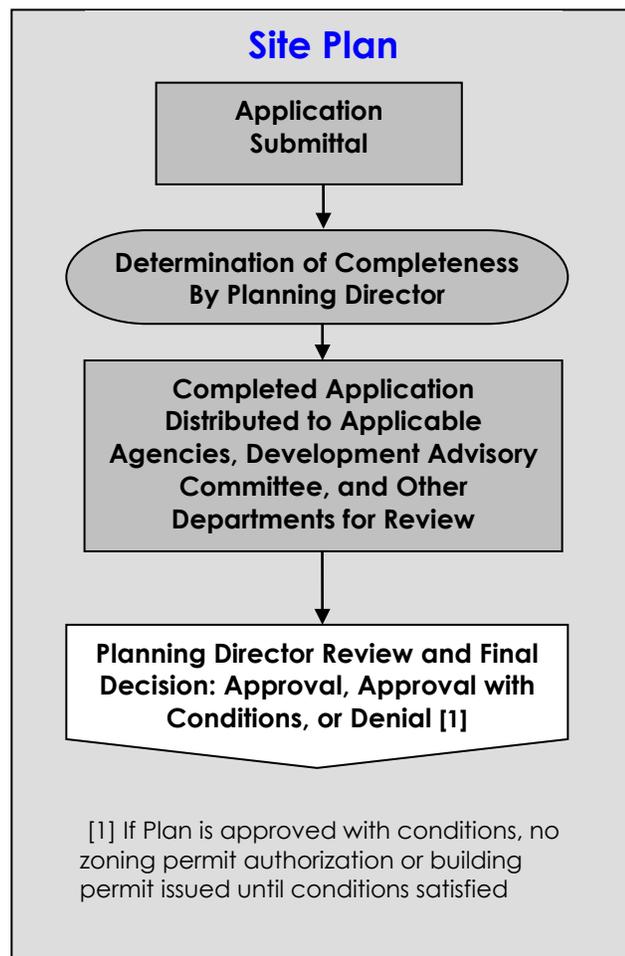
## SECTION 2.5: SITE PLAN REVIEW

### 2.5.1 Review and Approval Flow Chart

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

### 2.5.2 Application Requirements

- (A) Each site plan shall be prepared and sealed by an appropriately licensed professional. The following are exempt from this requirement but must provide a plot plan pursuant to Section 2.4.3:
- (1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.
  - (2) Accessory structures to existing permitted non-residential structures where vehicular use area is not extended and changes to existing grade are not more than one foot in elevation.
  - (3) Center in a Residence.
  - (4) Short Term Rental – Host Occupied.
  - (5) Cooperative Farm Stand.
  - (6) Rural Special Events.
  - (7) Non-Farm Use of Farm Equipment.
- (B) The applicant shall submit to the Planning and Inspections Department:
- (1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);
  - (2) The completed site plan application form;
  - (3) A copy of the Orange County tax map with the subject property identified;
  - (4) Legal documentation, to be approved by the County Attorney, establishing entities responsible for control over common areas and facilities.
  - (5) Three copies of the Environmental Assessment and/or Environmental Impact Statement, if required under Section 6.16 of this Ordinance.
  - (6) A statement regarding the method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited.
- (C) Other items which should be submitted simultaneously, but are not required as part of the site plan application are:
- (1) Erosion control and grading plans as necessary to be approved by the Erosion Control Officer for a grading permit, and



- (2) Stormwater Management Plans (SMPs) as necessary to be approved by the Erosion Control Officer prior to the issuance of a Zoning Compliance Permit, and
- (3) Building construction plans to be approved by the Building Official prior to issuance of a building permit.

### 2.5.3 Plan Specifications

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

- (A) The boundary of the lot(s) to be developed labeled with bearings and distances;
- (B) The name, address, and phone number of the applicant and the property owner;
- (C) Name of project, vicinity map, north arrow, scale, tax map reference number, date of plan preparation, and subsequent revision dates;
- (D) Zoning of the property to be developed and all adjacent zoning and existing adjacent land uses;
- (E) Adjacent right-of-way widths with road names and numbers;
- (F) A development summary including total acres, proposed use(s), total building square footage, required and proposed parking spaces.
- (G) Demonstrated compliance with all applicable performance standards contained in Articles 3, 4, 5, and 6 of this Ordinance;
- (H) Maximum and proposed impervious surface and required stream buffers as detailed in Sections 4.2 and 6.12 of this Ordinance;
- (I) Estimated traffic generated by the proposed development in trips per day. If the estimate exceeds 800 trips per day, a traffic impact study must be submitted in accordance with Section 6.17;
- (J) Front, side, and rear building setbacks as required by Articles 3 and 5 of this Ordinance;
- (K) Location of all proposed buildings and structures labeled with floor area, building height and function, and proposed finished floor elevation;
- (L) Vehicular use areas including existing and proposed streets and access drives, off street parking and loading to comply with Section 6.9 of this Ordinance, and entry/exit points of adjacent parcels;
- (M) Overhead and underground utilities with accompanying easements and storm drainage facilities/easements (including septic tanks and wastewater disposal fields, wells, fire hydrants, irrigation, and security lights);
- (N) Solid waste disposal facilities;
- (O) All proposed free-standing and wall-mounted signs. Signs must comply with Section 6.12 of this Ordinance;
- (P) A landscape plan demonstrating compliance with Section 6.8 of this Ordinance;
- (Q) For all developments other than ~~those regulated by the NC Residential Code single-family residential, and duplexes~~, existing contour lines (dashed) and proposed contours (solid) at 5-foot intervals with 10-foot contours bold. Where site conditions warrant, 2-foot contours may be required;
- (R) Retaining walls, tree wells, or rip rap as part of the grading plan;
- (S) Streams, ponds, drainage ditches, swamps, floodway and floodplain boundaries;
- (T) Phase lines and numbers if the development is to be phased;

- (U) Methods of disposal of trees, limbs, stumps and construction debris associated with the permitted activity. Open burning of trees, limbs, stumps, and/or construction debris associated with the permitted activity is expressly prohibited;
- (V) Compliance with County adopted access management, transportation and/or connectivity plans and denote the location of future roadway(s) and access easements, whether public or private, to ensure and encourage future connectivity; and
- (W) Additional information may be required based on the site location and the type of development proposed.

#### **2.5.4 Procedures and Timeframes**

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- (A) Upon submission, the Planning Director shall review the site plan application for completeness in form and content according to this Article.
- (B) If an application is incomplete, it will be returned to the applicant within five working days.
- (C) When a complete application has been accepted, the plan(s) shall be distributed to applicable agencies, DAC, and other departments for review and comment.
  - (1) Applications for agricultural support enterprise uses located within the Rural Buffer land use classification, as depicted on the Future Land Use Map of the adopted Comprehensive Plan, shall be forwarded to the County's Agricultural Preservation Board for review and comment.
    - (a) The Agricultural Preservation Board shall have 30 calendar days to provide comments. If comments are not received within this timeframe, the application review process shall not be delayed.
    - (b) For purposes of this subsection, agricultural support enterprise uses shall be defined as those permitted in the ASE-CD zoning district, as detailed within Section 5.2 of this Ordinance.
- (D) The Planning Director shall review the plan(s) based on, but not limited to, the following general criteria:
  - (1) Compliance with all applicable County ordinances;
  - (2) Extent and intensity of impacts to the surrounding area;
  - (3) Respect for existing site conditions, including slope, vegetation, drainage patterns, etc.;
  - (4) Efficient use of the land to minimize disturbance and grading and to conserve energy;
  - (5) Safe and efficient vehicular and pedestrian circulation;
  - (6) Logical placement of structures and other site functions;
  - (7) No open burning of trees, limbs, stumps and construction debris associated with the permitted activity; and
  - (8) Compliance with any previously issued Special Use or Conditional Use Permit(s) associated with the project.
- (E) Following review of the site plan, the Planning Director shall take final action on the application within 21 days of acceptance of a complete application. Final action shall be one of the following:
  - (1) Approval,
  - (2) Approval with conditions, or
  - (3) Denial.

Failure to meet the criteria for site plan approval listed herein, and/or to address all review comments solicited during plan review, will result in denial of the application.

- (F) If a plan is approved with conditions, no zoning authorization allowing Land-Disturbing Activity or subsequent building permit shall be issued until all conditions of approval have been met to the satisfaction of Orange County.
- (G) Site plan approval and the issuance of a Zoning Compliance Permit does not establish a vested right to develop the property should zoning regulations change subsequent to plan approval.

#### **2.5.5 Vesting of Site Plan**

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- (A) At the option of the Applicant, a site plan may be vested for a period of not less than two nor more than five years. Multi-phased developments, as defined in NCGS 160D-108, shall be vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.
- (B) To become vested, a site specific vesting plan must be approved by the Board of County Commissioners through either the normal project approval process if the Board of County Commissioners is the approval authority, or, in the case the Board of County Commissioners is not the normal approval authority, by the Board of County Commissioners after a legislative hearing.
  - (1) Said legislative hearing shall follow the public notification procedures set forth in Section 2.8.7.
  - (2) The Board of County Commissioners may approve the site specific vesting plan with such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right. Failure to abide by such terms and conditions shall result in a forfeiture of vested rights.
- (C) An approved site specific vesting plan shall contain the following statement: "Approval of this plan establishes a zoning vested right under NCGS 160D-108. Unless terminated at an earlier date, the zoning right shall be valid until \_\_\_\_\_."
- (D) The site specific vesting plan for a project which requires the preparation of an Environmental Impact Statement (EIS) in accordance with Section 6.16 of this Ordinance shall not be approved until the EIS has been made available for public review, and has been presented to the Board of County Commissioners in accordance with Section 2.23 of this Ordinance.

#### **2.5.6 Performance Guarantees**

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- (A) If a Performance Guarantee is required, the provisions of Section 2.27 of this Ordinance shall apply.

#### **2.5.7 Additional Requirements for Overlay Districts**

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- (A) **Efland-Cheeks Highway 70 Corridor Overlay District**
  - (1) **Approval Requirements**

Within the Efland-Cheeks Highway 70 Corridor Overlay District (ECOD), no construction activity shall begin nor shall any conversion of existing single-family residence to a non-residential land use, excavation, soil removal, grading or disturbance of vegetation including trees, Land-Disturbing Activity associated with a non-residential land use, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.
- (B) **Efland Interstate Overlay District**

**(1) Approval Requirements**

Within the Efland Interstate Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

**(C) Efland Village Overlay District****(1) Approval Requirements**

Within the Efland Village Overlay District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected for any use subject to the requirements of the overlay district until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

**(D) Major Transportation Corridor Overlay District****(1) Approval Requirements**

Within the Major Transportation Corridor District, no construction activity shall begin nor shall any excavation, soil removal, filling, grading or disturbance of vegetation, including trees, be commenced, nor any sign erected until such time as a site plan has been approved and a permit issued by the Planning Director in accordance with this Section and Section 2.4 of this Ordinance.

**2.5.8 Additional Requirements for Economic Development Districts**

- (A)** Prior to submission of an application for site plan approval, applicants shall meet with representatives of the Planning and Inspections, and Economic Development Departments to identify policies, procedures, regulations, and fees applicable to development proposals.
- (B)** Any proposed subdivision in an Economic Development District shall follow the approval procedures as specified in Section 2.16.
- (C)** In addition to the submittal requirements contained in this Section, a complete application shall also include:
  - (1)** Building elevation drawings for each proposed structure; and
  - (2)** A minimum of two drawings of sections through the site illustrating existing and proposed grades, as well as the relationship of different site features.

**SECTION 2.6: FLOODPLAIN DEVELOPMENT APPLICATION PERMIT AND CERTIFICATE REQUIREMENTS**
**2.6.1 Requirements for Special Flood Hazard Area**

- (A)** All projects proposing the development of property located within a Special Flood Hazard Area (SFPA) shall be required, regardless of the proposed land use, to submit a site plan prepared by a registered engineer, landscape architect, or land surveyor in accordance with the provisions of Section 2.5.
- (B)** Flood damage prevention regulations contained herein shall apply to all Special Flood Hazard Areas within the jurisdiction of Orange County, including properties located within the Extra-Territorial Jurisdictions (ETJs) of local municipalities used for bona fide farm purposes in accordance with Sections 160D-201 and 160D-202 of the North Carolina General Statutes.

- (d) The Orange County Planning Department, in consultation with Orange County Environmental Health and/or the Orange County Staff Engineer, has determined that the relative locations of the well, septic system and structure maximize the amount of watershed protection that can be achieved while allowing development of the lot. Generally, an exception to setbacks for repair area is preferable to an exception for the initial septic system, and encroachment of structures or gravity septic systems into the setback is preferable to the installation of a septic system pump.
- (e) The amount of encroachment into the stream or reservoir buffer is the minimum amount which can be obtained while meeting the criteria in (a) through (d).

#### 4.2.3 Land Use Restrictions

All uses and activities allowed in the underlying zoning district are permitted with the following exceptions:

TABLE 4.2.3 LAND USE RESTRICTIONS	
DISTRICT	RESTRICTIONS
UNIV-CA UNIV-PW CANE-CA U-ENO-CA	No new landfills are permitted. No commercial or industrial uses are permitted except for commercial development, in accordance with the provisions of the Ordinance, located within established Nodes as detailed within the Orange County Comprehensive Plan. No new golf courses are permitted
UNIV-CA CANE-CA U-ENO-CA	No residual (sludge/biosolids) application is permitted.
CANE-PW U-ENO-PW HYCO-PW LITTLE-PW BACK-PW FLAT-PW HAW-PW L-ENO-PW JORDAN-PW	No discharging landfills are permitted. Industrial use is limited to nonhazardous light industrial uses characterized by low water use (less than 10,000 gpd, excluding domestic water (25 gpd per employee) and water used for heating and air conditioning).

#### 4.2.4 Residential Density

Maximum residential density shall be as indicated in the Table in this subsection, or as required by the underlying zoning district, whichever is less.

TABLE 4.2.4 RESIDENTIAL DENSITY	
DISTRICT	MAXIMUM DENSITY
UNIV-CA UNIV-PW	1 du/five acres. Lots of record existing on October 2, 1989 may contain up to, but no more than, five lots with a density of one du/two acres. Contiguous lots of record existing on October 2, 1989 may be combined into one parcel for development. The number of two-acre lots and the total number of lots in the combined parcel cannot exceed the sum of the number of lots which could be created from each lot of record.
CANE-CA CANE-PW	1 du/ five acres Lots of record existing on October 19, 1999 may contain up to, but no more than, five lots as small as two acres in size. Contiguous lots of record existing on October 19, 1999 may be combined into one parcel for development. The number of two-acre lots and the total number of lots in the combined parcel cannot exceed the sum of the number of lots which could be created from each lot of record.

TABLE 4.2.4 RESIDENTIAL DENSITY	
DISTRICT	MAXIMUM DENSITY
U-ENO-CA LITTLE-PW	1 du / 2 acres
HYCO-PW FLAT-PW	1 du/ 40,000 square feet (.92 acre)
U-ENO-PW L-ENO-PW HAW-PW JORDAN-PW BACK-PW	Maximum density is as permitted in the underlying zoning district. Stormwater Control Measures (SCMs) are required in some cases where density exceeds 1 dwelling unit per acre. Refer to Section 4.2.5.



### Density Exceedance Allowance

As enabled by NC G.S § 143-214.5(d3), an applicant may exceed the density otherwise required by the applicable water supply watershed regulations, but not the underlying zoning district, if all of the following circumstances apply:

- 1 The property was developed prior to the effective date of the applicable water supply watershed regulations;
- 2 The property has not been combined with additional lots after January 1, 2021;
- 3 The property has not participated in density averaging, as allowed by NC G.S. § 143-214.5(d2);

The current use of the property is nonresidential; and

The remaining vegetated buffers on the property are preserved in accordance with Section 6.13.4 of this Ordinance.

### Impervious Surface Requirements for Residential Uses

TABLE 4.2.5.1: IMPERVIOUS SURFACE REQUIREMENTS (RESIDENTIAL)	
DISTRICT	IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (RESIDENTIAL)
UNIV-CA UNIV-PW	6% impervious surface limit. EXCEPT for all lots which existed prior to 4/2/90, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Univ, Cane, and Little). [1], [2] Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).
CANE-CA CANE-PW	6% impervious surface limit. EXCEPT for lots smaller than two acres which existed prior to 1/1/94, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Univ, Cane, and Little). [1], [2] Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).
U-ENO-CA	6% impervious surface limit. EXCEPT for lots smaller than five acres which existed prior to 6/1/2010, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios – Upper Eno). [1], [2]
LITTLE-PW	6% impervious surface limit. EXCEPT for lots which existed prior to 1/1/94, which are subject to impervious surface limits as provided in the following Table (entitled Sliding Scale for Residential Impervious Surface Ratios - Univ, Cane, and Little). [1], [2] Lots shall either be a minimum of 2 acres in area, exclusive of any right-of-way or access easement, or created in accordance with established density regulations through the subdivision process to qualify for additional impervious surface allocation as detailed in Section 4.2.8 (C).
FLAT-PW HYCO-PW	12% impervious surface limit for new and existing lots. [1], [2]
U-ENO-PW BACK-PW	12% impervious surface limit for existing and new lots outside of Transition Areas as designated in the Orange County Land Use Plan. [1], [2] 30% impervious surface limit for developments which exceed a density 1 du/acre within Transition Areas as designated in the Orange County Land Use Plan. Stormwater Management Plans (SMPs) and/or Stormwater Control Measures (SCMs) are required if impervious surface exceeds 12%. 70% impervious surface limit for residential uses developed at “high intensity” densities (R-5, R-8, and R-13) in an Economic Development District as designated in the Land Use Element of the Comprehensive Plan (high-density option) with SCMs if ISR exceeds 12%.
L-ENO-PW	24% impervious surface limit with curb and gutter. 36% impervious surface limit without curb and gutter. [1], [2] 70% impervious surface limit for residential uses developed at “high intensity” densities (R-5, R-8, and R-13) in an Economic Development District as designated in the Land Use Element of the Comprehensive Plan (high-density option), with Stormwater Management Plans (SMPs) and/or Stormwater Control Measures (SCMs) required when impervious surface exceeds: <div style="text-align: right; padding-right: 20px;">24% (w/ curb and gutter); or 36% (w/o curb and gutter).</div>
HAW-PW JORDAN-PW	24% impervious surface limit. [1], [2]
<p>[1] Allowable impervious surface area may be modified in accordance with Section 4.2.8 of the UDO.</p> <p>[2] Regardless of the proposed amount of impervious surface area, a Stormwater Management Plan (SMP) and/or Stormwater Control Measure (SCM) may still be required based on the proposed amount of land disturbance on a given parcel of property in accordance with applicable Orange County Erosion Control and State Stormwater regulations.</p>	

**(B) Hillsborough Economic Development District**

- (1) The Hillsborough Economic Development District is located within the Lower Eno - Unprotected watershed. Within the Hillsborough Economic Development District, as designated in the Land Use Element of the Comprehensive Plan, the maximum impervious surface ratio is 50% with detention ponds.

TABLES 4.2.5.2 & 4.2.5.3: SLIDING SCALE FOR RESIDENTIAL IMPERVIOUS SURFACE RATIOS – UNIV, CANE, LITTLE, AND UPPER ENO						
LOT SIZE (ACRES)	ISR	SQUARE FEET		LOT SIZE (ACRES)	ISR	SQUARE FEET
Cells in black DO NOT apply to the Upper Eno						
6+	5.0			3.1	9.8	13,234
6.0	5.0	13,068		3.0	10.0	13,068
5.9	5.1	13,107		2.9	10.2	12,885
5.8	5.2	13,138		2.8	10.4	12,685
5.7	5.3	13,159		2.7	10.6	12,467
5.6	5.4	13,172		2.6	10.8	12,232
5.5	5.5	13,177		2.5	11.0	11,979
5.4	5.6	13,172		2.4	11.2	11,709
5.3	5.7	13,159		2.3	11.4	11,421
5.2	5.8	13,138		2.2	11.6	11,116
5.1	5.9	13,107		2.1	11.8	10,794
5.0	6.0	13,068		2.0	12.0	10,454
4.9	6.2	13,234		1.9	12.2	10,097
4.8	6.4	13,381		1.8	12.4	9,723
4.7	6.6	13,512		1.7	12.6	9,331
4.6	6.8	13,625		1.6	12.8	8,921
4.5	7.0	13,721		1.5	13.0	8,494
4.4	7.2	13,880		1.4	13.2	8,050
4.3	7.4	13,861		1.3	13.4	7,588
4.2	7.6	13,904		1.2	13.6	7,109
4.1	7.8	13,930		1.1	13.8	6,612
4.0	8.0	13,939		1.0	14.0	6,098
3.9	8.2	13,930		0.9	14.2	5,567
3.8	8.4	13,904		0.8	14.4	5,018
3.7	8.6	13,861		0.7	14.6	4,452
3.6	8.8	13,800		0.6	14.8	3,868
3.5	9.0	13,721		0.5	15.0	3,267
3.4	9.2	13,625		0.4	15.2	2,648
3.3	9.4	13,512		0.3	15.4	2,012
3.2	9.6	13,382		0.2	15.6	1,359

**4.2.5 Impervious Surface and Lot Size Requirements for Non-Residential Uses**

Unless otherwise noted in the Table below, minimum lot sizes shall be in conformance with the underlying zoning district.

TABLE 4.2.6: IMPERVIOUS SURFACE REQUIREMENTS (NON-RESIDENTIAL)

DISTRICT	IMPERVIOUS SURFACE/DETENTION POND REQUIREMENTS (NON-RESIDENTIAL)
UNIV-CA CANE-CA	5-acre minimum lot size, with potential of up to five lots as small as two acres for lots of record September 1, 2015 (University Lake) or October 19, 1999 (Cane Creek); AND 6% impervious surface limit. [1], [2]
U-ENO-CA	2-acre minimum lot size AND 6% impervious surface limit. [1], [2]
UNIV-PW CANE-PW	5-acre minimum lot size with potential of up to five lots as small as two acres for lots of record September 1, 2015 (University Lake) or October 19, 1999 (Cane Creek); AND 50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff; AND a limit of 1.0% of the watershed for non-residential use (139 acres in CANE-PW). [1], [2]
LITTLE-PW	2-acre minimum lot size AND 50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff; AND a limit of 1.0% of the watershed for non-residential use (406 acres in LITTLE-PW). [1], [2]
U-ENO-PW BACK-PW	70% ISR in Economic Development, Commercial and/or Commercial- Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan (high-density option) with Stormwater Management Plans (SMPs) and/or Stormwater Control Measures (SCMs) if ISR exceeds 12%; AND 50% ISR for all fire stations and solid waste collection centers outside of Commercial and/or Commercial-Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan, with Stormwater Management Plans (SMPs) and/or Stormwater Control Measures (SCMs) if ISR exceeds 12%; AND 12% ISR for all other non-residential uses outside of Commercial and/or Commercial-Industrial Nodes as designated in the Land Use Element of the Comprehensive Plan; AND on-site infiltration of the first inch of stormwater runoff; AND A limit of 1,151 acres of non-residential use throughout U-ENO-PW (5.0%) and 163 acres throughout BACK-PW (1%). [1], [2]
HYCO-PW FLAT-PW	50% ISR for all fire stations and solid waste collection centers; AND 12% ISR for all other non-residential uses; AND on-site infiltration of the first inch of stormwater runoff; AND limit of 1% of the watershed for non-residential use (37 acres in HYCO-PW, 66 acres in FLAT-PW). [1], [2]
L-ENO-PW	70% impervious surface, with structural SCMs required when impervious surface exceeds: 24% (w/ curb and gutter); or 36% (w/o curb and gutter). [1], [2]
HAW-PW JORDAN-PW	24% impervious surface limit. [1], [2]
[1] Allowable impervious surface area may be modified in accordance with Section 4.2.8 of the UDO.	
[2] Regardless of the proposed amount of impervious surface area, a Stormwater Management Plan (SMP) and/or a Stormwater Control Measure (SCM) may be required in accordance with applicable local and State standards based on proposed land disturbance and/or a project exceeding impervious surface thresholds as identified herein.	
NOTE: Non-residential use impervious acreage limits in watershed with such limits are calculated using the <u>actual</u> amount of impervious surface for non-residential uses throughout the watershed, not by the overall number of acres of non-residential parcels located in a particular watershed.	

**(A) Hillsborough Economic Development District**

- (1) The Hillsborough Economic Development District is located within the Lower Eno - Unprotected watershed. Within the Hillsborough Economic Development District, as designated in the Land Use Element of the Comprehensive Plan, the maximum impervious surface ratio is 50% with Stormwater Control Measures (SCMs).

#### 4.2.6 Placement of Streets, Driveways, and Buildings

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- (A) Streets, driveways, and buildings or other structures shall be located, to the extent reasonably possible, so as to take full advantage of the absorptive capacity of the soils on which they are to be situated and to avoid the following environmentally sensitive areas:
- (1) Stream buffer zones as required by Section 6.13;
  - (2) Wetlands as defined by the U.S. Army Corps of Engineers;
  - (3) Land with slopes greater than 15%; and
  - (4) Natural areas as identified in the Inventory of Natural Areas and Wildlife Habitats of Orange County, NC.
- (B) To avoid creating lots that will be difficult to build upon in compliance with the standards of this Section, the preliminary plan shall show proposed building envelopes and approximate driveway locations for all lots within subdivisions.
- (1) A zoning compliance permit shall not be issued for the construction of buildings or driveways outside the areas so designated on the preliminary plan unless the Planning Director makes a written finding that the proposed location complies with the provisions of this Section and Sections 6.13 (Stream Buffers) and 6.14 (Stormwater Management).

#### 4.2.7 Modifications of the Impervious Surface Ratio

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Modifications of the Impervious Surface Ratios may be requested through one of the following provisions:

- (A) Through variance procedures of the Board of Adjustment, as described in Section 2.10.
- (B) Through approval and recordation of a conservation agreement, as provided in Article 4 of Chapter 121 of the N.C. General Statutes, between Orange County and a land owner that prohibits development of land in a protected watershed in perpetuity, subject to the following:
- (1) A modification of the required impervious surface ratios may be approved administratively but only to the extent that additional land in the same watershed is conserved or protected from development.
  - (2) The land which will be subject to a conservation agreement must be adjacent to the land proposed for development and for which a modification of the impervious surface ratios is sought.
    - (a) As an example, a person owning a 40,000 square foot lot and subject to a 12% impervious surface ratio would be limited to 4,800 square feet of impervious coverage. If the person's plans called for 5,500 square feet of coverage (a difference of 700 square feet), the recording of a conservation easement on 5,833 square feet of contiguous property would satisfy the impervious surface ratio requirements. (12% of 5,833 square feet is 700 square feet.)
    - (b) The conservation easement shall describe the property restricted in a manner sufficient to pass title, provide that its restrictions are covenants that run with the land and, be approved in form by the County Attorney.
    - (c) The conservation easement shall, upon recording, be in the place of a first priority lien on the property (excepting current ad valorem property taxes) and shall remain so unless, with the approval of Orange County, it is released and terminated.

- (d) Orange County shall require the priority of the conservation easement to be certified by an attorney-at-law, licensed to practice law in the State of North Carolina and approved to certify title to real property.
  - (e) Orange County approval of a release or termination of the conservation agreement shall be declared on the document releasing or terminating the agreement. The document shall be signed by the Orange County Manager, upon approval of the Board of County Commissioners. No such document shall be effective to release or terminate the conservation agreement until it is filed for registration with the Register of Deeds of Orange County.
- (C)** Through approval (by Orange County) and recordation (by the land owner(s)) of a Declaration of Impervious Surface Re-Allocation form (provided by Orange County) and a corresponding scaled exhibit map. The Declaration of Impervious Surface Re-Allocation form and corresponding scaled exhibit map must clearly describe the proposed site modifications, inclusive of the allowable impervious area(s) for each affected lot (in square feet), the amount of existing impervious area(s) for each affected lot (in square feet), and the amount of proposed impervious area(s) to be permanently added and/or removed for each affected lot. The applicant must provide evidence that the proposed impervious surface re-allocations are within the same watershed and within the same tier of that watershed (e.g. critical, protected, unprotected).
- (D)** Through the installation of a Stormwater Control Measure (SCM), consistent with the minimum design standards as detailed within the most current version of the North Carolina Administrative Code Title 15A, Subchapter 02H, Sections .1000 through .1062 and the most current version of the Department of Environmental Quality (NCDEQ) Stormwater Design Manual, and this Ordinance.
  - (1)** The proposed feature must be recognized by Orange County and the State as allowing for an increase in impervious surface area through an Infiltration System.
  - (2)** Under no circumstances may impervious surface area be increased by more than 3% of the total allowable area on the subject parcel through this process.
  - (3)** The property owner shall provide a stormwater assessment, completed by a licensed engineer, of the current property identifying its infiltration rates and carrying capacity as well as a comprehensive soil assessment for the property.
  - (4)** The development/design of the feature shall be in accordance with established design criteria as embodied within the most current version of the North Carolina Administrative Code Title 15A, Subchapter 02H, Sections .1000 through .1062 and the most current version of the NCDEQ Stormwater Design Manual and shall be completed by a licensed engineer with expertise in stormwater management. Additional allowable impervious surface area shall be based on the soil composition of the property consistent with State regulations.
  - (5)** The property owner shall be responsible for the completion and submission of a stormwater operation/maintenance and access agreement detailing the perpetual maintenance, inspection, and upkeep of the approved SCM in accordance with Orange County and State regulations.

(E)

The Planning Director shall cause an analysis to be made of the agreement by qualified representatives of Orange County and other agencies or officials as appropriate. Once approved, the document shall be recorded at the Orange County Register of Deeds office.

The property owner assumes all financial and legal responsibility for the perpetual maintenance and upkeep of the approved SCM.

- (6) The property owner shall assume all costs associated with the preparation and recordation of new plat(s)/development restrictions detailing the allowable impervious surface limit(s) for the property after the SCM has been approved by Orange County.
- (7) The property owner, at its cost and expense, shall be required to execute and file with Orange County a Performance Guarantee to cover the cost of removal of a SCM, and any additional impervious surface area installed as the result of its approval, in the event the SCM is failed to be maintained in accordance with the recorded operations agreement. The Performance Guarantee shall comply with the provisions of Section 6.22 of this Ordinance.

(E) If all of the criteria of Section 4.2.4(A) are satisfied, an applicant may elect to apply the preexisting development regulations, as specified in Section 6.14(C).<sup>1</sup>

<sup>1</sup> Per NCSL23-137

6.2 (Lot and Building Standards), 6.5 (Architectural Design Standards) and 6.6.4 (Major Transportation Corridor).

#### **4.5.2 Applicability**

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- (A) This district is intended for all properties located north of the railroad tracks in a geographic area commonly referred to as "Efland" in accordance with the boundaries shown on the Orange County Zoning Atlas
- (B) The requirements of this Ordinance pertaining to the Efland Village Overlay District apply to all residential and non-residential land uses and developments in the designated district except for detached single-family residential land uses and developments.

#### **4.5.3 Permitted Uses and Dimensional and Ratio Standards**

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- (A) Within the Efland Village Overlay District, uses of land and structures and Dimensional and Ratio Standards are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.
- (B) **Setbacks and Building Height**
  - (1) In lieu of the front setback required in Article 3, the minimum front yard setback for properties fronting on U.S. Highway 70 shall be 30-feet.
  - (2) In lieu of the front setback required in Article 3, the front yard setback for parcels located in the overlay district but not fronting on U.S. Highway 70 shall be in keeping with the front setback provided by adjacent uses.
  - (3) The minimum side and rear setback shall be the width of the required Land Use Buffer (Section 6.8.6) or the setback required in Article 3, whichever is less, but in no case shall be less than 10-feet.
  - (4) If Building Height Limitation modifications are pursued in accordance with Section 6.2.2(A), in no case shall building height exceed 40 feet.
- (C) **Yard Encroachments**
  - (1) No fences shall be permitted in the front yard of lots used for non-residential uses unless a demonstrated need can be shown.
  - (2) Fences located in the front yard of residential uses, other than single-family detached dwellings, shall be a maximum of five feet in height.

### **SECTION 4.6: MAJOR TRANSPORTATION CORRIDOR**

#### **4.6.1 Intent**

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- (A) It is the intent of Orange County to protect and enhance those natural and environmental features which constitute important physical, aesthetic, recreational, and economic assets through the provision of special controls of public and private development along major transportation corridors.
- (B) The Board of County Commissioners finds as a fact that:
  - (1) Major transportation corridors serve a key function in the orderly development of Orange County as major traffic movers, as well as serve as entrances to Orange County from outside the area.
  - (2) These corridors and the character of the development which occurs along them establish for visitors and residents alike an indicator of the quality of life in the County, as well as the efficiency and safety of traffic movement through the area.

- (3) In addition, the ability of different areas of the County to attract and accommodate different types of development depends on the capacity of the thoroughfare system and the character and quality of development along major corridors.
- (C) The Major Transportation Corridor district is intended to enhance the attractiveness and orderly development of land adjacent to major transportation facilities through the provision of a set of development standards and regulations for application to public and private development of land adjacent to these corridors. The major transportation corridors include the interstate system as designated in the adopted Comprehensive Plan.
- (D) The district establishes development standards (see Section 6.6.4) and a site plan review process for development within the district. (See Section 2.5).

#### 4.6.2 Applicability

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- (A) The Major Transportation Corridor (MTC) district is established as a district which overlays other zoning districts established in this Ordinance. The new use of any land or any new structure within the MTC district shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the MTC district.
- (B) The provisions, requirements and restrictions of this district shall not apply to the use of land within the district for ~~structures regulated by the NC Residential Code single-family or two-family dwellings~~ or to any building or structure existing prior to the creation of this district unless it is structurally altered to the extent of increasing the floor area by 50% or more or is enlarged to any degree to occupy a vacant lot.
- (C) This district shall be applied along any interstate highway in the County designated in the adopted Comprehensive Plan as such and to any proposed interstate highway designated in the adopted Comprehensive Plan as such.
- (D) The minimum length of the district shall be a continuous distance along the thoroughfare within the County's jurisdiction and outside of the extraterritorial planning jurisdictions of the Towns of Hillsborough, Chapel Hill, and Carrboro and the City of Mebane.
- (E) The minimum width of the district is 1,250 feet from the edge of the right-of-way measured along a line which is perpendicular to the edge of the right-of-way on each side of the roadway, except at interstate interchanges where the District shall extend 2,500 feet from the right-of-way on each side of the intersecting road.

#### 4.6.3 Permitted Uses

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Within the Major Transportation Corridor (MTC) District, uses of land and structures are those permitted in the underlying zoning district or districts. All other requirements for the use of land and structures contained in this Ordinance shall be met unless otherwise provided.

#### 4.6.4 Building Setback and Yard Requirements

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Building setback and required yard areas for the overlay district are as follows:

- (A) The front yard requirement shall be 100 feet from the edge of the right-of-way of an interstate highway or 50 feet from the edge of an intersecting road at an interstate interchange.
- (B) The rear yard requirement shall be 50 feet from the edge of the rear property line or 100 feet from the edge of the right-of-way of an interstate highway when a rear yard is adjacent to the interstate.
- (C) The side yard requirement shall be 50 feet from the side property line or 100 feet from the edge of the right-of-way of an interstate highway where the side property line is adjacent to the interstate.

- (B) Existing forested areas or any other healthy vegetation may not be removed from a stream buffer, except where replaced with vegetation resulting in comparable stormwater runoff velocity and quantity one year after planting.
- (C) New vegetation shall be planted to capture non-source pollutants before they reach the perennial stream, as per applicable Orange County Standards.

## SECTION 6.14: STORMWATER MANAGEMENT

### 6.14.1 Introduction

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As a watershed becomes more developed, the amount of impervious surface area increases, causing a decrease in the rate at which stormwater runoff can be absorbed into the soil. This results in additional stormwater runoff flowing directly into streams and other water bodies. Because this additional direct stormwater runoff has not been filtered through the soil, pollutants from the air and land surface enter streams and increase the potential for pollution of hydrologically connected aquatic ecosystems and drinking water supplies.

### 6.14.2 Purpose

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It has been determined that proper management of construction-related and post-development stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. The purpose of the Board of County Commissioners in adopting stormwater management regulations is to protect the water quality of the streams that lie within Orange County by reducing and controlling stormwater runoff and addressing nutrient reductions for both new and existing development.

### 6.14.3 Jurisdiction-Wide and Inter-Local Approaches

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- (A) Orange County shall have the option of implementing jurisdiction-wide and/or inter-local approaches to control stormwater runoff and achieve nutrient reductions.
- (B) Any jurisdiction-wide and/or inter-local approaches must be approved by the Orange County Board of Commissioners, and the North Carolina Environmental Management Commission before implementation.

### 6.14.4 General Methods

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The following general approaches shall be utilized to minimize the effects of stormwater pollution on hydrologically connected aquatic ecosystems and drinking water supplies in Orange County:

#### (A) Non-Structural Methods

- (1) The stormwater run-off generated by one inch of rain from all project area surfaces shall be controlled to the extent possible through on-site infiltration and through the use of methods which rely on natural soil properties for absorption and treatment.
- (2) Stormwater runoff from roads, parking lots, and/or sidewalks shall be directed to undisturbed areas through use of berms, grassed diversion ditches or swales, or other acceptable means to reduce stormwater runoff velocity and volume, and filter out pollutants.

#### (3) Impervious Surface Limits

- (a) In order to promote infiltration of stormwater runoff into the soil and minimize direct and immediate runoff into streams and water supply impoundments, the maximum percentage of the total lot area which may be covered with an impervious surface shall be specified. This limit is referred to as the "impervious surface ratio".

- (b) Impervious surface calculations for an individual development shall be cumulative for original construction and any subsequent additions. One-half of the width of any of any existing or proposed road adjacent to an individual lot shall be included as impervious surface for that lot, except in the case where an existing road was contained within a dedicated public right-of-way at the time that the watershed regulations were first applied to the watershed within which the development is located.

**(4) Infiltration Systems**

- (a) The benefits of Infiltration Systems include, but are not limited to:
  - (i) Removal of both suspended and dissolved pollutants,
  - (ii) Relatively low maintenance requirements,
  - (iii) Flood reduction,
  - (iv) Promotion of groundwater recharge, and
  - (v) Maintenance of stream flow during dry periods.
- (b) Where on-site Infiltration Systems are utilized, areas for such purposes shall be designated on the plat and shall remain undisturbed both during and after construction.
- (c) Undisturbed areas designated for infiltration of stormwater runoff shall also be located downslope from impervious surfaces and shall not include areas characterized by floodplains, highly erodible or impervious soils, steep slopes or previously disturbed areas.
- (d) Areas designated as suitable for septic tank nitrification fields may not be used for stormwater runoff infiltration purposes.

**(B) Stormwater Control Measures (SCMs)**

- (1) In cases where non-structural methods may not adequately control the stormwater runoff generated by the first inch of rain from all project surfaces due to the amount of impervious surface proposed to be developed, or in cases where Non-Structural Methods are not effective or appropriate due to factors such as the presence of highly erodible soils, impervious soils, steep slopes, and/or lack of vegetative cover, permanent Stormwater Control Measures (SCMs), which capture stormwater runoff for slow release through a controlled outlet, are required.
- (2) Where required, SCMs shall be constructed in accordance with this Section.

**(C) Impervious Surface and SCM Requirements**

- (1) For all protected watersheds, an absolute limit on the percentage of lot area which can be covered with impervious surfaces has been established. See Section(s) 4.2.5 and 4.2.6 of this Ordinance.
- (2) In some cases, SCMs are required when the proposed impervious surface ratio exceeds a specified percentage, which is below the absolute limit.

**6.14.5 Applicability**

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- (A) The stormwater management standards and regulations included herein are applicable to all new development within the Orange County planning jurisdiction, including private, public, state, and federal development not covered by a separate NPDES permit, as follows:
  - (1) **Falls Lake Watershed**

- (a) Any Land-Disturbing Activity that cumulatively disturbs greater than one-half acre of land in order to establish, expand or modify a single family or duplex residential development or a recreational facility.
- (b) Any Land-Disturbing Activity that cumulatively disturbs greater than 12,000 square feet of land in order to establish, expand, or modify a multifamily residential development or a commercial, industrial or institutional facility.
- (c) New development that disturbs less than the above thresholds are exempt unless the new development is part of a larger common plan of development or sale and the larger common plan exceeds the above thresholds, even though multiple, separate or distinct activities take place at different times on different schedules.

**(2) Jordan Lake Watershed**

- (a) Any Land-Disturbing Activity that cumulatively disturbs greater than one acre of land in order to establish, expand or modify a single family or duplex residential development or a recreational facility.
- (b) Any Land-Disturbing Activity that cumulatively disturbs greater than one-half an acre of land in order to establish, expand, or modify a multifamily residential development or a commercial, industrial or institutional facility.
- (c) New development that disturbs less than the above thresholds are exempt unless the new development is part of a larger common plan of development or sale and the larger common plan exceeds the above thresholds, even though multiple, separate or distinct activities take place at different times on different schedules.

**(B)** New development shall not include agriculture, mining, or forestry activities, as defined by North Carolina General Statutes.

**(C) Redevelopment Exemption<sup>2</sup>**

When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity.

**6.14.6 Review Criteria**

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**(A) New Development**

- (1) Riparian areas must be protected and maintained in compliance with this Ordinance,
- (2) Nutrient load contribution must meet the standards listed in Section 6.14.7 of this Ordinance as required by the North Carolina Department of Environmental Quality (NCDEQ),
- (3) Stormwater systems shall be designed to control and treat, at a minimum, the stormwater runoff generated by one inch of rainfall from all project area surfaces. The treatment volume shall be drawn down pursuant to standards specific to each practice as determined by the most current version of the North Carolina Administrative Code Title 15A, Subchapter 02H, Sections .1000 through .1062, and the most current version of the NCDEQ Stormwater Design Manual.

<sup>2</sup> Verbatim NCSL23-137, amending NCGS 143-214.7(b3)

- (4) New development that would exceed the nutrient loading rates set out herein, shall include engineered stormwater controls designed to have a Primary and/or Secondary SCM per NCDEQ requirements.
  - (5) Proposed new development may satisfy the review criteria standards of this section using a Runoff Volume Match design approach (also referred to as a Low Impact Development (LID) design approach) in conformance with 15A NCAC 02H.1002 (44). If pursued, a Runoff Volume Match design approach must include the use of the accounting methodologies approved by the North Carolina Division of Energy, Mineral, and Land Resources (NCDEMLR).
- (B) Additional Standards – Falls Lake Watershed**
- (1) In addition to the standards contained in Section 6.14.6 (A) of this Ordinance, development shall observe a no net increase in peak flow leaving the site from predevelopment conditions for the 1 year, 24 hour, storm.
  - (2) Proposed new development using a Runoff Volume Match design approach for satisfying stormwater management requirements must also include the estimation of pre-development and post-development nutrient export rates (e.g. Nitrogen and Phosphorous) for the proposed development, using the nutrient accounting methodologies approved by the North Carolina Division of Water Resources (NCDWR). Nutrient export estimates are required for Runoff Volume Match record-keeping purposes.

#### **6.14.7 Nutrient Load**

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- (A) Nitrogen and phosphorus loads contributed by proposed new development shall not exceed the following unit-area mass loading rates:
  - (1) **Falls Lake Watershed**
    - (a) Nitrogen, 2.2 pounds per acre per year
    - (b) Phosphorus, 0.33 pounds per acre per year
- (B) The nutrient export from each new development shall be calculated in pounds per acre per year (using the approved accounting tool) in accordance with the methodologies approved by the North Carolina Division of Water Resources (NCDWR).
- (C) If a proposed development subject to nutrient load requirements contributes nutrients greater than the standards listed above, the developer may install SCMs to meet the required nutrient load standards or do a combination of SCMs and offset payments to achieve the standard.
- (D) **Offset Payments**
  - (1) Offset fees may be permitted to meet the nutrient export levels set for new development. In order to utilize offset fees, the proposed new development subject to the nutrient load standards must attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:
    - (a) Falls Lake Watershed
      - (i) 30% or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre;
      - (ii) 50% or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre;
      - (iii) 30% or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including

multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre;

- (iv) 50% or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre;
- (v) 30% or more reduction in both nitrogen and phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

- (2) Offset fees may be paid to the North Carolina Division of Mitigation Services (DMS), approved private mitigation bank, or other mitigation option as approved by the NCDEQ and Orange County. It is the policy of the NCDEQ and Orange County, as well as a requirement in certain watersheds, that offset payment funds be utilized where they are generated to the maximum extent possible.
- (3) Offset payment fees and calculation methods are determined by the NCDEQ as approved by the North Carolina Environmental Management Commission (EMC). The total amount of offset payment will be determined based on current NCDEQ policy and regulation on a case by case basis.

**(E) Permanent Nutrient Export Reduction**

- (1) Allowable on-site SCMs for nutrient reduction shall include those listed in the most current version of the North Carolina Administrative Code Title 15A, Subchapter 02H, Sections .1000 through .1062, and the most current version of the NCDEQ Stormwater Design Manual.
- (2) Design, maintenance and operation of SCMs shall follow standards provided in the most current version of the North Carolina Administrative Code Title 15A, Subchapter 02H, Sections .1000 through .1062, and the most current version of the NCDEQ Stormwater Design Manual.
- (3) Deviations from these standards may be allowed as approved on a case by case basis.

**(F) Total Nutrient Removal Rates**

Total nutrient removal rates of SCMs, as well as SCMs in a series, will be calculated pursuant to the approved accounting tool.

**6.14.8 Peak Runoff Volume**

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**(A) Standards for Falls Lake Watershed**

- (1) For all new development, there shall be no net increase in peak flow leaving the site from the predevelopment conditions for the 1 year, 24 hour storm.

**(B) Standards for Jordan Lake Watershed**

- (1) For all new development there shall be no net increase greater than 10% in peak flow leaving the site from the predevelopment conditions consistent with 15 A NCAC 02H.1002 (44).

**(C) Calculating Peak Runoff Volume**

- (1) The following are acceptable methodologies for computing the pre- and post-development conditions for the 1 year, 24 hour storm:
  - (a) Rational Method,

- (b) Peak Discharge Method as described in the USDA Soil Conservation Service's Technical Release Number 55 (TR-55),
  - (c) Alternative methods must be approved by the County.
- (2) The same method must be used for both the pre- and post- development conditions.

#### **6.14.9 Stormwater Management Plan (SMP)**

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**(A) Required Approval**

The Erosion Control Officer shall not issue any Land Disturbing Permits (LDPs) for new development on any land within Orange County subject to the provisions of this Section, unless and until a Stormwater Management Plan (SMP) has been reviewed and approved in accordance with Section 2.21.1 of this Ordinance.

**(B) Compliance with Requirements**

Any person engaged in new development activities as defined by this Section who fails to file a plan in accordance with this Ordinance, or who conducts any new development except in accordance with provisions of an approved SMP shall be deemed in violation of this Ordinance.

**(C) Enforceable Restriction**

Approval of the SMP shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved SMP.

#### **6.14.10 Operation and Maintenance of Stormwater Control Measures (SCMs)**

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**(A) Performance Guarantees for SCMs**

Approval of the SMP shall be conditioned on the posting of an SCM Performance Guarantee in accordance with Section 6.22 of this Ordinance if SCM construction is applicable.

**(B) SCM Maintenance and Upkeep**

**(1) SCM Operation and Maintenance Agreement (OMA)**

- (a) The permit applicant shall enter into a binding SCM Operation and Maintenance Agreement (OMA) between Orange County and all interests in the development.
- (b) The OMA must include the following:
  - (i) Completed OMA cover sheet template as provided by the Erosion Control Officer,
  - (ii) Name and address of the person or organization financially responsible for paying the 5-year SCM inspection fee,
  - (iii) Name(s) and address(es) of all parties to whom a copy of the annual SCM inspection report should go,
  - (iv) Name and address of the person or organization financially responsible for all maintenance specified in the annual SCM inspection report,
  - (v) Emergency contact information, and

- (vi) (iv)(vi) SCM Operation and Maintenance Plan in accordance with Section 6.14.10 (B) (2) of this Ordinance; the SCM Operation and Maintenance Plan shall be attached to the OMA as "Attachment A".
- (c) The OMA shall require the owning entity to maintain, repair and, if necessary, reconstruct the SCM in accordance with the approved SMP.
- (d) The OMA shall be signed, notarized, and recorded with the Orange County Register of Deeds.
- (e) Where a single entity (such as a homeowners association) will be assuming responsibility for all permanent SCMs, but has not yet been formed at the time of OMA recordation by the owning entity, a signed and notarized Association Declaration document and revised OMA must be submitted for subsequent recordation at the Orange County Register of Deeds after the association is formed. The recorded version of the revised OMA and Association Declaration must be submitted to the Orange County Planning Department before the LDP may be closed, and before any remaining SCM Performance Guarantee funds may be released.
- (f) The owner of each SCM shall maintain the SCM so as not to create or result in a nuisance condition.
- (g) Every SCM installed pursuant to this Ordinance shall be made accessible for adequate maintenance and repair by an SCM maintenance easement. The SCM Maintenance easement shall be recorded at the Orange County Register of Deeds and the terms shall specify who make use of the SCM maintenance easement and for what purposes.
- (h) The owner of each SCM shall keep records of SCM inspections, maintenance, and repairs and shall submit the same upon reasonable request to the Erosion Control Officer.

**(2) SCM Operation and Maintenance Plan (OMP)**

- (a) An SCM Operation and Maintenance Plan (OMP) shall be provided by the owning entity as an attachment to the OMA for each SCM in accordance with Section 6.14.10 (B) (1) of this Ordinance. The OMP shall indicate the following:
  - (i) What SCM operation and maintenance actions are needed,
  - (ii) What specific quantitative criteria will be used for determining when those actions are to be taken, and
  - (iii) Who is responsible for those actions, consistent with the OMA.
- (b) The standard OMP shall specifically address, but is not limited to:
  - (i) Mowing of permanent vegetation,
  - (ii) Removal of woody vegetation (e.g., bushes shrubs, and trees) from any dam and/or berm structures,
  - (iii) Reseeding of any eroding areas,
  - (iv) Replacement of impaired vegetation,
  - (v) Removal of sediment and/or debris from inlet and outlet channels, inlet and outlet pipes, forebays, trash racks, and riser or barrel structures, and
  - (vi) Repair of any damage/deterioration to structural aspects of the SCM.

- (c) The OMP shall clearly indicate the steps that will be taken for restoring a SCM to its design specifications if an SCM failure occurs.

**(3) Landscaping and Grounds Maintenance**

- (a) Landscaping and grounds maintenance shall be the responsibility of the owning entity.
- (b) Vegetation shall not be established or allowed to mature to the extent that the integrity or functionality of the SCM is diminished or threatened, or to the extent of interfering with any easement or access to the SCM.

**(4) SCM Repair or Reconstruction**

- (a) Except for general landscaping and grounds maintenance, the owning entity shall notify Orange County prior to any repair or reconstruction of the SCM.
- (b) After notification by the owning entity, the Erosion Control Officer shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said SCM improvements.
- (c) All SCM improvements shall be made consistent with the approved SMP, the approved OMA, and the approved OMP.

**(5) Annual SCM Inspection Required**

- (a) All SCMs shall be inspected by the owning entity at least on an annual basis to determine whether the SCM is performing as designed and intended.
- (b) Records of inspections shall be submitted annually to the Erosion Control Officer on forms approved by Orange County.
- (c) Annual inspections shall begin within one year of the issuance of the Certificate of Stormwater Compliance for the SCM.
- (d) The Erosion Control Officer will inspect each SCM approved pursuant to these rules approximately every five years. In the event the Erosion Control Officer discovers the need for corrective action of improvements, he/she shall notify the owning entity of the needed SCM improvements and the date by which the corrective action is to be completed. All SCM improvements shall be made consistent with the approved SMP and the approved OMA. After notification by the owning entity, the Erosion Control Officer shall inspect and approve the completed SCM improvements.

**(6) 5-Year SCM Maintenance Inspection Fee**

- (a) The 5-year SCM maintenance inspection fee for the first 5-year period shall be paid before:
  - (i) The issuance of the Certificate of Stormwater Compliance for the SCM.
  - (ii) The release of up to 75% of the value of the SCM Performance Guarantee.
- (b) The 5-year SCM maintenance inspection fee shall be based upon the current Orange County Planning Fee Schedule, and shall be paid to Orange County following each 5-year SCM inspection.
- (c) Failure to pay the 5-year SCM maintenance inspection fee shall be deemed a violation of this Ordinance.

### Regulatory flood protection elevation

The Base Flood Elevation plus the Freeboard establishes this elevation. In Special Flood Hazard Areas where Base Flood Elevations have been determined, this elevation shall be the Base Flood Elevation plus two feet of freeboard. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at two feet above the highest adjacent grade. Regulatory flood protection elevation is interchangeable with “design floods”.

### Remedy a violation

To bring the structure or other development into compliance with State and Orange County laws and regulations. In terms of compliance with Orange County floodplain management regulations, the term shall also include reduction of the impacts of a development’s noncompliance including protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

### Repetitive loss

Flood-related damages sustained by a structure on two separate occasions during any ten year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value, or the tax value in the absence of recent comparative sales, of the structure before the damage occurred.

### Research Facility With Manufacturing

An enclosed structure which accommodates research and research applications as well as related light industrial uses. Facilities may include laboratories, offices, other facilities for research and development, and production facilities.

### Research Facility Without Manufacturing

An enclosed structure which accommodates research and research applications. Facilities may include laboratories, offices, and other facilities for research and development, as well as prototype production facilities for product creation. Prototype production shall be limited in scale to that necessary to fully analyze the merits of the product

### Reservoir, Class I

A body of water, such as a pond or lake, confined by a dam or other barrier to be used for public water supply from which water flows by gravity or is pumped directly to a treatment plant or to a small intervening storage basin and thence to a treatment plant.

### Reservoir, Class II

A body of water, such as a pond or lake, confined by a dam or other barrier to be used for public water supply from which water flows by gravity or is pumped to a Class I reservoir prior to final entrance to a water treatment plant.

### Residential Development

Buildings regulated by the North Carolina Residential Code as well as multifamily dwellings ~~for residential use such as attached and detached single family dwellings, apartment complexes, and condominiums, townhouses, cottages, and their associated outbuildings such as garages, storage buildings, and gazebos.~~<sup>3</sup>

### Residential Floor Area

The sum of areas for residential use on all floors of the building measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access.

<sup>3</sup> Updating to reflect SL23-108 regulatory scope: “Any structure regulated by the NC Residential Building Code”.