

53 effort to uphold a vision of responsive governance and quality public services during our
54 deliberations, decisions, and recommendations.
55

56 **PUBLIC CHARGE**

57 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its
58 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with
59 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this
60 public charge, the Chair will ask the offending member to leave the meeting until that individual
61 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
62 until such time that a genuine commitment to this public charge is observed.
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64 **AGENDA ITEM 7: CHAIR COMMENTS**

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66 There were none
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68 **AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – EROSION CONTROL PERMITS - To**
69 **make a recommendation to the BOCC on proposed amendments to the UDO pertaining to the West Fork on the Eno**
70 **reservoir to address concerns over reservoir setbacks. This item was introduced at the November 6, 2019 ORC**
71 **meeting and is scheduled for BOCC public hearing on March 10, 2020.**

72
73 **PRESENTER:** Michael Harvey, Current Planning Supervisor
74

75 *Michael Harvey reviewed the abstract and proposed changes to the UDO and provided the Board within an updated*
76 *Attachment 4, an updated copy of the proposed amendment package.*
77

78 Lydia Wegman: Does this amendment allow someone to expand an existing septic system or residence closer to the
79 reservoir?
80

81 Michael Harvey: No. Under Section 4.2.2 (F) you can make repairs to existing residences and septic systems and
82 even expand same but you cannot, in my mind, go closer to the actual reservoir. We do, however, want to recognize
83 the legal viability of the development and not penalize property owners for abiding by applicable rules at the time they
84 located their residences or septic systems.
85

86 Adam Beeman: Is there a discrepancy in the maps provided in the package? It seems the reservoir actually
87 includes property north of Carr Store Road.
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89 Michael Harvey: The reservoir does extend north of Carr Store Road correct. That is why we have the revised
90 map(s) in your packet. Sorry for the confusion.
91

92 Hunter Spitzer: Why is the Town of Hillsborough not required to own the required buffer area?
93

94 Michael Harvey: (If you are referring to the required 150 ft. and 300 ft. setbacks for buildings and septic systems)
95 State law does not mandate the Town own the area required to comply with the established setbacks. That is one
96 reason for the amendment.
97

98 Craig Benedict: There probably should have been an easement required to ensure the area was protected by the
99 Town. And the Town had to negotiate with these property owners to secure the property necessary to accommodate
100 the reservoir.
101

102 Michael Harvey: This is one reason the County has regulations governing what constitutes existing development and
103 existing parcels when addressing compliance with required reservoir setbacks.
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105 Patricia Roberts: Can someone replace an existing manufactured home with a stick built or modular residence?

106 Michael Harvey: There is nothing in the UDO that would prevent that. All the property owner would have to do is
107 comply with applicable setback standards.
108

109 Michael Harvey: What this amendment does is establish a key date as it relates to the enforcement of the reservoir
110 setback from the West Fork on the Eno. The amendment establishes the date for staff to ascertain what constitutes
111 an existing lot and existing development when enforcing the required structure and septic setbacks. The UDO
112 contains waiver provisions for an existing lot so that property owners who own a parcel established prior to the
113 development or designation of a reservoir site with respect to locating a structure and septic system. Unfortunately
114 this amendment will not address everyone's issues along the Eno. For example we have a property owner who has
115 subdivided his lot several times from 1997 to today. His property will not qualify as an existing lot under this
116 provision. The County staff chose the proposed date that made sense as it relates to the enforcement of reservoir
117 setbacks. February 12, 1997 is the date the West Fork on the Eno reservoir was established as it relates to
118 identifying the point where the 150 ft. structure and 300 ft. septic setback are taken from.
119

120 I am asking the Board to approve the Statement of Consistency in Attachment 3 and recommend the adoption of the
121 revised Attachment 4, which establishes the key critical date with respect to what constitutes existing development
122 and an existing lot along the West Fork on the Eno of February 12, 1997.
123

124 Hunter Spitzer: Is there a way to amend the proposal to change the dates for what constitutes a legal lot and existing
125 development to a different date? I am concerned there may be some property owners who will not qualify with the
126 February 12, 1997 date and we will make more structures nonconforming.
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128 Michael Harvey: I am not comfortable with that. The intent of the identified sections is to define what qualifies as
129 existing development and an existing lot as it relates to when a reservoir was established. From the date a reservoir
130 is established, people who subdivide their property are obligated to abide by applicable reservoir setbacks for
131 structures and septic systems. I will remind all parties there is nothing in this section preventing a property owner
132 from seeking a variance from the Board of Adjustment if they believe the strict interpretation of the UDO infringes on
133 their development or redevelopment of their property.
134

135 Hunter Spitzer: That only covers regulated subdivisions correct?
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137 Michael Harvey: All property, created through the regulated, expedited, exempt subdivision processes, are required
138 to abide by the established setbacks when they develop their property. This is handled as part of the zoning
139 compliance permit process, which is separate from the subdivision process, and would include compliance with the
140 150 ft. setback for all structures and the 300 ft. setback for all septic systems from a reservoir. You are correct,
141 however, it is likely a property owner engaging in an exempt subdivision will not be aware of the potential impacts of
142 their action as it relates to complying with applicable reservoir setbacks. Unfortunately that is not something staff can
143 address. We can continue to advise property owners of the issue but cannot require they take the consequences
144 into account when deciding to proceed with an exempt subdivision.
145

146 Craig Benedict: Some of these issues hit home for property owners when the Town began clearing property to allow
147 for the raising of the reservoir. It became clearer to those property owners just where the edge of the reservoir was
148 going to be and that led to questions of us on anticipated impacts.
149

150 Patricia Roberts: Will these people have to purchase flood insurance?
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152 Michael Harvey: There is nothing in the UDO mandating property owner purchase flood insurance. There is existing
153 special flood hazard area along the reservoir. It is typically up to the lending institution if flood insurance will be
154 required. Again I want to clarify this amendment package, in and of itself, does not create the need for flood
155 insurance. I will not bore you with my 20 minute presentation on why you should purchase flood insurance
156 regardless of your property's location within a special flood hazard area.
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158 Randy Marshal: The aerial photo still shows trees along the reservoir area. Has clearing begun?

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Michael Harvey: Yes clearing has already occurred and is nearly completed. My last conversation with the Town on this matter led me to believe the majority of clearing activities had already occurred but that additional work may be necessary. I am of the opinion work on the dam is being finalized and there is still roadwork that has to be completed for the project. Unfortunately all I have access to is 2016/17 aerial photo data so it does not show the existing of clearing activities that have already occurred.

MOTION by Randy Marshal to approve the statement of consistency, and the updated text amendment package as provided by staff. Seconded by Lydia Wegman.

VOTE: Unanimous

AGENDA ITEM 9: ADJOURNMENT

Meeting was adjourned by consensus

David Blankfard, Chair