



**Orange County Planning and Inspections Department**

**APPLICATION FOR  
CLASS B SPECIAL USE PERMIT**

**APPLICANT INFORMATION:**

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Agent: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Cell Phone: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Address of subject property: \_\_\_\_\_

Parcel Identification Number (PIN): \_\_\_\_\_ Lot Size: \_\_\_\_\_

Zoning Designation: \_\_\_\_\_ Watershed Overlay: \_\_\_\_\_

Other Overlay Zoning Districts: \_\_\_\_\_

Request (include detailed description of proposed land use): \_\_\_\_\_

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**SUBMITTAL INFORMATION Per Section 2.7.3 of the Unified Development Ordinance (UDO), all Class B Special Use Permit applications are required to submit the following:**

- 1) 10 copies of a site plan prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer containing all required information detailed within Section 2.5 of the UDO. This site plan will also need to contain all relevant information demonstrating that the proposed special use compliance with all general and specific standards governing the proposed special use as detailed within Article(s) 5 and 6 of the UDO.
- 2) A detailed narrative outlining the proposed land use including operational requirements, the location of facility, appearance, etc.,
- 3) Documentation establishing compliance with Section 5.3.2 inclusive of the UDO.
- 4) The names and addresses of the owners involved with the project,
- 5) A list of property owners within 1,000 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records,
- 6) Elevations of all structures proposed to be used in the development,
- 7) 10 copies of the Environmental Assessment and/or Environmental Impact Statement if required by Section 6.16 of the UDO,
- 8) Statement outlining the anticipated development schedule for the completion of the project,

**\*\* NOTE: It should be remembered that the review of all special use permit applications/modifications are carried out in a *quasi-judicial* format meaning that decisions relating to the approval or denial of an application are based solely on the sworn testimony of all parties involved with the case, both those for and against an application, as well as the review of competent material and substantial evidence submitted during the public hearing.**

**Further the applicant has the burden of establishing, by the submission of competent material and substantial evidence, the existence of facts and conditions that demonstrate the projects compliance with the various requirements and standards detailed within the Unified Development Ordinance. \*\***

I (we), the undersigned, have been made aware of the process for the review and action associated with a Class B Special Use Permit application and understand that only completed applications, containing all information required by the Orange County UDO shall be reviewed and acted upon by the County.

I (we) understand that it shall be my (our) responsibility to present evidence to the County in the form of sworn testimony, exhibits, documents, models, plans, and the like support the request for approval of the Class B Special Use Permit.

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 request by the County.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date:

### 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

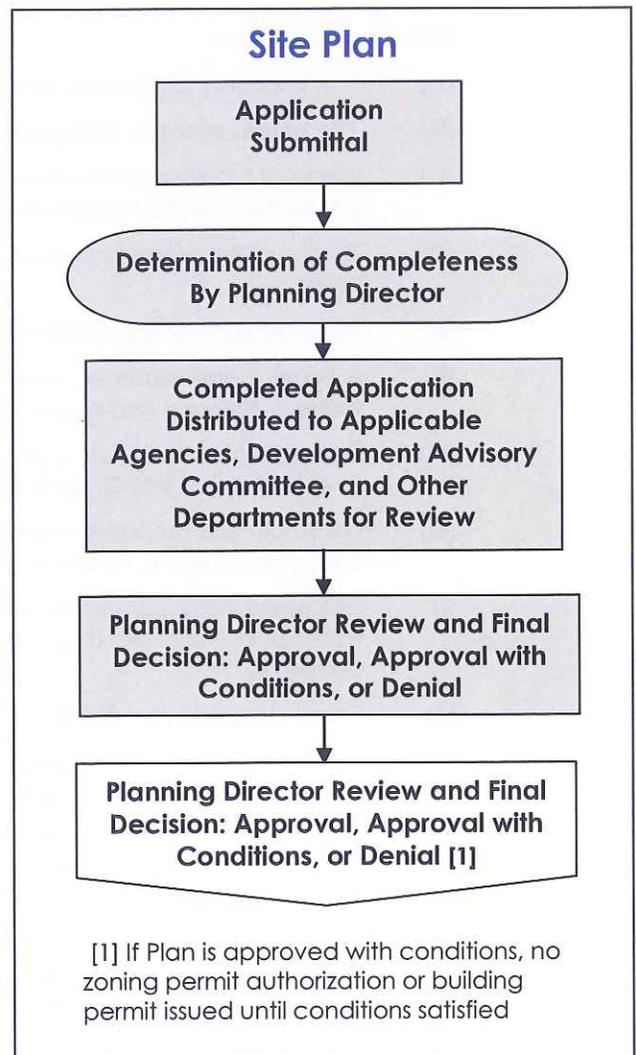
(A) Each site plan shall be prepared and sealed by an appropriately licensed professional with the following exceptions:

- (1) Proposed additions to existing permitted non-residential structures where the use of the structure and lot has not changed and the floor area is not increased more than 25%.
- (2) Accessory structures to existing permitted non-residential structures where vehicular use area is not extended and changes to existing grade are not more than one foot in elevation.
- (3) Single-family detached dwellings and duplexes, and accessory structures to such uses.
- (4) Large day care homes, as defined in Article 10, Definitions.
- (5) Rural Guest Establishments with three guestrooms or less - Bed & Breakfasts.

(B) The applicant shall submit to the Planning and Inspections Department:

- (1) Three copies of the site plan prepared in accordance with the provisions detailed in this Section. Additional copies may be required depending on the nature and location of the proposed development);
- (2) The completed site plan application form;
- (3) A copy of the Orange County tax map with the subject property identified;
- (4) 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) 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 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.
- (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. To become vested, a site specific development plan must be approved by the Board of County Commissioners as a Special Use Permit, in accordance with Section 2.7 of this Ordinance. An approved site specific development plan shall contain the following statement: "Approval of this plan establishes a zoning vested right

under G.S. 153A-344.1. Unless terminated at an earlier date, the zoning right shall be valid until \_\_\_\_\_."

- (B) The site specific development 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 Guarantee of Improvements**

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- (A) If a guarantee of improvements is required as a condition of site plan approval, the applicant shall provide Orange County with a security bond, escrow agreement, or irrevocable letter of credit by an approved institution.
- (B) The guarantee shall be effective for 12 months and shall include the cost of the improvements plus 10%.
- (C) Prior to issuance of any site plan approval, the guarantee shall be approved by the County Attorney.
- (D) If a guarantee is not submitted, the developer must install all required improvements to the satisfaction of the County prior to issuance of the zoning compliance permit.

#### **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 Sections 2.4 and 6.6.2 of this Ordinance.

##### **(B) 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**

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- (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.

- (4) Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (C) If a manufactured home is placed within Zone AE and the elevation of the chassis is more than 36 inches in height, an engineered foundation certification is required per Section 6.6.1(B)(3).
- (D) If a watercourse is to be altered or relocated, the following shall be submitted by the permit applicant prior to issuance of a floodplain development permit:
  - (1) A description of the extent of watercourse alteration or relocation;
  - (2) An engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and
  - (3) A map, drawn to scale, showing the location of the proposed watercourse alteration or relocation.
- (E) Certification Exemptions  
The following structures, if located within Zone AE, are exempt from the elevation/flood proofing certification requirements specified in items (A) and (B) above:
  - (1) Recreational vehicles meeting requirements of Section 6.6.1(B)(5);
  - (2) Temporary structures meeting requirements of Section 6.6.1(B)(7); and
  - (3) Accessory Structures with any dimension that is 12 feet or greater in height, width, or depth, meeting requirements of Section 6.6.1(B)(8).

## SECTION 2.7: SPECIAL USE PERMITS

### 2.7.1 Generally

- (A) Any use or development designated by applicable zoning district regulations contained within Article 5 as a special use, or as allowed only pursuant to a special use permit (either Class A or Class B), may be established in that district only after the use or development is authorized by a validly issued and recorded special use permit.
- (B) This section sets forth required review and approval procedures for submittal, review, and approval of applications for special use permit.
- (C) A special use permit authorizes its holder to use or develop a particular parcel of land in a particular way, as specified by the terms and conditions of the special use permit.
- (D) A special use permit imposes on its holder the responsibility of ensuring that the authorized use or development continues to comply with the terms and conditions of approval.
- (E) Issuance of a special use permit does not relieve the holder of the special use permit of the additional responsibility of obtaining a building permit or any other permit or approval required by any other applicable law.

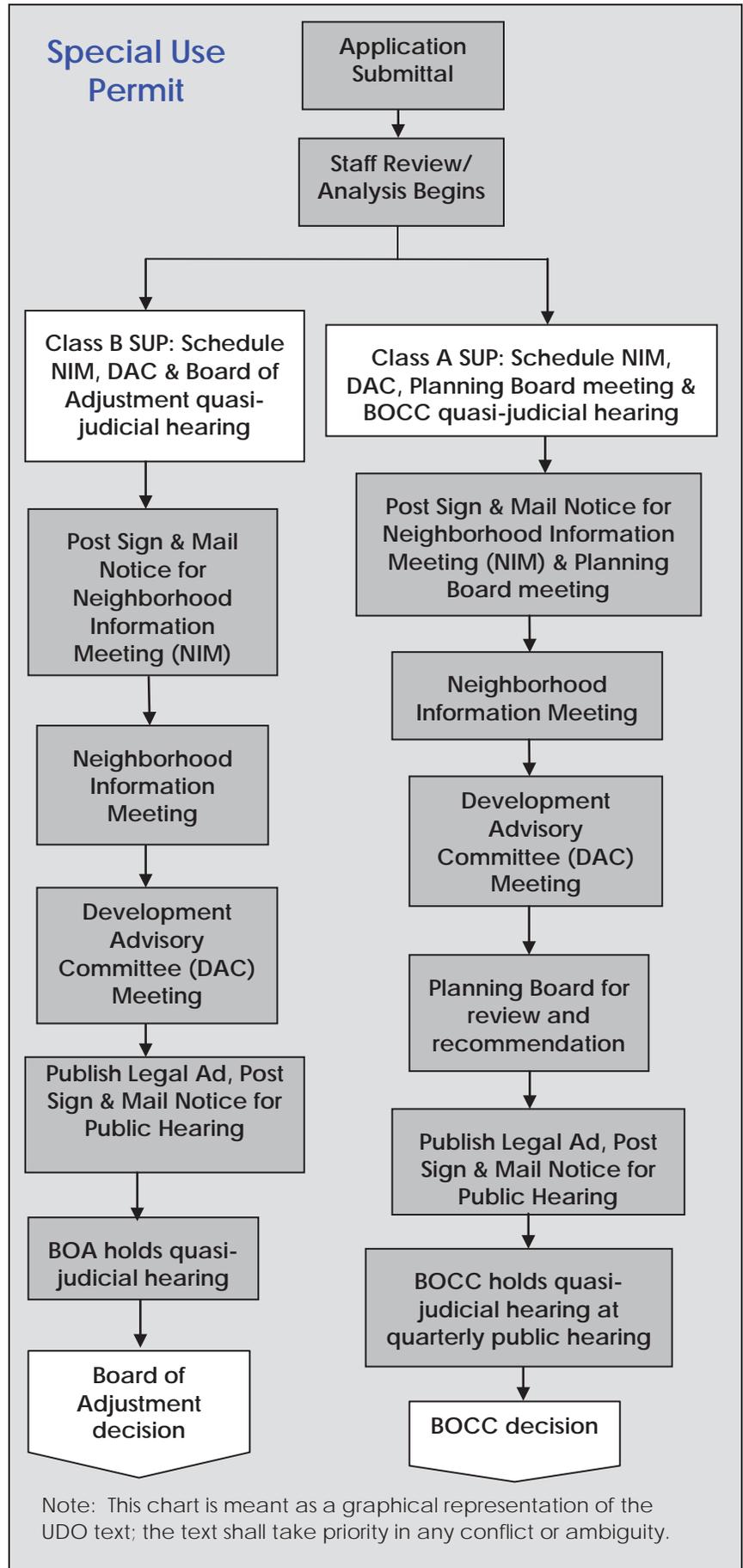
### 2.7.2 Review and Approval Flow Chart

The review and approval process for Special Use Permits is shown in the procedure's flowchart.

### 2.7.3 Application Requirements

- (A) Applications for a Special Use shall be submitted on forms provided by the Planning Department in accordance with Section 2.2 of this Ordinance.
- (B) Applications shall include:
  - (1) A full and accurate description of the proposed use, including its location, appearance, and operational characteristics.

- (2) The name(s) and address(es) of the owner(s) of the property involved.
- (3) Relevant information needed to show compliance with the general and specific standards governing the Special Use (See Articles 5 and 6).
- (4) For Class A Special Uses 26 copies of the site plan, and for Class B Special Uses 10 copies of the site plan, prepared by a registered North Carolina land surveyor, landscape architect, architect, or engineer, which shall contain the information listed in Section 2.5.
- (5) If the application involves a Preliminary Subdivision Plat, 26 copies of the Plat prepared in accordance with Section 7.14 shall be provided.



- (6) A list of all parcels located within 500 feet of the subject parcel and the name and address of each property owner, as currently listed in the Orange County tax records.
- (7) Elevations of all structures proposed to be used in the development.
- (8) For Class A Special Uses 26 copies and for Class B Special Uses 10 copies of the Environmental Assessment and/or Environmental Impact Statement, if required by Section 6.16.
- (9) Method of disposal of trees, limbs, stumps and construction debris associated with the permitted activity, which shall be by some method other than open burning.
- (10) Statement from the applicant indicating the anticipated development schedule for the build-out of the project.
- (11) Statement from the applicant in justification of any request for vesting for a period of more than two years (five years maximum).

#### **2.7.4 Staff Review**

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- (A) The Planning Director shall cause an analysis to be made of the application by qualified representatives of the County and other agencies or officials as appropriate.
  - (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-CZ zoning district, as detailed within Section 5.2.3 of this Ordinance.
- (B) The Planning Director shall submit the analysis to the Board of County Commissioners and the Planning Board, in the case of Class A Special Uses, or the Board of Adjustment, in the case of Class B Special Uses.
- (C) The appropriate Board reviewing the application shall receive and enter the analysis into evidence during the public hearing. The analysis shall be subject to examination by all interested parties and the Planning Director shall be subject to cross-examination regarding the analysis.

#### **2.7.5 Neighborhood Information Meeting**

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- (A) Before a Public Hearing may be held for a Special Use the applicant is required to schedule a minimum of one neighborhood information meeting. The purpose of the meeting is to obtain surrounding property owner input and comments on the proposed development project and allow staff an opportunity to explain the review process associated with the request.
- (B) The applicant shall obtain property owner mailing address information from the Orange County Planning Department, which shall utilize Orange County Land Records data, and shall mail notices of the meeting date and time via first class mail to each property owner within one thousand feet of the property for which a Special Use has been requested.
- (C) The applicant shall mail notice of the Neighborhood Information Meeting a minimum of 14 days prior to the date of the meeting.
- (D) The applicant shall post a sign on the property advertising the date, place, and time of the meeting a minimum of 10 days prior to the date of the meeting.

- (E) The meeting shall be held a minimum of 45 days prior to the date of the Public Hearing.
- (F) Neighborhood information meetings for telecommunication facilities shall be held in accordance with the provisions of Section 5.10.8 (B) (2).

### **2.7.6 Notice Requirements for Class A Special Use Permits**

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- (A) The Planning Director shall give notice of the date, time and place of the Planning Board meeting at which the Planning Board is scheduled to review a Special Use Permit application.
  - (1) Written notice shall be sent by first class mail to all adjacent property owners not less than ten days before the Planning Board meeting date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whose names and addresses are currently listed in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Planning Board Meeting."
  - (2) The Planning Director shall post on the affected property a notice of the Planning Board meeting at least ten days prior to the date of said meeting.
  - (3) Notices may be combined with notice of the Neighborhood Information Meeting required in Section 2.7.5.
- (B) The Planning Director shall give notice of the date, time and place of the public hearing to be held to receive evidence in the form of testimony and exhibits pertaining to the application for a Special Use.
  - (1) Written notice shall be sent by first class mail to all adjacent property owners at least ten days but not more than 25 days before the hearing date. Adjacent property owners are those whose property lies within one thousand feet of the affected property and whose names and addresses are currently listed in the Orange County tax records. The outside of the envelope or postcard shall be marked "Notice of Public Hearing."
  - (2) The Planning Director shall post on the affected property a notice of the public hearing at least ten days but not more than 25 days prior to the date of said hearing.
  - (3) Notice of the public hearing shall be published in a newspaper of general circulation in Orange County once a week for two successive weeks, with the first notice to be published not less than ten days nor more than 25 days prior to the date of the hearing. In computing the notice period, the day of publication is not to be included, but the day of the hearing is to be included.

### **2.7.7 Notice Requirements for Class B Special Use Permits**

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Notice Requirements for Class B Special Use Permits shall follow the procedures in Section 2.12.6.

### **2.7.8 Nature of Proceedings**

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- (A) The review of Special Use Permit applications shall be conducted during a public hearing by the decision-making board.
- (B) The review of a Special Use Permit application is a quasi-judicial process, where the Board responsible for rendering a decision acts much like a panel of judges. The Board hears factual evidence and sworn testimony presented at an evidentiary hearing, and then makes findings of fact supported by competent, substantial, and material evidence.
- (C) The chair or presiding officer of the hearing shall swear all parties intending to present evidence or testimony during the hearing.

- (D) The chair or presiding officer may take whatever action is necessary to limit testimony to the presentation of new factual evidence that is material to the application, to ensure fair and orderly proceedings, and to otherwise promote the efficient and effective gathering of evidence. Such actions may include:
- (1) Barring the presentation of obvious hearsay evidence,
  - (2) Barring the presentation of non-expert opinion,
  - (3) Interrupting digressions into immaterial testimony,
  - (4) Interrupting repetitive testimony,
  - (5) Reasonably limiting the time allotted each witness or cross-examination,
  - (6) Providing for the selection of spokespersons to represent groups of persons with common interests,
  - (7) Interrupting personal attacks, and/or
  - (8) Ordering an end to disorderly conduct.
- (E) Where the Board finds compliance with the general standards, specific rules governing the specific use, and that the use complies with all required regulations and standards, the application must be approved unless the Board shall also find, in some specific manner, that:
- (1) the use will not maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.
- (F) Those opposing approval of the application on the grounds that the use will not promote the public health, safety and general welfare shall have the burden of establishing, by competent material and substantial evidence, the specific manner in which the proposed use does not satisfy the requirements for approval of the application for a Special Use.

#### 2.7.9 Review and Decision

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- (A) For Class A Special Use Permits, the following shall apply:
- (1) All applications shall be referred to the Planning Board for review and recommendation after the Neighborhood Information Meeting but prior to the public hearing.
  - (2) The Planning Board shall make a recommendation and proposed findings of fact on the application, including the findings required in Section 5.3.2 of this Ordinance. The Planning Board's action on an application shall be one of the following:
    - (a) Recommend approval based on proposed findings of fact,
    - (b) Recommend denial based on proposed findings of fact,
    - (c) Recommend approval based on proposed findings of fact but with specified conditions.
  - (3) 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.
  - (4) The Board of County Commissioners shall review the application during a meeting designated as a Quarterly Public Hearing.
  - (5) All evidence shall be submitted during the public hearing. If additional evidence is requested by the Board of County Commissioners during a hearing which must be submitted at a later date, the hearing shall be continued to a date/time certain in order to receive the additional evidence.

- (6) After closing the public hearing, the Board of County Commissioners shall do one of the following:
    - (a) Defer action to a later Board of County Commissioners meeting date, or
    - (b) Act upon the application.
  - (7) Board of County Commissioner action on the application shall include making appropriate findings of fact pursuant to Section 2.7.11, stating whether the board concludes each of the applicable standards have been met and one of the following:
    - (a) Approval;
    - (b) Approval but with specified conditions as provided in Section 2.7.12; or
    - (c) Denial.
- (B) For Class B Special Use Permits, the following shall apply:
- (1) The Board of Adjustment shall review the application during a regularly scheduled public hearing.
  - (2) The Board of Adjustment shall conduct the hearing in accordance within the provisions detailed in this Section as well as those contained within Section 2.12.
  - (3) After closing the public hearing, the Board of Adjustment shall take action upon the application. This action shall include making appropriate findings of fact pursuant to Section 2.7.11, stating whether the board concludes each of the applicable standards have been met and one of the following:
    - (a) Approval;
    - (b) Approval but with specified conditions as provided in Section 2.7.12; or
    - (c) Denial.

#### **2.7.10 Standards of Evaluation**

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The following specific standards shall be used in deciding on an application:

- (A) The project meets all applicable design standards and other requirements of this Ordinance.
- (B) The development can reasonably be completed within the vesting period requested, if any.
- (C) Where vesting in excess of two years is requested, the project is located in an area where current issues under study do not involve potential amendments to the Comprehensive Plan and/or this Ordinance.

#### **2.7.11 Required Findings**

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- (A) A resolution or motion to approve the application must include the findings of fact and conclusions of law that support the decision. Any proposed conditions of approval must also be included in the resolution or motion to approve the application.
- (B) A resolution or motion to deny the application must state findings of fact and conclusions of law that support the decision.
- (C) If a resolution or motion to approve the application fails, the application is deemed denied. Those members voting against the resolution or motion must state which of the conclusions of law they could not reach as well as findings of fact on which their inability to reach the conclusions is based.

### 2.7.12 Conditions of Approval

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- (A) The Board of County Commissioners or the Board of Adjustment, as appropriate, may impose such reasonable conditions upon approval of a Special Use as will afford protection of the public health, safety and general welfare, ensure that substantial justice is done, and equitable treatment provided.
- (B) Conditions shall run with the land and use, and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.
- (C) The Special Use Permit shall include a statement that if any condition of a Special Use Permit shall be held invalid or void, then the permit itself shall be void and of no effect.
- (D) It shall be stated in the Special Use Permit that the Permit shall automatically expire within 12 months of the date of approval if the use has not commenced or construction has not commenced or proceeded unless a timely application for extension of this time limit is approved by the Board of County Commissioners as provided in Section 2.7.13.

### 2.7.13 Notification of Board Action

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- (A) The Planning Director shall send a notice of the relevant Board's action on the application by certified mail to the applicant. A copy of the decision shall be filed in the Planning Department within five business days of the relevant Board's action.
- (B) The Planning Director, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Board's action.
- (C) The Planning Director, but not a designee, shall certify that the Special Use Permit with any imposed conditions is as approved by the Board of County Commissioners or Board of Adjustment, as appropriate, with a report provided to the County Manager.
- (D) Once the Special Use Permit has been certified, the applicant shall record the permit with the Orange County Register of Deeds in a format prepared by the Planning Director. Failure to do so within 90 days from certification shall invalidate the Special Use Permit.

### 2.7.14 Time Limits and Extensions

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- (A) If a request is received before the Special Use permit expires, the Board of County Commissioners, for good cause shown, may extend the expiration deadline six months upon the favorable recommendation of the Planning Board.
- (B) The application for an extension request shall be submitted a minimum of six months prior to the expiration of the Special Use Permit.
- (C) No changes shall be made to the terms and/or conditions of approval.
- (D) Only one approval of a time extension is permitted, and it shall be based on evidence presented by the applicant showing that permits have been pursued in a timely manner, and that delays have resulted from factors beyond the control of the applicant.
- (E) For developments which require approval of a Special Use Permit, the applicant may request that the Special Use Permit be vested as a Site Plan for a period of not less than two nor more than five years. For vesting purposes, Site Plans and Preliminary Plats may also be approved as a Special Use Permit at the request of the applicant. See Section 2.5 for information regarding site plans.

### 2.7.15 Changes to Approved Plans

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- (A) The Planning Director is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action of the approving Board, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the Board having jurisdiction.

- (B)** The following criteria shall constitute a modification:
- (1)** Any change in a condition imposed during the approval of a special use permit.
  - (2)** Any change in use or enlargement of approved use.
  - (3)** Any increase in intensity of use. An increase in intensity of use shall be considered to be an increase in usable floor area and/or an increase in the number of dwelling or lodging units.
  - (4)** Structural alterations which significantly affects the basic size, form, style, ornamentation, and/or character of the building as shown on the approved site plan or described in the applicant's narrative.
  - (5)** Substantial change in the amount and/or location of open space, recreation facilities or landscape screening.
  - (6)** Any increase in the size or number of approved signs.
  - (7)** Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved.
  - (8)** Substantial changes in pedestrian and/or vehicular access or circulation.
  - (9)** Any change in a setback required by the provisions of this Ordinance or imposed as a condition of approval.
  - (10)** Any change in the location or extent of street and utility improvements or rights-of-way, including water, sewer and storm drainage facilities, which would provide a different level of service.
  - (11)** For telecommunication facilities, a modification shall also include the following:
    - (a)** An increase in the existing vertical height of the structure by more than:
      - (i)** 10% in the height of the tower, or
      - (ii)** The height of 1 additional antenna with separation from the nearest existing antenna not to exceed 20 feet
    - (b)** A substantial change to the physical dimensions of the wireless support structure which alters facts or conditions relied upon by the County when granting the original permit. It shall be the County's burden to demonstrate that such a scenario constitutes a substantial change to the physical dimensions of the wireless support structure.
    - (c)** The addition of an appurtenance to the body of the telecommunication facility that protrudes horizontally from the edge of the wireless support structure the greater of:
      - (i)** More than 20 feet or
      - (ii)** More than the width of the wireless support structure at the level of the appurtenance.

Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.
    - (d)** Increasing the square footage of the existing equipment compound by more than 2,500 square feet
- (C)** The Planning Director shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for approval of the Special Use. The determination shall be based upon the request of the applicant, the review of the record of the approval of the original request and the Planning Director's findings under the criteria of subsection (B) above.
- (D)** The Planning Director shall, if it is determined that the proposed action is a minor change, state the findings in writing to the applicant. The applicant shall file an amended site

plan, or written statement, outlining in detail the minor change(s) proposed. The Planning Director shall file the amended site plan or written statement with the approved site plan.

- (E) If it is determined that the proposed action is a modification, the Planning Director shall require the applicant to submit a request for modification of the approved special use permit. The following procedures shall be adhered to in the case of a modification:
- (1) The applicant shall provide an amended site plan and written narrative outlining the specific changes requested.
  - (2) The Planning Director shall submit the request to the Board that approved the original application.
  - (3) The Board shall set a public hearing to receive testimony concerning the modification request. Any public hearing called pursuant to a modification of an approved special use permit shall be held in conformity with the relevant public notification requirements contained in this Article.
  - (4) The Board may approve, approve with conditions, or deny the application for a modification.
  - (5) The Planning Director shall file the Board's action in the Planning Department as an amendment request to the original application and shall notify the applicant of the Board's action.

## SECTION 2.8: ZONING ATLAS AND UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS

### 2.8.1 Review and Approval Flow Chart

The review and approval process for a Zoning Atlas and Unified Development Ordinance Amendment is shown in the procedure's flowchart.

### 2.8.2 Amendment Initiation

- (A) An amendment to this Ordinance or the Zoning Atlas may be initiated by:
- (1) The Board of County Commissioners on its own motion;
  - (2) The Planning Board;
  - (3) Application, by any person or agency, or
  - (4) The Planning Director.
- (B) If a request for consideration of an amendment proposal is submitted directly to the Board of County Commissioners, said Board may decline to consider the request or may refer the amendment proposal to the Planning Director for preparation of an amendment application.
- (C) Once initiated, all amendments shall be referred to the Planning Board.

### 2.8.3 Contents of Application

Applications shall contain the following:

- (A) For amendments to the Zoning Atlas:
- (1) A map at a legible scale showing the land which would be covered by the proposed amendment, and
  - (2) A legal description of the land.
- (B) For amendments to the Unified Development Ordinance text:

## SECTION 5.3: APPLICATION OF USE STANDARDS

### 5.3.1 In General

In addition to the general standards applied to uses in each zoning district and in accordance with the Table of Permitted Uses, Sections 5.4 through 5.14 establish additional standards for specific Permitted Uses, Special Uses, Conditional Uses, and uses permitted in Conditional Zoning Districts.

### 5.3.2 Special Uses

#### (A) General Standards

Before any application for a Special Use Permit shall be approved:

- (1) The applicant shall have the burden of establishing, by competent material and substantial evidence, in the form of testimony, exhibits, documents, models, plans and other materials, that the application meets the requirements for approval of a Special Use; and
- (2) The Board of County Commissioners or Board of Adjustment shall make written findings certifying compliance with the specific rules governing such individual Special Use and that the use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards including the following general conditions:
  - (a) The use will maintain or promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
  - (b) The use will maintain or enhance the value of contiguous property (unless the use is a public necessity, in which case the use need not maintain or enhance the value of contiguous property); and
  - (c) The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and the use is in compliance with the plan for the physical development of the County as embodied in these regulations or in the Comprehensive Plan, or portion thereof, adopted by the Board of County Commissioners.

#### (B) Specific Standards

In addition to the general standards stated in Section 5.3.2(A), the following specific standards shall be addressed by the applicant before the issuance of a Special Use Permit:

- (1) Method and adequacy of provision of sewage disposal facilities, solid waste, and water.
- (2) Method and adequacy of police, fire and rescue squad protection.
- (3) Method and adequacy of vehicular access to the site and traffic conditions around the site.
- (4) Other use specific standards as set forth herein.

#### (C) Specific Standards for Class A Special Use Permits Within Hillsborough EDD

In addition to the general and specific standards for all Special Use Permits, the following standards shall be addressed by the applicant before the issuance of a Class A Special Use Permit within the Hillsborough Economic Development District:

- (1) **General Provisions**

- (a) This section establishes criteria pertaining to appearance in the design of a site, buildings and structures, landscaping, signs, and other miscellaneous features that are observed by the public.
- (b) Aesthetic criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which result in creative solutions that will promote visual appearance within the city and county, preserve taxable values, and promote the public health, safety and welfare.

**(2) General Design Standards**

- (a) Harmonious and efficient organization
  - (i) The site plan shall be organized harmoniously and efficiently in relation to existing topography, the size and type of plot, the character of adjoining property, and the type and size of buildings.
  - (ii) The site will be developed to facilitate orderly development of surrounding property and with minimal disturbance to the natural environment.
- (b) Preservation of natural state
  - (i) Desirable vegetation or other unique natural features shall be preserved in their natural state when practical.
  - (ii) The Environmental Protection Plan shall include the locations of all existing trees 12" diameter four feet above the ground.
- (c) Enhancement of residential privacy
 

The site plan shall provide reasonable visual, lighting, and sound privacy for all adjacent dwelling units.
- (d) Emergency access
 

Structures and other site features shall be arranged to permit practical emergency vehicle access to all sides of buildings.
- (e) Access to public ways
 

Every structure and dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- (f) Non-motorized circulation
  - (i) A non-motorized circulation system shall be provided which is direct, efficient, and pleasant.
  - (ii) The system shall be complementary to, but independent of the vehicular circulation system.
- (g) Design of access and egress drives
 

The location, size, and numbers of ingress and egress drives to a site will be strictly limited to minimize the negative impacts on public streets and on adjacent property. This shall include formal entryways and access to outparcels from inside the development only.
- (h) Coordination with off-site circulation systems
  - (i) The arrangement of rights-of-way or easements for circulation shall coordinate with the pattern of existing and planned streets, pedestrian and/or bicycle pathways and transit routes in the area.
  - (ii) Connection to adjacent properties is encouraged where possible.

- (i) Stormwater control
  - (i) Protective measures shall ensure that removal of stormwater runoff will not adversely affect neighboring properties or the public storm drainage system.
  - (ii) Provisions shall be made for construction of stormwater facilities including grading, gutters, and piping to direct stormwater and prevent erosion.
  - (iii) Surface water on all paved areas shall be collected at intervals that do not obstruct vehicular or pedestrian traffic.
- (j) Exterior lighting
 

The location, type, size and direction of exterior lighting shall not cause glare or direct illumination that interferes with adjacent properties or safety of public rights-of-way.
- (k) Protection of property values
 

Elements of a site plan shall be arranged to have minimum negative impact on values of adjoining property and other on-site uses.

**(3) Specific Standards**

- (a) Unless otherwise indicated herein, the relevant standards for the specific Economic Development Zoning Districts shall apply.
- (b) Where actions, designs, or solutions proposed by the applicant are not literally in accord with the applicable regulations of this Ordinance, but the Board of County Commissioners makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Board of County Commissioners may make specific modification of the regulations in the particular case. Any modification of regulations shall be explicitly indicated in the approved permit.
- (c) Relationship of buildings to site
  - (i) The site shall be planned to provide for adequate planting, safe pedestrian movement, and parking areas.
  - (ii) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways and reduce heat generated by paved areas.
  - (iii) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing or anticipated adjoining buildings.
  - (iv) All utility services shall be underground.
- (d) Relationship of buildings and site to adjoining areas
  - (i) Attractive landscape transition to adjoining properties shall be provided.
  - (ii) Lighting intensity at the property line adjacent to residential uses shall not be greater than ½ footcandle.
- (e) Building design
  - (i) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on its relationship to the surroundings. Primary and pedestrian facades are encouraged to complement and reflect the characteristics of downtown Hillsborough.

- (ii) Specific building materials are not endorsed. Evaluation of the appearance of a project shall be based on the relationship to surroundings.
    - a. Materials and design shall be compatible with each other in multiple building projects.
    - b. Materials shall be selected for suitability to the type of buildings and the design in which they are used. Utilitarian materials shall be limited to inconspicuous facades and non-public or service areas.
    - c. Materials with unique or special character are encouraged.
  - (iii) Buildings and building components, such as walls, windows, doors, eaves, and parapets, shall have human proportions and relationships to one another.
  - (iv) Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways. This provision does not apply to the installation of electric vehicle charging stations.
  - (v) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
  - (vi) Recycling and waste removal areas, service yards, storage yards, and exterior work areas shall be located away from and screened from view from public ways, using materials as stated in criteria for equipment screening. Areas shall be sized to accommodate changes in technology and local refuse ordinances.
  - (vii) Variation of detail, form, material, and siting may be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- (f) Landscaping and Site Treatment
- Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utility structures. New and existing vegetation shall be maintained in a flourishing manner.
- (i) Natural or existing topographic patterns contributing to the beauty and utility of a development shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance and does not adversely affect significant natural features and drainageways.
  - (ii) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance.
  - (iii) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important visual corridors, and provide shade.
  - (iv) Unity of design shall be achieved by repetition of certain plan varieties and other materials and by correlation with adjacent developments.

- (v) Plant material shall be selected for its structure, texture, and color for interest and for its ultimate growth. Use of native plants is encouraged; others that will be hardy, harmonious to the design, and of good appearance can be allowed.
- (vi) Appropriate curbs, tree guards or other devices shall be employed to protect plants susceptible to injury by pedestrian or motor traffic.
- (vii) Parking areas and trafficways shall be enhanced with landscaped spaces containing trees or tree groupings.
- (viii) Service yards and other unsightly places shall be screened by use of walls, fencing and/or planting.
- (g) Signs
  - (i) Every sign shall have appropriate scale and proportion in its design and in its visual relationship to buildings and surroundings. A unified signage plan shall be submitted and approved with the Special Use Permit.
  - (ii) Every sign shall be designed as an integral architectural element of the building and the site to which it principally relates.
  - (iii) The colors, materials and lighting of every sign shall be harmonious with the building and site to which it principally relates.
  - (iv) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the total area of the sign face.
  - (v) Freestanding signs shall not be pole-mounted.
- (h) Maintenance, planning and design factors
  - (i) Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
  - (ii) Provisions for cleaning buildings and structures and control of dirt and refuse shall be included in the design. Configurations that tend to accumulate debris and dirt shall be avoided.

## SECTION 5.4: STANDARDS FOR TEMPORARY USES

### 5.4.1 Yard Sale

#### (A) General Standards for Evaluation

- (1) Yard sales are permitted in accordance with the Table of Permitted Uses provided that these sales do not exceed two days per month.

### 5.4.2 Temporary Fund Raising Activity

#### (A) General Standards for Evaluation

- (1) Temporary fund raising activities are permitted in accordance with the Table of Permitted Uses provided that these activities do not exceed two days per month.

### 5.4.3 Special Events

#### (A) General Standards of Evaluation

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### 6.15.10 Existing Uncovered Areas

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**(A) Existing Sites**

All uncovered areas existing on the effective date of this Ordinance which are consistent with the following:

- (1) Resulted from land-disturbing activities not excluded under Section 6.15.4, and
- (2) Are outside the University Lake, Cane Creek, and Upper Eno Watersheds and exceed 20,000 square feet, and
- (3) Are subject to continued accelerated erosion, and
- (4) Are causing off-site damage from sedimentation,

Shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

**(B) Notice of Violation**

- (1) The Erosion Control Officer will serve upon the landowner or other person in possession or control of the land written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice.
- (2) The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonable and attainable time limits for compliance.

**(C) Plan Requirements**

The Erosion Control Officer reserves the right to require preparation and approval of an Erosion Control Plan in any instance where extensive control measures are required.

**(D) Reservoir Sites**

This Subsection shall not require ground cover on cleared land forming the future basin of a planned reservoir unless the disturbance and length of time of the exposure prior to the filling of the reservoir will result in erosion and sedimentation of the downstream channel.

## SECTION 6.16: ENVIRONMENTAL IMPACT REPORTS

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### 6.16.1 Purpose and Intent

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- (A)** Pursuant to the North Carolina Environmental Policy Act, the Orange County Board of Commissioners adopted the regulations and standards included herein to:
- (1) Encourage the wise and productive use of the county's natural resources;
  - (2) Encourage a public and governmental awareness of our environment and of the consequences of development which affect it;
  - (3) To require that a full disclosure be made as to the anticipated effect of proposed development on the resources of the county; and
  - (4) Permit and facilitate full enforcement of all ordinances and regulations concerning the environment in an efficient, coordinated and comprehensive manner.
- (B)** The intent of the regulations and standards included in this Section is to provide a mechanism for full disclosure of anticipated impacts of developments as herein defined and to make such information publicly available so that citizens of the county may have input into developmental issues before they become moot.

- (C) Specifically, the intent of the regulations and standards included in this Section is to require the preparation and evaluation of environmental impact documents for projects that either require certain state permits, or require a local land use permit for development within environmentally sensitive areas, as provided in Section 6.16.3 of this Ordinance.

### **6.16.2 Exemptions**

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The following projects and uses are exempt from the Environmental Assessment (EA) and Environmental Impact Statement (EIS) requirements set forth herein and no environmental documentation is required:

- (A) Any project involving a total area of two acres or less.
- (B) Routine repairs and housekeeping projects.
- (C) Routine grounds maintenance and landscaping.
- (D) Bonafide farming operations, not including sludge disposal.
- (E) Single-family residential development, except those reviewed as MPD-CZ.
- (F) Any project located outside of the Orange County Planning Jurisdiction, including Transition Areas subject to development regulations of any Town within Orange County.

### **6.16.3 Environmental Assessment**

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**(A) Applicability**

Environmental Assessment is required for non-exempt projects that:

- (1) Qualify as a small or large generator of hazardous waste as defined by the North Carolina Department of Health and Human Services (Hazardous Waste Branch of Solid Waste Management Section); and/or
- (2) Involves as an integral part of the operation of a commercial or industrial activity more than 10,000 gallons per day of water usage, exclusive of domestic water (25 gpd per employee), and water used for climate control (air conditioning and heating); and/or
- (3) Require grading in excess of 40,000 square feet, exclusive of roads, for non-residential or attached residential development; and/or
- (4) Require grading in excess of 40,000 square feet, exclusive of roads, for non-residential components of residential development (golf courses, recreation facilities, and the like); and/or
- (5) Require any of the following Environmental permits:
  - (a) A Mining Permit pursuant to the NC Mining Act.
  - (b) A State NPDES (National Pollutant Discharge Elimination System) Permit, as administered by the NC Division of Water Quality.
  - (c) A Non-Discharge Permit for a land application waste disposal system.
  - (d) A permit for sludge disposal site.
- (6) Require Environmental Documentation by a State or Federal agency.
- (7) Are located within the Water Quality Critical Area of the Water Supply Watershed, as defined in the Land Use component of the Orange County Comprehensive Plan; and/or
- (8) Contain sites identified in "An Inventory of Sites of Cultural, Historic, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or "Inventory of the Natural Areas and Wildlife Habitats of Orange County, North Carolina"; and/or

- (9) Contain lands with slopes in excess of 25% outside of drainage easements or stream buffers, as determined by USGS Topographic maps, at a contour interval of ten feet.

**(B) Requirements of an Environmental Assessment**

The Environmental Assessment (EA) shall consist of a document supplied by the Planning Department to address issues of environmental concern to the County, and completed by the applicant. Those issues include:

- (1) Topography of site and slopes;
- (2) Drainage issues, such as on-site streams or easements and location relative to water supply watersheds, water quality critical areas and special flood hazard areas;
- (3) Natural or Cultural Resources;
- (4) Mining of Earth products;
- (5) Generation or storage of hazardous or toxic wastes;
- (6) Wastewater treatment methods and sludge disposal; and
- (7) Water usage.

**6.16.4 Environmental Impact Statement**

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**(A) Applicability**

- (1) For projects which require submittal of an Environmental Assessment, an Environmental Impact Statement (EIS) will also be required if the project has a significant environmental impact. A project has a significant environmental impact when it:
  - (a) Involves surface or subsurface extraction activity requiring a Mining Permit issued by the State; and/or
  - (b) Involves long-term storage or disposal of hazardous wastes; and/or
  - (c) Requires an EIS by a Federal or State agency; and/or
  - (d) Fails to adequately protect (as described in Section 7.6.3(F)(2) of this Ordinance) sites identified in "Inventory of Sites of Cultural, Historic, Recreational, Biological, & Geological Significance in the Unincorporated Portions of Orange County" and the "Orange County Inventory of Natural Areas"; and/or
  - (e) Involves a land surface application wastewater treatment system, within the Water Quality Critical Area of Water Supply Watersheds as defined by the Orange County Comprehensive Land Use Plan.
- (2) Orange County reserves the right to require preparation of an EIS pursuant to Section 6.16.4(A)(1), notwithstanding a Finding of No Significant Impact on the part of Federal or State agencies.

**(B) Requirements for an EIS**

**(1) General Requirements**

- (a) In order to meet the primary purpose of an EIS, which is to serve as a decision-making tool to ensure that the purposes and policies defined in the North Carolina Environmental Policy Act of 1971 (G.S. 113A) are given full consideration in the ongoing programs and actions of state and local government, an EIS shall be prepared as follows:
  - (i) It should provide a full and fair discussion of significant environmental impacts, and

- (ii) It should inform decision-makers and the public of reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the environment.
- (b) Preparers should use a format for EIS's which will encourage good analysis and clear presentation of all alternatives, including the proposed activity, while minimizing length and complexity.
- (c) EIS documents should not exceed 50 pages and should include site location maps.

**(2) Format and Content**

An EIS shall include the following sections and shall comply with the standards for each:

- (a) Cover Sheet
  - A single page cover sheet including the following information;
  - (i) Designation of the document as a draft, supplementary or final statement;
  - (ii) Title of the proposed activity that is the subject of the statement;
  - (iii) List of any involved cooperating entities,
  - (iv) Name, address, and telephone number of the person who can supply further information.
- (b) Summary
  - (i) An adequate and accurate summary of the statement stressing the major conclusions, areas of controversy, and issues to be resolved.
  - (ii) The summary shall also list all federal, state, and local permits, licenses, certifications, and other approvals which must be obtained in implementing the proposal. If there is any uncertainty about whether any one of these is necessary, it should be so indicated.
- (c) A completed Environmental Assessment document
- (d) Statement of Purpose and Need for the proposed activity
- (e) Comparison of Alternatives
  - (i) Based upon information and analysis on the affected environment and environmental consequences, the EIS should present the environmental impacts of the alternatives, including the proposed activity, in comparative form.
  - (ii) To the extent possible, the comparison of alternatives should quantify how the purpose and need would be satisfied by each alternative and the proposed activity.
  - (iii) The Comparison of Alternatives should also:
    - a. Explore and evaluate all reasonable alternatives;
    - b. Discuss the reasons for the elimination of alternatives from detailed study;
    - c. Include appropriate mitigation measures not already included in the alternatives; and
    - d. Describe the environment of the area(s) to be affected and the environment to be created by the alternatives under consideration. The description should be no longer than is necessary to understand the effects of the

- alternatives.
- e. Describe environmental consequences, such as:
    - i. Direct effects and significance;
    - ii. Indirect effects and significance;
    - iii. Possible conflicts between the proposed activities and the objectives of federal, state, and local plans, policies, and controls for the affected area.
  - f. List the names and qualifications of the persons who were primarily responsible for preparing the EIS.
- (f) Appendices (As Necessary)
- If an appendix is included in an EIS, it should meet the following requirements:
- (i) Consist of materials substantiating any analysis fundamental to the principal document, as distinct from material of lesser significance that may accompany the document or be incorporated by reference;
  - (ii) Normally be analytic and relevant to the decision to be made;
  - (iii) Shall not be counted in the EIS 50 page limit, and
  - (iv) Be circulated with the EIS or be readily available upon request.

## SECTION 6.17: TRAFFIC IMPACT ANALYSIS

### 6.17.1 Purpose

The purpose of the traffic impact analysis is to insure that proposed developments do not adversely affect the highway network and to identify any traffic problems associated with access from the site to the existing transportation network. The purpose of the study is also to identify solutions to potential problems and to present improvements to be incorporated into the proposed development.

### 6.17.2 Applicability

- (A) Except as provided herein, a traffic impact study shall be required for all special use permits, subdivisions, CZ applications, and site plans that meet the following criteria:
  - (1) Special Use Permit: Estimated traffic generated by the permit exceeds 800 trips/day.
  - (2) Subdivision: Contains 80 or more dwelling units or the estimated traffic generated by the subdivision exceeds 800 trips/day.
  - (3) CZ Application: Estimated traffic generated by the development exceeds 800 trips/day.
  - (4) Site Plan: Estimated traffic generated by the development exceeds 800 trips/day.
- (B) Orange County may require any special use permit, subdivision, CZ application, or site plan application to be accompanied by a traffic impact study when a road capacity or safety issue exists. If one is required, the County will notify the applicant of the reason for the requirement.
- (C) If the project is reviewed as a Conditional Use District or MPD-CZ, only one traffic impact study is required for special use permit or Master Plan approval unless revisions are proposed that would increase traffic or change access.