



ORANGE COUNTY PLANNING

ENVIRONMENTAL ASSESSMENT

An Environmental Assessment (EA) shall be required for each individual parcel proposed for development consistent with applicable criteria as detailed within the Unified Development Ordinance (UDO)

SUBJECT PARCEL:

Address: _____

Parcel Identification Number (PIN): _____

Acreage: _____ Township: _____

Zoning: _____

Zoning District: _____

Watershed Overlay: _____

Other Overlay: _____

Owner Information:

Name: _____ Home Phone: _____

Address: _____ Cell Phone: _____

_____ E-mail: _____

Applicant Information: (same as owner)

Name: _____ Home Phone: _____

Address: _____ Cell Phone: _____

_____ E-mail: _____

Official Use Only:

Date Application Filed: _____ Fee Collected: _____

Accepted by: _____ Permit Case Number: _____

Zoning: _____ Watershed: _____ Overlay: _____

I. GENERAL SITE INFORMATION

A. Adjacent property:

Zoning:

North _____ South _____

East _____ West _____

Land Use:

North _____ South _____

East _____ West _____

B. Topography

Highest Elevation: _____

Lowest Elevation: _____

General direction of slope: _____

Estimated % of property with

0 – 5% slope: _____

5 – 15% slope: _____

15 – 25% slope: _____

More than 25% slope: _____

C. Water Features / Drainage:

The following water features are located on the property:

- | | |
|-----------------------------------|--|
| <input type="checkbox"/> Streams | <input type="checkbox"/> Drainage Easements |
| <input type="checkbox"/> Wetlands | <input type="checkbox"/> Special Flood Hazard Area |
| <input type="checkbox"/> Ponds | |

Describe _____

(Attach additional sheets if needed)

D. Does the property contain any of the following Inventory of Natural or Cultural Resources? (As identified in the "Inventory of Sites of Cultural, Historical, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County" or the "Inventory of Natural Areas and Wildlife Habitats of Orange County, North Carolina".)

	<u>Yes</u>	<u>No</u>
1. Cemeteries	_____	_____
2. Archaeological sites	_____	_____
3. Historic sites	_____	_____
4. Areas of geological significance	_____	_____
5. Designated natural areas	_____	_____
6. Designated habitat	_____	_____

For each "yes" answer above, please indicate the location on site plan and complete Attachment A.

II. PROJECT DESCRIPTION

A. Describe proposed use of property:

B. Number of lots: _____

C. Number of structures: _____

D. Estimated square footage of area to be graded for development of attached residential units (excluding roads, but including parking areas)

E. Estimated square footage of area to be graded for non-residential use (excluding roads) _____

F. Estimated area to be graded for roads _____

Road Type:	Public _____	Private
		Class A _____
		Class B _____

Total road length _____

III. STATE PERMITS REQUIRED

1. Does the project involve the mining of earth products? _____

If so, how many cubic feet of material are expected to be excavated?

Has an application for a Mining Permit been submitted to NCDRCD?

Please attach map indicating expected extent of proposed activity.

2. Does the project involve generation or storage of hazardous or toxic wastes, as identified by the Environmental Protection Agency?

Describe the wastes to be generated. _____

How much material is expected to be generated per month?

Will any material be treated onsite? _____

Volume? _____

Will any material be stored onsite? _____

Volume? _____

Where will disposal of the material take place?

How will materials be transported to the disposal site?

What measures are proposed to protect water quality and air quality in case of spills?

3. Will the project involve a land application system for treatment of wastewater? _____

If yes, describe _____

Has an application for a non-discharge permit been submitted to the NC Department of Environmental Management or Orange County Department of Environmental Health?

4. Is a septic tank system proposed which as a design capacity of more than 3000 gallons per day? _____

If yes, describe _____

Has an application for a non-discharge permit been submitted to the NC Department of Environmental Management or Orange County Department of Environmental Health?

5. Does the activity involve sludge disposal? _____

If yes, where is the source of the sludge? _____

Describe where and how the sludge is being disposed.

Has a NPDES permit from the NC Division of Environmental Management been issued? _____

6. Water Usage

a. Estimated no. of employees _____ x 25 gpd = _____ gpd

b. Estimated water use for climate control = _____ gpd

c. Process water

- _____ % consumed
 - _____ % discharged to septic system
 - _____ % discharged to surface (including storm sewers) (describe: _____)
 - _____ % evaporated
 - _____ % reclaimed/reused
 - _____ % other
- 100%

d. Water used for cooling, heating, etc., in association with production or manufacturing

- _____ % reused
 - _____ % consumed
 - _____ % discharged
- (describe: _____)
- 100%

_____ gpd
Total Water Usage

e. Describe source of water

**ATTACHEMENT A
TO BE COMPLETED ONLY IF INVENTORY SITES ARE IDENTIFIED IN I.E.**

(ATTACH ADITIONAL SHEETS IF NECESSARY)

(1) a. Impact on Resource from Proposed Development

b. Proposed Mitigation

(2) a. Impact on Resource from Proposed Development

b. Proposed Mitigation

STATEMENT BY APPLICANT:

I certify that the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Signature of applicant: _____

Date: _____

2.23.9 Appeals

Appeals from the findings of the Board of Adjustment shall be processed in accordance with Section 2.26 of this Ordinance.

SECTION 2.24: GOVERNMENTAL USES

2.24.1 Applicability

The following applies to those land uses permitted within the Governmental Uses land use category as detailed within Section 5.2.

2.24.2 Neighborhood Information Meeting

- (A) If a proposed project has not been a part of a previous planning effort that included the opportunity for public comment and input, a neighborhood information meeting shall be held prior to the submittal of a site plan application. The purpose of this meeting is to obtain surrounding property owner input and comments on the proposed development.
 - (1) Examples of planning efforts that generally include the opportunity for public input are: park master plans, small area plans, solid waste management master plans, library master plans, etc.
- (B) The Planning Department shall assist the applicant with the scheduling of the neighborhood information meeting.
- (C) The applicant shall obtain property owner mailing address information from the Planning Department, who shall utilize Orange County Land Records data, and shall mail notices of the meeting date, place, and time via first class mail to each property owner within one thousand feet of the subject property.
- (D) The notices shall be mailed a minimum of 14 days prior to the date of the meeting.
- (E) 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.
- (F) The applicant shall submit written certification that the notices were mailed in compliance with the requirements of this subsection. The written certification shall denote the date of the mailing as well as a synopsis of comments from the meeting as part of the site plan application. The applicant shall also provide a written response on what steps, if any, were taken to address said comments.
- (G) A neighborhood information meeting shall not be required in cases where an applicant is proposing to expand facilities less than 50% of existing floor area.

SECTION 2.25: REVIEW OF ENVIRONMENTAL DOCUMENTS

2.25.1 Environmental Assessment

- (A) **Generally**

An Environmental Assessment ("EA" in this section) may be submitted prior to submittal of the development application to determine if an Environmental Impact Statement ("EIS" in this section) may be required, provided that:

 - (1) All information necessary to perform the Assessment is provided, and
 - (2) The project application, when submitted, is consistent with the project described in the Assessment.
- (B) **Review Process**
 - (1) The Planning Department shall review the EA for completeness within 5 calendar days of the date of submittal.

- (2) If the EA is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.
- (3) Upon acceptance of a complete EA, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EA will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.
- (4) Final Action on the EA shall occur within 14 days from the date of acceptance, or such longer time as agreed to in writing by the applicant.
- (5) If the EA reveals no "significant environmental impacts", as that term is defined in this Ordinance, the Planning Department shall issue a Finding of No Significant Impact (FONSI).
- (6) If significant impacts are identified, the Planning Department shall issue a Finding of Significant Impact and shall require that an Environmental Impact Statement be prepared. The decision of the Planning Department shall be reviewed by the County Manager upon request of the applicant or Planning Department.
- (7) The applicant shall be notified if the Planning Department learns of any additional state or local permits which may be required to conduct the proposed activity.
- (8) Agencies the Planning Department has knowledge of potentially requiring additional permits shall be notified of the proposed activity by the Planning Department and shall have an opportunity to provide comments.

2.25.2 Environmental Impact Statements

(A) Review Process

- (1) The Planning Department shall review the EIS for completeness within 5 working days of submittal.
- (2) If the EIS is found to be incomplete, it shall be returned to the applicant with notification of its deficiencies.
- (3) Upon acceptance of a complete EIS, the applicant shall submit 10 copies to the Planning Department. Additional copies may be required if needed. The EIS will be distributed by the Planning Department to other appropriate departments and agencies for review and comment.
- (4) A notice shall be placed by the Planning Department in a newspaper of general circulation, stating that the EIS will be available for public review at the Planning Department for a period of at least 15 days.
- (5) If the proposed activity requires a Mining Permit from the State of North Carolina, or involves the storage of hazardous materials, the EIS shall also be sent to the State Clearinghouse for distribution and review pursuant to Title I, Chapter 25, Section .0200 of the North Carolina Administrative Code.
- (6) If an EIS prepared for a State or Federal agency has completed the Federal or State Environmental Review process, including publication in the "Environmental Bulletin" then the EIS and any required addendum thereto shall be advertised as available for public review at the Planning Department, but need not be re-circulated through the State Clearinghouse.
- (7) Upon Completion of the advertised 15-day review period, and upon receipt of comments from the State Clearinghouse when applicable, all comments will be compiled and summarized by Planning Staff.

(B) Public Hearing Required

- (1) The EIS, along with all comments received during the review period, shall be presented for public hearing concurrently with the development project.

- (2) If a public hearing before the Board of County Commissioners is not required for approval of the development project, then a special hearing shall be scheduled. The hearing shall take place no later than 30 days after the close of the public review period or receipt of comments from the State Clearinghouse, whichever is later.

(C) Notice of Public Hearing

- (1) Notice of the public hearing to review the EIS and receive public comment shall be published at least twice in a newspaper of general circulation in the county, stating the time and place of the hearing.
- (2) Said notice shall appear in said newspaper for two successive weeks with the first notice appearing not less than ten nor more than 25 days before the date set for the public 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.

(D) Board of County Commissioners Action

- (1) The Board of County Commissioners shall receive the EIS and all comments as information only. The information presented may be used only to determine compliance with specific development standards established in this Ordinance.
- (2) No action shall be taken on the development project until after the EIS has been presented to the Board of County Commissioners.

(E) Effect on Other Permits and Actions

Construction or installation of any major development project shall not commence until subsequent to the filing of a Finding of No Significant Impact or acceptance of the Final EIS by the Board of County Commissioners.

SECTION 2.26: APPEALS

2.26.1 Generally

Appeal applications shall be filed in accordance with Section 2.2 within 30 days of the decision being appealed on forms provided by the Planning Department, if applicable.

2.26.2 Planning Director Decisions

(A) Site Plans or Other Decision Pertaining to this Ordinance

Any decision of the Planning Director regarding a site plan application or other decision pertaining to this Ordinance not listed in (B) through (D) below may be appealed to the Board of Adjustment according to the provisions set forth in Section 2.12 of this Ordinance.

- (1) An appeal to the Board of Adjustment from a decision or determination of the Planning Director stays all proceedings in furtherance of the decision or determination appealed from, except:
 - (a) Situations that, in the opinion of the Planning Director, a stay would cause imminent peril to life and/or property.
 - (b) That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of the Ordinance.

In either instance in (a) and (b) above, the Planning Director shall place in certificate the facts to support the conclusion.

(B) Exempt Subdivisions

- (1) The decision of the Planning Director regarding an exempt subdivision application may be appealed to the Board of County Commissioners.

(C) Additional Measures

Whenever the Erosion Control Officer determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protection practices, the person conducting the land-disturbing activity or the person responsible for maintenance will be required to take additional protective action.

6.15.10 Existing Uncovered Areas

(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

6.16.1 Purpose and Intent

- (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

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

(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

(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 [see (3) below]; 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.

- (3) Pursuant to §113A-8(b) of the North Carolina General Statutes, major development projects for which an EIS is required by a Federal or State agency shall be exempt from the EIS submittal requirement in Section 6.16.4(A)(1). The County may require the applicant to produce a copy of the EIS submitted to the Federal or State agency as proof of compliance.

(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: