

RESOLUTION: 2025- 051

RESOLUTION OF APEX ENVIRONMENTAL ADVISORY BOARD ADOPTING THE REQUEST TO MODIFY UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the charge of the Apex Environmental Advisory Board is to assist the town council in strengthening environmentally responsible practices that protect, promote and nurture our community and the natural world through advice and program support; and

WHEREAS, the Apex Environmental Advisory Board has the duty to advise the environmental committee of the town council regarding suggested changes to town policy or ordinance related to the environment and the planning committee of the town council regarding suggested changes to town policy or ordinance related to the impacts of development upon the environment; and

WHEREAS, the Apex Environmental Advisory Board has the duty to advocate for managing environmental resources in a way that reflects the community's values; and

WHEREAS, the Apex Environmental Advisory Board has the duty to maintain and improve current environmental protections; and

WHEREAS, on February 12, 2024, Governor Roy Cooper issued Executive Order No. 305, An Order to Protect and Restore North Carolina's Critical Natural and Working Lands; and

WHEREAS, Section 2 of Executive Order No. 305 provides the following definitions:

- a. "Natural and working lands" are lands that remain in natural condition or that are managed to support food and fiber production, or for the benefit of human communities. Examples include public and private forests, cropland, pastureland, game lands, grassland, wetlands, salt marsh, and recreational areas that are managed natural lands within urban and rural communities.
- b. "Wetlands" are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, pocosins, bays and similar areas. This definition does not depend on state or federal law and is intended to be broader in scope than current law.
- c. "Native plants" are plants that the United States Department of Agriculture ("USDA") has classified as native to a state or county in the Southeastern United States. Southeastern United States, for the purpose of this Executive Order, includes the states of Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and the following counties in Florida: Bay Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington.
- d. "Nature-based solutions" means sustainable planning, design, environmental

management, or engineering practices that incorporate natural features or processes into the built environment to promote adaptation and resilience.

- e. "Ecosystem services" are the economic, health, or quality of life benefits people receive from nature.
- f. "Restoration" means the return of an ecosystem to a close approximation of its condition and function prior to disturbance; and

WHEREAS, Section 6 Executive Order No. 305 sets forth a Native Plant Policy providing that:

Landscaping for all property allocated to the North Carolina Department of Administration ("DOA") or any other Cabinet agency shall only use seeds and plants that the USDA has classified as native to a state or county in the Southeastern United States, including cultivars and varieties thereof that were not bred to have reduced reproductive structures, with a strong preference for plants the USDA has classified as native to North Carolina. The following non-native plants shall be exempted from this policy:

- a. Non-native plants on property allocated to or incorporated as part of a project that already exists at the time of the effective date of this policy;
- b. Non-native turf grass;
- c. Non-native seeds and plants where the primary purpose is:
 - 1) crop cultivation,
 - 2) scientific research,
 - 3) botanical or historical gardens,
 - 4) plantings for wildlife, or
 - 5) plantings for exhibits or for animal consumption at museums, zoos, and aquariums.

State-funded or permitted projects and activities, including those administered on behalf of the federal government, shall avoid introducing non-native plants. To support native biodiversity, Cabinet agencies shall also consider the native plant practices of private properties in future lease agreements; and

WHEREAS, Executive Order No. 305 expressly encourages local governments to adopt similar native plant policies.

NOW THEREFORE, BE IT RESOLVED that the Apex Environmental Advisory Board endorses the Native Plant Policy spelled out in Executive Order No. 305; that the Apex

Town Council is requested to instruct the Town of Apex Staff to make such modifications as necessary to the Unified Development Ordinance to incorporate the Native Plant Policy and associated definitions promulgated in Executive Order No. 305; and that the Apex Environmental Advisory Board commits to provide such assistance to the Town of Apex Staff as may be necessary to effect the necessary changes to the Unified Development Ordinance.

Motion made by Environmental Advisory Board Member Mark Schwegel

Motion seconded by Environmental Advisory Board Member Bill Jensen

With 8 Environmental Advisory Board Members voting aye.

With 0 Environmental Advisory Board Members voting no.

Adopted and effective this the 17th day of July, 2025.

Suzanne Mason

Suzanne Mason, Chair
Apex Environmental Advisory Board

ATTEST:

Nora Sp

Nora Skinner
Board Liaison