

**MINUTES  
PLANNING BOARD  
JANUARY 6, 2016  
REGULAR MEETING**

**MEMBERS PRESENT:** Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; James Lea, Cedar Grove Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township; Patricia Roberts, Cheeks Township Representative; Laura Nicholson, Eno Township Representative; Herman Staats, At-Large; Lisa Stuckey, Chapel Hill Township Representative; Tony Blake, Bingham Township Representative

**MEMBERS ABSENT:** Buddy Hartley, Little River Township Representative

**STAFF PRESENT:** Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Perdita Holtz, Special Projects Coordinator, Meredith Pucci, Administrative Assistant II; Ashley Moncado, Special Projects Planner

**AGENDA ITEM 1: CALL TO ORDER**

Lydia Wegman: Opened the meeting by making sure everybody was there that was coming.

**AGENDA ITEM 2: ELECTION OF CHAIR AND VICE-CHAIR FOR 2016**

Lydia Wegman: The first thing we have to do is our elections.

Lisa Stuckey: Lydia, are you interested in being the Chair?

Lydia Wegman: I am willing to be the Chair if that is the will of our Board. But if others would prefer to be the Chair I have no problem with that. Anybody else interested?

**MOTION** made by Laura Nicholson to elect Lydia Wegman as Chair. Seconded by Patricia Roberts.

**VOTE:** Unanimous

Lydia Wegman: Okay. Nominations for Vice-Chair.

Maxecine Mitchell: How about Tony?

Tony Blake: Well I will be Vice-Chair, if that's the will of the Board.

**MOTION** made by Maxecine Mitchell to elect Tony as Vice-Chair, seconded by Laura Nicholson.

**VOTE:** Unanimous

**AGENDA ITEM 3: INFORMATIONAL ITEMS**

- a. Planning Calendar for January and February

*Lydia Wegman reviewed the calendar and discussed a change in the rules; the Chair or the Vice-Chair is required to attend the quarterly meeting. Everyone else is expected to attend, but not required.*

Craig Benedict: The quarterly public hearing is a different date than usual in February. Usually it's later in the month and on Monday but this year it's on a Thursday, so just make special note of that.

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**AGENDA ITEM 4: APPROVAL OF MINUTES**  
December 2, 2015 ORC Notes  
December 2, 2015 Regular Meeting

**MOTION** by Paul Guthrie to approve both sets of minutes. Seconded by Maxecine Mitchell.  
**VOTE: UNANIMOUS**

**AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA**

Michael Harvey: Sign regulations are being pulled from tonight's agenda.

Paul Guthrie: Do you care to elaborate?

Michael Harvey: The county attorney's office has determined they want more time.

**AGENDA ITEM 6: PUBLIC CHARGE**

**Introduction to the Public Charge**

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its residents and business through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall county. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decision, and recommendations.

**Public Charge**

The Planning Board pledges to the residents of Orange County its respect. The Board asks its residents to conduct themselves in a respectful, courteous manner, both with the Board and with fellow residents. At any time, should any member of the Board or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

**AGENDA ITEM 7: CHAIR COMMENTS**

No comments from the Chair.

**AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO regarding mailed notifications. This item is scheduled for the February 18, 2016 quarterly public hearing.**  
**Presenter:** Perdita Holtz, Planning Systems Coordinator

*Perdita Holtz reviewed abstract.*

Paul Guthrie: How do you plan to confirm that the applicants have filed by first class mail? I know in certified mail you would have a postal receipt, how are you planning to be able to confirm that if there's a challenge to lack of notice?

106 Perdita Holtz: The planning department is actually involved in the mailed notifications and we do a certificate of  
107 mailing that you've seen in amendment packets. Whichever staff person is in charge of the mailing signs it to certify  
108 it was done as stated.  
109  
110 Paul Guthrie: We don't need to do any language in here to make sure that happens?  
111  
112 Perdita Holtz: Correct.... In the case of governmental uses, which those are most likely going to be your fire  
113 departments, we are asking that whoever is heading up that effort for the fire department would give us a statement  
114 that certifies that they mailed it when they said they mailed it.  
115  
116 Paul Guthrie: But you're going to monitor private individuals who are asking for an action that are required to mail?  
117  
118 Perdita Holtz: Yes, we actually do the mailing. The planning department does the mailing; they just pay for them.  
119  
120 Tony Blake: But you guys make a copy of everything that's sent out anyways, right?  
121  
122 Perdita Holtz: Well, we have the mailing list of property owners and the actual letter that goes into the file.  
123  
124 Lydia Wegman: Other comments?  
125  
126 Tony Blake: I had one from people that have called me, my phones lit up when they heard a story about the airport,  
127 and a couple of people were thinking that a broader notification should go out, in light of an airport. Or something that  
128 has significant impacts like noise or what have you. So I wanted to float that idea and I wanted to get that in the  
129 minutes so that the County Commissioners read it as well.  
130  
131 Andrea Rohrbacher: I can't remember what the outcome of this point was, it seems that at one meeting we discussed  
132 putting some sort of lettering on the outside of the envelope to indicate that it had to do with development so that  
133 people wouldn't think that it was junk mail.  
134  
135 Perdita Holtz: Right, and that is in there under the public hearing portion that it's going to say, "Notice of Hearing" on  
136 the outside of the envelope.  
137  
138 Lydia Wegman: Other comments, questions?  
139  
140 Paul Guthrie: I have one other. Someone who doesn't receive notice but hears about the project, will they just come  
141 directly to the planning organization and say, "Hey, we heard this was going on. What's going on?"  
142  
143 Perdita Holtz: Yes, because there's still the sign that's posted on the property so anybody seeing that sign could  
144 contact us.  
145  
146 Paul Guthrie: Because there are certain things that affect well beyond 1000 feet or 500 feet. So you're able to  
147 accommodate that without any problems? You don't need anything in the code to help you do that?  
148  
149 Perdita Holtz: No.  
150  
151 Paul Guthrie: Okay. Thanks.  
152  
153 Craig Benedict: Perdita, can you explain to the Board the new process a little bit that's going to be occurring in this  
154 amendment that they're making recommendation and consistency before the public hearing?  
155  
156 Perdita Holtz: I hit on it earlier tonight, it's the first time that we're doing this new process and tonight is making a  
157 recommendation in time for the February 18<sup>th</sup> quarterly public hearing so, it's the same types of actions, they're just  
158 occurring in a different order than they used to.  
159

160 Craig Benedict: So these do not get referred back to you unless the commission determines.  
161  
162 Lydia Wegman: So the commission could vote in February to approve this and we would not see it again?  
163  
164 Craig Benedict: That's correct. So there's some streamlining that we just accomplished as one of our goals for certain  
165 things that are more housekeeping items like this.  
166  
167 Lydia: All right, any other comments or questions?  
168  
169 Lisa Stuckey: Okay, so I move approval of the statement of the consistency which is attachment 2 and the proposed  
170 amendment package which is attachment 3 and that they be forwarded to the County Commissioners from the  
171 Planning Board.  
172  
173 **MOTION** made by Lisa Stuckey to approve the text amendment. Seconded by Laura Nicholson  
174 **VOTE:** Passed 9-1 (Tony Blake)  
175  
176 Tony Blake: I'm opposed. I'm opposed because I think that there's room for other notification in the event of a major  
177 enterprise or undertaking, such as an airport.  
178  
179 Lisa Stuckey: It occurs to me that that could be part of the airport amendments.  
180  
181 Tony Blake: Sure, well I don't know so it's not clear to me that you could amend the airport thing and have it  
182 supersede this or what. That I'm not clear on. It's my way of highlighting it.  
183  
184 Lisa Stuckey: I think that's not a bad idea.  
185  
186 Lydia Wegman: Yeah. Craig or Perdita, any comments on that?  
187  
188 Perdita Holtz: That's something that can be looked at when we go forward with the airport regulations, that the ORC  
189 looked at in November.  
190  
191 Paul Guthrie: I just want to follow up on that. I think that's right for the point that he's making. I think there are some  
192 issues beyond that that we could stumble into that you may at some point want to give yourself a background policy  
193 to help you carry that out and don't hit them blind without any resource other than the fact that the rules didn't say we  
194 had to do it. I can think of lots or monster projects that don't take up a lot of ground that could have a great deal of  
195 interest in the County as a whole, and so I think you need to think whether you need some kind of framing that will  
196 give you the latitude to move ahead and not get stopped with procedural issues at the beginning.  
197  
198 Perdita Holtz: Well, there have been instances in the past, Paul, when there have been major actions that we've  
199 gone out and done informational sessions and stuff like that, and that's done on a case by case basis depending on  
200 what the action is. It's just, we haven't done anything like that for the past 2 or 3 years because there haven't been  
201 major actions, but there is precedent that we've done stuff like that.  
202  
203 Lydia Wegman: And I'll just add if I could, that it seems to be that those are projects that would come up as  
204 independent or individual projects where it might come up, as opposed to something that would easily generally  
205 define in the UDO text amendment.  
206  
207 Perdita Holtz: Yes, and that's just something that the County can undertake as part of their discretion in being a  
208 government, particularly with the County' as the instigator. As you know, it gets dicier if it's a SUP.  
209  
210 Craig Benedict: When we submit to the commissioners say, an amendment outline form, they ask us to do something  
211 and we develop this form to say, "this is how we think we can accomplish it, this is what Boards may be involved,  
212 maybe the environmental board is part of the amendment process." And we also suggest public outreach that may  
213 be beyond what the code says and that would be an opportunity for the commission to say, "Well, we think there

214 should be a broader outreach meeting beyond 1,000 feet. So that can occur, especially when it's government  
215 initiated.

216  
217 Tony Blake: Yeah, the SUP case I was thinking of is the guy who builds the subdivision with 10 or 15 houses and a  
218 runway and everybody's got their own little hangar; is that a public airport? Is that a private airport? And then if it's a  
219 SUP and you only have to notify people within 1,000 feet that landing and taking off could extend quite a bit beyond  
220 there. That's the just of my concern.

221  
222 Lydia Wegman: Okay, great, thank you.

223  
224 Patricia Roberts: Is there any airport planned?

225  
226 Craig Benedict: No, there are no airports planned. We are in the process of updating our airport regulations. Some of  
227 our outreach meetings were occurring around the holidays so it was decided to move it to a less busy time to  
228 evaluate the new regulations. The best time to update your regulations is when there are no proposals out there. So  
229 we will begin again, we're going to speak with the commissioners in a work session about the process and the  
230 parameters of some of the updates and it probably will not come back until later this year.

231  
232 Lisa Stuckey: I think all the schools I dealt with were in the cities of Chapel Hill or Carrboro, their jurisdictions. But  
233 typically, we went way beyond 1,000 feet and there was a community meeting and there was a lot of use of various  
234 media to get the word out because you don't want to build a big thing like that and then have all these people angry  
235 later. So you know what to incorporate.

236  
237 Tony Blake: Yeah, and it may be something that's already been considered and non-issue. I just couldn't find it  
238 anywhere and I couldn't find anywhere where this could be superseded by a SUP.

239  
240 Lydia Wegman: And the school would be a governmental use, wouldn't it?

241  
242 Perdita Holtz: Schools actually come under a different section, but there's outreach you have to do.

243  
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245 **AGENDA ITEM 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** - To make a  
246 recommendation to the BOCC on government-initiated amendments to the text of the UDO  
247 regarding temporary healthcare structures and other custodial care housing options. This  
248 item is scheduled for the February 18, 2016 quarterly public hearing.

249  
250 **PRESENTER:** Ashley Moncado, Special Projects Planner

251  
252 *Ashley Moncado reviewed abstract*

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254 Patricia Roberts: I was having kind of a hard time visualizing what this would look like. Does anybody have an  
255 example?

256  
257 Ashley Moncado: At one point we did have a little flyer, unfortunately it's not included in your packet tonight. It's a  
258 mobile unit, so if you can picture a single wide manufactured home, even smaller than that. A temporary health care  
259 structure originally is only about 300 square feet. It's a mobile unit so it's basically a room with a bathroom. It can go  
260 on any lot where an existing single family home would be permitted. Your only issue with neighborhoods, they are  
261 permitted at the county level, but if there's covenants or restrictions then they trump the Session Law.

262  
263 Patricia Roberts: I see 1,000 square feet everywhere here except for the table, on the table it said it can't exceed 300  
264 square feet.

265  
266 Ashley Moncado: I think that is just referencing a temporary health care structure, which this is something from a  
267 previous meeting where they wanted to know what other options there are out there for providing care to family

268 members, neighbors, friends. So this table was created to show all the different options that are currently available in  
269 the County.  
270  
271 Patricia Roberts: 1,000 square feet is huge.  
272  
273 Ashley Moncado: Yes, and there was concerns shared from this Board as well as the BOCC regarding the original  
274 proposed size. Originally, it was only 300 square feet and there were concerns that was too small. So, we increased  
275 it to 1,000 square feet.  
276  
277 Patricia Roberts: And what's temporary? How long is temporary?  
278  
279 Ashley Moncado: Temporary is not defined by state statute so it could be a week, a year. It's not allowed to be  
280 placed on a permanent foundation, it is to remain on its trailer so it can be pulled back out.  
281  
282 Patricia Roberts: What about hooking up the septic?  
283  
284 Ashley Moncado: You'd have to go through environmental health approval so they would be reviewed by Orange  
285 County Environmental Health. If they don't have the capacity to add that, because it's considered an extra bedroom,  
286 they will have to address that.  
287  
288 Patricia Roberts: So there's not that many places in the County where you can put one of these.  
289  
290 Tony Blake: Well, if you have a 5-acre lot.  
291  
292 Laura Nicholson: I noticed that you changed a lot of the things, but I still see the one person as the occupant  
293 requirement. Was there any wiggle room there to allow? I'm just looking at the table and still seeing one.  
294  
295 Ashley Moncado: Yes, the table is only referencing temporary health care structure standards. But, if you look at the  
296 actual amendments, we are allowing up to five unrelated to live in a single family dwelling unit and up to two people  
297 to live with a temporary custodial care unit.  
298  
299 Paul Guthrie: How are you defining family?  
300  
301 Ashley Moncado: Well, we have to actual definition on page 47 of your packets and it's exactly as we've had it  
302 previously, the only thing that we're changing is a minor grammar error as well as increasing it from three to five.  
303  
304 Paul Guthrie: The reason I ask the question is, the definition of a family has changed radically. And the only time  
305 when the question comes up is when somebody's unhappy about it being permitted and one of the things you would  
306 certify is that it meets this definition; and how do you prove a family? What are the standards of a family?  
307  
308 Ashley Moncado: I think it's outlined pretty well in the definition of what we're defining a family as and that's  
309 something that as it's brought to our attention.  
310  
311 Paul Guthrie: Well, let me give you an example, two individuals live together and each individual, one has two  
312 children and one has three children. There is no, in my mind, legal definition, of that being a family under the law. Are  
313 they able to have a unit brought in for mom when she comes in from one of the mothers from one of the partners?  
314  
315 Ashley Moncado: Are you talking about the actual family definition of what we're talking about five unrelated people  
316 or are you talking about the temporary health care structure-because there's no relationship requirement with that  
317 anymore.  
318  
319 Paul Guthrie: I'm talking about that in the context of this whole.  
320  
321 Ashley Moncado: So the temporary custodial care unit, there's no relationship requirement .

322  
323 Paul Guthrie: So the original house does not have to related to the individual at all?  
324  
325 Ashley Moncado: No, that's been removed.  
326  
327 Paul Guthrie: Okay. So, why are we defining a family as five?  
328  
329 Ashley Moncado: Because we have other issues regarding how many people are living within one single family  
330 home, or a unit. Which this, the family definition is being changed because that was an issue that was brought by the  
331 commissioners. They didn't like that it was limited to three, they wanted to see it increased. So, to me, it sounds like  
332 these are two different things. So, the family definition, we're addressing that in conjunction with this just because it's  
333 something that's been discussed previously that we just needed to address. We wanted to address it this time as part  
334 of this amendment package. But, there's no family relationship requirement related to the temporary custodial care  
335 units anymore.  
336  
337 Lydia Wegman: So maybe Paul is raising a good point as far as the family that should be considered independently,  
338 from the temporary custodial unit because it is true that now the term family doesn't mean blood, marriage or  
339 adoption. People do choose to live together.  
340  
341 Ashley Moncado: There's a possibility you could have a lot of people living in a house without having some sort of  
342 standard and structures to it. I understand that there's a lot of people that have families that they have children,  
343 they're not married or they're blended families. But, if you're looking at a family of that situation, I mean you could  
344 look at potentially having twenty people living in a house. And we have no way that you have to put some sort of limit  
345 on it to avoid that situation because then you could be looking at environmental health concerns where they have  
346 twenty people living in a house with four bedrooms.  
347  
348 Paul Guthrie: And you have adequate definitions in other parts of planning laws and regulations that limits the  
349 occupancy of a house?  
350  
351 Ashley Moncade: Well our family definition is also reflective of the North Carolina State Building Code. Which the five  
352 is derived directly from. There's our standard but there's another state standard that they have to adhere by.  
353  
354 Patricia Roberts: Well perhaps if they're under 18 they don't count.  
355  
356 Ashley Moncade: We can't do that. The state building code doesn't look at age.  
357  
358 Tony Blake: Chapel Hill is even more restrictive than this to reduce the number of students and people parking on the  
359 lawn and all that stuff. That was directly to address...  
360  
361 Patricia Roberts: It's four, right?  
362  
363 Tony Blake: Yeah, it's one less.  
364  
365 Lisa Stuckey: If the parents were not married, it would still be allowed?  
366  
367 Craig Benedict: Yes, as it's unrelated by blood.  
368  
369 Maxecine Mitchell: My understanding of it is, definitely people who are unrelated. So you can have a bunch of people  
370 sharing a house less than six people and one of them wants to bring their parents on the property and put this  
371 portable unit up, my question would be then that wouldn't be allowed because you have too many unrelated people  
372 there. Am I understanding that right?  
373

374 Ashley Moncado: They would still be able to. You have six people, unrelated, living in the house. Yes, they would still  
375 be able to bring that temporary custodial care unit on the property because we're looking at something separate from  
376 the temporary custodial care unit.

377  
378 Maxecine Mitchell: I just got confused because I thought that was a point to be a determined fact of whether you  
379 could put that portable unit for a parent or parents. But the family relationship has nothing to do with it?

380  
381 Ashley Moncade: For bringing the temporary custodial care unit on the property, no.

382  
383 Tony Blake: I have one question related to the fire departments. I see this footnote of manufactured homes are built  
384 to the standards of the department of housing urban development, HUD certificate, is required by Orange County  
385 prior to the placement in the County. Now, before a certain age there are trailers that are extreme fire hazards, built  
386 before a certain year. On page 34, at the bottom of the table, there's a footnote and I'm wondering, does Orange  
387 County have an ordinance that is to age out some of these older mobile homes and stuff?

388  
389 Michael Harvey: No.

390  
391 Patricia Roberts: Doesn't the state?

392  
393 Tony Blake: It's a problem in the fire department. A lot of people bring in mobile homes from other parts of the state  
394 where they're not allowed and they set them up and they're extreme fire hazards. They have aluminum wiring,  
395 they've just reached the end of their duty cycles and they're a fire trap, they going up like a matchstick and it's just  
396 something to consider, that struck me when I read that because I think these are actually HUD certified. But, that  
397 doesn't necessarily mean much.

398  
399 James Lea: I guess what's interesting Tony is how would you get a manufactured home built to the standards to the  
400 department of housing?

401  
402 Tony Blake: Well these all existed before HUD and I think they're pre-existing and as I said it's been a concern where  
403 these things are actually being imported from county to county where the regulations lack. That contributes to North  
404 Carolina being in the burn belt.

405  
406 Craig Benedict: I'll check with the division.

407  
408 Tony Blake: I think it is '76. I thought it was as late as '85 or something.

409  
410 Perdita Holtz: It is '76; I know this unequivocally.

411  
412 Tony Blake: Okay. Because there are some in Orange County.

413  
414 Perdita Holtz: Technically, they're mobile homes before that and '76 and later are manufactured homes.

415  
416 Tony Blake: Okay, so you know the rule better than I do. It just kind of set off a little alarm bell to me because it might  
417 encourage people to bring these things in and park them close.

418  
419 Lydia Wegman: Are there comment, questions?

420  
421 **MOTION** made by Laura Nicholson to approve the statement of consistency and the amendment. Tony Blake  
422 seconded.

423 **VOTE:** Unanimous.

424  
425 **AGENDA ITEM 10:** **COMMITTEE/ADVISORY BOARD REPORTS**  
426 **A.** Board of Adjustment  
427 **B.** Orange County Transportation

428

429 Lydia Wegman: Do we have any committee or advisory Board reports, Board of adjustments or the OUTBoard?

430 Michael, Craig?

431

432 Michael Harvey: BOA met November to review a Class B SUP for a retreat center and it was denied.

433

434 **AGENDA ITEM 11:           ADJOURNMENT**

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Lydia N. Wegman, Chair