

MINUTES
ORANGE COUNTY PLANNING BOARD
OCTOBER 4, 2017
REGULAR MEETING

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Tony Blake (Vice-Chair), Bingham Township Representative; Patricia Roberts, Cheeks Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Kim Piracci, At-Large; Alexander Gregory, Chapel Hill Township Representative; David Blankfard, Hillsborough Township Representative;

MEMBERS ABSENT: Laura Nicholson, Eno Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Donna Coffey, Cedar Grove Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Tom Altieri, Comprehensive Planning Supervisor; Ashley Moncado, Planner II; Patrick Mallett, Planner II; Meredith Kern, Administrative Assistant II;

OTHERS PRESENT: Jim Parker, Settlers Point Developer; Ariel Gamboa, Engineer from Summit Engineering, Ed Sarginey, Traffic Engineer; **MEMBERS OF THE PUBLIC;** Imbi Kiiss, Charlene Summers, Vicki Berry, Amanda Berry, Ralph Warren, Deborah Markely, B. Tatum, Ursula Stumpf, Ricki Walker, Michael Efland, Joseph Shore, Charles Brantley, M.K. Ramm, Gerald Scarlett, Tara Hulse, Truitt Holmes, Ellen McRae, Deborah Christensen, Jim Record, Joe Chockley, Phlyis Moody, Lindsay Tapp, Michele Dixon, Carol Yavalek, Malinda Wilson, Edward Lourdevwik, Nannie Richmond, Robert Kadle, Ariel Gamboa, Robin Schectman, William Piscitello, Wayne Honeycutt, Janet Marks, Joan Kalnitsky, John Lemaine, Jane Ottara, Amber Dunn, David Liner, BJ Ray, Brenda Tate, J. Davis, Jana Doherty, Sandra Tromba, Craig Burch, Kevin Nicholson, Beverly Scarlett, Ron Spada, Beth Rosenberg;

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Lydia Wegman called the meeting to order and thanked the Board and members of the public for being present. She went over how the meeting would run and advised that if members of the public wanted to speak, they should sign-in.

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for October and November
 - November 1 – Planning Board Meeting
 - November 14 – Quarterly Public Hearing

Lydia Wegman informed the Board of the several upcoming meetings: Planning Board Meeting on November 1st and the Quarterly Public Hearing on November 14th; the next Orange Unified Transportation (OUT) Board Meeting on October 18th; a Joint Board of County Commissioners (BOCC) - Town of Carrboro Meeting on the October 26th, regular BOCC meeting on October 17th and Nov. 2nd; the Assembly of Governments Meeting on November 16th and an OUTBoard meeting on November 15th. Ms. Wegman noted that Planning Board members' attendance is expected and desired at the BOCC November 14th Quarterly Public Hearing.

AGENDA ITEM 3: APPROVAL OF MINUTES

- September 6, 2017 ORC Notes
- September 6, 2017 Regular Meeting

MOTION by Kim Piracci to approve the September 6, 2017 ORC Meeting Notes. Seconded by Tony Blake.

VOTE: UNANIMOUS

MOTION by Tony Blake to approve the September 6, 2017 Regular Meeting Minutes. Seconded by Kim Piracci.

VOTE: UNANIMOUS

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AGENDA ITEM 4. CONSIDERATION OF ADDITIONS TO AGENDA

No additions to agenda. However, item 8 will be deleted as it is not ready for discussion.

AGENDA ITEM 5: 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 citizens and businesses 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, decisions, and recommendations.

PUBLIC CHARGE

The Planning Board pledges to the citizens of Orange County its respect. The Board asks its citizens to conduct themselves in a respectful, courteous manner, both with the Board and with fellow citizens. At any time, should any member of the Board or any citizen 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.

Lydia Wegman read the public charge aloud.

AGENDA ITEM 6: CHAIR COMMENTS

No comments

AGENDA ITEM 7: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS AND ZONING ATLAS AMENDMENTS – FLOOD REGULATIONS - To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO pertaining to flood regulations and to remove the Special Flood Hazard Area (SFHA) from the Zoning Atlas. This item is scheduled for the November 2017 quarterly public hearing.

PRESENTER: Michael Harvey, Current Planning Supervisor

Michael Harvey greeted the Board and began reviewing the presentation. Mr. Harvey reviewed the components of the packet (beginning on page 19) and provided a little bit of background on flood regulations. In 1968, Congress created the National Flood Insurance program. Orange County has been a member of the program since 1976. This program is intended to provide a means for property owners to financially protect themselves from the possible damage of structures resulting from flood events. Flood insurance supplements typical homeowners' insurance policies which do not usually cover damage from a flood. Flood insurance is available to communities participating in the program, and since Orange County is a participating, flood insurance is available to local residents. Participating in this program means that a community adopts and enforces regulations (commonly referred to as Flood Damage Prevention Regulations) designed to mitigate or reduce flood risk. This includes adoption of Flood Insurance Regulation Maps (FIRM maps) denoting areas that are susceptible to flooding. Staff uses these documents to evaluate the anticipated level of floodwaters during a storm event which allows Staff the opportunity to work with property owners to plan for reasonable, viable development that will be reasonably free from inundation during a

107 flood. FIRMs are modified over time by the Flood Emergency Management Agency (FEMA) to reflect increases and
108 decreases in anticipated flood levels. Local communities like Orange County do not develop or maintain FIRMs;
109 these maps are maintained and modified by FEMA. While Orange County participates in the creation of these maps,
110 Staff does not do the studies, analyze data, create flood models, or make determinations with respect to what
111 property should and should not be included within a flood zone. Once communities are determined to be eligible to
112 participate in the National Flood Insurance Program, these communities are required to adopt FIRMs. Thus, if new
113 maps are not adopted, the County will no longer be eligible for participation in program, meaning flood insurance will
114 not be available to local residents. FEMA has finally approved new flood maps, a 3.5-4 year process that has
115 involved numerous revisions and modifications to the existing study. FEMA is also modifying its model floodplain
116 ordinances and established definitions and regulatory components. Orange County is obligated to adopt this in order
117 to insure consistency with FEMA policies and in order to preserve participation in the flood management program.
118 Staff is proposing to add new maps, enforceable once the BOCC acts on the proposed ordinance amendment. Staff
119 is also proposing to amend the Zoning Atlas to eliminate the Special Flood Hazard Overlay District. In 2007, the
120 County Planning Department was directed by the County Attorney (at the time) that flood regulation in and of itself
121 constituted a land use regulation tool, and as such, needed to be reflected on the Zoning Atlas, so the flood maps
122 were adopted and incorporated into the Zoning Atlas. However, as FIRMs change, Staff is obligated to continuously
123 update the Zoning Atlas. Now, in 2017, there is a new County Attorney who does not understand why Staff is
124 maintaining several different data sets in order to enforce FEMA flood map data, since the maps are the legally-
125 binding documents that the County has to observe. So, based on this reasoning, the recommendation is to eliminate
126 the Special Flood Hazard Overlay District. Staff is also to proposing updates to the ordinance that eliminate
127 inconsistencies that have existed for several years. Specifically, there are provisions that the state has encouraged
128 local communities to include, which Orange County did adopt, that would allow local government leaders (BOCC) to
129 issue waivers for certain activities to be done in the flood zone. Such uses would include solid waste facilities,
130 salvage yards and chemical storage facilities. This does not make any sense to Staff, and since the County is not
131 obligated to have it, Staff is recommending the elimination of this mechanism. The elected body should be given a
132 methodology to practically issue permits to develop in these areas. Staff is also recommending changes to update
133 compliance issues for consistency with state law. Specifically, bona fide farms located within extra-territorial
134 jurisdictions (ETJs) that are located within a municipality, like Chapel Hill, Carrboro, Hillsborough, do not have to
135 comply with towns' flood standards. By state law, they do have to comply with county flood standards. The effort is to
136 adopt the ordinance to be consistent with state law and to properly identify what the County does and not have
137 authority over. Staff is also updating existing definitions to be consistent with FEMA standards. There have been
138 some minor changes and tweaks to the definitions of design flood, Special Hazard Flood Area, and other related text
139 for FEMA's satisfaction. What impacts will these changes have? There are some properties where there has been an
140 increase in identified floodplain, meaning the property will be regulated under existing floodplain management
141 standards. This does not mean that affected properties owners will have to secure permits the day after the maps are
142 adopted to make modifications to their property to bring it into compliance with the Ordinance. The adoption of new
143 flood map data does not automatically mandate property owners to address compliance immediately. If a structure
144 was built respective of regulations at the level, and level of development the time, it was legal, so the property owner
145 will not have to bring it up to compliance under the flood management ordinance, and will not create an automatic
146 zoning enforcement action. However, the structure may not be able to be expanded or modified. In response to many
147 calls from residents who are also in attendance at the meeting, Mr. Harvey said that the County – as a matter of law
148 or policy -- cannot compel, require, force or mandate that property owners get flood insurance. Mr. Harvey said that
149 lending agents have the ability to do this, especially with federally-backed mortgages. Mr. Harvey said that he does
150 think it is a good idea for property owners to consider getting flood insurance and there is plenty of information at the
151 Planning Department and on the County's website about the many reasons. However, he wanted to make clear that
152 the County will not compel property owners to buy flood insurance. The biggest update is to eliminate references to
153 the Special Flood Hazard Area Overlay District from within the UDO and replace them with "Special Flood Hazard
154 Regulation." Mr. Harvey addressed questions from residents about why they were notified about these said changes.
155 He said that Orange County's UDO requires that any time the County initiates a Zoning Atlas amendment on a parcel
156 of property, that property owner has to be notified of the proposed change via certified mail. For this effort, Staff sent
157 our approximately 2,000 certified letters.

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159 Lydia Wegman asked if the letters were sent out because the Special Flood Hazard Area Overlay is being eliminated.

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Michael Harvey responded that yes, Staff is eliminating the Overlay District which is a Zoning Atlas amendment. By definition, Staff is required to notify people within set distances; placards were also posted to property owners within 1,000 feet of the Special Flood Hazard Area Overlay District regarding the elimination of the Overlay District. There have been lots of questions regarding the notification system being a proper use of County tax dollars. In response to this, Mr. Harvey said that the UDO, as adopted by the elected officials, obligates him to follow the guidelines explicitly. He also noted that the same notification process is required for the upcoming public hearing with the BOCC.

Lydia Wegman asked if Mr. Harvey was talking about the November 14th Quarterly Public Hearing.

Michael Harvey answered that he was and that just last night, the BOCC confirmed that this item would be discussed. Mr. Harvey continued with his presentation. He said that the Planning Department's website includes a factsheet, links to the NC Flood Risk Information System which can give property owners an understanding of where there property lies within the existing and preliminary floodplain maps based on floodplain data. Even with the elimination of the Overlay District, the department will be maintaining floodplain data on the County webpage for easy access for residents and Staff. Mr. Harvey encourages residents to meet with Staff to review the various services offered as part of the County's flood management program. Mr. Harvey read over the components of the factsheet. He noted that one question answered in an updated version of the factsheet is if the County can update a FIRM to take a property out of the floodplain, and the answer is no, it cannot. However, an individual can petition FEMA to make this change, and Staff has included information on how this can be done via a link on the factsheet. The Planning Department can provide assistance to individuals going through this process but only on a basic level. Next, Mr. Harvey showed a visual of the Flood Risk Information System (FRIS) maps and guided the Board and other meeting attendees through how to find the maps by address using online tools. Staff can work with property owners who visit the Planning Department on accessing these online maps and related information. Mr. Harvey said that the Planning Director recommends that the Board review the proposed amendments, deliberate, and make a recommendation to the BOCC on the Statement of Consistency (Attachment 3), the amendment to the Zoning Atlas to eliminate the Special Flood Hazard Area Overlay District (Attachment 4), Statement of Consistency for the proposed UDO text amendments (Attachment 5), and the actual proposed UDO text amendments (Attachment 6). He asked if there were any questions.

Tony Blake asked if, in a nutshell, the County wants to get out of the business of being between FEMA and the property owner.

Michael Harvey responded that the County is always in this position because the County is in the role of local floodplain administrator and it is the County's job to help individuals understand what they can and cannot do within a floodplain, and how to navigate through FEMA. He said that the County is getting out of the business of is no longer maintaining multiple data sources that could be seen as conflicting with official FEMA data and could potentially put the County in jeopardy if someone argued that the County is not using the appropriate flood map.

Paul Guthrie said that some time ago, he received a letter from his insurance agency saying that his property was in a floodplain district and he needed to get a floodplain insurance policy. He was concerned about the communication from the insurance organization since he did not consider his property to be located within a floodplain. He asked if there is anyone to get word out to residents that communications from insurance agencies may not be based on FEMA floodplain determinations. He thought that a property owner might reach out to FEMA to find out the most accurate information.

Michael Harvey agreed with Mr. Guthrie that a property owner should reach out to FEMA to verify information from a non-government entity claiming that property is in a floodplain. Property owners can call the Planning Department for an immediate answer as to whether or not their property is located within a floodplain. Staff provides a document called a Site Assessment denoting a property's development opportunities and constraints, including information on floodplain on a parcel of property. If a property is located within the floodplain, Staff will provide information regarding applicable regulations. Mr. Harvey noted that the Planning Department can only provide accurate floodplain

213 regulation information to property owners with property in the County's planning jurisdiction, and cannot provide
214 comments to property owners living within another local municipality's jurisdiction.

215
216 Lydia Wegman asked if residents with property in a local municipality's jurisdiction should go to their municipality's
217 Planning Department for more information on floodplain.

218
219 Michael Harvey answered that yes. For example, if someone has property in Chapel Hill, that person should go to the
220 Chapel Hill Planning Department, or even the Town of Chapel Hill's Stormwater Group to speak to the Floodplain
221 Manager.

222
223 Tony Blake asked for more information on the minor corrections FEMA requested be made to the County's submitted
224 documents.

225
226 Michael Harvey said that the feedback was more about the way a definitions reads, and Staff is making all changes
227 FEMA requested.

228
229 Tony Blake asked if Michael Harvey knows approximately how much land in Orange County is in a floodplain.

230
231 Michael Harvey said that he does not know specifically, but he did say with certainty that there are areas of the
232 County where the floodplain is decreasing, though there are some significant areas with increases. He will be
233 meeting with some property owners who live off of Starlight, a small residential subdivision off of NC-86, on Friday to
234 go over how the new flood maps will affect their property (once the maps are adopted) and how the changes will
235 affect their land use options. It is possible that the floodplain data for this community should have been denoted on
236 maps several years ago.

237
238 Tony Blake said that based on research he has been doing on his own, the FEMA flood maps are notoriously
239 inaccurate in some areas. He said that FEMA may be looking for this feedback.

240
241 Michael Harvey said that the current model takes into account a myriad of factors previously excluded; it takes into
242 account more topography data, uses better survey data, applies data from LiDAR for elevations of houses, and
243 consults hydrologic studies to identify where the model may have been excessive or not descriptive enough. While
244 Mr. Harvey empathizes with property owners who are going to see more floodplain encumbering their property, it is
245 his job to help them understand their options, provide answers on what can be done to flood-proof their home, and
246 assist them as flooding incidents occur so that they can take advantage of FEMA funding when and if a flood does
247 occur.

248
249 Lydia Wegman asked if there are options for a property owner dealing with an increase in floodplain.

250
251 Michael Harvey answered that there are options but they might not all be great options; still, there are options for
252 flood-proofing a house that does not compel elevation and steps to mitigate exposure to flood. There are properties
253 that now have floodplain fully engorging the area where the house is located and there are properties with a more
254 engorged floodplain than before. This is a fact but the County is willing to work with them.

255
256 Lydia Wegman asked for confirmation that those property owners are not required to do anything immediately.

257
258 Michael Harvey confirmed this. He said that action will typically be needed if a property owner with floodplain is
259 looking to modify, expand or retrofit their residence; or, when there are damages from a flood event, the property
260 owner will have to work with the County as to how the house can be retrofitted to bring it into compliance.

261
262 Lydia Wegman asked if the County can advise on what retrofits are acceptable.

263
264 Michael Harvey replied that the County defers to FEMA on that topic.

265

266 Tony Blake noted that with federal financing, the recipient must agree to certain federal rules governing changes in
267 order to receive such funding.

268
269 Lydia Wegman asked the Board if there were any additional questions. Hearing none, she referred to the audience
270 for comments and questions. She and Tony Blake said that there will be a 3 minute rule in place for persons
271 speaking. Ms. Wegman announced that she would read the names of people who had signed-up to speak, and at
272 that time, if an individual wanted to speak, they would be welcome to come up to the microphone to ask a question or
273 share comments. She read the following names: James Davis, Shannon Murdoch-Doherty, Ruth Lun (spelling?).
274

275 Tony Blake asked if the names she was reading aloud were those of people who wanted to speak.
276

277 Lydia Wegman said that instead of reading off the list, she invited all audience members who wanted to speak to line-
278 up behind the microphone. She then invited those individuals to introduce themselves before their comments.
279

280 Claude B. Tyson introduced himself. He said that he lives at 904 Miller Road off of 70. He explained that he has a lot
281 of water around his property, which he likes. He asked for more explanation for how he can understand the difference
282 between what his floodplain looks like now as compared to the new floodplain plat he received in the mail. He asked
283 if Mr. Harvey could show an example using online maps of how to compare the floodplain maps.
284

285 Michael Harvey said that the maps mailed by the County were color-coded. The blue on the maps indicates
286 floodplain; the lavender/pink color shows areas that were not previously in the floodplain but are being added; yellow
287 shows areas no longer in the floodplain. He remembered that Mr. Tyson's property showed only blue, so even with
288 new data, the maps are the same.
289

290 Lydia Wegman reiterated that there is no change on Mr. Tyson's flood maps.
291

292 Michael Harvey concurred. More information is available on the Orange County webpage including the project
293 factsheet (he showed this visually), a floodplain information page that provides details of program, protections,
294 resources and links to other information, and copies of certain properties with elevation certificates on-file. Within the
295 factsheet, Staff has provided links to the UDO, to County's GIS webpage to look-up a property, to the FRIS webpage,
296 and information on how to petition FEMA (link) to request a "letter of map change."
297

298 Tony Blake asked if the County's GIS data is in sync with the FRIS data.
299

300 Michael Harvey responded that the data is in sync with the current effective flood maps. These online maps will be
301 updated once the County officially adopts the new maps. He said that people can access archived data for residents
302 to use to compare and notice changes (2000-2007 FRIS maps).
303

304 Mike Efland wanted to know if there are any changes in setbacks from the floodplain line.
305

306 Michael Harvey said yes, the County enforces a buffer measured from the edge of the Special Flood Hazard Area,
307 and if there are increases in the floodplain on one's property, then this buffer has also increased.
308

309 Tony Blake said that the same logic applies here - enforcement action will not be taken immediately.
310

311 Michael Harvey agreed and said that if there is development that was already in existence, the structure was legal at
312 the time of development. The fact that there was a change to the ordinance regarding floodplain would not be cause
313 for Staff to cite a property owner for violating the floodplain buffer requirements.
314

315 Lydia Wegman said that all existing development is "grandfathered-in" (or still considered legal) but future
316 development may be affected as far as where it could go on the property.
317

Approved 11/01/2017

318 Mike Efland followed-up on his question and asked if the footage off of the floodplain would change. He noted where
319 the buffer was shown on the map he received.

320
321 Michael Harvey reiterated that if the floodplain on Mr. Efland's property is increasing, the buffer will also be
322 increased, based buffer requirements in the UDO. Mr. Harvey said that the map shows the size of the buffer which is
323 based on the slope of property going into the floodplain.

324
325 Lydia Wegman asked if the slope determines the setback on the property from the floodplain.

326
327 Michael Harvey corrected setback to the floodplain *buffer*.

328
329 Tony Blake said that the setback requirements referenced in the UDO are defined from the new floodplain buffer line.

330
331 Michael Harvey agreed with this statement.

332
333 Lydia Wegman said that the existing UDO buffer requirements remain in effect.

334
335 Michael Harvey reiterated that the floodplain buffer requirements are not changing.

336
337 Lydia Wegman asked Mr. Efland if that answered his question.

338
339 Mike Efland replied that it did.

340
341 Ed Johnson who lives off Buckhorn Road close to a creek questioned the fine-grain accuracy of floodplain maps. He
342 talked to Michael Harvey before the meeting about the positioning of his house within the floodplain. His house is
343 built on a flat slab but he said that the floodplain map shows his house half-in/half-out of the floodplain. He thinks this
344 is logically impossible. He wondered about the accuracy of the map and whether he is stuck with what is on the map
345 or if it can be nullified by the Board.

346
347 Michael Harvey recommended that Mr. Johnson petition FEMA by writing a letter to request a map change.

348
349 Lydia Wegman asked if this information helped answer his question and recommended that he reach out to FEMA
350 and talk with Mr. Harvey about his concerns further.

351
352 Ron Spada, who lives on McKee School Road off of highway 57, said that his property is affected by increased
353 floodplain. He asked if there are programs for property owners to mitigate floodplain and erosion issues. The Little
354 River is behind his property. Is there anything that the state or County would help with, like with a retaining wall, for
355 example, to slow things down.

356
357 Michael Harvey responded that there are hazard mitigation block grants available on the federal level that can
358 provide assistance for retrofitting. These grants are competitive and the County has to apply for them. Ten years ago,
359 the County applied for and received this grant and used it for elevation certificates for 70 homes during the last flood
360 maps review. Additionally, grants have been used to purchase people's homes that were in floodplains and turn the
361 area into open space. The County does not have an allocation for funds for hazard mitigation and federal aid is being
362 reduced and/or re-routed to municipalities majorly hit by flood events like hurricanes.

363
364 Tony Blake asked if the USDA could help in any way.

365
366 Michael Harvey responded that he does not think that the USDA has a program designed to help with flood
367 management issues.

368
369 Lydia Wegman said that the question comes back to FEMA having funding for local block grants and that they
370 unfortunately have a huge demand on their resources right now.

371
372 Michelle Dickson/Dixon said that she inherited her property from her husband, the late Mitchell Dickson/Dixon. Based
373 on the new maps, her property will no longer be in a floodplain. She wanted the Board to know that in 1998 there was
374 a permit granted to put a road in right through the identified floodplain. Unfortunately, even though there was a road
375 built, it was not built through the property and now Ms. Dickson is landlocked. She is concerned that the Planning and
376 Inspections Department has an inaccurate permit on file for the road, which was built around the floodplain, not
377 through the property as originally described when the permit was granted. Now the issue is that she cannot access
378 the property and the changing floodplain area does not help the long-standing problem.

379
380 Lydia Wegman asked if Michael Harvey or Craig Benedict would be able to address the speaker's concerns. She
381 said that the Planning Board would not be able to change the situation.

382
383 Michael Harvey said that the Planning Department has a flood development permitting process that allows for
384 development in a floodplain, roads being the biggest example (or utilities). If this type of development provides the
385 only viable legal access to someone's property, the department would not be able to prohibit that outright. Mr. Harvey
386 asked Ms. Dickson to make an appointment with him so that he can look into the matter more directly.

387
388 Tony Blake asked if it is possible for someone to be landlocked out of their property due floodplain.

389
390 Michael Harvey said that roadways are allowed to be developed in a floodplain, otherwise a property owner would be
391 landlocked and the land would lose value.

392
393 Tony Blake said that there would be different requirements for development a road.

394
395 Michael Harvey replied that the County and the state FEMA office would have certain requirements for this
396 development. There would have to be a "no rise" certification meaning that the development of the road would not
397 cause an increase in floodplain.

398
399 Lydia Wegman noted that in the case of Ms. Dickson, the floodplain decreased.

400
401 Michael Harvey said that he would need to look at the specifics of her case.

402
403 Michelle Dickson noted that the property still floods and that she would talk to Mr. Harvey about the issue further.

404
405 Lydia Wegman asked if there was anyone else who would like to speak on this matter. Hearing no one else, she
406 thanked members of the public. She then asked Mr. Harvey to remind her of the recommendation.

407
408 Michael Harvey repeated the recommendation (see motion below).

409
410 Tony Blake asked if the recommendations should be made in individual motions.

411
412 Michael Harvey suggested that the Board could approve the Planning Director's recommendation in total.

413
414 **MOTION** by Tony Blake to approve the Planning Director's recommendation in total - to approve the Statements of
415 Consistency for proposed Zoning Atlas Amendments in Attachment 3, the ordinance amending the zoning atlas in
416 Attachment 4, the Statement of Consistency for proposed UDO Text Amendments in Attachment 5, and the proposed
417 UDO text amendments in Attachment 6. Seconded by Randy Marshall.

418 **VOTE: UNANIMOUS**

419
420 Lydia Wegman thanked Michael Harvey.

421

422 Michael Harvey reminded the Board that Item 8 was pulled from the agenda. Staff is not going to going to be
423 reviewing Future Land Use or Zoning Atlas amendments for properties south of Interstate 40. Per his emails to the
424 Board, that discussion will have impacts on Agenda Item 9.

425
426 **AGENDA ITEM 9: MASTER PLAN DEVELOPMENT APPLICATION – SETTLER’S POINT** - To make a recommendation to
427 the BOCC on an application for an MPD-CZ (Master Plan Development Conditional Zoning).
428 The proposed project encompasses 272 acres in and adjacent to the Hillsborough Economic
429 Development District (EDD) south of Interstate 40 on both sides of Old Highway 86. This item
430 is scheduled for the November 2017 quarterly public hearing.

431 **PRESENTER:** Michael Harvey, Current Planning Supervisor
432

433 *Michael Harvey reviewed the presentation.* He guided the Board through the additional materials Staff passed out,
434 including a replacement page for the recommendation (page 259), a revised Attachment 7 which is the ordinance
435 amendment to the Orange County Zoning Atlas for this project. Mr. Harvey said that Staff has received a Zoning
436 Atlas amendment that proposes a rezoning of 20 parcels of property, approximately 272 acres of land south of
437 Interstate 40 through a Master Plan Conditional Zoning designation. Mr. Harvey showed visually the area which
438 located both within Economic Development Transition and Rural Residential (R-1) (shown visually), and within urban-
439 designated and rural-designated within the Growth Management Plan. Mr. Harvey said that Staff recommends that
440 the review of District 3 (properties 10-20) be tabled for this discussion this evening, reason being that this area
441 containing said 10 parcels of property is not consistent with the Comprehensive Plan and the way that a Master Plan
442 Development is reviewed. This area is not in a land use classification that will allow the review of this project. Mr.
443 Harvey continued with the presentation and discussed the rezoning of the subject parcels of property from Economic
444 Development – Hillsborough 2 (EDH-2), Economic Development – Hillsborough Office/Retail (EDH-4), Economic
445 Development – Hillsborough Research and Manufacturing (EDH-5) to Master Plan Development Conditional Zoning
446 (MPD-CZ). He also noted that there are portions of the property within the Special Flood Hazard Area District
447 Overlay, and until the Overlay is eliminated, it has to be referenced. District 1 is intended to allow for research and
448 manufacturing land uses (see revised Attachment 7, page 307). The first parcel of property is 148 acres (see
449 breakdown of each Parcel Identification Number in packet) of land to be rezoned to allow for research, manufacturing
450 and industrial land uses. It is west of Old NC 86, south of the interstate, and is currently accessed via a service road.
451 As noted, these properties are located with an economic development transition area, according to the Future Land
452 Use Map of the Comprehensive Plan, allowing for the MPD-CZ. District 2 encompasses 10 total parcels covering 47
453 acres in area; it is intended to be commercially-zoned. It is located east of Old NC 86, south of interstate, and is
454 currently accessible via Old NC 86. It is also located within an economic development transition area which allows for
455 a MPD-CZ. The intended land uses include office, retail, service operation, hotels, restaurants, etc. He reminded the
456 Board that District 3 is not being discussed at this meeting. Mr. Harvey briefly reviewed the MPD-CZ rezoning
457 process wherein Staff reviews the proposed plan which, being different than a Special Use Permit, does not require
458 sworn testimony as part of the application. The schedule of review of this project started with a Neighborhood
459 Information Meeting (NIM) on the September 14, 2017 per the UDO. The developer held its own neighborhood
460 meetings without Planning Staff for adjacent property owners. The second action in the review process is for the
461 Planning Board to make a recommendation and then the project will go before a public hearing, which if
462 recommended, will go to the upcoming November 14, 2017 Quarterly Public Hearing. Per Section 2.9.2 (F) (3) of the
463 UDO, mutually-agreed-upon conditions can be imposed, addressed compatibility with the proposed development with
464 surrounding property, and proposed development of support facilities and other matters the County may find
465 appropriate, and the petitioner may propose. The applicant and Staff have created conditions through this
466 mechanism. If approved, the Zoning Atlas would be modified to change the 10 properties identified to MPD-CZ,
467 allowing for the development of the Settler’s Point project. Mr. Harvey said that the development of individual land
468 uses will be handled by Staff (i.e. reviewing site plans for permissible uses) but there will be no additional Board
469 review. This proposal would establish a zoning district and development will be accordance with the UDO along with
470 any specified condition articulated in Attachment 7 that the developer has asked to be imposed.

471
472 Tony Blake asked if there would be special uses.
473

474 Michael Harvey replied that Mr. Blake's question would be reviewed later in the presentation. He continued with his
475 remarks saying that the Boards would only review this proposal again if the developers proposed an amendment to
476 the Master Plan. Mr. Harvey summarized the conditions (25 pages) of which the applicant is imposing. One condition
477 is that the project is not guaranteed utility services by the Town of Hillsborough. With respect to utilities, the applicant
478 must comply with the provisions in the UDO. The developer proposes that the project be served by public water and
479 sewer and Staff agrees. Utility provision must meet UDO and Town standards. Mr. Harvey said that extension of
480 utility services to District 2 shall have to be reviewed and approved by the Town of Hillsborough prior to its
481 development. The County is working on a detailed agreement with Hillsborough but the County has already
482 committed to extend water and sewer under the interstate, which could be used to serve District 1. The extension of
483 utility services to District 2 would have to go through a similar process by the Town amending its agreement to allow
484 for water and sewer to serve District 2.

485
486 Lydia Wegman asked if the County would do the extension.

487
488 Michael Harvey replied that it would be on the developer or successor to secure this extension; it is up to the
489 individual(s) proposing the project. Mr. Harvey said that the project must go through site plan review per the UDO
490 and that per the developer's recommendation, all submittals will be subject to an environmental and transportation
491 impact analyses. He reviewed that an environmental assessment (or Environmental Impact Assessment (EIA)) looks
492 into potential negative impacts on environmental features on the property (namely water bodies, floodplain,
493 wetlands), soil composition, best location for a road, and weighs environmental constraints on the property. Staff's
494 site plan review takes into consideration this assessment to ensure that environmental conditions are not
495 exacerbated. The Transportation Improvement Assessment (TIA) is designed to identify internal and external
496 roadway improvements required. Typically, these are only required once certain thresholds are met, but the
497 developer suggested that TIAs be mandatory for every site plan review. These reviews ensure that the data that the
498 developer submitted as part of the master plan application is viable as conditions change over time, and can
499 implemented to reach individual site plan approval. Mr. Harvey pointed the Board to the existing TIA included in the
500 proposal that gives a broad picture of what traffic improvements will be required for this project. The additional
501 submittals of TIAs with site plan review provides Staff with any information on changes, that improvements are
502 necessary and consistent, and that the TIA is approved in concert with the site plan so that it is installed by the same
503 developer.

504
505 Tony Blake asked when the Department of Transportation (NCDOT) gets involved.

506
507 Michael Harvey said that NCDOT has been reviewing the existing TIA since March 2017. While Staff has not heard
508 back from them with feedback, he hopes to hear from them soon. Since NCDOT is on an advisory committee that
509 reviews site plans, they will be reviewing all documents along the way. Applicants are also required to document
510 everyday water and sewer needs for a cumulative track record. The Town of Hillsborough will provide courtesy
511 review on this project and will benefit from data on utility needs as well. Landscape plans will detail how vegetation
512 will be cared for.

513
514 Lydia Wegman asked for a review of the impervious surface area requirements.

515
516 Michael Harvey said that the developer is required to document existing and proposed impervious surface area as
517 well as building-to-open-space ratios. Since there are mandatory restrictions on total building area for each district
518 and requirements for percentage of open space (based on the building to open space balance), the developer will
519 continue to update Staff on where they are in meeting those thresholds. He noted land use buffers for the project.
520 District 1 will maintain a 100 foot land use buffer along the western and southern property lines, roughly up to the
521 economic development zoning line. There is a 50 foot buffer proposed along Old NC 86. There is a request to allow
522 for thinning in this area to accommodate potential access, parking and stormwater features, along with replanting
523 requirements. As proposed, Staff does not have an issue with the thinning of vegetation within the 50 foot buffer. The
524 Major Transportation Overlay (MTO) will also be maintained along the interstate and has a required 100 foot buffer.
525 The applicant is also proposing for thinning in this buffer, which Staff also finds reasonable since the UDO allows for
526 breaks in the buffer to create visibility, especially since the developer is providing a replanting plan and describes in

527 detail how the area would be disturbed, setting-up reviews in the site plan approval process. The developer provided
528 illustrations of buffers for proposed parking lots in front of buildings (see narrative section). Standards for allowable
529 architectural materials have been met. Transportation impact plans comply with the regulations outlined in 6.10 of the
530 UDO. Specifically, external roadway improvements will meet NCDOT requirements; internal roadways will be public;
531 sidewalks and bicycle lanes will be developed; and 4 bus pullouts and transit shelters will be constructed to serve the
532 project. By design as outlined in the developer's conditions, no structure or building erected will be outside the
533 recommended distance to a transit stops to ensure accessibility. Staff is very supportive of this.

534
535 Tony Blake asked if building heights and setbacks are included in the plans. He asked if they are following a form-
536 based code.

537
538 Michael Harvey replied that setbacks and building heights are included and said that the project is not being
539 proposed within a fully-functioning form-based code.

540
541 Paul Guthrie asked if there is consideration of the expansion of Interstate 40, especially in relation to planning going
542 on adjacent to the right-of-way.

543
544 Michael Harvey answered that even though Interstate 40 will be expanded in the future, Staff can only plan in the
545 now as Interstate 40 exists. If NCDOT secures additional right-of-way, the buffers, setbacks and other details will be
546 affected, but until this time, people cannot be denied reasonable development opportunities on their property. Mr.
547 Harvey said he is unsure of the time horizon on the expansion and NCDOT is still working out the details.

548
549 Paul Guthrie replied that he asked the question because he suspects that NCDOT can do expansion within the
550 proposed plan MPD-CZ without a problem, but some of the ramps may require more property.

551
552 Michael Harvey said in response that the TIAs will help with the integration of these plans over time. The developer
553 can only be consistent with NCDOT comment, and Mr. Edwards with NCDOT has not indicated anything about a
554 large-scale exit ramp reconfiguration yet.

555
556 Paul Guthrie said that he had seen a map of long-term expansion.

557
558 Michael Harvey replied that it is a good idea to keep the interstate expansion in mind. Mr. Harvey redirected the
559 discussion to land uses. In District 1, an abbreviated list of land uses includes computer and electronic
560 manufacturing, pharmaceutical research manufacturing, metal production manufacturing, furniture man, food and
561 beverage bottling manufacturing, research facilities, etc. In District 2, commercial services could include retail,
562 professional office, restaurant, recreational land use, health services, hotel and motels, and gas stations. The
563 applicant asked if an elementary-secondary level school could be allowed as part of this project. Staff does not have
564 an objection to the use, just to the use of it by right. The development of a school would be required to go through the
565 Special Use Permit process, just as any proposed school would have to go through.

566
567 Tony Blake asked if the plan provides for fire services and the like.

568
569 Michael Harvey responded that it does and that government services (inclusive of protective services) are permitted
570 in every district.

571
572 Tony Blake said that he knows that they are permitted, but does the development plan take into account the
573 additional resources needed? Building height would affect the fire department.

574
575 Michael Harvey said that the Orange County Fire Marshal serves on the Planning Department's advisory committee
576 and will be reviewing all site plans . With respect to Mr. Blake's question, he noted that there is a condition that
577 requires the County Fire Marshal and the Town of Hillsborough's Fire Marshal, in consultation with the Utility Director
578 of the Town of Hillsborough, to approve road layout at construction, location of fire lanes, location of fire hydrants and
579 location of proposed standpipes. There will also have to be float tests required.

580
581 Tony Blake asked for confirmation that this project is located within the County and not in Hillsborough. Is the fire
582 department Orange Rural for this area? He wants to make sure that the local fire department is also included in the
583 review.

584
585 Michael Harvey replied that yes, it is in the County but will be in the Town's jurisdiction at some point.

586
587 Buddy Hartley noted that the local fire department is #316.

588
589 Michael Harvey said that the local fire department can be added to the advisory group on these topics. He believes
590 that Hillsborough will provide mutual aid, especially with the extension of water-sewer. As structures go over a certain
591 height, there will be a sprinkler requirement.

592
593 Tony Blake said that he wants to ensure that the local department responsible for fire protection is involved in the
594 process.

595
596 Michael Harvey said that he can accommodate that. He continued with his presentation and discussed the extensive
597 signage provisions. He said that he has heard concerns from Board members and from attendees at the NIM about
598 the architectural landmark as the visual identifier for the development. Staff has shared these concerns with the
599 applicant. The applicant described the development's visual identifier as more of an architectural feature than a sign.
600 Waterstone has the big architectural feature as well. Staff is suggesting that the applicant provide visual examples of
601 the feature. As described, the sign will be subject to UDO guidelines that govern design for an entry portal marker.
602 Staff did not have any major concerns with signage; they just want to ensure that the signage does not exceed
603 square footage requirements, despite this being a high intensity project.

604
605 Tony Blake said that a project such as this may want a sign visible from the interstate. This issue is better addressed
606 sooner than later.

607
608 Michael Harvey responded that there are not going to be many opportunities for a McDonald's to come to this site
609 and have the 60 – 70 foot sign. The applicable signage requirements from the UDO still apply.

610
611 Tony Blake replied that he had brought-up form-based code for this reason.

612
613 Michael Harvey said that master planning, at its heart and soul, gives a developer the opportunity to propose different
614 standards to try and address peculiarities of a specific project, and it is up to the BOCC to determine if there is
615 sufficient justification. Mr. Harvey explained that with this project, the Staff and the applicant have been working on
616 how to best apply design standards, landscaping, and signage innovatively and reasonably while following the UDO.
617 There is some flexibility in this project, like with the MTO buffer, that still upholds the County's vision of preservation
618 of the view-shed along the interstate as best as possible. Mr. Harvey said that Staff is satisfied that the application is
619 complete and is consistent with the Comprehensive Plan. He reiterated that Staff and the developer agreed that
620 environmental assessments would be part of all site plan reviews, though it is too soon for a formal Environmental
621 Impact Assessment (EIA) as the layout of the property has not yet been determined. The development is consistent
622 with other existing and anticipated development in this area, and Staff believes that that the land uses are compatible
623 and consistent with what is already allowed in the economic development districts. Mr. Harvey said that the Town of
624 Hillsborough has provided the County Planning Department with its courtesy review comments and expressed some
625 concern about District 3. District 3 was originally proposed as residential, specifically senior housing. Future Land
626 Use Map amendments cannot be updated until the Water and Sewer Boundary Agreement (WASMPBA) and other
627 related documentation is modified to allow for this area to be considered as Transition Area. Per the emails that Mr.
628 Harvey sent to Board members, the Town of Hillsborough and County elected officials are interested in meeting to
629 discuss this further; Margaret Hauth, Hillsborough's Planning Director and County Planning Staff are working to
630 facilitate this meeting. As discussed previously, District 3 will not be considered at this time due to its current land
631 use designation. The Board's options are to recommend tabling the entire application until the Water and Sewer
632 Boundary Agreement (WASMPBA) and Future Land Use Map are modified (Staff is not recommending this option);

633 recommend approval of District 1 and 2 for this project as they would be consistent with current and anticipating
634 development activity and are consistent with the Future Land Use Map, with a recommendation of delaying action on
635 District 3 until the Water and Sewer Boundary Map (WASMPBA) and Future Land Use Map issues are resolved;
636 recommend denial of the project (Staff is not recommending this option); or recommend approval of the application
637 as submitted, including District 3 (Staff is not recommending this option).
638

639 Kim Piracci said that this is the first time she has heard of Settler's Point mixed use development and it seems like
640 with very little information, she has more questions than answers. She said that if she moved to approve this, she
641 does not feel like she knows what she is approving.
642

643 Michael Harvey said that part of this process is for the Board to ask questions to get a comfort level. He pointed to
644 the detailed, comprehensive narrative that Staff has provided and maps outlining what the area will look like. This
645 project was originally submitted February/March of 2017 and was then tabled. It was resubmitted in August 2017 and
646 this is the first hearing for the Planning Board to review the project. The narrative provides the standards for
647 developing this project. Since this is a master plan, there are not specifics on where exactly a hotel or a motel or an
648 industrial site will go. Board members are being asked to approve the zoning and regulatory limitations that will
649 govern this project overtime, from setbacks to land use buffers to parking requirements, etc. Staff will utilize the
650 Board's approval to approve or deny the developer's site plans as they come forward. This is different than a Special
651 Use Permit application is required to have a site plan showing how the property is going to be developed. Rather, this
652 process is a rezoning process. Design standards and criteria can and are going to be opposed. This criteria will be
653 the basis for approval of site plans as Staff moves forward.
654

655 Kim Piracci asked what Michael Harvey meant at the beginning of his presentation when he told the Board that this
656 was the last time they would see this project.
657

658 Michael Harvey replied the Board would be approving the zoning district. Site plans are going to be reviewed by
659 Staff, subject to permitted uses in the UDO. What he meant was that the Board will not see site plans for this project,
660 unless the concept of the school moves forward. He did note that the school would need a Class A Special Use
661 Permit and that application would go through the Board.
662

663 Tony Blake asked if Staff had received much public comment on this application. Were people concerned?
664

665 Michael Harvey responded the NIM notes that go over concerns and other comments are included Attachment 5 in
666 the packet. Mr. Harvey said that people were concerned about traffic impacts, congestion and congestion
667 management. There is a TIA outlining what external traffic improvements will be required to accommodate the
668 project. There was also some concern that this project could even be served by water-sewer. Staff made the
669 aforementioned conditions regarding this concern. Additionally, there were concerns expressed about the intensity of
670 District 3. There is also buzz in this project because of the economic development interest it brings to the County.
671 Neighbors at the NIMs also expressed concerns about noise and air pollution. There are regulatory standards of
672 which the applicant is aware that will hopefully address these concerns.
673

674 Tony Blake said that he did not get the impression that the public would have more time to comment on this if the
675 Board approves it tonight.
676

677 Michael Harvey said that the public always gets the opportunity to comment on any development project that goes
678 through Orange County, even if the project is permitted by right; and they get to comment tonight and at the BOCC
679 public hearing. However, they cannot influence the outcome. Staff is reviewing and taking action on permitted land
680 uses, most of which could already be developed in this area. From Staff's standpoint, the benefit of the project going
681 through the master plan process is that it gives a comprehensive approach of developing roadway standards and
682 addressing buffer issues, purposeful utility management in coordination with Hillsborough. The master plan process
683 helps establish a zoning district that addresses some of the applicant's needs, the Planning Department's needs, and
684 economic development needs in the County. There could still be limitations that impact this project, just like any
685 project.

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Tony Blake said that the streamlining is clear. He wants to make sure that the people affected by the project have been listened to.

Michael Harvey said that the applicant's gone to great lengths to alleviate concerns, as has Staff, by making conditions of approval that address concerns. Mr. Harvey said that unfortunately, nothing is perfect. However, the application represents a reasonable move forward in this area of the County, and as Staff continues to address external roadway improvements, ancillary agencies will have more ability to compel some modifications of roadways that may impact certain components of projects.

Lydia Wegman acknowledged Paul Guthrie to speak.

Paul Guthrie asked a couple of questions: Has there been a formal analysis on the capacity with potential increases for water and sewer? And to what level?

Michael Harvey said that he will let the applicant answer that question.

Paul Guthrie asked - Who is going to pay for the expansion of the facilities if Hillsborough takes on the responsibility? Will the water supply be from Hillsborough?

Michael Harvey said that was not a question he could answer.

Paul Guthrie asked about a transmission line about a block-and-a-half from the site. Have there been discussions with the power company about this line?

Michael Harvey replied that no, there have not because no site plan has been submitted yet. While Staff knows there is service availability, it is currently unclear which use will be reviewed for approval first. It is incumbent upon the developer to make improvements on utilities for the good of the project, just like any developer in Orange County when it comes to utility upgrades. As site plans come-in, the Town of Hillsborough will decide if they can handle capacity, and if they cannot, the use cannot be approved.

Paul Guthrie asked if the developer will pay for additional costs associated with this.

Michael Harvey responded that if a developer wants utility upgrades for a project, they will have to pay for it. He cannot comment for the Town of Hillsborough.

Paul Guthrie noted that there has been an interesting dialogue going on with Hillsborough on this project, as he read in the materials provided.

Michael Harvey agreed and said that most of that dialogue is on District 3. Ms. Hauth's letter voicing concern over the Town serving a residential project this far south, outside the Town's corporate limits, is included in the materials given to the Board. These are the issues to discuss further.

Paul Guthrie said that Hillsborough will have to weigh capacity of water needs/use based on what gets built on the site.

Michael Harvey replied that applicants have to provide information for site plan review to figure out these very issues.

Craig Benedict said that in regards to water capacity for District 1, the agreement that the County has with Hillsborough does have a certain allocation – 108,000 gallons/day. This is part of the agreement in that area. Any uses that come forward will have to spread-out over the 148 acres or so to accommodate the capacity. For other issues outside of District 1, District 2, and possibly District 3, there will have to be an independent agreement between Hillsborough and the developer to negotiate water and sewer consumption. The County is involved with the

739 District 1 agreement because the County is involved with getting the sewer system under the interstate and
740 beginning the loop of a water system to support that project and more.

741
742 Michael Harvey said that Staff's recommendation is for the Board to receive this application, to deliberate, and
743 consider the following recommendation: Table action on District 3 with a recommendation to the elected officials that
744 this area (District 3) come back to the Planning Board for continued review and discussion for your April 2018
745 meeting. If there is action that would enable District 3 to be acted upon by the County, the Board would have
746 sufficient time to do so. Staff wants to avoid the unnecessary re-advertisements if the Planning Board can review this
747 at a later time after the elected officials make a recommendation.

748
749 Tony Blake asked if NIMs for District 3 are done.

750
751 Michael Harvey replied that the NIMs for the entire project are done. He continued with the recommendation. Staff
752 recommends that the Board approve the Statement of Consistency in Attachment 6 with the provision that any
753 references to property in District 3 be eliminated; approve the ordinance, Attachment 7, which has already been
754 modified to eliminate references to District 3. Mr. Harvey said that he will fix some errors in Attachment 7 at the
755 appropriate time, once he gets more direction from the Board. He turned the presentation over to the applicant.

756
757 Someone from the audience asked when the public would be able to make comments.

758
759 Lydia Wegman replied that the applicant will make his presentation and then the public will be invited to speak.

760
761 Jim Parker introduced himself and said that he is representing Old NC 86 Partners as the developer and applicant.
762 He also introduced the engineer for the project, Ariel Gamboa from Summit Engineering and Ed Sergainey, Traffic
763 Engineer. Mr. Parker said that Michael Harvey and Craig Benedict did such an extensive presentation that he would
764 not show the same maps again, but would focus on the history of the project as he and his partners see it, and then
765 take questions, listen to the public and try to respond. He said that he has lived and worked in Hillsborough for over
766 30 years, and in that time, has worked on various development. He and his partners are very familiar with the County
767 and the Town from working and living in the area for many, many years. The County has had its Economic
768 Development Districts (EDDs) for a long time and they are meant to provide economic benefit for the County and the
769 Town. He said that they saw the Hillsborough EDD as a gem. The subject area has one of the best interchanges in
770 the County and it is close to Hillsborough. He said that he believes the development will provide a transportation
771 market, a transient market. This does not mean that the development is not of quality or second rate in relation to this
772 market; but it is positioned well to provide economic development and benefit the tax base. For the last 2.5 years, Mr.
773 Parker and his partners have been assembling properties in the southeast quadrant (showed a map). He said that
774 they set the template for the development for the site plans that would occur in this area. The land uses presented
775 mirror what the County has already identified as viable for the subject properties. He said that they are bringing an
776 assembled mass that will spur development. It is very difficult for development to occur on a 1 acre property, but the
777 properties collectively together give the uses a palette through which the development can occur. Mr. Parker thanked
778 the Board for its consideration of this project and hopes that they will vote favorably for it. He said that they are here
779 to answer questions.

780
781 Lydia Wegman thanked him for the time he put into evolving project and for involving the Planning Department,
782 Michael Harvey in particular. She recognized Paul Guthrie to ask a question.

783
784 Paul Guthrie said as a follow-up to his previous question, has asked Mr. Parker if he had any conversations with the
785 Town of Hillsborough about who is going to pay for the expansion of water services and treatment facilities if
786 necessary.

787
788 Jim Parker replied that in regards to utilities within the site, within the public right-of-way, other than the sewer and
789 water infrastructure discussed by Mr. Harvey and Mr. Benedict, the developer would pay for it. He said that there is
790 capacity, but they have not yet identified what may be needed to improve the capacity for the development. At this
791 point, they do not know exactly the volume, based on the buildings. Development will be done on a piece-by-piece

792 basis. If it were to reach that limit, and the capacity was not there to reach the next site plan, the developer will have
793 to pay to expand the capacity.

794
795 Paul Guthrie said that he asked the questions because some years ago he was involved in the funding and building
796 of some 200 community treatment plants in another state and provided a water supply. The biggest trap was when
797 developers came with grand designs when they heard there was land available, and then the community got stuck
798 with building a new facility without recourse to keep money out. The result was great burdens on the small
799 communities without great capacity ability.

800
801 Jim Parker responded that he appreciated the comment and that as Mr. Guthrie knew, there are good officials
802 working on these issues that will not let a scenario like what he just described happen. He noted a water line (16
803 inch) in the right-of-way off Old NC 86 that has been serving Hillsborough from OWASA for years. It is now becoming
804 Hillsborough's to meter. The sewer line being put in will be 12 inches in diameter. There has been some planning and
805 sizing of the lines for the areas in the EDD, with the anticipation of a certain volume being generated from the land
806 uses.

807
808 David Blankfard asked about the neighborhood meetings that Mr. Parker held separately from the Planning
809 Department. How did it go?

810
811 Jim Parker thanked him for asking that. He said that they have held 3 neighborhood meetings: September 2016,
812 August 2017 and September 2017. The meetings have been generally well attended. At the first meeting, they mostly
813 talked about the area itself since they did not have specific plans together at the time. There were questions from
814 adjacent property owners that live outside of and south of this property. These neighbors have not come back to
815 subsequent meetings. There have been concerns over types of uses, traffic, but generally, no concerns from
816 individual property owners with specific things they wanted from the developers. The attendees have been well-
817 informed and he said that he and his partners have listened to them.

818
819 Tony Blake asked if in the project would expand in the future if additional adjacent properties became available.

820
821 Jim Parker said that they have reached out to most every property owner in the area and offered to buy their property
822 to make it part of the development. The properties in the development are a result of property owners selling their lots
823 to Mr. Parker's group.

824
825 Tony Blake responded that he sees the challenge facing the County that there are no big areas for development, just
826 segmented properties.

827
828 Jim Parker said that other EDDs look similar; it's just the way it is. There are a lot of little properties that need to be
829 amassed to do a development.

830
831 Michael Harvey made a point of clarification. He said that if the development secured additional property, the Settler's
832 Point Master Plan would have to be amended to add the additional properties into the proposal, which would initiate
833 another public hearing process. If Settler's Point is approved without District 3 and District 3 becomes possible to
834 develop later on, the developer will have to go through an entire new process to do so as well.

835
836 Lydia Wegman asked for clarification. If the Board tabled District 3 this evening, there would not be a need for an
837 entirely new process, unless District 3 is withdrawn.

838
839 Michael Harvey said that this is correct and added that if District 3 were to come back to the Board but there is no
840 movement forward on the components still needed for it to be viable, the Board may recommend that it is denied, and
841 it would have to go through the process again as well.

842
843 Jim Parker said that they are supportive of Staff's recommendation.

844

845 Kim Piracci said that she did not do her homework to study the materials for this development. She cannot make an
846 informed decision on any of the items tonight. She said that she suspected that other members may be in a similar
847 position. If she recommended that this item be tabled, the world would not come to an end. What is the worst that
848 would happen?
849

850 Michael Harvey responded that if the decision is to table the entire project, it will be tabled and brought back up at the
851 Board's November regular meeting. With the delay, the project would not be going forward to public hearing in
852 November because there will likely not be enough time to get it to the BOCC. He recommended that she ask Mr.
853 Parker any questions. He also said that he would need direction on what Staff should provide in terms of more
854 information or direction.
855

856 Kim Piracci said that she needs more time to study this project. She feels like this is too much to go forward with, for
857 her personally.
858

859 Lydia Wegman said that she appreciated Ms. Piracci's comments and gave Mr. Parker a chance to respond. She
860 said that she would also like to know how other members feel, and wanted to give the public a chance to comment.
861 The public has been extremely patient.
862

863 Jim Parker said that he understands Ms. Piracci's position. He said that on his end, they are on a timeline and have a
864 contractual obligation. Mr. Parker said that he does feel like the world would come to an end for he and his group. He
865 wishes the project had been ready to move forward this past spring but here they are so much later. He said that he
866 really hopes the Board approves the project. If anyone has questions, he will take as long as it takes to answer all of
867 them. He thanked the Board.
868

869 Lydia Wegman turned to the public for their comments. She thanked them for being patient and asked people who
870 wanted to speak to come forward to the microphone.
871

872 Beth Rosenberg said that she lives off Davis Road and she is in the same boat as Ms. Piracci. She did not know
873 about this important meeting until she saw a sign. She did not find information about the project online. She wished
874 that the developers had also met with property owners in the area at large since the interstate entrance/exit she uses
875 to get home is the same entrance/exit as the proposed development. Her neighborhood will be impacted. She noted
876 that already Old 86 can get busy with back-ups from the highway and more traffic on Interstate 40 is concerning. She
877 is also concerned about environmental impacts of the project on her neighborhood.
878

879 Lydia Wegman thanked Ms. Rosenberg for her comments. She noted that the notification requirement is only to
880 property owners within 1,000 feet of the subject property/properties of the intended development.
881

882 Janet Marks said that she lives off of Davis Road in a small neighborhood. They chose their neighborhood because
883 they could easily get to Interstates 40 and 85 but also live in the country. As a neighborhood, they have not been
884 involved in the discussion. The signs on the side of the road notifying the public about these meetings were too hard
885 to read and were put in places where it was too dangerous to pull-off the road and read them. She said that there is
886 so much traffic already (for example, 4 dead squirrels on the road in one day). Both the heavy as well as the light
887 environmental impacts all matter. Living in the country to her means that lights are dim. She conveyed her frustration
888 in not being included in the neighborhood meeting process; her neighborhood is very much impacted by this
889 proposed development.
890

891 Gerald Scarlett said that his driveway is Scarlett Mountain Road, the southern boundary of the subject property. His
892 property goes about a half a mile back into the woods. While he came with a lot of questions tonight, he is not going
893 to ask them because they involved District 3. One of his main concerns is with water. If the County is so concerned
894 about "going green" and renewable energies, the point should be made that there are no renewables for water. He
895 said that he lives at a high elevation and has a line of sight to the Sharon Harris Nuclear Power Plant when the skies
896 are clear. The proposed development is at a lower level than his property. His well was made 250 feet down through
897 solid granite. Even though the discussion has been about public water infrastructure, the development document

898 online shows the digging of wells for landscaping purposes, and the wells would be used when storm retention ponds
899 are dry, for irrigation. This is of great concern – if retention ponds are dry during a drought and then the wells will be
900 used and he may not be able to get access to water while the trees in the development look nice and pretty. This
901 concerns him as an individual and he thinks it should concern everybody in that area. He does not know how big the
902 water table is but he thinks it needs to be considered. He is also concerned about traffic. He knew a development like
903 this would be coming since the state took part of his property to build interstate 40. It is incumbent on the County and
904 the state to do something about Old 86 before this kind of development goes in, or at the same time. Driving from
905 Carrboro to Hillsborough on Old 86 can be dangerous. Bicycle lanes may be created for this project but bicycles are
906 going to be traveling from Old 86 to get there. He hopes that the Board and the developer will consider his
907 comments. He said that for himself, he would say leave everything like it is, but he is trying not to be one of those
908 people. He asked that they consider the problem of timing for this.
909

910 Vicki R. Berry introduced herself and said that the former speaker was one of her school mates. She said that she is
911 a Hillsborough native and involved in Hillsborough activities. She said that she and her family live off Old 86 South,
912 on a small farm. She talked about her upbringing of going to a church and being a part of a sharing community of
913 love and hope, not destroying and taking from each other, and displacing families. She said that she and her family
914 want to stay where they are and nurture it to be what it once was and help it to grow. She is not against economic
915 growth; she is for it and for schools and for health. She recently retired to take care of her granddaughter and is from
916 a family of artists, attorneys and teachers. They all want economic growth but with less congestion, less development
917 and other populations moving in. Such big changes can all be detrimental to children and their growth and
918 development. Maybe there could be development of schools along the development area. She is also considered
919 about the traffic but is in support of water and sewer along Old 86. She supports progress as long as it does not
920 interfere with people's wellbeing and privacy.
921

922 Joseph Shore said that he lives off of Old 86 and the proposal would be building all the way around him. He just
923 bought his house a year ago. He agreed with Ms. Piracci that delaying the project would not end the world and could
924 provide benefits to have a greater understanding of the impacts. He said that with all due respect, he disagrees with
925 Mr. Harvey. He thinks that the NIMs were not well attended (6 – 10 people) and should have been expanded to
926 neighbors who lived closeby but outside of the 1,000 foot notification area. He encouraged the Planning Board to
927 take its time, do what they think is the best decision for this area and the people who live there and the overall
928 County. His questioned if the proposed zoning change would be all around him. His parcel is not included in the
929 zoning change but it is one of 4 parcels surrounding the development area. How will the zoning affect his property?
930 How will it affect the sale of his home? If his property zoned differently than everything around it, will he have to get it
931 rezoned for it to be marketable if he want to sell it one day?
932

933 Lydia Wegman asked Michael Harvey or Craig Benedict to try and answer this question and discuss the process Mr.
934 Shore would have to go through for a rezoning.
935

936 Michael Harvey said that the decision would be between Mr. Shore and the developer, not the County. He has a
937 residentially-zoned property surrounded by economic development-zoned property, and it has been on the map that
938 was since the 1980s and 90s. Many of the uses that the applicant is proposing can already be developed on these
939 parcels as currently laid out. This process does not change Mr. Shore's property. His property can still be used for
940 residential purposes and it is still surrounded by economic development-zoned properties that could be developed,
941 even if this project gets denied, based on the UDO as it exists today.
942

943 Tony Blake asked about the changes to any setbacks that are currently in place.
944

945 Michael Harvey said that there is still the 100 foot buffer around the project. If someone wants to sell their property, it
946 is incumbent upon he/she to do this. Regardless of whether or not the Board approves this project tonight, these
947 parcels are economic development-zoned; water and sewer are already being extended to the area through an inter-
948 local agreement; thus, there are already opportunities being set-up with this area.
949

950 Tony Blake said that development could not affect the buffers by which Mr. Shore's property is protected.

951

952 Michael Harvey agreed that the perimeter buffer would remain the same. He showed District 1 visually and how the
953 100 foot buffer is situated around the development. He also noted buffers around streams and floodplains per
954 Section 6.13 in the UDO. There is a condition that the applicant adheres to those standards and requirements. He
955 also showed District 2 and certain properties on Old NC 86 that are also zoned Economic Development and are not a
956 part of the project.

957

958 Tony Blake asked Mr. Harvey to point to Mr. Shore's property on the map (displayed on the screen).

959

960 Michael Harvey pointed out Mr. Shore's property on the map.

961

962 Lydia Wegman thanked everyone for their questions and feedback.

963

964 Corinn Shaker said that she lives off of Davis Road as well. She said that her concerns mirror those her neighbors
965 have expressed. She explained that she has lived in Hillsborough for the past 11 years and has watched businesses
966 start and empty out. Why is the plan to expand and development outside of Hillsborough when it seems like there are
967 places inside of the Town that are dying in a sense? She voiced concern that Hillsborough would one of those
968 communities with a vibrant downtown with an area in between Old 86 and Interstate 40 that is dying, and now there
969 is a development like District 1 and District 2. Why not go back and reinvigorate the parts of Hillsborough that have
970 not been doing well? She does not understand this dynamic. She said that if the Planning Board votes on the re-
971 zoning, they will have no other control after it is zoned residential over what is developed there.

972

973 Lydia Wegman said that portion of the development being reviewed is not residential; it is light industrial and
974 research in District 1 and commercial/retail in District 2, not residential. These properties have been identified since
975 the '80s and '90s that the County wanted to focus on for economic development. The current zoning is for economic
976 development.

977

978 Corinn Shaker commented that the Board still does not know definitely what will be developed in District 1 and 2;
979 there could be a hotel or a restaurant or a pharmaceutical company.

980

981 Lydia Wegman said that the Planning Board would not be able to approve any of that anyway. The Planning
982 Department will be reviewing this. The provisions of the master plan allow for specifics to come in later.

983

984 Corinn Shaker replied that she can understand that. She still just feels shocked that she did not know about the
985 development. Why is the County not working to fix what is inside of Hillsborough before focusing out?

986

987 Lydia Wegman responded that that would not be up to the Planning Board but rather individual developers and
988 business owners. It is not the Board's job to tell them where to go.

989

990 Tony Blake agreed that this would be out of the Board's scope. The Planning Board is an advisory board.

991

992 Corinn Shaker said that she is just putting her concern out there about how Hillsborough is evolving over time.

993

994 Tony Blake confirmed that Davis Rd. is in the County's jurisdiction. He thanked Ms. Shaker for her comments.

995

996 Joan Kalnitsky said that she also lives off of Davis Rd. Her concern is District 1 and the light industrial permitted uses
997 described on pages 309-310. She is concerned about the noise. She tried to read the document but it was
998 exhausting to read. She read that noise and light will be governed by County standards and she does not know what
999 that means. There are over 70 homes in the Davis Road community mentioned earlier; it is a not a small community.
1000 Their community has consistently voted to keep it dark in terms of lighting enhancements. She said that even though
1001 residents there are not within 1,000 feet, they are within 1 mile of the proposed development. If the proposal goes
1002 through, the flavor of the area is going to change drastically. She wished that the community had been invited to the
1003 NIMs. She hopes that that Board will ask for more information on what light industrial uses are considered, which

1004 could potentially include a textile mill, which would change their lives dramatically. She asked the Board to consider
1005 her comments, to read over the packet thoroughly, ask more questions, and better understand the potential impact
1006 of unknown the light industrial uses.

1007
1008 Tony Blake and Lydia Wegman looked to Michael Harvey for more information on light industrial uses that the
1009 speaker mentioned (referring to page 314).

1010
1011 Michael Harvey said District 1 is, by its zoning designation, and as defined in the current UDO, a light industrial
1012 zoning district. He said that the County is currently revising its Table of Permitted Uses and that the Board has been
1013 participating in reimagining what the Hillsborough Economic Development Districts would be like, going back a year
1014 ago. The Planning Board and the elected officials recommended expanding the uses in general, including in this light
1015 industrial and research zoning district, EDH-5. The permitted uses listed in the application narrative are the same as
1016 those listed in the application.

1017
1018 Tony Blake said he knows that the Table of Permitted Uses is being redone. Is it the case that if a use is not
1019 identified as an allowable use in a zoning district, it is permitted by default? Is this a state ruling?

1020
1021 Michael Harvey said yes, Mr. Blake is referring to a state court ruling.

1022
1023 Tony Blake asked if the master planning process protects the area better than what the Table of Permitted Uses lists.

1024
1025 Michael Harvey said that it sort of does. As a condition, the developer agrees to the list of permitted uses spelled-out
1026 in Staff's conditions of approval, and understands that this is all he gets. Thus, there cannot be the same reaction for
1027 a use that is not listed, which could mean that by definition, it is permitted. One benefit of the master planning
1028 process is that the aforementioned argument will not stand, based on conditions set and agreed upon. As Board
1029 members and Staff have noted, there will be a Table of Permitted Uses that will allow for a lot of these activities that
1030 are not going to be completed in a comprehensive manner consistent with the UDO, but that process is not this
1031 process. For example, typically, Staff can only require EIAs and TIAs if certain thresholds are met, whereas this with
1032 master planning process, a condition is listed that mandates it. There will now be mandatory assessments, based on
1033 the conditions, on how development of this project could impact Old 86 and the interchanges on the interstate. While
1034 everyone's concerns may not be addressed, the master plan process does allow for more opportunity to work with a
1035 developer to establish reasonable conditions, especially with respect to environmental and transportation impacts at
1036 the site plan level. If thresholds are not met, Staff does not usually have the opportunity to require a developer
1037 consider the impacts of environmental and transportation impacts. He said that there was some concern about not
1038 being able to find information on this project. The application is on the Planning Department's website with a link to
1039 the Settler's Point website. The existing TIA is also available for study (a 600+ page document).

1040
1041 Amanda Berry Shocklu introduced herself as Ms. Berry's (previous speaker) daughter. She lives at 3303 Old 86 in
1042 Hillsborough. She said that they have about 8 acres of land. She said the family is working with someone to get rid of
1043 some trees on the property. She had heard that she needs to have a certain amount of trees on the property to turn a
1044 profit from logging. The wooded area on the property currently has a lot of snakes which is a concern for her. She
1045 also said that her family would like to be connected to Hillsborough's public water expansion instead of using her
1046 current well, which she worries is not clean.

1047
1048 Tony Blake said that he is not sure if the expansion of water-sewer will affect her property. There would be a fee to
1049 hook-up.

1050
1051 Lydia Wegman said that Mr. Harvey could provide some guidance on how to begin the process.

1052
1053 Michael Harvey said that the first step is figuring out if her property is in the primary service area where water-sewer
1054 services are being extended. If it is located there, she needs to petition the Town of Hillsborough. If their property is
1055 not within the service area, they will not be able to get public water at this time. Mr. Harvey advised Ms. Berry to

1056 come to the Planning Department to meet with him on concerns around the development of her property so that he
1057 can provide the best information, instead of answering individual questions about her property at this meeting.

1058
1059 Lydia Wegman agreed that the best thing to do is to contact the Planning Department and setup a meeting with Mr.
1060 Harvey about both of the issues she raised.

1061
1062 Tony Blake said that he sympathizes with her about the snakes.

1063
1064 Craig Benedict agreed that for those specific cases, it is best to meet with Staff at the Planning Department.

1065
1066 Debra Markley said that she also lived off of Davis Rd. She said that she frequently walks on Davis Rd. in order to
1067 get to another development to be able to walk for a distance. She said that with the increased traffic that is trying to
1068 get to Orange Grove Rd., she worries that the area will not be walkable or safe with even more traffic. She is also
1069 concerned about light from the development as well as sound issues. She moved to her community 19 years ago and
1070 she has seen development now where areas are clear-cut to make way for Waterstone (mixed residential) and for
1071 development with the Sportsplex. She is most concerned about development with District 1 with furniture and textile
1072 factories and chemical uses. These uses really concern her. She asked that the Board to take a month to study this.

1073
1074 Randy Marshall asked how long ago the area was established as an Economic Development Zoning District.

1075
1076 Michael Harvey said that it was established in the late '80s. The Hillsborough Economic Development District was
1077 created as it currently exists in the mid to late '90s.

1078
1079 Randy Marshall said that it sounded like the possibilities for many of these uses have been there for 20 to 30 years.

1080
1081 Michael Harvey clarified that there are land uses as part of this application that are currently are not allowed. He said
1082 that said land uses have been discussed in several forms with this Board and the BOCC as uses that these bodies
1083 want to see. The applicant has mirrored its application based on the proposed changes in the Table of Permitted
1084 Uses. There are aspects of this project that are currently permitted. If the question is, could there be some type of
1085 industrial operation in this project, the answer is yes. Would it be reviewed under the current confines of the UDO?
1086 Yes. This area has been encouraged and promoted as a good area for heightened economic development.

1087
1088 Randy Marshall said that several people have pointed out that they know that something is coming to the area and
1089 no one wants to have their quality of life impacted by the area being developed, but the County wants to develop it.
1090 He said that the Board is trying to make the best decision about what goes into the area.

1091
1092 Michael Harvey said that it is also important to note that up until recently, there have been limitations on development
1093 in this area; most notably, lack of infrastructure. That's about to change, he said. In a way it is inevitable that this area
1094 be used for economic development, notwithstanding utility services, and because it is one of the last interchanges in
1095 the area that has not seen appreciable development. The scarcity of land like this positioned near interchanges will
1096 make this area attractive. These are the facts but these comments are not meant to make the Board act now. He
1097 made the point again that the necessary tools to make development more possible in this area are being extended.

1098
1099 Lydia Wegman asked Michael Harvey to identify which of the uses listed on page 314 would not currently be allowed
1100 but that are being considered for inclusion in the revised Table of Permitted Uses.

1101
1102 Michael Harvey said that most of these uses on page 314 will be included in the revised Table of Permitted Uses,
1103 based on the directive Staff has from the Planning Board and the BOCC. There is not a lot of distinction, and the
1104 developer used the Table of Permitted Uses discussion to influence what the County wants to see land use-wise. In
1105 consideration of the purpose and intent of this zoning district, there could be a heightened level of industrial uses
1106 allowed, once the Table is adopted at some future date.

1107

1108 Craig Benedict said that the regulations that the County has put together, in anticipation of this land use
1109 implementation that has been on the map since the '80s, takes into account the impacts that community members
1110 voiced. Traffic-wise, road capacity is evaluated by the TIAs. When traffic from this project meets certain thresholds,
1111 the developer has to make improvements. Mr. Benedict said that this is not a case where the project continues and
1112 someone else fixes the project later. Many residents raised concerns about lighting. Orange County has one of the
1113 best "dark sky" ordinances in North Carolina. The lighting program in Section 6.11 of the UDO requires that light be
1114 limited and directed down. In terms of the environmental issues, the site-by-site EIAs will be considered alongside
1115 master planning for stormwater management which protects the water table. Even though wells are permissible
1116 within the development, they may not necessarily have to install them. It could be the case that stormwater areas
1117 down to groundwater could provide the water for irrigation and other landscaping.
1118

1119 Tony Blake asked if there is something that can be done to restrict the amount of water used from a well during a
1120 drought. He acknowledged the technical solutions but asked if verbiage could be added to address the issue.
1121

1122 Craig Benedict responded the water table in Orange County is not in the typical stratospheric table seen in other
1123 parts of the country. It is in granite. The creation of a well is about hitting the right cracks in the rock. Since there are
1124 some adjacent properties with wells that are outside of this project, if there are wells are requested in the future for
1125 landscaping, Staff can direct the developer to an area with the least susceptibility of affecting nearby wells.
1126

1127 Tony Blake said that there could be something codified about this issue.
1128

1129 Craig Benedict noted that the protections as part of the MPD-CZ are more intense than in general use zoning. The
1130 amount of uses allowed in a master plan development is a restricted list from the full list in the Table. There are more
1131 precautions in a MPD-CZ, with traffic impacts, and more comprehensive development that is a value to everybody
1132 and to the surrounding Towns, and people who use the roads in the area. This type of project takes a better look at
1133 all of the impacts on-site and off-site.
1134

1135 Kim Piracci said that she understands that it has been established that the County has and wants to develop this
1136 area, and this is a valuable area. She asked if developers tell Board members what they are planning to do with this.
1137

1138 Craig Benedict replied that there is not going to be 272 acres of development all at once. The perimeters will be set
1139 with approved zoning and then the developer will market the property. In this case, there is not a specific site plan or
1140 use that says that an Ikea is coming here; it is not this type of proposal. This type of proposal develops the road
1141 pattern - the utility pattern, the use pattern, the buffer pattern, and other such patterns. Once something like this is
1142 established, there will be more activity and will be prepared to a higher level than in the past for the advent of the
1143 infrastructure being put into this area. In the early '80s, I-40 was not there. The impact of I-40 spurred interest in
1144 creating an interchange and jobs. This project will likely feed off of the interstate with people going to work from the
1145 rural areas of the County. The traffic here is interstate-related to a large degree.
1146

1147 Kevin Nicholson said that he lives at 1006 Davis Rd. He said that he is part of the sixth generation living on his
1148 property; he lives in his grandfather's house. He raises chickens, cows and has a farm (farm use value program).
1149 This proposed development within a mile of the house. He said that he can remember a time when there was a
1150 proposal to widen Davis Rd. to 5 lanes. Everybody from his family and in community fought this proposal off. Is there
1151 a plan to widen Davis Rd. with this project? He knows that something will have to be done with Old 86 eventually.
1152

1153 Jim Parker said that his project is not proposing the widening of Davis Rd.
1154

1155 Craig Benedict said that there is long range planning for road patterns. Based on the long range planning going on,
1156 he can say that there are no long-range plans to widen Davis Rd. but there are plans to widen NC-86 over the long-
1157 term and short-term. The road between Old 86 and new 86 through the Waterstone development was part of the
1158 Planning Department's planning efforts 15 years ago. There may be a traffic light at Davis Rd. someday, when it
1159 meets NCDOT's needs.
1160

1161 Kevin Nicholson said that in regards the economic development zoning in the '80s, he would not know anything
1162 about such a plan formed when he was a kid. Will economic development zoning continue down Davis Rd or
1163 continue towards Carrboro?

1164
1165 Craig Benedict said that even though economic development plans have been around for 30 years, and they have
1166 only gotten this far. The long range planning in Orange County focused on interchanges, like at Mt. Willing Rd.,
1167 Buckhorn Rd., and there will be plans for the US 70 I-85 interchange in the Eno Township. There are about 3,000
1168 acres of land zoned for economic development and Staff does not see an expansion. He also noted the Water and
1169 Sewer Boundary Agreement (WASMPBA) between Hillsborough, OWASA, Chapel Hill, Carrboro and Orange
1170 County. This boundary starts around Davis Rd. and flows north towards the Hillsborough sewer system. From the
1171 south of the Davis Rd. ridge, it flows towards Jordan Lake. The department has a compact development pattern that
1172 keeps it development clustered as close to cities and towns as possible and will not be running down Old 86 or new
1173 86.

1174
1175 Kevin Nicholson said that he knows that the Board is going to do what they are going to do. If he had the kind of
1176 money that developers had, he would buy all that land and keep it the way it was. He thanked Board members for
1177 their time.

1178
1179 Lydia Wegman thanked Mr. Nicholson for coming to the meeting.

1180
1181 John Lemaine introduced himself as a taxpayer who lives in a community off of David Rd. which is outside of the
1182 1,000 ft. boundary. He said that he would be most considered if there was a District 3 at this point. He thanked Mr.
1183 Harvey for his explanations but said that he was still unclear. Is the plan to change District 3 from rural to economic
1184 development of some sort? He said that this is different than the established zoning of District 1 and 2. He said that a
1185 change in zoning for District 3 would establish a change to the community and he is concerned about this. He said
1186 that he did not quite follow the process of when District 3 would come-up again. Could he get some clarification
1187 please?

1188
1189 Michael Harvey said that District 3 was explained in the application, it would have single family and multifamily
1190 housing with nursing and continuing care facilities; it would be an age-restricted development. It is intended to be
1191 high-intensity senior living community. District 3 is not being reviewed tonight. If the Planning Board recommends the
1192 approval of this project tonight, it will not include District 3. District 3 is currently zoned Rural Residential, a
1193 residentially-zoned parcel of property, and this proposal calls for a higher intensity residential land use than is
1194 currently permitted. Staff has recommended that all discussion on District 3 be tabled and that sounded like the
1195 Planning Board wanted the BOCC to refer this part of the plan back to the Planning Board at a future date, if the
1196 externalities keeping them from reviewing it tonight are modified, allowing District 3 to move forward. However,
1197 District 3 may have to be modified or abandoned, and the developer will need to decide what action he will take.
1198 Staff's recommendation to the Board is that they table and wait for further input from elected officials. As mentioned,
1199 there will be meetings with the Town and County elected officials regarding how the southern portion of this area will
1200 be developed. He recognized that Margaret Hauth, Planning Director, was present and should correct him if he is
1201 wrong, but he said that the Town was interested in purposeful extension of economic development and opportunities
1202 that can be served by the Town. At this juncture, District 3 is a non-issue and the only recommendation for it is for all
1203 talk of it to be delayed until everyone can make an informed decision about it.

1204
1205 Tony Blake said that there is potentially a capacity issue for water and sewer that still needs to be discussed.

1206
1207 Michael Harvey agreed with this statement and said that a reason that the conditions read the way they read is to
1208 anticipate the eventuality of the capacity issue. A process will have to be established regarding how a developer with
1209 a site plan can work with the Town.

1210
1211 Tony Blake said that regardless of the proposal, the set of uses would not be permitted in District 3.

1212

Approved 11/01/2017

1213 Michael Harvey said that District 3 was proposed for residential development only. Right now, District 3 will remain a
1214 rural residentially-zoned parcel of property.

1215
1216 Tony Blake said that he was pointing this out to quell apprehension.

1217
1218 (Michael Harvey clarified with the previous speaker that District 3 would not be acted on.)

1219
1220 Charles Brantley spoke and said that he lived off of High Rock Rd. He asked when the Board had received the
1221 plethora of materials in this packet. He asked if Board members had seen this packet before tonight.

1222
1223 Tony Blake and Lydia Wegman responded that Board members had received these packets.

1224
1225 Charles Brantley said that he was under the impression that Board members had not seen it.

1226
1227 Tony Blake said that it is a lot to go through but they did receive it.

1228
1229 Lydia Wegman asked if any other members of the public wanted to speak. Hearing none, she invited Mr. Parker to
1230 speak and to address some of the questions.

1231
1232 Jim Parker thanked Ms. Wegman. He reiterated that as developers, they see this as a transportation and interstate
1233 market. He said that what they have done is collectively bring parcels together to form one parcel to which this zoning
1234 would apply, as opposed to individual property owners having to go through individual rezoning processes, which
1235 may not be effective since the parcels alone make-up a smaller area. He said that they are trying to create the palette
1236 by which they can attract and bring in users into a development. He said that he cannot say what will go there except
1237 that they will be land uses that are needed and desired, or that are allowed to develop in that type of environment. He
1238 addressed concerns about the neighborhood meetings, notifications, and attendance. He said that the first and third
1239 Neighborhood Information Meetings (NIMs) were well attended with about 15 people, though the second meeting
1240 was not as well attended, but he believes there were about 10 people there. He conveyed that they would have liked
1241 to notify further but that that area of notification beyond the County's requirement is hard to define. Where do you
1242 stop? With this dilemma in mind, he followed the County's requirement.

1243
1244 Tony Blake pointed out that the County's notification requirement goes further than what the state requires. The state
1245 only requires notification to property owners within 500 ft. of the subject property, not 1,000 ft. like the County's
1246 notification.

1247
1248 Jim Parker remarked that the addition of the wells was a project component put in in 2008-2009 during dry spells in
1249 the County when people were trying to find different irrigation techniques without using potable water to put less of a
1250 demand on public water.

1251
1252 Lydia Wegman thanked him.

1253
1254 Jim Parker continued with his responses. He said that his traffic engineer could answer more technical questions but
1255 as far as the improvements to NC 86, they will be extensive when all of this land is developed. It is unlikely that this
1256 process will all happen at once. The ultimate build-out will likely be 4 lanes with turn lanes and signals at the
1257 interchanges serving the entrances to District 1 and 2. There will be 3-4 signals, one at the service road. In regards to
1258 comments about dying business in Hillsborough, he sees Hillsborough as a growing town. He said that the "interstate
1259 businesses" should be kept on the interstate and the ones in the intersections of town should grow healthy there. He
1260 said that his development provides a place for some of the businesses that one sees around interstates. He said that
1261 the vision for District 1 is for light industry and an increase in tax base by the land uses allowed there. District 2 is the
1262 interstate market, meaning commercial, restaurants, and a potential hotel that could provide a meeting space in
1263 addition to lodging. He hopes that the Board will approve this tonight. By doing so, the Board does not relinquish
1264 control. Staff will ensure that moving forward the development plan is in concert with the guidelines. He thanked the
1265 Board.

1266
1267 Kim Piracci asked Mr. Parker if the Board does not approve this tonight, will the project be "done." She asked if this is
1268 what he said and how it would work if this is not approved.
1269
1270 Jim Parker said that they are on a timeline and not making a decision tonight will push the process back. He asked if
1271 Mr. Harvey knew how far it would be pushed back.
1272
1273 Michael Harvey replied that it is hard to say because the next item on the agenda deals with how public hearings are
1274 scheduled. The scenario that could be forthcoming on this project is that the Board tables the decision and takes it up
1275 at the November meeting and the Board makes a recommendation at the November meeting. It is conceivable that if
1276 the text amendment being reviewed next is approved, it could be scheduled at a public hearing in December,
1277 January, or February to review this case.
1278
1279 Lydia Wegman asked if there was a possibility that this could be reviewed at the November 14th quarterly public
1280 hearing if the Board made a decision at its November 1st meeting.
1281
1282 Michael Harvey said that would not be possible because of the heavy workload associated with getting meeting
1283 packets together. Draft minutes may not be done in time and the BOCC needs to be able to review the draft minutes
1284 to understand the Planning Board's decision. There is not sufficient time.
1285
1286 Lydia Wegman said that she understood.
1287
1288 Kim Piracci asked – what if this gets put off for 6 months. Why would the developer say "nevermind?"
1289
1290 Lydia Wegman quickly noted that this project could potentially be heard in February 2018 at the quarterly public
1291 hearing, a 3 month delay.
1292
1293 Kim Piracci asked that if it were 6 months, why would the developer want to exit?
1294
1295 Jim Parker said that they are contractually-bond to the land.
1296
1297 Tony Blake said that it sounded like there was a contingency at play and there is an end date on it.
1298
1299 Kim Piracci asked if these properties had already been purchased.
1300
1301 Paul Guthrie said that it sounded like options to buy.
1302
1303 Jim Parker said that they are options, which is typical.
1304
1305 Kim Piracci asked if Mr. Parker could tell them when the contract expires.
1306
1307 Jim Parker told him that he will not tell the Board when the contracts expire as a matter of confidentiality between the
1308 seller and the buyers.
1309
1310 Lydia Wegman agreed that it was a matter of confidentiality.
1311
1312 Randy Marshall said that he is ready to make a motion.
1313
1314 Buddy Hartley said that this is as good an application that he has seen. Mr. Parker has covered about everything that
1315 needs to be covered. For the Board to make a recommendation on this, there is nothing that is not to approve. He
1316 said that the County does need senior housing somewhere. He said that he will be a senior someday too.
1317

1318 Lydia Wegman asked if there were any additional comments. She thanked everyone for coming to the meeting to
1319 speak and thanked Mr. Parker and his team for coming, and to Michael Harvey and Craig Benedict for their help this
1320 evening. She said that from her perspective, she appreciated the applicant's willingness to have continued
1321 discussions on the environmental and transportation assessments; this is very important. That component is a plus of
1322 this application. She did hear concerns about transportation and she does hope that the developer and other
1323 businesses will work closely with members of the community on transportation and environmental concerns. She
1324 asked again if anyone else had additional comments.

1325
1326 Michael Harvey said that if there is a consensus among Board members that the item be tabled until November, it is
1327 the Board's prerogative. If the decision is that there is a consensus to recommend this project, there are
1328 modifications that need to be made to Attachment 7. He will walk the Board member through making the motion on
1329 this part in order to address the Board's comments and to fix some items in the review that he did not catch earlier.
1330 He needs to ensure that the motion is consistent and clean to address all concerns from Board members, and
1331 modifications that ensure District 3 is eliminated from any review, point or discussion.

1332
1333 Tony Blake clarified that Item C would include Attachment 7 as amended.

1334
1335 Michael Harvey added that it would read "as amended and as further amended," if that is the decision to move
1336 forward.

1337
1338 Lydia Wegman asked if any of the modifications would be relevant in the Board's thinking.

1339
1340 Michael Harvey said that they could potentially be relevant.

1341
1342 Lydia Wegman asked for Mr. Harvey to go through the modifications.

1343
1344 Michael Harvey said that in Attachment 7, he will be applying the following notes. He heard from a Planning Board
1345 member tonight that in regards to Condition 4 regarding site plan approval (page 308) that references be included to
1346 local volunteer fire departments to review site plans.

1347
1348 Tony Blake said that this would be for the primary responding volunteer fire department.

1349
1350 Michael Harvey continued with his proposed modifications. He said that there would have to be explicit language
1351 saying that the Town of Hillsborough has to review and indicate if there is capacity for water and sewer service, prior
1352 to the County Planning Department issuing a site plan approval. On page 311, in Condition 6, the local volunteer fire
1353 department needs to be added to the Orange County Fire Marshall and Town of Hillsborough sharing review and
1354 approving location of fire lanes, location of fire hydrants, and location of proposed standpipes. The local volunteer fire
1355 department shall also be involved in the float test, which is now all in Condition 8. On page 315, for District 2,
1356 numbers 3 and 16 are for movie theaters. There only needs to be one movie theater so the recommendation would
1357 be to delete number 16 and renumber accordingly to correct the duplication. On 317, the condition (Condition H)
1358 regarding landscaping around the Major Transportation Corridor (MTC) Overlay District, a statement needs to be
1359 added to number one at the end to say, "unless clearing is consistent with Section 6.6.5 (a) of the UDO." The UDO
1360 does allow for breaks for visibility in the MTC. He said that there was some discussion that the BOCC receive a
1361 rendering or an example of the architectural landmark sign and an entry portal sign so that they can make a
1362 recommendation if the proposed square footage is acceptable. Mr. Harvey said that he did not hear the Board
1363 express concerns about the square footage of the signage, but everyone wants to see and understand what the
1364 feature will look like to determine if it is appropriate. The recommendation is that the developer provides this. There
1365 are examples of other signage in the application.

1366
1367 Paul Guthrie said that he thought seeing the examples would be a good idea.

1368
1369 Tony Blake noted a typo in Condition H with feet. Michael Harvey made a note of it and said that it was correct in the
1370 developer's application.

1371
1372 Michael Harvey said that Mr. Parker offered that onsite wells in Condition H, subprim 1, be eliminated, to address
1373 concerns over the depletion of wells if irrigation is necessary. Mr. Harvey suggested that this portion be reworded as
1374 follows: "Landscaping shall be watered by reclaimed water or water from the site." He said that the department is
1375 open to rain barrels or other systems of catching rainwater. The other modification would be to Staff's
1376 recommendation to table action on District 3 with a recommendation that the request for this area come back to the
1377 Planning Board for discussion and edits at the April 2018 regular meeting, which seems like a sufficient amount of
1378 time for this to move through the process. This date should be set even if this part of the project does not come back
1379 through the process. Next, the Statement of Consistency (Attachment 6) relating to Districts 1 and 2 only – the
1380 motion needs to include that Staff needs to remove all references to parcels connected to District 3 from the
1381 Statement of Consistency as currently contained in Attachment 6. Finally, there should be an amendment that calls
1382 for approving the ordinance to revise Attachment 7 to include all modifications discussed this evening, with a
1383 recommendation to approve to the BOCC as the Planning Board sees fit.

1384
1385 Lydia Wegman asked if there is anything else to discuss.

1386
1387 Paul Guthrie counseled that when they are working close to a jurisdiction like the Town of Hillsborough that there
1388 might have been more presence in the notes regarding where issues were in progress, based on recent
1389 conversations.

1390
1391 Michael Harvey replied that he thinks that this was done but that the main issues is District 3 and the Town's concern
1392 about serving a project this far south of the interstate. Ms. Hauth's comments are also included in the packet outlining
1393 other concerns. The service issue and District 3 issue were discussed.

1394
1395 Paul Guthrie said he was talking about the utility issue. He said that based on his experience, it is important to be
1396 upfront when working on such a project with another jurisdiction for certain services as to who is responsible and for
1397 what.

1398
1399 Michael Harvey said that he does not disagree with this counsel but that he does think that Staff has discussed this
1400 issue in many of the conditions with the project and the addition of the requirement of any project with expanded
1401 services needs to go through the Town of Hillsborough for approval. As Craig as alluded, there is already a gallon
1402 limitation for water-sewer as part of this expansion.

1403
1404 Paul Guthrie and Michael Harvey thanked each other.

1405
1406 Lydia Wegman asked if there were any additional questions. Hearing none, she asked if Randy Marshall would like to
1407 make the motion.

1408
1409 Randy Marshall said that he would make the following 3 recommendations to the BOCC.

1410
1411 **MOTION** by Randy Marshall made a motion to table action on District 3 with a recommendation to request this area to
1412 come back to the Planning Board for review and discussion at the April 2018 regular meeting. Seconded by Buddy
1413 Hartley.

1414 **VOTE: UNANIMOUS**

1415
1416 **MOTION** by Randy Marshall to approve the Statements of Consistency in Attachment 6 relating to Districts 1 and 2 of
1417 the project only with Staff to assure remove to all references of District 3 in Attachment 6. Seconded by Buddy
1418 Hartley.

1419 **VOTE: 8-YES, 1-ABSTAIN (KIM PIRACCI)**

1420
1421 **MOTION** by Randy Marshall to approve the ordinance in Attachment 7 as amended and further amended, amending
1422 the zoning atlas relating to Districts 1 and 2 of the project only. Seconded by Patricia Roberts.

1423 **VOTE: 8-YES, 1-ABSTAIN (KIM PIRACCI)**

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AGENDA ITEM 10: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – PUBLIC HEARING REVISIONS - To make a recommendation to the BOCC on government-initiated amendments to the UDO pertaining to public hearings. This item is scheduled for the November 2017 quarterly public hearing.
PRESENTER: Craig Benedict, Planning Director

Craig Benedict reviewed the abstract. He said that this amendment covers revisions to the public hearing process. In conversations with the BOCC on September 7, 2017, members thought that there could be a better way to streamline the process for development proposals to be heard and for additional public input that would move away from the structure of quarterly public hearings. They recommended that the quarterly public hearing dates be removed from future calendars and that land use related items be placed on regular meeting agenda. This new process has the potential for 12 to 15 meetings a year where items could be heard. The BOCC instructed the Planning Department to remove references in the UDO of “quarterly public hearing” and change the text to “public hearing.” As Michael Harvey was saying earlier, if someone was not able to meet the requirements for a quarterly public hearing, the applicant will have another opportunity at the next public hearing. This will streamline and make the process quicker. Staff has gone through the UDO and removed the word “quarterly” from “quarterly public hearing.” This text amendment item is up for a vote tonight. Additionally, Mr. Benedict went over updated Rules of Procedure for the Planning Board. In the Rules of Procedure outline, there is reference to quarterly public hearings and attendance at quarterly public hearings. He asked for the Board’s input into this topic tonight and that the issue be considered for a vote at the Planning Board’s meeting next month. He reiterated that the primary topic of the discussion tonight is still the proposed ordinance change. In regards to quarterly public hearings in the Planning Board’s Rules of Procedure, Staff recommends that Planning Board members now be expected to attend BOCC meetings that related to Planning Board responsibilities. Does that mean that members need to attend all of the meetings? No, it does not. There is also a line in this section that says failure to attend quarterly public hearings could result in removal from the Board, but since there will be more meetings, what would be the recommended change here, since there are more public hearings than before? He looked to members for guidance. How many minimum BOCC meetings would members like attend a year? There does not have to be as much language emphasizing *mandatory* attendance. The point is that there be some mechanism so that members do not divest themselves of ever attending a public hearing with the BOCC.

Lydia Wegman asked if this only references government-initiated amendments to the UDO. For example, Board members would not have to attend a meeting on Settler’s Point.

Craig Benedict responded that Settler’s Point would be included (a so-called “developer-initiated” application) along with government-initiated amendments.

Lydia Wegman replied that the language in agenda item talks only about government-initiated amendments to the UDO.

Tony Blake said that he read the language to mean that every topic was government-initiated.

Lydia Wegman said that she does not read it that way. To her, government-initiated means items coming from the BOCC or the Planning Department.

Ashley Moncado said that the Planning Board could make a recommendation to the BOCC on government-initiated text amendments. This is a government-initiated text amendment. The agenda item is geared towards the Board making a recommendation on the government-initiated amendment but it will relate to public hearings for all items that normally come to you at a quarterly public hearing.

Lydia Wegman said that she wants to think further about numbers at meetings to attend. She said that she would like to discuss the topic at the November Planning Board meeting.

1477 Ashley Moncado said that a preliminary discussion tonight would help this item stay on track so that it can go along
1478 with the discussions at the November quarterly public hearing. She asked what members would recommend. For
1479 example, is 50 percent attendance at public meetings acceptable to members? Staff is looking for a better
1480 understanding of what the Board would recommend.

1481
1482 Craig Benedict reiterated that this item will not be voted on tonight.

1483
1484 Paul Guthrie commented that he understands the intent of the proposal but the language is troubling to him. He said
1485 that he has had to be absent from many meetings over the years, not because he did not want to be present, but
1486 because of medical issues which made it physically impossible for him to attend. He suggested that if a requirement
1487 is made for attendance, it needs to be flexible or it will have a negative effect on certain members.

1488
1489 Craig Benedict said that the measure would certainly be flexible. He said that the way the system is set-up now is
1490 that there is a mini-public hearing, like tonight. Staff expects community input at this meeting, at the BOCC meeting,
1491 at neighborhood meetings, all of which the Planning Board can attend. He thinks that the new process of tonight's
1492 meeting is giving more opportunities for input, especially with the separation of legislative items and members of the
1493 public can talk at multiple times, which was not part of the process before. The point is to provide flexibility to the
1494 Board and to citizens. Does anyone else have feedback? Staff will wrap the comments together and bring it back to
1495 November.

1496
1497 Tony Blake said that the Planning Board already meets roughly 12 times a year. He said that his problem is running
1498 from meeting to meeting that start at 7:00pm. This balance is starting to push the boundaries for him. He likes his role
1499 in public service but he needs to take care of his basic needs too.

1500
1501 Kim Piracci said that it took about 2 years from when she applied to be on the Planning Board to secure her eventual
1502 position that she serves in now. It seems like it is not difficult to find Planning Board members.

1503
1504 Craig Benedict replied that sometimes seats from specific townships can be hard to fill.

1505
1506 Kim Piracci said that she feels like it is a privilege to serve on the Planning Board and that she does not mind being
1507 held to reasonable requirements, and 50 percent of the quarterly public hearings does not seem like too much to her.
1508 She said that she would like more training from Staff on how to better understand planning items.

1509
1510 Craig Benedict said that Staff could arrange more training. He acknowledged that many people learn in-process. He
1511 noted that the MPD-CZ process has only been reviewed by the Planning Board one other time. The Board, over the
1512 years, learns by experience. Staff will open-up more training opportunities to the whole Board to go over
1513 subdivisions, quasi-judicial hearings and legislative items, and other types of processes.

1514
1515 Tony Blake commented that the UNC School of Government comments on issues that affect the Planning Board.
1516 While everyone may not agree on the conclusions in the online forums, it provides good discussion. This is a
1517 resource that he would recommend that he has used.

1518
1519 Randy Marshall asked how many quarterly public hearings are held a year.

1520
1521 Craig Benedict said that some years there may not even be 4 and sometimes there are only 3 or 4 items on the
1522 agenda.

1523
1524 Ashley Moncado noted that this year there were only 2 quarterly public hearings (May and September were
1525 cancelled).

1526
1527 Craig Benedict said that there may be 10-15 items in one year. Staff will not recommend hearing 2 land use items in
1528 a month because they are also trying to keep a schedule open to applicants. He estimates that there will be 8-9
1529 meetings with the potential for Planning Board-related items.

1530
1531 Tony Blake said that to know in advance is important.
1532
1533 Craig Benedict said that Staff sees the challenges with meetings being scheduled close together or at a variety of
1534 locations. The BOCC just approved next year's calendar and Staff will take a look at how meetings are laid out.
1535
1536 Randy Marshall asked if public hearings could be grouped.
1537
1538 Craig Benedict said that if the items on the public hearing agenda are simple items, they could be done the same
1539 night. However, if there was a cell tower being considered, Staff worries about being dominating with just Planning's
1540 agenda in consideration of what other departments need to present. Clustering these meetings could be helpful.
1541 BOCC members understand that if they are considering more items more frequently, their review also has to be
1542 timely.
1543
1544 Tony Blake said that if members of the public come out and there is a line of 200 people to provide input, the meeting
1545 will take a long time.
1546
1547 Randy Marshall suggested that the first meeting of the month be reserved for bigger items.
1548
1549 Ashley Moncado said that this could not be guaranteed as dates are set way in advance for applications to be due,
1550 dates important in guiding the applicant's process.
1551
1552 Craig Benedict said that Staff will try to target 4 meetings a year but that an applicant will still have more opportunities
1553 to present at upcoming meetings, if necessary. He said that Staff will review the 2018 calendar and see if there is a
1554 cadence to meetings, and will provide more feedback on scheduling and how Staff could target major meetings in the
1555 year.
1556
1557 Randy Marshall asked if Mr. Benedict felt like he got good feedback.
1558
1559 Craig Benedict said that he did.
1560
1561 Lydia Wegman said that there is clearly concern from Planning Board members about attendance requirements to
1562 other public meetings and the weight of demands on people serving in a volunteer position on the Planning Board.
1563
1564 David Blankfard asked what will be asked of Planning Board members at public meetings.
1565
1566 Some Planning Board members commented that they are there for moral support.
1567
1568 Lydia Wegman said that based on her experience, the BOCC may ask why the Planning Board voted as it did (i.e.
1569 Why did the Planning Board vote as it did on Settler's Point?). The BOCC asks the members present so that they can
1570 get the background. Sometimes BOCC members have questions about the minutes or related matters.
1571
1572 Craig Benedict returned to the item for a vote, which he said again does not have to do with attendance. He asked
1573 the Planning Board to make a recommendation to the BOCC on government-initiated amendments to the UDO
1574 pertaining to public hearings. He read aloud the recommendation on page 332 in the packet.
1575
1576 Tony Blake asked if this is to remove the "quarterly" from the public hearing verbiage, will it mean that Staff may have
1577 up to 40 some potential target meetings.
1578
1579 Ashley Moncado replied that there would be more like 20 public meetings. There are 20 regular BOCC meetings
1580 scheduled for next year.
1581
1582 Tony Blake said that he understood.

Approved 11/01/2017

1583

1584 MOTION by Randy Marshall to approve amendments to the UDO. Seconded by Dave Blankfard.

1585 VOTE: UNANIMOUS

1586

1587 AGENDA ITEM 12: ADJOURNMENT

1588

1589 *Planning Board meeting was adjourned by consensus.*

1590

1591

Lydia Wegman, Chair