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**SUMMARY NOTES**  
**ORANGE COUNTY PLANNING BOARD**  
**NOVEMBER 4, 2015**  
**ORDINANCE REVIEW COMMITTEE**

NOTE: A quorum is not required for Ordinance Review Committee meetings.

**MEMBERS PRESENT:** Peter Hallenbeck (Chair), Cheeks Township Representative; Lydia Wegman (Vice Chair), At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township;

**MEMBERS ABSENT:** Buddy Hartley, Little River Township Representative; Laura Nicholson, Eno Township Representative; Herman Staats, At-Large;

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

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS- TEMPORARY HEALTHCARE STRUCTURES AND OTHER HOUSING OPTIONS**  
TO REVIEW AND COMMENT UPON PROPOSED AMENDMENTS TO THE UDO REGARDING TEMPORARY HEALTHCARE STRUCTURES AND OTHER CUSTODIAL CARE HOUSING OPTIONS  
**Presenter:** Ashley Moncado

Ashley Moncado reviewed abstract

Perdita Holtz: Depending on how things go tomorrow night with the public hearing process if that gets adopted the next steps will be different.

Lisa Stuckey: If I live in a subdivision can I really put a 1,000 square foot unit.

Ashley Moncado: That depends on if you met zoning requirements.

Peter Hallenbeck: 350 square feet to start is too small.

Lisa Stuckey: I agree.

Lydia Wegman: Why does option B only allow two occupants?

Ashley Moncado: With option B you have the option of a larger size, so you can go up to the 1,000 square feet, you won't be limited to the 300 square feet.

Paul Guthrie: You have up to two people to reside in a temporary facility and you can have five unrelated people to live in a dwelling unit. What if you have five people living in a dwelling unit and had two people living in an unrelated care center. Could those five people use some of the facilities without violating the ordinance? Could you actually have seven people using the facility?

54 Ashley Moncado: In theory, possibly. If they met the health and environmental standards to put the temporary  
55 structure on the property I don't know if there is anything we could do to enforce it until we receive a complaint.  
56

57 Paul Guthrie: I'm not advocating restricting it; I'm just trying to get the definition.  
58

59 Ashley Moncado: The session law is a little vague regarding that.  
60

61 Andrea Rohrbacher: A person from another state comes to get care here needs to have a North Carolina license  
62 provider for prescriptions. How is this going to cover that situation?  
63

64 Perdita Holtz: That's not something we would enforce through land use laws.  
65

66 Peter Hallenbeck: It sounds to me like there are two problems. One is the decision to bring someone in and once  
67 they get here they are going to find local medical help. I'm noticing in this there is really no protection for somebody  
68 using it as a business and there is also no protection for elderly abuse.  
69

70 Ashley Moncado: Those were also concerns of ours. To be honest you could have the relationship requirement and  
71 then you could have a child abusing a parent.  
72

73 Peter Hallenbeck: One would hope with these amendments there might be some accompanying ordinances that  
74 would cover it.  
75

76 Ashley Moncado: I will be following up with the Department of Aging to see if they came across anything.  
77

78 Craig Benedict: Any application we get for this, we could share that with the Health Department, Aging Department,  
79 and Social Services. They may want to monitor something.  
80

81 Peter Hallenbeck: I think you're right on the money with working the Department of Aging. With ordinances they can  
82 figure out if there is some way to run a background check on them.  
83

84 Andrea Rohrbacher: If the area where the structure was to be located happened to be a subdivision that had  
85 covenants what happens to the covenants?  
86

87 Ashley Moncado: They have to meet the covenants' restrictions.  
88

89 Peter Hallenbeck: It sounds like we are taking it a little bit further in saying instead of just learning how to live with  
90 what the State has mandated, let's see if we can't solve a bigger problem.  
91

92 Paul Guthrie: I think we do what we can do under basically what is our core jurisdiction. Let's not try to solve the total  
93 legal implications. That's not the role of the Planning Board. Other agencies may need to be brought in but that is not  
94 our role and I think we could get in a quagmire if we try to regulate issues we have little to know knowledge of.  
95

96 Peter Hallenbeck: I fully agree with that. I think we have done our part as we reviewed the land use and I think we  
97 have commented correctly with regard to how critical it is for other agencies to be involved in the process to prevent  
98 abuse.  
99

100 Andrea Rohrbacher: Is the Health Department involved at all?  
101

102 Ashley Moncado: This still needs to go to peer review. Tonight was just to see what option you wanted to go with and  
103 then we will send it back out to our county attorneys.  
104

105 Peter Hallenbeck: Well the recommendation is simply that we review and comment and I think we've done that.  
106 People seem to like option B with all the cautions required.  
107

108  
109 **AGENDA ITEM 3: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS- AIRPORTS**  
110 TO REVIEW AND COMMENT UPON PROPOSED AMENDMENTS TO THE UDO REGARDING AIRPORT  
111 REGULATIONS  
112 **PRESENTER: MICHAEL HARVEY**  
113  
114 Michael Harvey: Reviewed abstract  
115  
116 Paul Guthrie: A good significant part of southern Orange County is in a very high air traffic corridor. Is there any  
117 reason it isn't mentioned that it could be comply with all necessary planning to avoid conflict.  
118  
119 Michael Harvey: That's why we mention FAA Standards. They are the ones who have jurisdiction over the air travel  
120 ways.  
121  
122 Paul Guthrie: There are at least two places in southern Orange County that have airports but they are not currently  
123 operating. Are they grandfathered in?  
124  
125 Michael Harvey: I would probably argue that they are not grandfathered in unless they are active. What I would also  
126 say though is if it's a private air field remember that the non-conforming section of the unified development ordinance  
127 mandates that if you have a legal land use you're deemed to have your permits.  
128  
129 Lydia Wegman: Are there many private airports right now in the county?  
130  
131 Michael Harvey: There is rumored to be about three.  
132  
133 James Lea: Is that the case on Efland-Cedar Grove Road?  
134  
135 Michael Harvey: Yes  
136  
137 Lisa Stuckey: Is the Chapel Hill Airport being used at all?  
138  
139 Michael Harvey: It is still in use and I think you're looking at it being there for quite a while.  
140  
141 Lisa Stuckey: Well they will go away with it if they do Carolina North because the runway is the main street.  
142  
143 Craig Benedict: Until they get enough funding to get Carolina North moving they will probably keep it open until they  
144 foresee the development work.  
145  
146 Michael Harvey: I'll just stress obviously the genesis of this was to address the fact that our regulations would not  
147 properly regulate a new airport facility because they were outdated and this is an attempt obviously to bring it up-to-  
148 date.  
149  
150 Lisa Stuckey: I could see people getting pretty upset if there was a commercial airport nearby.  
151  
152 Peter Hallenbeck: With regard to the drones for commercial purposes, does that mean if a farmer has a drone that is  
153 used to check his crops that he is going to have to fill this out?  
154  
155 Michael Harvey: No, because farms are exempt from zoning.  
156  
157 Michael Harvey: As part of this proposal we are recommending that there be a pre-application submittal requirement.  
158 Specifically, if someone wants to develop a general aviation air field they have to get a letter to use with sufficient  
159 documentation showing where the airport's going to be and showing the development of the airport. We are going to  
160 have an initial public information meeting. This is going to be in addition to neighborhood meeting that is required.  
161

162 Lisa Stuckey: So by state you mean if the University wanted to establish one that would also be exempt.  
163  
164 Michael Harvey: The only reason UNC had to come to use is because the general assembly said you have to comply  
165 with local zoning regulations. Just so everyone knows we are going before the Economic Development Commission  
166 advisory board to talk to them about this. We are going to make a presentation to the Commission for the  
167 Environment.  
168  
169 Peter Hallenbeck: The airport in Alamance probably helps the economic development zone in the Efland area. It  
170 probably doesn't help with the Eno.  
171  
172 Tony Blake: I'd like to see the commissioners consider higher requirements for the neighborhood information.  
173  
174 Michael Harvey: There are going to be two neighborhood meetings.  
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176 Lydia Wegman: Is it clear that there are two neighborhood information meetings required?  
177  
178 Michael Harvey: Yes, on article two under the conditional zoning process.  
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180 Peter Hallenbeck: Unless anyone has anymore comments we have reviewed and commented on the proposed  
181 amendment.  
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183 **AGENDA ITEM 4:                   ADJOURNMENT**