

MINUTES
PLANNING BOARD
NOVEMBER 4, 2015
REGULAR MEETING

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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; Buddy Hartley, Little River Township Representative;

MEMBERS ABSENT: 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

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for November and December
 - Quarterly Public Hearing on Monday, November 23

AGENDA ITEM 3: APPROVAL OF MINUTES
October 7, 2015 Regular Meeting

MOTION by Peter Hallenbeck to approve the minutes. Seconded by Lydia Wegman.
VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

No changes to the agenda.

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 residents and business through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decision, and recommendations.

Public Charge

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

53 restored, the Chair will recess the meeting until such time that a genuine commitment to
54 this public charge is observed.

55
56 **AGENDA ITEM 6: CHAIR COMMENTS**

57
58 Peter Hallenbeck: I will be leaving after the first item because I need to attend the Fire Chief meeting.

59
60 **AGENDA ITEM 7: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT - To make a recommendation**
61 **to the BOCC on government-initiated amendments to the text of the UDO regarding**
62 **recreational land uses, including shooting ranges. This item was heard at the September**
63 **8, 2015 quarterly public hearing and was discusses at the October 7, 2015 Planning**
64 **Board Meeting**
65 **Presenter: Michael Harvey, Current Planning Supervisor**

66
67 Michael Harvey reviewed the abstract and mentioned that the attorney's office may decide to take some of the
68 shooting range language out of the UDO and put it in the general code of ordinances.

69
70 Lydia Wegman: What would be the process for putting it somewhere else?

71
72 Michael Harvey: The County Attorney's office would have to draft the ordinance and take it to the County
73 Commissioners and they would have to approve it but it would be in the general county code of ordinances. It
74 wouldn't be a land use ordinance. So you all as an example wouldn't get to see it or comment on it because it's not a
75 land use ordinance.

76
77 Lydia Wegman: Who would get to comment on it?

78
79 Perdita Holtz: Anybody can show up at the BOCC meeting and sign up to speak.

80
81 Paul Guthrie: One issue that might keep you slightly in the process would be that the applicant had to be able to
82 police all the brass and residue of shots off the property. It's changing the character of the land use.

83
84 Michael Harvey: That was discussed and quite honestly the thought was that its ancillary component of the shooting
85 activity and while it may be an important one the issue is the safety with respect to the discharge of the firearm.
86 There are probably going to be regulations that will be enforced by other departments and agencies.

87
88 Paul Guthrie: Have you begun to think through how you can link all of these organizations together for discussion of
89 these issues?

90
91 Michael Harvey: All the agencies we talked about have completed peer review of these regulations and have said
92 that they have no concerns or comments.

93
94 Lisa Stuckey: Do they care what we think? It seems to me that the enforcement of shooting regulations should be
95 done by the Sheriff's Office.

96
97 Michael Harvey: The County Commissioners care because they asked you to comment on it.

98
99 Buddy Hartley: The Sheriff Deputies are going to come out to any call. If you call and say my neighbor is shooting
100 they have got to come out. One thing that I don't want to see happen out of this is the Sheriff Department having
101 more problems with frivolous things.

102
103 Michael Harvey: At the October 7th meeting you were provided with a memorandum from the Sheriff's Office that
104 basically said here is our SOP when it comes to discharge of guns and that's exactly what they do.

105

106 Buddy Hartley: Do we need to wait and see what the Attorney decides?
107

108 Michael Harvey: You have a couple of options. In my mind your options are that you can ask that this be delayed until
109 you hear what the County Attorney wants to do, you can all make the statement that you concur with the county
110 attorney and if that's the decision you will support it.
111

112 Paul Guthrie: It seems to me that the Sheriff's Department is not going to be enforcing the land use that is disturbing
113 a neighbor or potential harm to the neighbor. It's going to be a question of noise and stuff like that so what you're
114 saying to me is that there will be absolutely no regulations except the discharge of a firearm regulations.
115

116 Michael Harvey: The Sheriff's Office is not being asked to enforce a land use component.
117

118 Lydia Wegman: Won't the minimum back stop be ignored?
119

120 Michael Harvey: I don't know if they are going to exist or not because the County Attorney will be doing the
121 recommendation.
122

123 Peter Hallenbeck: I suggest that in regard to the item on page 34 at some point we go around the room and people
124 just address what they think otherwise we will be here talking back and forth. If two and three go away then the
125 Sheriff Deputies have to decide is it safe.
126

127 Michael Harvey: Well in conclusion let me just say everything else about the ordinance is going to stay the same
128 including the non-residential activity. Please note, on page 40 we added language in consultation with the County
129 Attorney's office. So if you're going to be active with this tonight I ask that replacement page 40 become a part of
130 your official action.
131

132 Paul Guthrie: You have no standard in the rest of the material if you're giving it all to the Sheriff.
133

134 Michael Harvey: We are not giving it all to the Sheriff because recreational facilities are the non-residential activity
135 and the shooting standards will remain in that section for recreational facilities. The only thing coming out is for
136 private shooting.
137

138 Peter Hallenbeck: We have to remember where this came from. We had definitions based on profit and non-profit.
139

140 Tony Blake: So there is no distinction between profit and non-profit?
141

142 Michael Harvey: Well the problem is from a language standpoint the impacts are the same.
143

144 Tony Blake: Right, so there is no leniency with one or the other.
145

146 Michael Harvey: I know it's a lot for you all to take in. I certainly don't want to try to tell you how you should respond
147 to what could potentially happen to the regulations with respect to shooting on private property but again I feel you
148 need to know it's certainly within your purview to say you want to see what the County Attorney does before we make
149 a recommendation.
150

151 Peter Hallenbeck: I would like to go around the room and let everyone comment and then we can have some general
152 discussion.
153

154 Buddy Hartley: I would like to see what the attorney decides.
155

156 Paul Guthrie: I don't think we should be making a formal presentation until we have seen how it's being fitted out
157 through the rest of the county.
158

159 James Lea: I too would like to hear what the attorney has to say.

160

161 Maxecine Mitchell: We should just sit and wait to see what the attorney says.

162

163 Lisa Stuckey: I agree with everybody else.

164

165 Andrea Rohrbacher: I agree with everybody else.

166

167 Tony Blake: Overall I agree with everybody else but I think what really needs to happen is they need to consider the
168 source of the complaint but let's hear what the attorney has to say first.

169

170 Lydia Wegman: I agree with waiting for the attorney but I would like to have these set back requirements enforced in
171 some way.

172

173 Peter Hallenbeck: I am a little concerned about the two incidents a month; I think that's too low for rural areas. I think
174 I would be more concerned that target practice happens during daylight hours than I would how many times it
175 happens. I like the simplification on page 34 that just says that the set-up is designed to keep the projectiles on the
176 property. I think that's something that gives the Sheriff some discretion. I would not be opposed to some setbacks in
177 regard to safety. I like the change on page 40, I think it strikes to the reason we are doing this. Meaning getting away
178 from the profit and non-profit and simply saying is this going on for compensation. We need a big picture with respect
179 to other agencies and how they work together because we keep running into this with planning ordinances. I would
180 now like to open up the floor for any more comment.

181

182 Michael Harvey: It sounds to me like the board would rather not make a decision until it gets something definitive
183 from the County Attorney so my recommendation is that your motion be that this be continued to the December
184 regular meeting and that you ask the county commissioners to extend the public hearing to the first meeting in
185 January.

186

187 **MOTION** made by Paul Guthrie to move continue item to December meeting and request the public hearing be the
188 first meeting in January. Buddy Hartley seconded.

189

189 **VOTE:** Unanimous

190

191 Michael Harvey: Just as a heads up we are due to go before the Board of County Commissioners tomorrow night and
192 extend the public hearing so originally we asked it to be extended to the December 7th meeting, we will ask that it be
193 adjourned until the first meeting in January.

194

195 Peter Hallenbeck: Are there any opposed?

196

197 Peter Hallenbeck: Okay so it is a unanimous decision to wait and not deal with this statement of consistency tonight.

198

199 **AGENDA ITEM 8:** **JOINT PLANNING AGREEMENT AMENDMENT:** To make a recommendation to the BOCC on
200 amendments to the text of the Joint Planning Agreement initiated by the Town of Chapel
201 Hill regarding membership of Transition Area residents on the Town's Planning
202 Commission and Board of Adjustment. This item was heard at the October 15, 2015 Joint
203 Planning Public Hearing.

204

205 **PRESENTER:** Perdita Holtz, Planning Systems Coordinator

206

207 **Note:** Peter Hallenbeck (Chair) left the meeting for a prior engagement and turned the meeting over to Lydia
208 Wegman (Vice Chair)

209

210 Perdita Holtz reviewed the abstract.

211

212 Paul Guthrie: A number of years ago the County Board of Commissioners sent my name to the Town of Chapel Hill
213 to represent the ETJ and rather than appoint me the Town of Chapel Hill's Planning Department redistributed the
214 seats and eliminated the position that I would have been in without any consultation with the County. I like option B
215 but one thing that should be done is to make sure they can't play games with that procedure.

216
217 Tony Blake: I think it's very important that people from the neighborhoods be represented well on these boards.
218 Chapel Hill has been doing away with affordable housing and they seem to be pushing that responsibility more and
219 more on the county.

220
221 Lisa Stuckey: So by state law the ETJ areas have to be represented by at least one person and that person is
222 appointed by the county commissioners, so we are talking about 200 acres and whether or not there should be an
223 appointed person to represent the two purple areas?

224
225 Perdita Holtz: Yes, although it would be ETJ or Transition Area resident.

226
227 Tony Blake: It's just to give them a bigger pool of people to choose from.

228
229 Lisa Stuckey: ETJ is still under 7% of the population and has 2/9 of the representation, I kind of get why it's a
230 problem. I don't think they need one person for the two purple areas.

231
232 Tony Blake: I'm interested in the additional representation because I think there are some very critical decisions
233 coming up in those areas.

234
235 Andrea Rohrbacher: I am tending towards what Lisa said. I don't think we need the two seats. I think the one seat
236 would be adequate.

237
238 Lydia Wegman: Paul wanted to speak so after he speaks we will go around and hear from everybody.

239
240 Paul Guthrie: I personally don't think that one or two makes a lot of difference. I have lived in the ETJ for eleven
241 years and I have never had any communication on anything they are doing in that district. They do not communicate
242 at all so it seems to me that one of the issues is going well beyond what we are talking about.

243
244 Lydia Wegman: So that sounds like something we will want to convey potentially to the Town of Chapel Hill.

245
246 Perdita Holtz: It will be a part of the minutes and the BOCC reads those minutes and they might want to bring it up at
247 one of the joint meetings they have.

248
249 Lydia Wegman: Okay so let's go around, Buddy you can start.

250
251 Buddy Hartley: I'm okay with option B.

252
253 Paul Guthrie: I think I've said about all I need to say. When it comes time to vote I'll support option B. I do think it's a
254 bigger issue than just this issue.

255
256 James Lea: Are we up for a vote on this tonight?

257
258 Lydia Wegman: I think we are supposed to make a recommendation to the BOCC in time for their December
259 meeting.

260
261 James Lea: Based on what I have heard I think option B is a great option.

262

263 Maxecine Mitchell: I had a personal experience when a decision was being made in my area and we left feeling that
264 we were not represented. We went to Carrboro and Chapel Hill and it seemed like they didn't really care. I can
265 understand where Paul is coming from. I would support option B.

266
267 Lisa Stuckey: I am sticking with option A. I think one person for 6.7% is sufficient.

268
269 Andrea Rohrbacher: I am going to stick with option A for the same reason. I would like to also ask that both the Board
270 of County Commissioners and the Town of Chapel Hill be more proactive in recruiting in these areas.

271
272 Tony Blake: I'm going to go with option B from the same reasons I stated and exactly for the reasons Paul and
273 Maxecine said.

274
275 Lydia Wegman: I can see the virtues of option B and I would support option B for the reasons that have been
276 previously stated.

277
278 **MOTION** made by Tony Blake to recommend Option B to the County Commissioners. James Lea seconded.

279 **VOTE:** 6 – 2 (Lisa Stuckey and Andrea Rohrbacher opposed)

280
281 **AGENDA ITEM 9:** **PLANNING BOARD ANNUAL REPORT AND WORK PLAN FOR COUNTY COMMISSIONERS' ANNUAL**
282 **PLANNING RETREAT:** To discuss the input form for the annual BOCC planning retreat in
283 early 2016. The annual report informs the BOCC of the past year's activities of advisory
284 boards/commissions and assists in overall County work planning.

285
286 **Presenter:** Craig Benedict, Planning and Inspections Director

287
288 Craig Benedict reviewed the abstract.

289
290 Lydia Wegman: Will the Planning Board be working on the population projections or will the Planning Department
291 work on it and bring it to the Board for comments?

292
293 Craig Benedict: The Planning Department will be the ones doing it and will then bring it to the Planning Board; this is
294 more of a comprehensive plan.

295
296 Tony Blake: It's foundational to the number of schools, roads, mass transit, and all of the other decisions that are
297 being made.

298
299 Craig Benedict: Exactly and it's the service provisions.

300
301 Tony Blake: In Wake County they have like 120 miles of bike paths that link their parks together. Is that possible in
302 Orange County?

303
304 Craig Benedict: We have a bikeway map now. We have had difficulty creating greenway dedication requirements in
305 the rural part of Orange County.

306
307 Tony Blake: Is there any focus on alternative septic arrangements? That's the key to the whole thing.

308
309 Craig Benedict: We had a work session where Environmental Health and Planning looked at these and they didn't
310 give the go-ahead so I do think we need to bring it back up again.

311
312 Paul Guthrie: In terms of long term planning I think we need to develop a strategy to get ahead.

313
314 Andrea Rohrbacher: Are the County Commissioners going to need to address the co-housing issue?

315

316 Craig Benedict: Yes, when we are modifying to allow five people living in a house that's co-housing.
317
318 Tony Blake: I'd love to see wireless and broadband access mentioned in communications with Jim Northrup.
319
320 Michael Harvey: Yes, we are engaging in that already.
321
322 Lydia Wegman: You mentioned on page 75 that there is a position on the Board of Adjustments for a Planning Board
323 member but the position is currently unfilled.
324
325 Craig Benedict: Yes, we are looking for a volunteer.
326
327 Perdita Holtz: If you're interested you should apply online
328
329 Craig Benedict: I think there were very good comments, there has been some great work done here.
330
331
332 **MOTION** made by Lydia Wegman to move approval of the work plan as amended. Tony Blake seconded.
333 **VOTE:** Unanimous
334
335
336 **AGENDA ITEM 11: COMMITTEE/ADVISORY BOARD REPORTS**
337 **A. Board of Adjustment**
338 None
339
340 **B. Orange County Transportation**
341 None
342
343 **AGENDA ITEM 12: ADJOURNMENT**
344
345 Motion to adjourn made by Lydia Wegman.

Pete Hallenbeck, Chair