

MINUTES
ORANGE COUNTY PLANNING DEPARTMENT
APRIL 1, 2015
REGULAR MEETING

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey (Vice-Chair), Chapel Hill Township Representative; Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Bryant Warren, Hillsborough Township Representative; Laura Nicholson, Eno Township Representative; Lydia Wegman-At-Large Chapel Hill Township;

MEMBERS ABSENT: Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township;

STAFF PRESENT: Perdita Holtz, Special Projects Coordinator; Michael Harvey, Current Planning Supervisor; Ashley Moncado, Special Projects Planner

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Planning Calendar for April and May – to be discussed. Is this helpful? There is a staffing change happening in the department and unless the Planning Board wants to see these calendars each month, this information may stop being produced. The genesis of the calendar was so special because Planning Board meeting dates could be chosen back when the Comprehensive Plan and the Buckhorn Village projects were being worked on because many special meetings were necessary.

Perdita Holtz: As you may be aware, Tina has moved to another department. We are evaluating all the things Tina did and if they should continue. The planning calendar was something Tina put together in the package. We wanted to check with you to see if you find it helpful, want to see it continue, etc. Pete has already told me that it's something he uses.

Paul Guthrie: I usually set up my calendar and have this handy.

Tony Blake: I take this and put it on my Outlook calendar.

Perdita Holtz: We will continue the planning calendar.

**AGENDA ITEM 3: APPROVAL OF MINUTES
MARCH 4, 2015 REGULAR MEETING**

Lydia Wegman: On page 3, line 136 should read, "Can you help me understand why the county would want to change to the state provisions?" On page 4, line 170 and 172, DEAPR is misspelled.

Paul Guthrie: I don't have a change, but I did want to make a comment on line 198 through 201. When I referred to, I wasn't as clear as I should have been, that the constitutionality limit on sex offenders I mentioned had to do with the issue with the power of the state not that there were sex offenders under sentence and that could have constitutional implications for some of the things we were talking about in the placement of sexually related business because it has to do with basic rights of individuals that exercise certain freedom of rights.

MOTION by Bryant Warren to approve the Planning Board minutes with corrections. Seconded by Laura Nicholson.

55 VOTE: UNANIMOUS

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58 AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

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61 AGENDA ITEM 5: PUBLIC CHARGE

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Introduction to the Public Charge

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

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PUBLIC CHARGE

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

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82 AGENDA ITEM 6: CHAIR COMMENTS

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84 Pete Hallenbeck: The process we go through is to remind everyone, when we vote, if someone votes against
85 something, there is an opportunity to provide a minority report where you can say, here is why I didn't like it or vote
86 for it.

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89 AGENDA ITEM 7: 2030 COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT
90 AMENDMENTS: To review changes that have been made to the proposed UDO text
91 amendment to establish a zoning program commonly referred to as Agricultural Support
92 Enterprises (ASE) within the Rural Buffer land use classification and to make a
93 recommendation to the BOCC on the revised text amendment. This item was heard at the
94 February 24, 2014 Quarterly Public hearing and the proposal was recommended for approval
95 by the Planning Board at the May 7, 2014 Planning Board Meeting.

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Presenter: Perdita Holtz, Planning Systems Coordinator

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99 Perdita Holtz: Reviewed the item and background.

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101 Lydia Wegman: What is an agricultural processing facility community?

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103 Perdita Holtz: I don't have all the definitions so I can't read it directly. It is the one that has five or fewer farm
104 partners that are doing an agricultural processing facility on one of their farms.

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106 Pete Hallenbeck: Does that imply that the people involved must be farmers from that area?

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108 Perdita Holtz: Yes. Orange County or the surrounding counties.

109
110 Paul Guthrie: How is processing defined? What if five farmers are growing wheat and they put a threshing machine
111 for all them on one farm for an extended period of time. Would that be a processing system?
112
113 Perdita Holtz: If the machine was outside and not in a building for a limited amount of time. Technically it may be
114 considered, but may fall under bona fide farm regulations.
115
116 Tony Blake: It is not beef processing?
117
118 Perdita Holtz: That would be under meat processing.
119
120 Lydia Wegman: But that is permitted?
121
122 Perdita Holtz: Community meat processing would be permitted, but that is not agricultural processing under the
123 definition. There is non-meat and meat.
124
125 Lydia Wegman: It says, permitted by right.
126
127 Perdita Holtz: On the table of permitted uses, a community meat processing facility would be permitted by right.
128
129 Lydia Wegman: If it is permitted by right, that means only the staff gets to address those issues, correct? So the
130 public has no input at all regarding size, noise, and smell?
131
132 Perdita Holtz: Yes. But there are standards about the size and what is permitted. In the use specific standards for a
133 community meat processing facility, the building cannot be more than 10,000 square feet, located at least 100 feet
134 from the property lines, and outdoor storage only in the rear yard, screened from view. As far as the odors, under the
135 performance standards in Section 6.4.....
136
137 Michael Harvey: In Section 6.4 there is air pollution, but not odor per say. There are statutory limitations and
138 protections granted to farmers with respect to odors, limiting them from being classified as a nuisance and limiting
139 adjoining property owners to sue under a nuisance provision under the general statute.
140
141 Lydia Wegman: Are there any restrictions on ag odors?
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143 Michael Harvey: There are certain restrictions. Certain farm operations are provided, as defined by state statutes,
144 an exemption from being sued as a nuisance case.
145
146 Lydia Wegman: About the 100 foot setback, one of the slides talked about reducing the setback if there is an existing
147 farm building so that 100 foot could potentially be reduced so there is no guarantee of 100 feet between the
148 processing facility and the adjoining property.
149
150 Tony Blake: Would the definition of processing be extended to slaughter?
151
152 Perdita Holtz: If it's a meat processing facility, yes. If it's agriculture processing not including animals it is just an
153 agricultural processing facility.
154
155 Lydia Wegman: When does the Agricultural Preservation Board get involved?
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157 Perdita Holtz: Their involvement is outlined on pages 22, 23, and 24.
158
159 Lydia Wegman: The reference in Section 2.5.4(C)(1)(b) is just definitional, it is not limited?
160
161 Perdita Holtz: Correct.
162

163 Lydia Wegman: There is no provision for neighborhood information meetings, is that correct?

164
165 Perdita Holtz: There is if you are doing a special use permit application or rezoning application which is a
166 requirement. It is in Section 2.7.

167
168 Lydia Wegman: On page 25, Base Zoning Districts, on the ASE-CZ, is there a definition of compatibility, and then it
169 says thus ensuring and I think that should be en and not in, is there a definition of compatibility, continued
170 conservation, building values or appropriate use of land.

171
172 Perdita Holtz: There is not but the applicability section was taken from existing language in others. It is a legislative
173 decision as to what is compatible.

174
175 Lydia Wegman: Is there any history to what the BOCC would consider?

176
177 Perdita Holtz: Not that I can speak to off the top of my head. It is a case by case.

178
179 Pete Hallenbeck: It is so hard to get everything down in English. A lot of these compatibility issues means if it is a
180 close call it is at the discretion of the BOCC. When we look at all these changes I like to look at the rules and format.
181 What are the rules and then there is the content. Is the general setup and format acceptable in terms of rules and
182 are there specific things in the table of permitted uses I don't like and use that as a way to clarify.

183
184 Lisa Stuckey: On page 14, the towns recommended the four uses that we deleted from the rural buffer. What was
185 their thinking?

186
187 Perdita Holtz: I went to seven meetings with the Town of Carrboro for this discussion. It came down to some of them
188 wanted to vote for something and they wanted this to go forward and so they asked their colleagues what their
189 reservations were and that is what they came up with.

190
191 Pete Hallenbeck: It would be interesting to get a current inventory of any agricultural facilities within the rural buffer
192 that have buildings over 5,000 square feet which would address your setbacks. Another one would be a scatter plot
193 of lots to see how many 100 and 200 acre lots that someone could turn into a farm.

194
195 Paul Guthrie: Is there any language in what you have been working on relative to a piece of property that is
196 legitimately classed as agricultural and wants to begin processing that is now currently under tax leniency? Is there a
197 requirement that the tax be paid before the permit is issued?

198
199 Perdita Holtz: To qualify for the tax value program, if they don't meet the requirements of the tax value program, they
200 will probably drop the tax value for that portion of the property.

201
202 Lydia Wegman: Do you know of any farmers interested in these activities?

203
204 Perdita Holtz: We have had a few inquiries.

205
206 Pete Hallenbeck: I like the fact that the APB is involved. I like the rules on the format. There will always be
207 differences of opinion.

208
209 **MOTION:** Made by Buddy Hartley, seconded by Tony Blake

210 **VOTE:** (7-1) Lydia Wegman opposed.

211
212 Lydia Wegmen: I support some of the uses, but have concerns with a community meat processing facility and why it
213 should be included in the Rural Buffer. To me the Rural Buffer should remain rural and a place to come and relax,
214 enjoy the country. A meat processing facility does not fit into my view of the Rural Buffer.

215

216 Pete Hallenbeck: Just to clarify, you are saying a rural buffer, not an agricultural buffer, and it is a mistake to assume
217 the two are synonymous.
218

219 Lydia Wegman: I know the Rural Buffer definition includes agriculture and I am in support of that, but with concerns
220 over inability to raise nuisance questions over odors under state law, I am not comfortable having that in the Rural
221 Buffer. I will also note that on the community meat processing, part of my concern is that it is permitted by right. If
222 there were an SUP required with input from the neighborhood, I would be willing to support it.
223

224 Paul Guthrie: Any meat processing of any scale will require significant water and water disposal which comes under
225 a whole different thing. Getting a permit could be difficult.
226

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228 **AGENDA ITEM 8: COMMITTEE/ADVISORY BOARD REPORTS:**

229 a. Board of Adjustment
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231 Michael Harvey: Board of Adjustment did not have a meeting.
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233

234 b. Orange Unified Transportation
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237 Paul Guthrie: Bicycle safety issues will be on the agenda for the next two meetings with a recommendation to the
238 BOCC in June.
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242 **AGENDA ITEM 9: ADJOURNMENT:**

243

244 **MOTION** by Lisa Stuckey to adjourn. Seconded by Tony Blake.

245 **VOTE: UNANIMOUS**

Pete Hallenbeck, Chair