

**MINUTES  
ORANGE COUNTY PLANNING BOARD  
OCTOBER 17, 2016  
SPECIAL MEETING**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53

**MEMBERS PRESENT:** Tony Blake (Vice-Chair), Bingham Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Laura Nicholson, Eno Township Representative; Kim Piracci, At-Large; Buddy Hartley, Little River Township Representative;

**MEMBERS ABSENT:** Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Maxecine Mitchell, At-Large Bingham Township;

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz; Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Patrick Mallett, Planner II; Molly Boyle, Planning Technician;

**OTHERS PRESENT:** Emily Bane, Member of the Public; Curtis Bane, Member of the Public;

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

Tony Blake called the meeting to order.

**AGENDA ITEM 2: INFORMATIONAL ITEMS**

- a) Planning Calendar for October and November

Tony Blake informed there's a Planning Board meeting November 2<sup>nd</sup> and a quarterly public hearing November 21<sup>st</sup>.

**AGENDA ITEM 3: APPROVAL OF MINUTES  
SEPTEMBER 7, 2016 ORC NOTES  
SEPTEMBER 7, 2016 REGULAR MEETING**

**MOTION** by Lisa Stuckey to approve the September 7, 2016 Planning Board minutes. Seconded by Laura Nicholson.

**VOTE: UNANIMOUS**

**AGENDA ITEM 4. CONSIDERATION OF ADDITIONS TO AGENDA**

*No additions to 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 citizens and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB

54 will make every effort to uphold a vision of responsive governance and quality public services  
55 during our deliberations, decisions, and recommendations.  
56

57  
58 **PUBLIC CHARGE**

59 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its  
60 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with  
61 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this  
62 public charge, the Chair will ask the offending member to leave the meeting until that individual  
63 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting  
64 until such time that a genuine commitment to this public charge is observed.  
65

66  
67 **AGENDA ITEM 6: CHAIR COMMENTS**

68  
69 *No comments*  
70

71 **Agenda Item 7: Unified Development Ordinance (UDO) Text Amendment** - To review revisions suggested  
72 at the September 12 quarterly public hearing and make a recommendation to the BOCC on  
73 government-initiated amendments to the text of the UDO that would modify existing  
74 regulations the pertain to the Hillsborough Economic Development District.  
75 **Presenter:** Perdita Holtz, Planning Systems Coordinator  
76

77 *Perdita Holtz reviewed the abstract.*  
78

79 Tony Blake: And when you say prohibited do you mean not allowed by right but people could still apply for it?  
80

81 Perdita Holtz: Not allowed by right but they could apply through other means.  
82

83 *Perdita Holtz continued presentation.*  
84

85 Tony Blake: Has this list been gone over with Steve Brantley from economic development? My concern is this might  
86 prevent economic development for a wet lab or something like that where there's actually a demand.  
87

88 Perdita Holtz: I did not show this specifically to Steve but things wet labs and pharmaceutical fall under entirely  
89 different categories. I do not have any concerns with things being removed these are not uses we had envisioned for  
90 the economic development district. But the way that the district was done by NAICS code, it made the tables much  
91 longer to start listing all of the subcategories. I should tell you that how we're doing the whole overhaul of the tables  
92 of permitted uses that Michael talked about last month, the Attorney's Office is strongly feeling that we should go to  
93 using the NAICS Code throughout all of the tables. And it has to do with having all of your prohibited uses listed in  
94 your table so that everybody knows that it's listed, there are no stars, it's prohibited. We've done some initial cutting  
95 and pasting and it's about a 70 page long table of permitted uses. So it's pretty significant. But it looks to be the  
96 direction we're moving in.  
97

98 Tony Blake: Ok because the first four on the list seem to run counter to some of the initiatives that we've had to  
99 increase agriculture and that sort of thing.  
100

101 Perdita Holtz: But if you actually look at the table of permitted uses, it starts on page 32, when you have food  
102 manufacturing and there are still a lot of agricultural product manufacturing that would still be allowed.  
103

104 Tony Blake: Ok.  
105

106 Craig Benedict: Let me just add on to that. As Perdita said you'll see more lists uses and it'll be organized by certain  
107 sectors of the NAICS Code and in there it'll be very specific. I do work with Steve Brantley on a regular basis and

108 we've had titles in there before like Light Manufacturing and they said, "What's that?" so now there will probably be  
109 50 listings of what that means. But we can have it as a document that can be put all together and will be part of the  
110 code. The specificity, although it adds 40 pages or so, is going to be helpful. And let's say there is a use that we  
111 want to pop back in there; we have to be flexible enough to be able to do that. This was part of the Commissioners  
112 request from the September meeting, to develop consistency across the EDDs.

113  
114 Lisa Stuckey: I have one little question. Wasn't one of the concerns the asphalt plant? Is that covered with coal  
115 product?

116  
117 Perdita Holtz: Yes. It is. It's like cement and concrete. It's listed as a subcategory to that main category.

118  
119 Lisa Stuckey: Ok. I thought it was probably petroleum.

120  
121 Kim Piracci: What do these all have in common?

122  
123 Lisa Stuckey: Noxious.

124  
125 Kim Piracci: The animal food manufacturing is noxious?

126  
127 Perdita Holtz: When we looked at the sub sector 311 food manufacturing and there are nine different uses under  
128 there and animal food manufacturing is one of them. Grain, sugar and confectionary product, vegetable and fruit  
129 preserving, specialty food manufacturing, dairy product manufacturing, animal slaughtering and processing, seafood  
130 product preparation and packaging, bakeries and tortilla manufacturing and other food manufacturing are the nine  
131 subcategories and most of those would be allowed. Animal food manufacturing we would take out because they do  
132 tend to have smells associated with them.

133  
134 Craig Benedict: And the other similarity... We have performance standards for a lot of uses that were permitted by  
135 right. Fumes, vibration, dust, noise, and light. So you'll see a lot of similarities here that could be some sort of odor or  
136 fumes and we didn't have them specifically prohibited and now we're being more specific.

137  
138 Tony Blake: Curtis Bane had a question, I believe.

139  
140 Curtis Bane: What's the impact fee going to be on these businesses?

141  
142 Perdita Holtz: What kind of impact fee?

143  
144 Curtis Bane: There's not going to be an impact fee for these?

145  
146 Perdita Holtz: Orange County charges school impact fees but only new residential construction pays school impact  
147 fees because residential is what causes school impacts.

148  
149 Craig Benedict: So there'll be no impact fees on any non-residential uses in the County.

150  
151 Curtis Bane: What about buffer zoning?

152  
153 Craig Benedict: Buffers on streams?

154  
155 Curtis Bane: In between properties, on streams next to the residential.

156  
157 Perdita Holtz: They all still apply.

158  
159 Tony Blake: And these restrictions would not apply to farms, right?

160

161 Perdita Holtz: If it's a bonafide farm and it's a farming activity that's happening then they are exempt from zoning,  
162 yes.

163  
164 Craig Benedict: We are in the process of examining all of our stream buffer requirements to make sure that what we  
165 require now meets the intended purposes of the water quality protection. Presently they're not suggesting any  
166 changes. We are authorized to make changes for setbacks, stream buffers and things like that but we regularly  
167 readdress our existing standards to make sure they're meeting their intended purpose.

168  
169 Curtis Bane: It's my understanding that in between the two different properties there are buffer zones on each  
170 property.

171  
172 Craig Benedict: I can speak to you separately about it. I'll give you my card and we'll talk about some of our  
173 standards. We do have standards if the uses are similar the buffers are usually less. If they're dissimilar sometimes  
174 the buffer varies.

175  
176  
177 **MOTION** by Kim Piracci to recommend the proposed amendment package regarding the UDO ordinance  
178 amendments Hillsborough Economic Development District to the BOCC. Seconded by Lisa Stuckey.

179 **VOTE: UNANIMOUS**

180  
181  
182 **Agenda Item 8: Unified Development Ordinance (UDO) Text Amendment** - To make a recommendation to  
183 the BOCC on government-initiated amendments to the text of the UDO pertaining to  
184 subdivisions, particularly minor subdivisions, flexible development options, and open space.  
185 This item is scheduled for the November 21, 2016 quarterly public hearing.  
186 **Presenter:** Patrick Mallett, Planner II

187  
188 *Patrick Mallett reviewed the abstract.*

189  
190 Craig Benedict: Also, with environmental health the state is also improving additional innovative systems that go  
191 beyond these conventional, off site or not... But there is major trend that the state's hoping looking to look at.  
192 Engineer systems that might be more expensive but they're a lot more innovative. We're encouraged by some of  
193 the new things that are being suggested.

194  
195 Tony Blake: Like the pods?

196  
197 Craig Benedict: Yeah. Pods, and systems that actually provide the liquid that could be used for irrigation on site.  
198 And that's something that really hasn't been used but the technology is there. There are some systems that the  
199 state still hasn't improved yet that we're trying to become a test area for them because they work in other parts of  
200 the United States and other countries. So, let's try that too. It's not a major risk. In any.. you do with these  
201 innovative pilot programs they're trying to get the approval that the state let us do it at a local level. We'll have ways  
202 of backing up the system with land so it doesn't become a problem.

203  
204 Kim Piracci: So that would be done on individual house level?

205  
206 Craig Benedict: Yeah, it would probably be a pilot program. We're trying to think of some lands up near Lake  
207 Orange that have had failing conventional septic systems and put something in. And it would be something that if  
208 you had to pump into it off site, a repair area, you could.

209  
210 Lisa Stuckey: An off site septic is new to me. What is that? How off site can it go?

211  
212 Patrick Mallett: Well we follow the state guidelines. And basically think of if in terms of, "I buy lot one of a  
213 subdivision. I would have a corresponding, there would be an easement that would go through the open space and  
214 then there would be a corresponding deed to 1A, which would be my septic field. It would simply be out in the open

215 space and combine with other septic systems. It's not a package plan, it's not a community system, but there's a  
216 deeded area out there that's made this fenced in and I basically own the deed but the HOA has the open space.

217  
218 Lisa Stuckey: The tank?

219  
220 Patrick Mallett: No. You would buy your house. I would buy lot 1 and I would build my home and the builder would  
221 be responsible for installing the tank and then gets hooked up to the tank system and then it either goes gravity flow  
222 or it gets pumped through a trench that has lines. To meet a state standard they have to be labeled a certain way,  
223 the trench has to be constructed a certain way and then it goes out to the drain field. But specifically, physically,  
224 legally lot1/lot 1A it goes out to that drain field.

225  
226 Kim Piracci: So 1A is a piece of the drain field? Everybody has a piece of it?

227  
228 Patrick Mallett: Yeah. So if I bought lot 2 then I would have lot 2 and then 2A would be my area so there's direct  
229 accountability. The probably with a community package systems is that it's kind of an all or nothing proposition. If  
230 the system fails everybody goes down. With this, it's the same as if it was on the lot and one of the benefits is... So  
231 I've got a 5 acre lot and I know where my drain field is, pretty much but I've got 5 kids that like to play football... I  
232 would rather that area be in an open space where it's there's no ambiguity to be fenced in and maintained.

233  
234 *Patrick Mallett showed schematics.*

235  
236 Kim Piracci: But no trees. Is that sort of the idea as well?

237  
238 Patrick Mallett: Yeah. You don't want to have infiltration. There are systems that you can work around trees but  
239 ideally you wouldn't want a tree.

240  
241 *Patrick Mallett continued presentation.*

242  
243 Lisa Stuckey: Can you explain that first one?

244  
245 Patrick Mallett: So there's no incentive for you to do a flexible design on a minor subdivision. Technically, you can  
246 dedicate open space today but there's no reason for.. You're not going to get any benefit out of it from a regulatory  
247 standpoint. With this provision you can go above 5 lots but you're going to have to provide open space and other  
248 measures to best take care of... It wouldn't be against the increase because, quite honestly, I would say your  
249 average minor subdivision probably leaves 50% of the theoretical allowed density on the table because they don't  
250 want to make that leap into a major subdivision.

251  
252 Craig Benedict: If I can summarize, the incentive is you have a staff approval for more lots down there so people  
253 would be very encouraged to have that staff approval and do a minor subdivision. They're not gaining any more lots  
254 as we say. In the past you could only do 5 by staff approval, now you can go up to 12.

255  
256 Patrick Mallett: Yeah. The reason we picked 12 is because once you go above 12 you have to have a public street.  
257 And so another example is, in the current UDO, if you do a private street and you go above 4 lots you have to go  
258 through what I call a Chinese menu of requirements that allow you to do a private street and there are things like  
259 double the minimum lot size, double the setbacks, increase your stream buffers by 125% and things that you can't  
260 really do that and have a flexible development that encourages open space.

261  
262 Kim Piracci: So developers won't have to come to you and get special permission, up to 12 lots?

263  
264 Patrick Mallett: They would go through the minor subdivision process. You have to get a Concept Plan approved by  
265 the Development Advisory Committee, the Preliminary Plan reviewed and approved by the Development Advisory  
266 Committee, and then prepare a plat.

267  
268 Craig Benedict: But you won't have to go in front of the commissioners.

269  
270 Kim Piracci: And do you still have to go in front of the commissions if you use a convention design option?  
271  
272 Patrick Mallett: Yeah. So if you wanted to do a conventional subdivision with 8 lots and you have no open space,  
273 you didn't meet the flexible design criteria then that would be a major subdivision. You'd have to go to the BOCC.  
274  
275 Kim Piracci: Ok. And so these flexible development types of subdivisions aren't.. This is only when they're using  
276 their own septic, it's not city water?  
277  
278 Patrick Mallett: Well, environmental health regulates the wells and you can do that in an individual well, a shared  
279 well, a community well, different specials that they allow for. They basically stay to the state guidelines.  
280  
281 Kim Piracci: No, but I mean like if this development was going to use city water.  
282  
283 Patrick Mallett: Yeah, they could do that and that would be the easier way to deal with the water part of it.  
284  
285 Lisa Stuckey: How many subdivisions come to the County that have any form of city water?  
286  
287 Patrick Mallett: They're rare but I would say 90% of the time it's going to be a well system that may or may not be  
288 provided that two owners are sharing together. That's almost always a "families" type scenario or you've got a well  
289 provider that's meeting the states standard.  
290  
291 Tony Blake: The important thing is that this doesn't allow you to bypass any of the health regulations, building  
292 codes, or any of the other things that are associated with the subdivision. This is a yearly dividing of the lots in a  
293 more logical versus physical way.  
294  
295 Kim Piracci: That does seem like it increases density so if you had 50 acres you could do 5 lots, right?  
296  
297 Patrick Mallett: You could do 5 10-acre lots.  
298  
299 Tony Blake: Or you could do more.  
300  
301 Kim Piracci: You could do 12 lots.  
302  
303 Patrick Mallett: Or you can do 5 and 5. You can do 2 minor subdivisions and 5 lots each.  
304  
305 Kim Piracci: So the same sets of neighbors you have now more houses on 50 acres.  
306  
307 Tony Blake: The minimum acreage for a house for Orange County 3 acres, isn't it?  
308  
309 Patrick Mallett: .It's dependent on the watershed. A lot of the watersheds allow 1 unit per acre, some 2.  
310  
311 Kim Piracci: The result will probably be more density.  
312  
313 Patrick Mallett: I'm going to give you a biased answer.  
314  
315 Kim Piracci: I mean, it's going to feel less dense because you're going to have all this open space but in fact there'll  
316 be more houses.  
317  
318 Patrick Mallett: That's right. I see it as kicking the can to some extent. I've come to Orange County from a private  
319 sector world and having dealt with developments of all shapes and sizes for 15 years. All over. In high-density  
320 areas like Cary and rural areas of the County. If there's a market for 10 houses then 10 houses are going to get  
321 built in that area because they're honing in on a school or an address or something that's driving the price point in  
322 that market. And it's a matter of do you put all of those together or do you spread them out and kick the can

323 physically further down the road. That probably has a tinge of bias to it... Larger over lots lead to moving  
324 development further and further towards the County.

325  
326 Kim Piracci: If there's a big development it requires more homeowners associations.

327  
328 Patrick Mallet: Well it's pretty rare unless you're doing the other variation of subdivisions that we get being that are  
329 typically the 2 lot subdivisions and it's The Leda's Egg Ranch and Grandma Leda is subdividing to give the  
330 grandson a 2 acre lot. The vast majority of them are going to be the 5 lot subdivisions or the 4 lot subdivisions and  
331 because they have to maintain a private road they'll reform a HOA to enforce the road maintenance agreement.

332  
333 Kim Piracci: But that slide that you had that you showed that everybody has their own lot and the lots go to the  
334 creek and all of this is open land. Who owns that open land?

335  
336 Patrick Mallet: It can come in different shapes but basically the property owners association would own it or at least  
337 control it and they would maintain it and if it's a natural area it's a wooded area there is no real maintenance. If  
338 there's a pastoral area they...

339  
340 Craig Benedict: They would have a 1/12<sup>th</sup> interest in that land.

341  
342 Tony Blake: Or shares in a corporation or...

343  
344 Patrick Mallett: Interesting nuance is that they could theoretically be smart about it and possibly explore a  
345 conservation easement or they could take a rolling pasture land and work out an agreement with a farmer and then  
346 they can raise grass or hay and then they get some income from that and the farmer benefits from that.

347  
348 Kim Piracci: So that County or the State has oversight over what HOA's can and can't do?

349  
350 Patrick Mallett: Well part of it is the regulatory aspects of the subdivision section about ordinance. Part of it has to  
351 do with zoning and that part of the development and when they come in to be able to get a building permit there are  
352 different rules that apply. We do record in conjunction with subdivisions things that are called declarations of  
353 restrictions. They cannot neglect restrictive covenants but they don't speak to things like you can't have a purple  
354 door or polka dots on the mailbox. Declarations have to deal with what their setbacks are specifically.

355  
356 Tony Blake: But this does bring to mind one question that I had. A lot of times subdivisions are owned by the  
357 developer until a sufficient amount of the houses are sold. I guess they would just be transferred?

358  
359 Patrick Mallett: Yes. Your typically subdivision has some magic number. It's quite often 20-30% of the homes get  
360 built.

361  
362 Tony Blake: So that leads to the second half of my question which is when we worked with the second fire station  
363 we had had a water garden and we had to deed and access to the County so that if we went bankrupt or something  
364 like that you guys had access and could come in and clean it and charge us for it or charge whatever. Is that same  
365 sort of regulation?

366  
367 Patrick Mallett: Sort of. This is kind of a better scenario because that easement that would go to those deeded  
368 septic systems. It has a requirement for all weather assistance and all weather access. So someone could get out  
369 there, through the field to get to the actual site and you could point to, if a system fails, it is definitively locked under  
370 the owner lot 1. The fines are directly attributed to that owner versus having the HOA responsible.

371  
372 Craig Benedict: Even more importantly, when we rewrote the UDO 4 years ago now we require a meeting from the  
373 developer to the home owners. Some homeowners moving to a rural area don't know what's their responsibility or  
374 what's a common responsibility and so this will be more important because they'll be having off site septic's, access  
375 areas, fencing. So these developing restrictions are going to say you can't necessarily commercialize your open  
376 space but you can have certain agreements.

377  
378 Tony Blake: So the septic counts in the open space but it's not owned by the HOA?  
379  
380 Craig Benedict: There may be an HOA requirement for a common maintenance so that they all hire the same  
381 person.  
382  
383 Tony Blake: Could be governed by the HOA...  
384  
385 Craig Benedict: ...Or if you had a community well. That could be governed by the HOA. But yet it doesn't count as  
386 open space, but it kind of looks like open space.  
387  
388 Patrick Mallett: Yeah, it's a bonus in terms of what we get in terms of the open space. And it's just like a road, the  
389 other nice thing is you're doing off site septic systems that would be a requirement and if you're doing a subdivision  
390 you have to build the road before you can record the lots and it has to be certified. They would have to build the  
391 septic systems, the fence around it and then you come in and the homebuilder builds the house and the tank and  
392 then you hook the system up.  
393  
394 Tony Blake: One more question. Is there any size... we're starting to see some of these 5,000 square foot houses  
395 out where we are and if they ever caught on fire we wouldn't be able to put them out.  
396  
397 Patrick Mallett: It's driven as it is today with any developments, it's driven by the watershed. If you're in University  
398 Lake you have some pretty stringent impervious limitations.  
399  
400 Craig Benedict: There is not a requirement on the house size. It's a matter of imperviousness and... They tried that  
401 in Florida to dictate house sizes by zoning district and that could not be done.  
402  
403 Curtis Bane: Will the open space be taxed the same as the rest of the development?  
404  
405 Patrick Mallett: Theoretically open space would be held by an association or if they worked collectively to get a  
406 conservation easement it would be valued at a lesser rate than it would be if you owned 2 acres. If I have a 1-acre lot  
407 and the other acre is in the open space.  
408  
409 Curtis Bane: If your open space is trees could you harvest those trees?  
410  
411 Patrick Mallett: Theoretically yes, as you could anywhere in Orange County by state law.  
412  
413 Tony Blake: The HOA could restrict that?  
414  
415 Patrick Mallett: That's right. They could restrict that.  
416  
417 Craig Benedict: If it was a farm field and they want to forest that, they could do that, but if it's a native forest and it  
418 has some value, near a stream, we'd probably say, "You have to do selective clearing in there."  
419  
420 Kim Piracci: So you're here talking to us tonight to get permission to do this? Or to not?  
421  
422 Patrick Mallett: To get a recommendation.  
423  
424 Kim Piracci: Is there an example of this around here?  
425  
426 Craig Benedict: Maybe on a smaller scale, we can show you where we've had 33-40% open space and you can  
427 see where we've preserved stream buffers and trees and things like that and the reason we're bringing this forward  
428 is this is suggesting to cluster down even more. We've been limited by 1-acre minimum in rural areas. The density  
429 and the lot size are 2 different things.  
430

431 Tony Blake: But your utilities can be shrunken down and concentrated.

432  
433 Patrick Mallett: Yeah. Examples would be Henderson Woods...

434  
435 Kim Piracci: Is there a sweet spot between too close and... Because I've lived in a subdivision and I loved it until I  
436 didn't. My son couldn't practice drums, I couldn't leave my house without getting barked at by a vicious dog, it was a  
437 great idea until it became difficult to live there and so I can see the idea but I suspect there's a sweet spot. Like half  
438 an acre is a good size.

439  
440 Craig Benedict: It depends on the residence. Sometimes we've had occasions where people bought rural areas and  
441 complained about rooster noises. Or somebody would say, "Don't you have required street lights?" and in rural  
442 areas we don't require street lights so it becomes a choice and sometimes it's a transition. So there are some pretty  
443 close environments so it's just consumer choices. What we should do is just not directly related to this but just to  
444 give you an example, we'll bring some maps and show you the conventional and then we'll take you in the field, just  
445 yesterday it was such a beautiful day, I was driving around to some subdivisions that we approved back in early  
446 2000. I'll show you but I won't mention it but they're not pretty. They backed on roads onto roads and they're  
447 supposed to have some landscaping and trees back there and it just never happened. They died. So this, we  
448 should be able during the process to tuck these away off the road so when you go down a rural area you're going to  
449 still see the roadside trees and most likely we'll be able to tuck them off the road. Not too far to make the road cost  
450 but enough to take a rural character.

451  
452 Patrick Mallett: And I think if there's some people that want the 2 acres and more and then there's another group of  
453 people that kind of want to be in a rural setting but they don't necessarily want to maintain it all. I think maintaining 5  
454 acres is a lot of work.

455  
456 Craig Benedict: And they might want a neighbor within a certain distance, versus so isolated.

457  
458 Patrick Mallett: This gives it more choices. I think that the realization that it doesn't need to be such a short drop off  
459 from Southern Village to the rural area.

460  
461 Tony Blake: Just as a comment; I like the fact that small family farms can set up an area like this, still keep the farm,  
462 and use this as an annuity, sell 1 lot one year, sell another lot the next year and so on.

463  
464 Kim Piracci: Are they going to be able to do that though?

465  
466 Patrick Mallett: So part of what this would allow, and that's another sort of short coming to the minor subdivision, is  
467 that you have to build it all at once and that includes the road. It sort of forces you to do all of it 100% up front. With  
468 this, just like with the major, you could include with your request a phasing plan. Many farms are faced with the  
469 proposition of... The average age of the farmer is pretty high. They're facing 300-acre family farm that's been in the  
470 family for generations and generations...

471  
472 Curtis Bane: And have to get put in there as a tenant farmer and never get anything in your name. And a lot of people  
473 can't even put their children in a place on their farm.

474  
475 Patrick Mallett: So this would allow them to maybe do some.. Let's just say that they get a subdivision approved for  
476 8 units on 30 acres of the 300-acre farm and it's off to the farm. It doesn't gut the farm, it doesn't require 80 acres  
477 under the exempt subdivisions to get done, and it doesn't require them to sell all of those 8 lots at a time... And  
478 that's one of the other realizations to this. Just the land cost, I'm speaking very general terms, if you go way out  
479 past Hurdle Mills you're going to get a land cost that's cheaper but closer in you're going to get anywhere from  
480 \$15,000-\$30,000 an acre in land basis. If you got in the rural buffer a minimum density requirement and lot size of 2  
481 acres or 5 acres, that's a lot of money in the land that a working or even a middle class person may not be able to  
482 afford. This isn't going to be 100% cheaper but it, theoretically, would allow them to get into a rural setting without  
483 having to pay such an exorbitant land cost.

484

485 Craig Benedict: So we're looking for a recommendation from you.

486

487 **MOTION** by Laura Nicholson to approve the proposed modifications to the regulations regarding the subdivisions  
488 and find that the amendment is consistent with the comprehensive plan. Seconded by Patricia Roberts.

489 **VOTE: UNANIMOUS**

490

491

492 **AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS**

493

494 a) Board of Adjustment

495 b) Orange Unified Transportation

496

497 *No Comments*

498

499 **AGENDA ITEM 10: ADJOURNMENT**

500

501 *Planning Board meeting was adjourned by consensus.*

502

503

---

Lydia Wegman, Chair