

MINUTES
ORANGE COUNTY PLANNING BOARD
JANUARY 8, 2014
REGULAR MEETING

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township; James Lea, Cedar Grove Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Johnny Randall, At-Large Chapel Hill Township;

MEMBERS ABSENT: Lisa Stuckey, Chapel Hill Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Vacant- Hillsborough Township Representative; Vacant – Eno Township Representative

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

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Pete Hallenbeck called the meeting to order.

AGENDA ITEM 2: ELECTION OF CHAIR AND VICE-CHAIR FOR 2014

Buddy Hartley: I think Pete has done an excellent job.

MOTION by Buddy Hartley to elect Pete Hallenbeck as Planning Board Chair. Seconded by Tony Blake.
MOTION by Buddy Hartley to elect Lisa Stuckey as Planning Board Vice-Chair. Seconded by Tony Blake.

VOTE: UNANIMOUS

AGENDA ITEM 3: INFORMATIONAL ITEMS

a) Planning Calendar for January and February.

**AGENDA ITEM 4: APPROVAL OF MINUTES
DECEMBER 4, 2013 REGULAR MEETING**

MOTION by Tony Blake to approve the December 4, 2013 Planning Board and ORC notes with correction. Seconded by Buddy Hartley.

VOTE: UNANIMOUS

AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 6: 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

55 harmonious development. OCPB shall do so in a manner which considers the present and
56 future needs of its citizens and businesses through efficient and responsive process that
57 contributes to and promotes the health, safety, and welfare of the overall County. The OCPB
58 will make every effort to uphold a vision of responsive governance and quality public services
59 during our deliberations, decisions, and recommendations.
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62 **PUBLIC CHARGE**
63 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its
64 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with
65 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this
66 public charge, the Chair will ask the offending member to leave the meeting until that individual
67 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
68 until such time that a genuine commitment to this public charge is observed.
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71 **AGENDA ITEM 7: CHAIR COMMENTS**
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73 Pete Hallenbeck: I have one comment, one thing I would like to work on is to get the discussion in the record by
74 going around the table and a little less of just general discussion. I am trying to get it more focused for the
75 Commissioners.
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77
78 **Agenda Item 8: Unified Development Ordinance (UDO) Text Amendment – Home Occupations:** To
79 make a recommendation to the BOCC on Planning Board – and Planning Director – initiated
80 amendments to the Unified Development Ordinance (UDO) to change the existing standards
81 for home occupations, modify and clarify existing regulations and definitions associated with
82 home occupations, and allow for the exemption of special events organized or affiliated with
83 a government or non-profit agency. This item was heard at the December 4, 2013 Planning
84 Board meeting.

85 **Presenter:** Ashley Moncado, Special Projects Planner
86

87 Ashley Moncado reviewed abstract.
88

89 Paul Guthrie: First the disclaimer that I give every time that we in our household have an interest in small business.
90 I have had a lot of questions with this and I have one particular thing that I want to raise which is not new but I want
91 to raise it again. That is for minor home occupations, no matter whether you have one customer per year or 500,
92 you have to pay \$90 to the planning department for the privilege of having a license. I have real problems with that
93 with certain occupations those defined as minor home occupations. I have a little bit of problem with the
94 requirement of a plot plan if it has to be done professionally. I had suggested earlier that it should be sufficient in a
95 residential home to use what is on the GIS system as a sketch of the property and indicate on that whether or not
96 that would be viable. I would hope there could be some accommodation especially for extremely small line of
97 business so that it doesn't become a big paperwork jungle in order to file.
98

99 Pete Hallenbeck: Well, Mr. Harvey do you have a comment on that?
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101 Michael Harvey: As I've indicated before, a plot plan is a simple drawing that you can use the GIS map system, it's
102 actually listed that way in the Unified Development Ordinance. It's not a professionally prepared site plan. The \$90
103 dollar fee is a one-time application fee. There are application fees for everything you have to do and this is a one-
104 time fee that you have to pay. I don't believe it is burdensome and I don't believe it is unnecessary and I believe we
105 are within our right to charge the fee.
106

107 Paul Guthrie: I'm not going to follow with the natural comment other than to say, I believe that to be a burden on
108 people trying to start a small business in a residence and I think as a matter of public policy, given the nature of the

109 changing of the economics in this society, that we ought to be very careful about how we do this. That was one set
110 of comments. My personal opinion, and I think everybody has heard me before on the record, my personal opinion
111 is you will have massive ignoring of this. What will come will be selective enforcement. I'm not comfortable with
112 selective enforcement. I think when you have enforcement, you enforce those who are not in compliance but the
113 enforcement actions and the litigation etc. that will follow will take precious time from the planning department and
114 the legal hypothesis of the County on this and I question that in the area of minor home occupation. I think with that
115 I'll let others comment.

116
117 Herman Staats: I have no comments, I thought it was nicely done and it has been discussed here many times so I
118 have no other comments.

119
120 James Lea: No comments at this time.

121
122 Buddy Hartley: I don't have any problems with the standards set.

123
124 Maxecine Mitchell: I agree with them.

125
126 Tony Blake: I reread it and I don't have any issues with it. I think it is well put together.

127
128 Johnny Randall: I read it and I couldn't find anything of concern. However, what Paul just brought up, so in terms of
129 people not conforming to these regulations, how is it going to be enforced? Is it going to just create contempt for
130 the law for people who don't think they can be caught?

131
132 Pete Hallenbeck: Let me throw my two cents in on that and then see what Michael says. I think what you said is
133 very true. You have all these ordinances and there are always people who are going to fly under the radar and do
134 what they want but I think part of the goal here is that if somebody is doing that and it is bothering their neighbors
135 there is a recourse. I don't know how you get people to follow the rules, it is very difficult, but I do like the fact that
136 at least they are there. It is very difficult to call out a neighbor, it's a catch 22, we all want to be able to do what we
137 can but we like to be able to stop someone else if it is bothersome to us.

138
139 Pete Hallenbeck: Michael, does that pretty much jive with what.....

140
141 Michael Harvey: I'm not going to add anything. Thank you though.

142
143 Pete Hallenbeck: I have two things, one is a question about 5.4.3 special events where it talks about arts and
144 cultural special events in particular it calls out the Orange County Open Studio Tour. The other thing that I am
145 familiar with is the farm tour.

146
147 Ashley Moncado: That is exempt, that would be considered part of a bona fide farm and considered agricultural
148 and covered under a different set of rules.

149
150 Tony Blake: But that just an example.

151
152 Ashley Moncado: Yes, it is being used as an example. That was specifically called out as an example but also to
153 highlight it as well.

154
155 Pete Hallenbeck: That's fine but by throwing it in there seemed odd to have an ordinance call out a specific event
156 instead of making it in general so I wanted to make sure it was an example.

157
158 Ashley Moncado: We could add "for example".

159
160 Paul Guthrie: That's about a 100, anywhere from 90 to 120 artists, who once a year open up their studios in their
161 residences by in large for the tour over two days for two weeks. Every one of those artists will have to pay \$90.

162

163 Pete Hallenbeck: So does this get back to your \$90 concern then?

164
165 Paul Guthrie: That's one of them but it's much more delicate than that.

166
167 Pete Hallenbeck: My second comment on this is on the minor home occupation, the 750 sq. ft. limit is interesting, it
168 takes me out of the game for the sq. footage I have in my house. It takes room to have a machine shop and test
169 benches and rooms for parts and electronics and I don't think how much of your home you use is something that
170 impacts your neighbors. However, I'll also point out that as an ordinance it is pretty nice because if that really
171 bothered me I could apply for a major home occupation and there is a mechanism to do that. That brings me to my
172 last comments and I can't remember an ordinance that had so many lines in the sand that were being discussed.
173 We talked about sq. footage, number of trips, setbacks, what activity you can do, number of visits, size of vehicles,
174 and it is quite extraordinary for this Board to deliberate something that has so many different thresholds and lines in
175 the sand. I think it makes it a very difficult thing to discuss. Those are all my comments. Doesn't anybody have
176 anything thing else to add?

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178
179 **MOTION** by Tony Blake to recommend to the County Commissioners to accept this recommendation with comments.
180 Seconded by James Lea.

181 **VOTE: PASSED 7-1** (Guthrie opposed)

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183 Paul Guthrie: I believe that with this ordinance we are moving into an area that we are not prepared to deal with and
184 I think that while the intention is good, if you read the language carefully, especially when you start picking up the
185 UDO and reading the references, that it exposes the County to some great difficulty, that's point one. Point two, due
186 to the current economic situation, the more and more independent, small businesses erupting whether they start in
187 the garage in California and become a billion dollar corporation or whether they start in a garage in Orange County
188 and become a fifty thousand dollar organization, this can and may, if not administered in a very careful way, be an
189 inhibition to economic development and to small business. I would much prefer to see the County develop a small
190 business license system using some of these definitions than to smuggle it through under a regulation of the use of
191 an individual residential property. With my own experience, two different enterprises in our family, one which falls
192 under this and one which does not, I would vote no.

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

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197 a) Board of Adjustment
198 b) Orange Unified Transportation
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201 **AGENDA ITEM 10: ADJOURNMENT**

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203 Planning Board meeting was adjourned by consensus.

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Pete Hallenbeck, Chair