

MINUTES
ORANGE COUNTY PLANNING BOARD
MARCH 6, 2013
REGULAR MEETING

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MEMBERS PRESENT: Larry Wright, At-Large, Cedar Grove Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Johnny Randall, At-Large Chapel Hill Township; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; Dawn Brezina, Eno Township Representative;

MEMBERS ABSENT: Rachel Hawkins, Hillsborough Township Representative; Peter Hallenbeck (Chair), Cheeks Township Representative;

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

OTHERS PRESENT: Tom Heffner, Phil Koch, Pat & Ed Yahner

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for March and April
b) Interest Areas Raised by Planning Board Members at January 9, 2013 Meeting

Lisa Stuckey: Since Pete is not present, I would like to table this until the next meeting.

AGENDA ITEM 3: APPROVAL OF MINUTES
JANUARY 9, 2012 ORC MEETING NOTES
JANUARY 9, 2012 REGULAR MEETING

Larry Wright: On page 7, line 333 and 334 should read, "Protect Rural Orange wanted to go through the special use permit process. The Board of Adjustment decided against the appeal process."

MOTION by Alan Campbell to approve the minutes with the change. Seconded by Maxecine Mitchell.
VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

Craig Benedict presented Larry Wright and Alan Campbell with certificates of appreciation for their dedication and their work on the Planning Board.

Lisa Stuckey: As Chair, Pete asked me to thank both of you very much for your service on this Board and for your service to our community and our county.

Alan Campbell: It has been a pleasure working with you and an honor to be on this Board.

55 Larry Wright: It has been a pleasure working with you and we have grown so much as a board.

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58 **AGENDA ITEM 5: PUBLIC CHARGE**

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Introduction to the Public Charge

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

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PUBLIC CHARGE

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

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79 **AGENDA ITEM 6: CHAIR COMMENTS**

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82 **Agenda Item 7: PRELIMINARY PLAT – ANNANDALE AT CREEKWOOD – To review and make a recommendation**
83 **to the BOCC on the Preliminary Plat application for Annandale at Creekwood.**
84 **Presenter: Michael Harvey, Current Planning Supervisor**

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Michael Harvey: Reviewed abstract.

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Johnny Randall: Why is the curb and gutter in this?

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Michael Harvey: The curb and gutter is necessary as part of the storm water management transfer system as
91 discussed in the approved Flexible Plan option and detailed in the application packet. This project will need to
92 comply with state storm water standards and requirements, the curb and gutter is just to guarantee the conveyance
93 of storm water so it doesn't run over private property.

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Johnny Randall: So there is no option for swales that can sheet flow across properties?

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Michael Harvey: The applicant chose curb and gutter to avoid potential issues with runoff erosion or other
98 problems.

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Johnny Randall: It is very effective at conveying it and point source outlets. More progressive developments are
101 getting away from curb and gutter unless a sidewalk is necessary. Have we gone beyond the point of no return?

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Michael Harvey: You can express your willingness for them to reexamine their proposal but the flexible
104 development option was recommended by the Planning Board and it showed curb and gutter. This proposal is
105 based on previous Planning Board comments. The Erosion Control officer for Orange County has indicated
106 approval of the preliminary storm water plan as well.

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Johnny Randall: Where will the outlet for the storm water be?

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Phil Cook: I am with Earth Centric Engineering and we are the engineers for the project. There are two separate outfalls for this roadway. (Pointed out the outfalls). There is actually an existing natural swale that comes on the back which allows us to let that have a level spreader respect.

Johnny Randall: The other issue has to do with critters moving around (i.e. salamanders and box turtles). Given that this development on two sides had significant natural heritage areas and there is a creek. I apologize this didn't come to my attention earlier but I want it on the record.

Larry Wright: This is just for information, I was at a dinner meeting with a commissioner from another county and she thought the DOT requirements for a cul-de-sac was 50 feet. Can you clarify that?

Michael Harvey: There is a difference between radius and the pavement portion. The minimum 37 feet of paved area will be the minimum amount of paved area required for the project although the radius of the cul-de-sac will be a lot wider to incorporate all elements in the right-of-way. The right-of-way for the cul-de-sac will have a radius of 50 feet. If there are no other questions, let's move on to utilities.

Alan Campbell: On the septic areas, it looked slightly more involved than a conventional system. Are they basically conventional with some tweaks with pretty much the same cost?

Phil Cook: Not the same cost. They are a little more expensive. Some of the lots have conventional systems. There are two systems that use one of the line reduction methods.

Johnny Randall: About the septic drain field areas, they are pushed to the limit of the lots where the 50 foot buffer zone, could they be pulled closer to the homes? One issue that would make the Triangle Land Conservancy more interested in this development would be to offer them the option of holding conservation easements on some of those lands adjacent to both Duke Forest and their own property.

Michael Harvey: The areas with the plats have been identified as perkable soils. It is certainly possible to have them moved. We require they be denoted on the plat to ensure there is perkable soil in each lot. With respect to the open space ownership issue Mr. Heffner (the applicant), at the November 7, 2012 Planning Board meeting, the question came up of ownership of open space, where discussions on conservations easements were made. Essentially, it was his determination that the local residents would be more readily available to address issues in respect to management of the open space areas.

Tom Heffner: My experience has been that it is preferable to have homeowner's association; there has to be ownership of the open space so the HOA would own a fee simple interest in that space.

Michael Harvey: What will ultimately determine the final location of the septic field is the size of the house, the number of bedrooms and the location of the well.

Johnny Randall: Given this site is forested with mature hardwood forest, if I, for instance, If the septic drain field was pulled closer, there would be much greater sense of being in the forest.

Tom Heffner: Drain fields are not cleared.

Michael Harvey: Continued reviewing abstract.

Motion made by Larry Wright to approve the preliminary plat as submitted. Buddy Hartley seconded.

Vote: 9:1 (Randall opposed) passed.

Agenda Item 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO to modify existing

163 language to provide additional reference to land disturbance thresholds related to stormwater
164 management standards. This item was heard at the February 25, 2013 quarterly public
165 hearing.

166 **Presenter:** Michael Harvey, Current Planning Supervisor

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168 Michael Harvey: This item begins on page 51 of the abstract. I would like to review what occurred at the Quarterly
169 Public Hearing and get feedback. This item will come back at the April regular meeting once the comments from
170 OWASA are obtained.

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172 Larry Wright: On the BOA, we heard an application where they were dealing with impervious surfaces. . They
173 couldn't get the driveway to the house. I would like to know, translating it to this, this 6% is not 6% when someone
174 buys a parcel and it is on a corner lot. The 6% is not their land.

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176 Michael Harvey: I will respectfully disagree. In the instance you are referring to, it is a 10 acre exempt subdivision,
177 meaning it did not go through the formal staff review and approval process. They had easements for the various
178 roadways placed on this property without thought of impacts associated with impervious surface limits. Roadway it
179 does contribute to the 6% impervious surface limit but the problem was created through the process they went
180 through in that the developer did not allocate impervious surface area from all of the lots to address roadway
181 construction.

182
183 Larry Wright: Are there parcels that were purchased like that application for the BOA that would be in the same
184 scenario?

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186 Michael Harvey: I am sure there are.

187
188 Larry Wright: What would happen?

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190 Michael Harvey: They apply for variances or make do with what they have.

191
192 Alan Campbell: I would like to get a sense of the current requirement is 6% and University Lake requires a
193 professionally prepared site plan. What is the benefit having that versus a plot plan? Does it help you understand
194 they are meeting that 6%?

195
196 Michael Harvey: We get with a certain level of specificity with a professionally prepared site plan versus a plot plan.
197 Detailed are breakdowns of the impervious surface is just a prime example.

198
199 Alan Campbell: It sounds like you are proposing an automatic burden on a lot of people when there is no need for it
200 when you always have the option of requirement and storm water to back you up.

201
202 Michael Harvey: That is not a wrong argument.

203
204 Lisa Stuckey: Is there a consensus among the group that "c" is the feedback we want to give.

205
206 Herman Staats: I understand based on that map that you have the 6% zones and they would have to have a
207 professionally prepared plan. How does the storm water runoff criterion compare or what does that mean?

208
209 Michael Harvey: Basically, we wanted to avoid county planning staff looking at one set of drawings and Orange
210 County Erosion Control looking at a totally different set. On page 54 for example, you can have ½ to one acre of
211 disturbance. If "c" were the option, regardless of the watershed you are in, if you exceed these thresholds; we need
212 a professionally prepared site plan.

213
214 Herman Staats: If we used "c" these people in the 6% zones would not have to do it unless they met the storm
215 water criteria.

216

217 Michael Harvey: Or we make the formal determination we cannot make an affirmative finding a permit can be
218 issued unless we have more detail.

219
220 Tony Blake: I am trying to understand the historical context here. I realize that was the only water supply when
221 that was put in effect. I don't understand why around Little River is 6% and others are not.

222
223 Craig Benedict: Part of University Lake is to ask OWASA what they know from history. That goes back before the
224 watershed rules were put in effect in 1994. Little River was in protection for a Durham water supply and that is not
225 a requirement of the state just Orange County protecting water supply. In Cane Creek, it is a very small watershed
226 and we are going to see what the differences or state mandates are in excess of that.

227
228 Herman Staats: The only other issue is the interaction with the public so if you use the storm water guidelines but
229 then you have the discretion of the requiring a professional plan, what will be the most public friendly.

230
231 Michael Harvey: There is language in the code that gives us discretion of requiring a professionally prepared site
232 plan if we can't make a decision with respect to the issuance of permit and what is proposed complies with County
233 regulations. The typical cadence for a permit review now is that local residents, developers, etc. come to the
234 planning department and we do a site assessment. That provides a brief explanation, examination of the natural
235 features on a property. We have been directed by the BOCC to provide you with OWASA feedback in response to
236 the change in the ordinance and they will be giving you some history.

237
238 Lisa Stuckey: At this point, we are waiting for OWASA?

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240 Michael Harvey: We are looking to answer your questions tonight and give us feedback on the option preference.
241 What I have heard here is that there is a consensus for pursuing Option "c" while awaiting a response from
242 OWASA.

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245 **Agenda Item 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT** – To make a recommendation
246 to the BOCC on government-initiated amendments to the text of the UDO to make changes to
247 the section regarding the Planning Board's Rules of Procedure. This item was heard at the
248 February 25, 2013 quarterly public hearing.
249 **Presenter:** Perdita Holtz, Special Projects Coordinator

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251 Perdita Holtz: Reviewed abstract.

252
253 **MOTION** by Larry Wright to accept the changes. Seconded by Maxecine Mitchell.
254 **VOTE: UNANIMOUS**

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257 **Agenda Item 10: PLANNING BOARD LIAISON TO THE OUTBOARD** – To nominate a Planning Board member to fill
258 the position on the OUTBoard designated for a Planning Board member.
259 **Presenter:** Perdita Holtz, Special Projects Coordinator

260
261 Perdita Holtz: Reviewed abstract.

262
263 Alan Campbell: Explained his work on the OUTBoard.

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265 Andrea Rohrbacher: I would like to volunteer.

266
267 **MOTION** by Alan Campbell to accept Andrea Rohrbacher. Seconded by Maxecine Mitchell.
268 **VOTE: UNANIMOUS**

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271 **Agenda Item 11: ANNUAL BOCC RETREAT**– To receive a brief oral report on planning-related outcomes of the
272 annual BOCC retreat held on February 1, 2013.
273 **Presenter:** Craig Benedict, Planning Director
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275 Craig Benedict: Reviewed the goals from the BOCC Retreat.
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278 **AGENDA ITEM 12: COMMITTEE/ADVISORY BOARD REPORTS**
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- 280 a) Board of Adjustment
- 281 b) Orange Unified Transportation
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- 283

284 **AGENDA ITEM 13: ADJOURNMENT**
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286 **MOTION:** made by Larry Wright to adjourn. Seconded by Maxecine Mitchell.
287 **VOTE: UNANIMOUS**
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Pete Hallenbeck, Chair