

MINUTES
ORANGE COUNTY PLANNING BOARD
APRIL 2, 2014
REGULAR MEETING

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Herman Staats, At-Large, Cedar Grove Township; Paul Guthrie, At-Large Chapel Hill Township; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; James Lea, Cedar Grove Township Representative

MEMBERS ABSENT: Lisa Stuckey, Chapel Hill Township Representative; Buddy Hartley, Little River Township Representative; Maxecine Mitchell, At-Large Bingham Township; Vacant- Eno Township Representative; Vacant- Hillsborough Township Representative; Vacant- At-Large;

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

OTHERS PRESENT: Brent Niemann, Louis Iannone, Beth Trohes, Rich Kirkland

HANDOUTS: *Email from Louis Iannone to Mrs. Wise*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for April and May

Perdita Holtz: We are having a public information meeting in Efland next Monday at 5:30 at Efland Cheek Elementary School on the Efland Overlay District.

AGENDA ITEM 3: APPROVAL OF MINUTES
MARCH 5, 2014 REGULAR MEETING

Tina Love: I have one correction, the adjournment was left off and I have added it. Paul Guthrie moved to adjourn and Tony Blake seconded.

MOTION by Tony Blake to approve the March 5, 2014 Planning Board minutes with correction. Seconded by Paul Guthrie.

VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE
Introduction to the Public Charge

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

63 **AGENDA ITEM 6: CHAIR COMMENTS**

64
65 Pete Hallenbeck: I would like to thank Buddy Hartley for chairing the quarterly public hearing and thank Lisa for
66 chairing the Planning Board meeting.
67

68 **AGENDA ITEM 7: CLASS A SPECIAL USE PERMIT:** To make a recommendation to the BOCC on a Class A Special
69 Use Permit application seeking to develop a solar array/public utility station on two parcels of
70 property, totaling approximately 52 acres in are, off of Redman Road between the railway and
71 Interstate 85/40 in Cheeks Township. This item was heard at the February 24, 2014 quarterly
72 public hearing and was discussed at the March 5, 2014 Planning Board Meeting.
73 **Presenter: Michael Harvey, Current Planning Supervisor**
74

75 Michael Harvey: Reviewed abstract.
76

77 Pete Hallenbeck: I have a comment. We have a letter regarding the fields that might be emitting from this and I
78 would like to state I am an electrical engineer, I've done a great deal of work in radio and radio fields and other field
79 work to pass FCC specs, and I am comfortable with the statement being submitted.
80

81 Michael Harvey: It is appropriate for a member of the Board to make a motion to approve staff findings beginning on
82 page 22 through page 34 finding in the affirmative as recommended by staff and then begin deliberation on the
83 information provided on the pages 35 through 37. On page 38, staff has recommended seven conditions on this
84 project.
85

86 **MOTION** made by Tony Blake to approve the staff findings on pages 22 through 34 to find in the affirmative and non-
87 applicable where indicated. Seconded by Herman Staats.

88 **VOTE:** Unanimous
89

90 **MOTION** made by Herman Staats to approve Section 5.3.2 on page 35 keeping in mind the conditions on page 38.
91 Seconded by Tony Blake.

92 **VOTE:** Unanimous
93

94 **MOTION** made by Tony Blake that the proposal will abide by Section 5.3.2 (A) (2) (b) with the inclusion of the seven
95 recommendations from staff on page 38. Seconded by James Lea.

96 **VOTE:** Unanimous
97

98 **MOTION** made by Tony Blake that the proposal will abide by Section 5.3.2 (A) (2) (c) with the inclusion of the seven
99 recommendations from staff on page 38. Seconded by Herman Staats.

100 **VOTE:** Unanimous
101

102 **MOTION** made by James Lea to recommend approval of the project with the seven conditions with further indication
103 that we have found there is no competent material or substantial evidence in the record proving the applicant does
104 not meet the UDO. Seconded by Tony Blake.

105 **VOTE:** Unanimous
106

107

108 **AGENDA ITEM 8: 2030 COMPREHENSIVE PLAN AND UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT**
109 **AMENDMENTS:** To make a recommendation to the BOCC on government-initiated amendments
110 to the text of the UDO to establish a zoning program commonly referred to as Agricultural
111 Support Enterprises (ASE) outside of the Rural Buffer land use classification. This item was
112 heard at the February 24, 2014 quarterly public hearing.
113 **Presenter: Perdita Holtz, Special Projects Coordinator**

114
115 Perdita Holtz: Reviewed abstract.

116
117 Tony Blake: You are talking about ground water, you are not talking about a farm pond used for watering animals or
118 irrigation?

119
120 Perdita Holtz: Correct. We are talking about a well being drilled. If it would be more clarifying to put in 'ground water
121 accessed via a well', we can put that in the language.

122
123 Tony Blake: I am out of my area of knowledge.

124
125 Paul Guthrie: Are we comfortable with the 240 figure that is used through most of this dialogue as the baseline.

126
127 Perdita Holtz: A recharge study done in the 1990's found the recharge rate was over 300 gallons per day per acre of
128 land. We are comfortable that the average single family home uses 240 gallons per day. It is an average.

129
130 Paul Guthrie: I speak from experience and getting three gallons a minute at 270 feet and in those days the well up
131 the street was 80 feet so it varies so much.

132
133 Perdita Holtz: It is true that in Orange County, the structure of the underground geology is you can have your well
134 and your neighbor's well literally 50 feet away could have to be at a different depth. That is one of the purposes of
135 ground water studies.

136
137 Pete Hallenbeck: I think someone trying to set up an enterprise, thinking they could get more than that, they are
138 smart enough to not depend on the water. I think this is a reasonable number.

139
140 **MOTION** made by Paul Guthrie to accept the planning director's recommendation. Seconded by James Lea.

141 **VOTE:** Unanimous

142
143
144 **AGENDA ITEM 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT – HOME OCCUPATION:** To review
145 certain aspects of the Planning Board- and Planning Director-initiated amendments to the
146 Unified Development Ordinance (UDO) regarding Home Occupations. At the February 18,
147 2014 BOCC meeting, the BOCC referred this item back to the Planning Board and staff for
148 further consideration.
149 **Presenter: Ashley Moncado, Special Projects Planner**

150
151 Ashley Moncado: Reviewed abstract.

152
153 Paul Guthrie: If everybody read the minutes of the last meeting, I won't repeat those. I am concerned, while I
154 understand from a practical standpoint how this proposal is organized, it is visualized as protection of residential
155 neighborhood but in many cases, it will be governing places that under no definition would be a residential
156 neighborhood. I understand this is a practical problem of how you define things; it tends to make it easier for people
157 with larger properties and more money to own those properties in order to get into some of the businesses this tends
158 to regulate. I have some concern about that as you get into rural areas because I think that is an unfair balance we
159 don't need to get in to. In many cases, this will be a case of selective enforcement because I don't think the planning
160 department, even in its best day, can totally enforce this because the number of instances that may be used without
161 going through the permitting process so I am always concerned about government regulations where it will be

162 impractical to totally enforce. After reading this I read the intergovernmental sections which suggests to me that parts
163 if not all of this may be actually enforced and moderated by jurisdictions other than the County of Orange because of
164 the enforcing standards where there is contract in areas near cities, town, etc. I would like a better explanation that if
165 this is adopted who will enforce it. I think that is a fair question for the Commissioners. Finally, for a minor permit to
166 require a \$90 upfront one-shot cost is pushing the creditability of the staff because the minor permit involves the
167 description of two pieces of paper that will clearly show it is or is not eligible for a minor permit.
168

169 Herman Staats: I like the comment made that the goal is try to balance use of a home as a residence versus use of
170 a home as a business. I think that is something we need to keep in mind with all the discussions we have here. We
171 need to find the balance that allows for some small business while also allowing people who have their homes
172 nearby to enjoy them. I would like to hear more discussion about the proposed changes and concerns about
173 setbacks and things and see the recommendations.
174

175 James Lea: No comment.
176

177 Andrea Rohrbacher: I don't know how this will be enforced if someone were new to the area and decided they want
178 to start a home business, I think they would go ahead and set up an office and start doing what they do through the
179 home with a small office space and I don't think that would have an impact as we try to address this ordinance but it
180 seems we have put a lot of work into this and there are a lot of regulations that have been thought but will it
181 accomplish what we want it to do with respect to being able to avoid the folks that were not aware and found out they
182 were in violation.
183

184 Pete Hallenbeck: So, some of your concern is for someone who had a smaller operation, one office with just
185 themselves, would they get into a situation where they were in violation and were not aware of it and how would that
186 enforcement occur and what would happen to them. Ashley, if you have one person with no employees it wouldn't
187 be...
188

189 Ashley Moncado: It would most likely be waived, and you would not have to go through the permitting process.
190

191 Pete Hallenbeck: It would not be until you had employees showing up for work that things would kick in.
192

193 Ashley Moncado: Visitors, signage, and then these standards would be in effect.
194

195 Andrea Rohrbacher: What if you had no employees and offered craft classes and had twelve cars in front.
196

197 Ashley Moncado: Then you would have to go through this process.
198

199 Andrea Rohrbacher: How would that person know that?
200

201 Ashley Moncado: Unfortunately, we would have a difficult time reaching them. We are going to provide outreach
202 and have education to let residences know of these changes. But in the situation you described we wouldn't know
203 unless a complaint was received or they contacted our office.
204

205 Pete Hallenbeck: Someone involved in a home business and unaware they were in violation, it will be complaint
206 driven before someone finds out. At that point, the planning staff doesn't show up to put that person in jail but inform
207 them of the process. The goal in the planning office is that if someone complained, the person applied for the permit
208 and things would be great. The only problem would be if someone found out they were in violation and would not
209 apply for the permit then it goes to another level.
210

211 Ashley Moncado: There is no fine.
212

213 Michael Harvey: The typical proceeding is educational first; we work together to correct it. If you choose not to
214 comply, then we would do an enforcement action which states you comply or else, as with any violation with the

215 code. It is incumbent upon the property owner to do their due diligence and determine what regulations, if any, are
216 applicable for anything they are proposing to do.

217
218 Tony Blake: It seems the 'structure built with suitable residential construction materials to resemble' is subjective and
219 could use a statement that says 'compliments' or 'the same as adjacent or neighborhood construction'. I think one of
220 the reasons for this is to get people who have home base businesses to come into compliance and possibly pay
221 taxes and be part of the structure than flying under the wire. I am curious as to if there is a non-conforming existing
222 use where someone has been there for a while and now with this ordinance, can you make them?

223
224 Michael Harvey: As we have stipulated during the public hearing, we do have non-conforming regulations in the
225 UDO that specify that a use that was legal at the time it was created made illegal by amendment to the code is
226 allowed to continue, there are limits. This regulation liberalizes several existing situations that make establishing a
227 home occupation easier. There are structures that already exist as part of the home occupation that may not comply
228 with setback. We will not require people to bring those structures into compliance with code if adopted.

229
230 Pete Hallenbeck: In general, you can't shut down a currently legal operation with a zoning change.

231
232 Paul Guthrie: Has there been any consideration by the county attorney as to whether or not the way you have
233 separated this proposed ordinance that it violates the Equal Protection of Laws under the United States Constitution?

234
235 Michael Harvey: You would have to ask the county attorney but I will tell you and Ashley will confirm it, the county
236 attorney reviewed and signed off on this proposal.

237
238 Paul Guthrie: Even though two activities in two different locations and the sole difference in permitting and non-
239 permitting is the size of the property they exist on.

240
241 Michael Harvey: We currently have that same distinction in zoning districts throughout the county and it doesn't
242 violate the equal protection clause. Different zoning districts, different scenarios of the property breed different
243 standards and evaluation. That is already a constant within zoning ordinances throughout the county.

244
245 Paul Guthrie: Once the ordinance is passed, how will the organization communicate to the general public these new
246 standards?

247
248 Ashley Monaco: We will provide a source on the county website through our division with the new information to
249 contact me directly regarding questions. We will also have a press release to the local newspaper and a possible
250 outreach meeting. Based on how home occupations operate on a case-by-case basis it may be more difficult to do
251 one mass meeting because a lot will be a case-by-case basis on how it will affect an individual. If adopted we are
252 proposing a delay in implementation until July 1 to give staff time to get the information out. If it goes to May 8, we
253 are looking at a delay until July 1 for implementation.

254
255 Paul Guthrie: This is a permit fee, has there been consideration whether it could be considered tax?

256
257 Craig Benedict: It is not based on the value of the property. It is based on what the cost is to provide a review of the
258 proposal. It is based on personnel and time it is not based on property values.

259
260 Paul Guthrie: So you can document the average cost to review?

261
262 Craig Benedict: Yes. That is how we based it.

263
264 Michael Harvey: I would like to add the elected officials of the county set the fees not the planning staff.

265
266 Paul Guthrie: That is irrelevant to the question.

267
268 Michael Harvey: I disagree and I would refute that answer.

269
270 Paul Guthrie: As a fee it has to have some basis in fact to stand as a fee. So, if they make the judgment, unless
271 you can refute their judgment, then that brings it into jeopardy. On the other hand if you are comfortable that you
272 have data to support that fee, that makes it a different thing. I guarantee sooner or later, this will end up in court. It
273 may be later and usually when they end up in court, they are the nastiest kind of case that really isn't what anybody
274 ever thought about before. I am saying you are going to have to manage this and the ducks need to be all in a row.
275 Many of us have been through that and I can tell you that you don't want to get into that situation. Then you become
276 the bad guys on the block and that makes it more difficult to do all kinds of everything else here.

277
278 James Lea: On page 149, why is automotive repair services and detailing not considered a home occupation?
279

280 Ashley Moncado: That was a discussion we had at the December Planning Board meeting and those are uses that
281 are not permitted because of the nature and intensity of their uses.
282

283 James Lea: I disagree because of the fact that a lot of people in the rural area do automotive repair at their home
284 and this is saying they are not allowed to do this service at their home and it is an occupation.
285

286 Ashley Moncado: Personal use or doing work for the general public, exchanging money?
287

288 James Lea: For a living, exchanging money, and that's how they make their living. So what this is saying is they can
289 no longer do that?
290

291 Ashley Moncado: Currently it is not permitted through this standard. This was discussed at the November Planning
292 Board meeting but a formal amendment was not presented to staff. It was also discussed at the quarterly public
293 hearing and again at the December Planning Board meeting. At that time the only items identified as the Planning
294 Board wished to see as now being permitted was building, electrical, plumbing mechanical, grading or other
295 construction contracting. The Planning Board did not cite the need to allow the remaining automotive uses to be
296 permitted as home occupation.
297

298 Pete Hallenbeck: Do you see a difference between automotive detailing and the other items in that list?
299

300 James Lea: I do see a difference because you are basically cleaning cars. If you are repairing your car or someone
301 else's car, you should have the right to do that too.
302

303 Ashley Moncado: We are not restricting people from doing work on their personal car. When it becomes an actual
304 operation having people dropping their car and working on multiple cars that is not permitted.
305

306 James Lea: Even if they have the space?
307

308 Ashley Moncado: You are obviously operating business out of your home.
309

310 Perdita Holtz: They are not permitted as a home occupation; there are other avenues to get approval.
311

312 James Lea: If they have the land to do it.
313

314 Pete Hallenbeck: Your basic comment is when you detail a car, it is not noisy or messy, why is that on the list?
315

316 James Lea: All three of those fall in that category.
317

318 Herman Staats: I think this is an example where the size of your lot does make a difference. If you have a one acre
319 lot in the middle of town, I don't want a body shop next door to me but if I own 50 acres out in the country and there
320 are other avenues where I could utilize to run that business there then I would like to have the opportunity to do it. I
321 think that is a good example of where the size of the lot does have an impact.
322

323 Pete Hallenbeck: If you went for a conditional use permit, they clearly define what you can and cannot do. The
324 process involves your neighbor's input.

325
326 James Lea: Some of my neighbors do work at home on vehicles. I feel they have the right to take their garage and
327 service people's cars if that is what they choose.

328
329 Paul Guthrie: We rent property in another county in this state and many times deal only by telephone and receive
330 mail back and forth about those rentals. Does that put us in a category to need a permit from Orange County to do
331 that business that takes place totally in another county?

332
333 Ashley Moncado: I would not think so. You don't have people visit you on site and there is no advertisement on that
334 property.

335
336 Pete Hallenbeck: It has come up that large properties are favored and I think that is a natural outcome of the goal of
337 trying to have a balance because when you have a large property, you have to make a lot more noise when you are
338 on a large property. We have talked about enforcement and it is complaint driven. We have some idea of the
339 general approach or attitude of the county. Paul, I want to address your \$90 fee is too much, my understanding is
340 that every time you apply for a permit in the county there is a fee and the goal is the person doing things in
341 generating pays for that as opposed to all the taxpayers subsidizing. On the \$90 too much, this may be the nature of
342 the stuff I get into. There may be some businesses that are a substantial percentage you are spending to get into the
343 business but I think for a lot of people, you have a lot of other costs. I think the fee is reasonable. Herman, it is all
344 about the balance. I have read every page of these changes and I think this whole process has an incredible amount
345 of input from the Planning Board and the BOCC. I really like the major and minor home use. James, with your
346 comment, we can make a note of this and if you wish to vote against this and make a note of it, it will stand out. I like
347 the fact this protects the rural buffer by not allowing the major home occupations. I am happy to go with this
348 recommendation because it is a good step forward. There is always the opportunity to modify the UDO.

349
350 Tony Blake: Is there a regulation for home-based businesses involving hazardous material or above and beyond
351 what is stored at a residence.

352
353 Ashley Moncado: There is language in "Uses Not Permitted" that does not include all uses that would be unsuitable.

354
355 Michael Harvey: That is addressed in the UDO and other regulations.

356
357 James Lea: Comparing minor and major home occupations, I have a tax service and I am not on five acres of land
358 however, at certain times of the year, there may be 20 or more people to come to my house to get tax service, where
359 does my service fall under?

360
361 Ashley Moncado: Most likely, it would be minor.

362
363 James Lea: Then it limits the number of people who come to my house?

364
365 Ashley Moncado: Correct. You could operate the business but you could only have up to six-customer visit per day.

366
367 James Lea: Isn't it that restrictive. This part to me is too restrictive.

368
369 Pete Hallenbeck: It gets back to the balance concept. You are concerned there may be some home occupations
370 that may have a peak load for relative short periods of time and this could keep those businesses from happening.

371
372 Andrea Rohrbacher: Where do corn mazes fit in?

373
374 Ashley Moncado: They would most likely be exempt because they are agritourism.

375

376 Pete Hallenbeck: At this point let's see if anyone cares to move for a recommendation to accept the planning
377 director's recommendation and we can take a vote on it. James, this is where you can make a decision to say no
378 and I want to emphasize that commissioners do pay attention to these. You are worried about seasonal variances
379 and you believe things related to automobiles should be allowed.

380
381 James Lea: I would like to make it part of the record that I am concerned about that. I think it should be allowed. I
382 understand if you are in the city there may be concerns. Also, with the major and minor home occupation, I have
383 problems with some of them.

384
385 **MOTION** made by Paul Guthrie that the proposal lie on the table. Seconded by James Lea.

386
387 Pete Hallenbeck: You are proposing that we not accept the planning director's recommendation? Is that correct?

388
389 Paul Guthrie: That would be the ultimate outcome but that was not my motion. My motion was we leave it on the
390 table.

391
392 Pete Hallenbeck: So you are saying we should not vote on it? So we are going to take a vote to not vote on it, is
393 that correct?

394
395 Paul Guthrie: If you pass the motion then it has to be brought up new.

396
397 **MOTION** made by Paul Guthrie to leave the recommendation on the table. Seconded by James Lea.

398 **VOTE:** 2 – 4 (Pete Hallenbeck, Herman Staats, Tony Blake, Andrea Rohrbacher) Failed

399
400 **MOTION** made by Tony Blake with some reservation to accept the recommendation by staff on the major and minor
401 home occupation as presented and hopefully amended later. Seconded by Andrea Rohrbacher.

402 **VOTE:** 4 – 2 (James Lea and Paul Guthrie) Passed

403
404 Herman Staats: The discussion was helpful. Whenever this goes to the public, if they understand staff is willing and
405 able to accomodate them as best they can, I think that is important.

406
407 Craig Benedict: Part of our outreach will include scenarios, FAQs and we will try to use this input from the Board.
408 On the face, it may seem we are restricting something but we are actually liberalizing it.

409
410 Paul Guthrie: I voted no because I think it too broad, I think it is unenforceable. I think it discourages innovation and
411 business development in small businesses. I think it runs counter to the change and nature of work in America that I
412 think is going to continue on a faster pace where work becomes more and more individualized. Finally, for the
413 planners in the room, I think Jane Jacobs would turn over in her grave.

414
415 James Lea: I just voted no because I believe it is too restrictive instead of promoting small business it is restricting
416 small business and I think it would be restrictive to a lot of people who are already in business. I don't think it is fair.

417
418 Pete Hallenbeck: I understand Paul and James' concerns but also I think we are going from incredibly restrictive to
419 less restrictive because it lets you do a lot more and that is a good step to take. It is important to get your concerns
420 noted but I hope that the whole thing doesn't get thrown out. James, with regard to the seasonal variance, we have
421 this concept about the art tour and the ability to come through and the farms having tours, it seems interesting to me
422 that we have this concept of this seasonal event that occurs where you have above normal traffic but that we are not
423 able to accommodate a tax business so perhaps the same spirit that allow for the annual art tours that is being
424 allowed could be applied to this.

425
426
427 **AGENDA ITEM 10: JOINT PLANNING LAND USE PLAN AND AGREEMENT:** To receive educational information on the
428 Joint Planning Land Use Plan and Agreement, a joint planning effort between Orange County
429 and the Towns of Chapel Hill and Carrboro that was adopted in the mid-1980s. The purpose

430 of this item is to familiarize the Planning Board with the plan and agreement in anticipation of
431 recommendation the Planning Board will be asked to make in regards to Agenda Items 11 and
432 12.

433 **Presenter: Perdita Holtz, Special Projects Coordinator**

434
435 Perdita Holtz: Reviewed background.

436
437 Paul Guthrie: Given the nature of the Annexation laws in this state, does the annexation plan really have any
438 relevance to the process?

439
440 Craig Benedict: Yes, a joint planning agreement is more effective now under new annexation laws because the
441 ability for a city to annex an area not contiguous is more difficult. This gives them the opportunity to have some
442 control of what may eventually be urban environment when the annexation does allow so there is more consistency.
443 In many cases, where people want to have a future annexation area or control land use and zoning, they ask the
444 state to expand their ETJ.

445
446 Perdita Holtz: Not by people, municipalities.

447
448 Craig Benedict: That still happens across North Carolina. This was a hybrid solution as opposed to an ETJ
449 expansion.

450
451 Perdita Holtz: Water quality issues were also part of it with the University Lake being the sole source of water then.
452 The town has a vested interest in the water quality and wanted to have a say is what is happening.

453
454 Tony Blake: Is Obey Creek still in the county in the southern triangle area?

455
456 Craig Benedict: No, that is part of the town.

457
458 Tony Blake: The state seems to be amenable to developers requesting annexation more than the towns so I
459 wondered what happens when a developer goes in there.

460
461 Paul Guthrie: Actually that property is more difficult to articulate because the Town of Chapel Hill is at the end of the
462 park at Southern Village but I am not sure how far Chapel Hill jurisdiction goes into the woods on the other side
463 where Obey Creek is. Chapel Hill annexed the right of way on Mount Carmel further but a lot of that land between
464 Obie and Mount Carmel is not in Chapel Hill.

465
466 Andrea Rohrbacher: Chapel Hill is going through a restructuring of their boards and commissioners and the current
467 Planning Board allows two ETJ members and there is a proposal to make that one ETJ member because the amount
468 of ETJ is not significant.

469
470
471 **AGENDA ITEM 11: JOINT PLANNING LAND USE PLAN AND AGREEMENT AMENDMENT:** To receive information on a
472 proposed amendment to the Joint Planning Land Use Plan and Agreement in regards to
473 density in the Rural Buffer land use classification and clarifications on other topics. The item is
474 scheduled for public hearing at the March 27, 2014 Joint Planning Public Hearing and it is
475 expected that the Planning Board will be asked to make a recommendation on the proposed
476 amendment at its May 7, 2014 meeting.

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

478
479 Michael Harvey: Reviewed abstract.

480
481 Tony Blake: If I had a two-acre lot that was not currently subdivided, I could not build a house on it?

482

483 Michael Harvey: You have a two acre lot that is the minimum lot size currently required by our zoning ordinance that
484 would be considered a conforming lot. If you had a one-acre lot in this portion that existed prior to 1990, it would still
485 be recognized as a legal conforming lot but you can't take a two-acre lot in this area and subdivide it because the
486 minimum lot size and the density wouldn't allow for it.
487

488
489 **AGENDA ITEM 12: JOINT PLANNING LAND USE PLAN AND AGREEMENT AMENDMENT:** To receive information on a
490 proposed amendment to the Joint Planning Land Use Plan and Agreement in regards to
491 allowing appropriate agricultural support enterprises in the Rural Buffer land use classification.
492 The item is scheduled for public hearing at the March 27, 2014 Joint Planning Public Hearing
493 and it is expected that the Planning Board will be asked to make a recommendation on the
494 proposed amendment at its May 7, 2014 meeting.
495 **Presenter: Perdita Holtz, Special Projects Coordinator**
496

497 Perdita Holtz: Reviewed information.
498

499 Pete Hallenbeck: There is a constraint that these JPA documents have to be cleaned up before the UDO
500 amendments can be adopted
501

502 Perdita Holtz: Yes. If the JPA amendment is not done to allow agricultural support uses in the rural buffer, the
503 BOCC cannot adopt the UDO amendment.
504

505 Tony Blake: On page 215, that sentence that was merged, "which will remain rural, contain low density, residential
506 uses, agricultural uses and agricultural support uses and not require the urban services", seems that it should read,
507 "low density residential, agricultural and agricultural support uses and not require urban services".
508

509 Perdita Holtz: We are trying to make minimal changes.
510

511
512 **AGENDA ITEM 13: COMMITTEE/ADVISORY BOARD REPORTS:**
513 a. Board of Adjustment
514 Board of Adjustment will meet on April 22.
515 b. Orange Unified Transportation
516 Did not meet.
517

518
519 **AGENDA ITEM 14: ADJOURNMENT:**
520

521 **MOTION** by Tony Blake to adjourn. Seconded by Herman Staats.
522

523 **VOTE: UNANIMOUS**
524

Pete Hallenbeck, Chair