

MINUTES
ORANGE COUNTY PLANNING BOARD
JUNE 4, 2014
REGULAR MEETING

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MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Herman Staats, At-Large, Cedar Grove Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; James Lea, Cedar Grove Township Representative; Laura Nicholson, Eno Township Representative; Bryant Warren, Hillsborough Township Representative;

MEMBERS ABSENT: Paul Guthrie, At-Large Chapel Hill Township; Vacant-At-Large;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Patrick Mallett, Planner II; Tina Love, Administrative Assistant II

OTHERS PRESENT: Terry Boylan, Glenn Futrell

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for June and July

AGENDA ITEM 3: APPROVAL OF MINUTES
MAY 7, 2014 REGULAR MEETING

MOTION by Lisa Stuckey to approve the May 7, 2014 Planning Board minutes. Seconded by James Lea.
VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF 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 will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

55 **AGENDA ITEM 6: CHAIR COMMENTS**

56
57 Pete Hallenbeck: I would like to mention that part of being on the Planning Board is attending the Quarterly Public
58 Hearings. We have had a few close calls. We need to be able to contact you in case we do not have a quorum. I
59 would like Michael to remind us of the ground rules.

60
61 Michael Harvey: The last Quarterly Public Hearing we began to review the Class A Special Use Permit application
62 for a solar facility off Mount Sinai Road. The hearing ran about four and one half hours when it was determined that
63 the BOCC wanted the applicant and the adjacent property owners who were expressing concern over the project to
64 submit additional information. They adjourned that public hearing until the September 8 regular quarterly public
65 hearing. That means the public hearing is still technically open. It has not been closed. Remember that special
66 use permits are reviewed in a quasi-judicial setting which means they are based on sworn testimony and material
67 evidence has been introduced into the records by those in favor or against by public application. There is a
68 prohibition in you engaging in communication meaning you should not talk to anyone about the project. It is
69 reasonable to ask myself or my staff for information that you need.

70
71 Craig Benedict: You are like the jury so that any information that is presented to you is what you base your
72 decision on.

73
74 Pete Hallenbeck: These meetings normally start and stop in one evening.

75
76 Tony Blake: Fortunately, this is the first quarterly public hearing I have missed. What is my position in the next
77 quarterly public hearing?

78
79 Craig Benedict: If you looked at all the evidence in the hearing, you could read the minutes and ask questions.
80 You had to attest that you have read everything that was in the documents to vote.

81
82 Pete Hallenbeck: Quasi-judicial means everyone gets sworn in and give evidence and you will have all the
83 evidence available to read so when you get to the next quarterly hearing, you will have the same as everyone else.

84
85 Craig Benedict: Our Unified Development Ordinance allows someone to provide written documents to the planning
86 board and they can read that script. The reason we ask for written documents is that when it comes back to the
87 BOCC, they see that specific information.

88
89 Buddy Hartley: For the Chair's information, I was ready and on call if I needed to be there.

90
91 Michael Harvey: The question was asked if members are prohibited from visiting locations where special use
92 permits applications are being reviewed. My opinion is there is no technical prohibition on a member visiting the
93 site after the public hearing is held but you cannot engage, or allow yourself to be engaged in, conversation with
94 anyone. I believe that site visits can be helpful but if you have not done so, I would ask that you don't.

95
96 Pete Hallenbeck: If you do see the site, you can't say I saw the site and I think this.

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99 **AGENDA ITEM 7: MAJOR SUBDIVISION CONCEPT PLAN:** To review and make a decision on an major subdivision
100 concept plan application seeking to sub-divide a 25.33 acre parcel of property into 14 single-
101 family residential lots with 16.29 acres of common open space near the intersection of
102 Stroud's Creek Road and NC Highway 57 in Hillsborough Township.

103 **Presenter: Patrick Mallett, Planner II**

104
105 Patrick Mallett: *Presented a PowerPoint presentation and reviewed abstract.*

106
107 James Carter: Where is that fence and will it remain there?

108

109 Patrick Mallett: That was installed by the school.
110
111 Michael Harvey: As covered in our abstract, one of the reasons you are seeing lots of this size is because water and
112 sewer service is being provided. That is the only way this project was allowed to get these smaller lots, which is in
113 accordance with the provisions of Article 7. The other comment is that you will recall previous major subdivisions,
114 applications are typically required to submit a conventional and flexible development options.
115
116 Pete Hallenbeck: There is a power line easement and it goes and disappears. Is there a power line in that easement
117 now?
118
119 Pat Mallett: There is a power line that goes through here and extends north.
120
121 Pete Hallenbeck: Currently the power line does not go through.
122
123 Terry Boylan: It does not go through. That is a tree line from when it did before.
124
125 Pete Hallenbeck: What about the dual water line fees?
126
127 Pat Mallett: They are proposing a fire service line with two hydrants.
128
129 Terry Boylan: There are two different lines.
130
131 Tony Blake: Craig, wouldn't this be part of Hillsborough's ETJ?
132
133 Craig Benedict: Just outside of that.
134
135 Tony Blake: By state law they could petitioned to be annexed?
136
137 Craig Benedict: Yes. Most likely as part of the water/sewer agreement.
138
139 Pat Mallett: They are interested in selling water and sewer and not annexation.
140
141 Tony Blake: How large are the houses?
142
143 Terry Boylan: The setbacks will allow 3,600 square foot.
144
145 Pete Hallenbeck: What could the residences do with the light green space?
146
147 Pat Mallett: You have building setbacks on the roadside, 35 foot buffer. There was originally a concept plan that had
148 two lots there.
149
150 Terry Boylan: We have a 100 foot or setback off this property line and that gives us this set back here for lot 14.
151
152 Pat Mallett: I think it is not so much what can be built there but what is held in common.
153
154 Pete Hallenbeck: It seems like a setup for a wonderful neighbor war.
155
156 Herman Staats: Why was the open space left open and not part of Lot 14?
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158 Terry Boylan: It could conceivably be part of Lot 14.
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160 Pete Hallenbeck: That is an issue for you as the developer.
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162 Pat Mallett: Typically you want to see like to like.

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Terry Boylan: That is one reason it is not so much larger than the other lots.

Glenn Futrell: We, my wetland consultant, we had all the wetlands reevaluated and we received that report last week. We comply with all the setback requirements and we are not changing anything previously to what was done six or seven years ago.

MOTION by Maxecine Mitchell to recommend approval to the BOCC. Seconded by James Lea.

VOTE: UNANIMOUS

AGENDA ITEM 8: COMMITTEE/ADVISORY BOARD REPORTS:

- a. Board of Adjustment

AGENDA ITEM 12: ADJOURNMENT:

Pete Hallenbeck, Chair