

MINUTES
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 3, 2014
REGULAR MEETING

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

MEMBERS ABSENT: Buddy Hartley, Little River Township Representative; Maxecine Mitchell, At-Large Bingham Township; Bryant Warren, Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Tom Altieri, Comprehensive Planning Supervisor, Patrick Mallett, Planner II, Abigaile Pittman, Transportation Planner, Tina Love, Administrative Assistant II

OTHERS PRESENT: Terry Boylan, Dave Hausfel, Glenn Futrell

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for September and October

AGENDA ITEM 3: APPROVAL OF MINUTES
JULY 2, 2014 ORC MEETING NOTES
JULY 2, 2014 REGULAR MEETING

MOTION by Lisa Stuckey to approve the July 2, 2014 ORC meeting notes. Seconded by Tony Blake.
VOTE: UNANIMOUS

MOTION by Laura Nicholson to approve the July 2, 2014 Planning Board minutes with changes. 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

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 **AGENDA ITEM 6: CHAIR COMMENTS**

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64 Pete Hallenbeck: If you are on the Planning Board, you need to be at the public hearing.
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67 **AGENDA ITEM 7: MAJOR SUBDIVISION PRELIMINARY PLAT:** To review and make a decision on a Major
68 Subdivision Preliminary Plat application. Pleasant Green Woods, Phase IV, located off of
69 Pleasant Green Road. The plan is consistent with the Concept Plan Flexible Design Option
70 reviewed and approved by the Planning Board in February 2014. The Plan calls for 16 single
71 family residential lots on a 46.34 acre tract. 16.53 acres (35.6%) of the site is reserved for
72 primary and secondary open space.
73 **Presenter:** Patrick Mallett, Planner II.
74

75 *Patrick Mallett reviewed abstract.*
76

77 Paul Guthrie: It is an acre and one half?
78

79 Patrick Mallett: Yes. There is a 100 foot perimeter setback so that setback would go further down.
80

81 Terry Boylan: That is one of those properties that between the setbacks and the stream buffer and there is no
82 suitable soil for septic, it is above and beyond what is required for the open space. It is not developable.
83

84 Pete Hallenbeck: If the person that bought the lot didn't want to buy the land, it would be space you could not do
85 anything with unless the residents got together and agreed upon something to put there.
86

87 Terry Boylan: Correct.
88

89 Pete Hallenbeck: What is the acreage of the fire pond?
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91 Terry Boylan: The lot itself is about an acre and one half and that is $\frac{3}{4}$ of an acre. It is designed to hold water during
92 the 50 year drought and some depth below that.
93

94 Pete Hallenbeck: You want it to be at least 4 feet deep preferably 5 feet which would give you 44,000 gallons.
95

96 Patrick Mallett: We will make sure the fire marshal is satisfied with the volume.
97

98 Pete Hallenbeck: Is Paper Birch a DOT road?
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100 Patrick Mallett: They have submitted an application and the right of way has been dedicated.
101

102 Terry Boylan: There are some items being taken care of in terms of BMPs.
103

104 Pete Hallenbeck: So you are still moving in that direction. The road to the development will be DOT standard.
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106 Terry Boylan: Yes.
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108 Patrick Mallett: Typically the right of way is dedicated and then the road can be accepted but they want to see
109 everything.
110
111 Lisa Stuckey: Behind lot 1, there is an open space that is a recreation lot, how would the other residents access that
112 lot?
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114 Terry Boylan: That lot can be access from Paper Birch Lane by foot.
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116 Lisa Stuckey: Across the Hobbs Lot, that is an easement that exists that is part of the ...
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118 Terry Boylan: That is the stream buffer.
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120 Lisa Stuckey: So is it an easement for residents or just to keep people off?
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122 Terry Boylan: That is an extension of this buffer for the stream.
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124 Tony Blake: Are you putting in the hydrants?
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126 Terry Boylan: In talking to the fire marshal, they prefer to be able to extend the hose. They have a platform they put
127 it on a floating dock instead of a hydrant.
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129 Pete Hallenbeck: I would suggest you talk to the fire department serving this.
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131 Patrick Mallett: With a Major Subdivision, you go through the concept, preliminary plan and then they go through that
132 exercise. At this point, we make sure it can work.
133
134 Michael Harvey: We have been meeting our Orange County Emergency Services to discuss regional impoundment
135 systems to address fire access issues. Part of that problem that came up with Triple Crown Farm was a concern
136 there were no fire ponds in the area and the developer who was willing to address his comments was not willing to
137 build a fire pond that would kill two of his lots to satisfy an impoundment need globally so we are meeting to discuss
138 regional impoundment systems.
139
140 Paul Guthrie: Are you far enough along that you are satisfied that the density of the wells on this site will be able to
141 provide the water? Do you know what the water conditions are that you will be drilling into?
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143 Terry Boylan: There has been no individual well testing.
144
145 Paul Guthrie: You have densities there that I would be curious that if you had any idea how deep you will have to go
146 or is that still to be found out?
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148 Terry Boylan: That is still to be found out.
149
150 Paul Guthrie: Are you comfortable with the location of the septic fields and the density of the septic fields as opposed
151 to being adjacent to a cluster of wells?
152
153 Terry Boylan: We showed the wells with 100 foot rings. We had a consultant come out and preliminarily locate the
154 septic and an engineer from Environmental Health came out to determine the depths and the types of systems they
155 will support.
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157 Paul Guthrie: In locating the septic fields, were you using an anticipated house size?
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159 Terry Boylan: They are sized for four or five bedroom houses.
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161 Patrick Mallett: Environmental Health is satisfied.

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Andrea Rohrbacher: I have the same question Lisa had about the feasibility of access to the buffer area.

Pete Hallenbeck: I think it is interesting on this fire pond, putting an open space area, you are taking this thing that is nice and required, a pond and giving it an opportunity to make a nice open space area with a water feature.

MOTION by Lisa Stuckey to approve the proposal as presented in our packet. Seconded by Tony Blake.

VOTE: UNANIMOUS

AGENDA ITEM 8: MAJOR SUBDIVISION PRELIMINARY PLAT: To review and make a decision on a Major Subdivision Preliminary Plat application. Stroud's Creek located southwest of the intersection of NC Highway 57 and Stroud's Creek Road. The Plan is consistent with the Concept Plan Flexible Design Option reviewed and approved by the Planning Board in June 2014. The Preliminary Plat calls for 14 single family residential lots on a 25.33 acre tract. 17.21 acres (67.96%) of the site is reserved for primary and secondary open space.

Presenter: Patrick Mallett, Planner II.

Patrick Mallett Reviewed abstract.

Pete Hallenbeck: Are there any questions or comments?

MOTION by Tony Blake to approve this application. Seconded by Laura Nicholson.

VOTE: UNANIMOUS

AGENDA ITEM 9: UNIFIED DEVELOPMENT ORDINANCE PRIVATE ROAD AND ACCESS STANDARDS: To receive information about a current multi-department advisory board project involving the review of private road and access standards and to receive the Board's comments.

Presenter: Abigaile Pittman, Transportation and Land Use Planner

Abigaile Pittman presented abstract.

Lisa Stuckey: Would the pullover roads apply just to 18 foot wide roads?

Abigaile Pittman: It would apply to any one way road.

Paul Guthrie: What is the definition of a private road?

Abigaile Pittman: One that is not accepted for public maintenance. Not built to public maintenance standards.

Paul Guthrie: There are no use standards or number of properties attached to define it; it has to do strictly with the shape and construction of the road.

Abigaile Pittman: Yes.

Pete Hallenbeck: A private road is one that NCDOT does not maintain.

Paul Guthrie: Any existing non-public road servicing more than one household is grandfathered until an effort is made to do some sort of planning development.

Abigaile Pittman: The new regulations are not retroactive.

Paul Guthrie: What would trigger on that situation this proposal?

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Michael Harvey: Someone coming in and trying to subdivide any of those existing lots. There are two dual issues here. We have an addressing ordinance that is enforced by Orange County Land of Records via the attorney's office that spells out road serving x number of lots or certain size has to be name. That is part of the ordinance. County subdivision regulations have been adopted over the years. We didn't get private road standards until 1998-2000 so the County has a history of subdivision development some of which have been done under different standards. We also have several properties in the County that have exercised their right under the general statute to develop their property or subdivide their property through the exempt subdivision process. By state law, we have no review authority and cannot hold them to any specific requirements identified in our subdivision standards.

Abigaile Pittman: The standard we are recommending to address those exempt subdivisions is to develop a requirement that all newly created lots have access to a complying road, public or private, for emergency responders.

Tony Blake: I do want to have this discussion around water supply at some point.

Lisa Stuckey: I do think it would be a good idea to say that if you have a gate we can't get through, there should not be any discussion about who owes what for whom.

Craig Benedict: It is important how we differentiate what would go in the UDO and what needs to be handled by other ordinances.

Paul Guthrie: In the emergency access to trails systems, there are two sides to it, one is providing the access points but the trails may not be able to accommodate the size vehicles we have. We may need smaller vehicles.

Pete Hallenbeck: I like the three lots on the driveway.

Craig Benedict: You will probably need a road name.

Pete Hallenbeck: We have a few roads in Efland we cannot get the fire trucks down. With the pullovers, anyone who had to go through a 1700 foot road would appreciate those pullovers.

AGENDA ITEM 8: COMMITTEE/ADVISORY BOARD REPORTS:
a. Board of Adjustment

Michael Harvey: There were two meetings in August. The first was a regular meeting reviewing an application for Chestnut Ridge United Method Church for a daycare which requires a Class B Special Use permit which was issued. There was special hearing on August 27 to review an application to allow for PSNC natural gas line to be installed in the county. The permit was issued and we will see what will come from that. I always expect litigation. Unfortunately, I believe there is no issue that anyone can argue to overturn the decision because PSNC, at the onset of the meeting filed their formal objection that North Carolina state law regulations actually preempts local approval of utility lines. A majority of the issues at the hearing involved a perception by local residents that PSNC was less than forth coming with information, they were rude and refused to provide required information and they are not being adequately compensated for these new lines. There were also arguments there have been gas lines explosions as such the County cannot issue the permit. There were also arguments that this would have a negative impact on adjacent property value.

Pete Hallenbeck: What is the size of the line?

Michael Harvey: A 16 inch line from Mebane Oaks to the existing Regulator Station in the Town of Carrboro planning jurisdiction on NC Highway 86. The reason for this permit was because it went through private property

Paul Guthrie: Do you have any information as to whether this large pipeline that was announced from West Virginia to Eastern North Carolina will run near Orange County?

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271 Michael Harvey: No but it is running into severe opposition in West Virginia.
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273 **AGENDA ITEM 12: ADJOURNMENT:**
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275 **MOTION** by Paul Guthrie to adjourn. Seconded by Tony Blake.
276 **VOTE: UNANIMOUS**
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Pete Hallenbeck, Chair