

MINUTES
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 4, 2013
REGULAR MEETING

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; Maxecine Mitchell, At-Large Bingham Township; Buddy Hartley, Little River Township Representative; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; Paul Guthrie, At-Large Chapel Hill Township; Stephanie O'Rourke, Eno Township Representative

MEMBERS ABSENT: Johnny Randall, At-Large Chapel Hill Township; Vacant- Hillsborough Township Representative;

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Tom Altieri, Comprehensive Planning Supervisor; Tina Love, Administrative Assistant II

OTHERS PRESENT: Tim O'Rourke

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS
a) Planning Calendar for September and October
b) Reminder: Quarterly Public Hearing on Monday, September 9

**AGENDA ITEM 3: APPROVAL OF MINUTES
JULY 10, 2013 ORC NOTES
JULY 10, 2013 REGULAR MEETING**

MOTION by Tony Blake to approve the July 10, 2013 Planning Board ORC notes and the July 10, 2013 Planning Board minutes. Seconded by Maxecine Mitchell.

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
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108

PUBLIC CHARGE

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

AGENDA ITEM 6: CHAIR COMMENTS

Pete Hallenbeck: I will be leaving early tonight for a fire chief meeting. We will be talking about home occupations tonight. I am taking away the fact that it would be nice to have the same numbers for Chapel Hill and the rural buffers. The other thing is there could be a different set of rules for rural versus urban.

Agenda Item 7: Home Occupations – To continue discussion on home occupation regulations and review potential changes to the regulations.
Presenter: Ashley Moncado, Special Projects Planner

Ashley Moncado: (Reviewed abstract).

Paul Guthrie: Does that immediately kick in industrial requirements for those who sell food?

Ashley Moncado: I don't think it does. I think it depends on the scale. The live work unit information is less restrictive.

Maxecine Mitchell: Does home occupation include bed and breakfast?

Ashley Moncado: No, that would be considered a business.

Ashley Moncado: Continued presentation.

James Lea: If you have a tax service that is 11%, do you have to meet Section 419 so that person would have to deal with fire protection?

Ashley Moncado: Yes.

Craig Benedict: This doesn't make sense for the home occupation so we are asking are you really restricting the 10%. We may go talk to the Department of Insurance.

Pete Hallenbeck: We don't have a lot of say in this because this is a state regulation.

James Lea: This is extremely restrictive.

Tony Blake: Is there a definition for home office?

James Lea: Office, hair stylist, etc.

Pete Hallenbeck: You may also have the situations to where all these changes occur and there is a problem with the numbers, we at least have the format and can change the numbers.

Andrea Rohrbacher: Does telecommuting apply?

109
110 Ashley Moncado: Yes. This was more for onsite. As long as you don't exceed four all at once, you could operate
111 as home occupation.
112
113 Paul Guthrie: How do you define visitor? If you have 10 students, that may wipe out some occupations. We
114 should be knowledgeable about these types of limitations.
115
116 Pete Hallenbeck: Let's go around the room for comments.
117
118 Paul Guthrie: I only wanted to indicate that we do have a home business, an artist, and we have almost no visitors.
119 Some of the definitions, visitors, deliveries, are so imprecise. Do delivery trucks count toward that number?
120
121 Pete Hallenbeck: Michael Harvey would be able to look at those to check them.
122
123 Andrea Rohrbacher: My first concern in students per day. The way this is written if that I had a summer craft
124 session with a morning session of 10 students and an afternoon session with 10 students that would not be
125 allowed. My second question is about the number of events per year. If I had a seasonal business, I bake wedding
126 cakes, I would like to have 2 events in the spring and one in the fall or open houses per year and then my kitchen is
127 in my home and it meets all the standards for me to do the wedding cakes and I also do my home cooking, where
128 does that land in this?
129
130 Herman Staats: Keep these issues in mind when we have additional public meetings related to this so we can
131 modify these to better accommodate everyone.
132
133 James Lea: Looking at the revised standards dealing with minor and major home occupations sounds great with a
134 little tweaking until you get to the new standards and pretty much it says all home occupations that exceed 10% or
135 more. If you have any type of business, you will exceed the 10% of the floor area if you have a reception area.
136 Then we get into Section 419 is extremely restrictive for any business.
137
138 Buddy Hartley: I don't think we can change state law. I think what we have done is a good start.
139
140 Maxecine Mitchell: I hope we don't discourage people with small business and expenses.
141
142 Tony Blake: I would like to see documentation as to when 419 applies.
143
144 Ashley Moncado: It applies to everything.
145
146 Tony Blake: I am not going to invite building inspectors to the house.
147
148 Lisa Stuckey: I want to reiterate my employee issue which I think is a lot more flexible. In the Chapel Hill one it
149 states that no equipment or process shall be employed that will cause noise, vibration, etc. If you are putting a
150 business in a home it is part of the impact. What about signs?
151
152 Ashley Moncado: The signage was not brought up.
153
154 Maxecine Mitchell: The HOA has restrictions also.
155
156 Lisa Stuckey: How will this be enforced?
157
158 Craig Benedict: If it is blatantly evident, we will look into it.
159
160 Pete Hallenbeck: I like on the first page that the major occupations located on a shared private road will be
161 required to submit a private road maintenance agreement. Private road agreements will tear everybody up. The
162 major home occupations have a 3,000 foot limit. I would imagine if an artist bought 10 or 30 acres and wanted to

163 renovate a barn, they would not have a problem with that. I think how this topic resonates on the board and other
164 people. I want to address the sprinkler system, my home is sprinklered and it is real simple. I wish there was a
165 way to say if the house was more than 2,000 square feet, it had to be sprinkled. Under the Telecommunicating
166 section shall not be considered a home occupation, maybe we should be put in there that if you have employees
167 who telecommute, they are working for you but stay in their home, and they will not be considered employees on
168 site. The events per year limits, you need to be careful because if you had a time during the summer where every
169 Saturday 15 cars show up, that is starting to hit that impact limit. You could spread the impact of that over a period
170 of time. We did touch on the fact that the Orange County sign limit was much bigger than the Chapel Hill one so we
171 need to think about that.

172
173 Paul Guthrie: If the sprinkler does not pass the minimum requirements for the sprinkler system, you will not get a
174 permit. You need to have a separate unattached generator.

175
176
177 **Agenda Item 8: Hillsborough/Orange County Central Orange Coordinated Area-** To receive information
178 on the Central Orange Coordinated Area Land Use Plan and next steps.
179 **Presenter:** Tom Altieri, Comprehensive Planning Supervisor

180
181 Tom Altieri: Reviewed abstract.

182
183 Tony Blake: Does zoning match the land use along here or is there effort to get that to happen?

184
185 Tom Altieri: In some cases it does and in others there may be an effort to make that happen. The town and county
186 need to come together on the joint land use plan and then the town needs to adopt its zoning classifications that
187 would correspond in the blue areas. Those would need to be acknowledged by Orange County and our Unified
188 Development Ordinance.

189
190 Paul Guthrie: You mentioned a couple of criteria that went into the thought pattern. One was the water supply and
191 the cost to serve development. How much did those two categories enter into the discussion as you cut up the
192 region between Hillsborough and the county and the second question was who was assuming the largest cost
193 burden.

194
195 Tom Altieri: In terms of water supply, the position of the town was they want to try to hold the line. You also asked
196 about the cost.

197
198 Craig Benedict: Any consideration of the development cost to the un-served areas in terms of how you negotiated
199 with Hillsborough. We looked at the existing lines and wanted to fill in those existing areas as far as water supply.
200 As far as sewer, there are sub basins that flow into the Eno so we looked at sewer sheds. What would be the ease
201 of extending sewer south? One other major consideration was transportation issues.

202
203

204 Paul Guthrie: How much did developed cost go into that discussion?

205
206 Craig Benedict: Hillsborough's water sewer fund is very fragile. Their biggest water user went out of business
207 shortly after the new reservoir was put into service so that put a major strain on them. They will still need to expand
208 their reservoirs so they will not lose the permitting process they went through. It is managed around total water
209 capacity and an efficiently run sewer system.

210
211 James Lea: If the urban service area will not be expanded, what is the reason to go forward with Phase II of the
212 reservoir? And what will be the impact around the reservoir?

213
214 Craig Benedict: They think there are undeveloped properties that will need those water supplies. Hillsborough
215 purchased all the land around the Phase II during the previous permitting process.

216

217 Tom Altieri: Continued abstract.

218

219 Craig Benedict: Announced Morinaga project in the Buckhorn area and talked about how previous actions of the
220 Planning Board (land use and zoning changes) helped bring the project to Orange County.

221

222

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

224

225 a) Board of Adjustment

226 b) Orange Unified Transportation

227

228 Introductions of the Board members.

229

230 **AGENDA ITEM 10: ADJOURNMENT**

231

232 **MOTION:** made by Paul Guthrie to adjourn. Seconded by Tony Blake.

233 **VOTE: UNANIMOUS**

234

Pete Hallenbeck, Chair