

MINUTES  
ORANGE COUNTY PLANNING BOARD  
FEBRUARY 3, 2010  
REGULAR MEETING

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**MEMBERS PRESENT:** Brian Crawford (Chair), At-Large, Eno Township; Judith Wegner (Vice-Chair), Bingham Township Representative; Mary Bobbitt-Cooke, Cheek Township Representative; Samantha Cabe, Chapel Hill Township Representative; Peter Hallenbeck, At-Large, Cheeks Township; Earl McKee, Little River Township Representative; Jeffrey Schmitt, Cedar Grove Township Representative; Rachel Hawkins, Hillsborough Township Representative; May Becker, At-Large Chapel Hill Township; Mark Marcoplos, At-Large, Bingham Township;

**MEMBERS ABSENT:** Tommy McNeill, Eno Township Representative; Larry Wright, At-Large, Cedar Grove Township

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Tom Altieri, Comprehensive Planning Supervisor; Michael Harvey, Zoning Administration; Glenn Bowles, Planner II; Tina Love, Administrative Assistant II;

**OTHERS PRESENT:** Kent Wiles, owner/developer; J.D. Cecil; Vicky Hendel;

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**

**AGENDA ITEM 2: INFORMATIONAL ITEMS**

- a) Next Regular Planning Board meeting scheduled for Wednesday, March 3, 2010
- b) Planning Calendar for February and March
- c) February 22, 2010 Quarterly Public Hearing – BOCC Abstract for Legal Ad (for information regarding upcoming items)

Perdita Holtz: The Board of County Commissioners did approve that at their meeting last night.

- d) Development Process Flowcharts

**AGENDA ITEM 3: APPROVAL OF MINUTES**  
January 6, 2010 Ordinance Review Committee (Summary Notes)

**MOTION** made by Mary Bobbitt-Cooke to approve minutes. Seconded by Earl McKee.

**VOTE:** Unanimous

January 6, 2010 Regular Meeting

**MOTION** made by Mary Bobbitt-Cooke to approve summary notes. Seconded by Judith Wegner.

**VOTE:** Unanimous

**AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA**

Craig Benedict: On February 19, there will be an open house in this building from 2:00 to 4:00. There will be a tour of this building. We are also inviting our other advisory boards.

**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.

**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.

60 AGENDA ITEM 6: CHAIR COMMENTS  
61 None  
62

63 AGENDA ITEM 7: PRELIMINARY PLAT – THE LODGES AT CHAPEL HILL (FORMERLY ALPENGLOW TRACE)  
64 To review and make a recommendation to the BOCC on the Preliminary Plat application for The Lodges  
65 at Chapel Hill (Formerly Alpenglow Trace)  
66 *Presenter: Glenn Bowles, Planner II*  
67

68 Glenn Bowles: We are here tonight to review and make recommendation to the BOCC regarding the Lodges at Chapel Hill  
69 which you have seen previously as Alpenglow Trace. On page 46 is the application, on page 48 there is a vicinity map, on page  
70 is a fiscal impact analysis. Page 53 is the minutes from the June 3, 2009 Planning Board meeting where you approved the  
71 concept plan for Alpenglow. Page 63 is the preliminary plat, page 64 is the resolution of approval to go to the BOCC if approved.  
72 Page 69 is from the information meeting that took place in April of last year and on page 70 is a memo from ERCD. The  
73 subdivision itself is a conventional design with open space and a total of just under 44 acres. There are 12 residential lots on it.  
74 It is zoned RB, Rural Buffer, it is in both University Lake Protected and University Lake Critical Watersheds. Roughly 33% of the  
75 property will be open space and will be owned by the home owners association. (Reviewed PowerPoint presentation)  
76

77 Glenn Bowles: The twelve parcels range in size from 2.01 acres to 2.7 acres with an average of 2.1 acres. The overall density  
78 is 3.65 units acres per lot with just under 15 acres of open space with represents 33% of the site. At the concept plan there were  
79 three options presented one was the flexible plan, one was a conventional plan with dual access both were discarded. The  
80 property itself is wooded right now some relatively steep. The steeper areas are all in buffers which are also in the proposed  
81 common open space, 85% of that open space is termed conventional. It's protected open space, the steeper slopes and  
82 floodplain but there is also a floodplain involved in the crossing. The applicant, if BOCC approved, will have to apply for a no-rise  
83 certificate. They will have to prove to FEMA and the planning department that they will not back waters up due to the  
84 construction of the crossing. The recommendations are that you receive the application, that you make recommendations to the  
85 BOCC to accept the in lieu of parkland dedication, and also make recommendation of approval of the preliminary plat to the  
86 BOCC in accordance with the resolution of approval which is attached and the staff findings.  
87

88 Mark Marcoplos: I am fairly familiar with this land. Where the proposed road is, you see the width of Price Creek and you see  
89 the width of the flood plain and it flows under Damascus Church Road and it not that far from University Lake. It is probably one  
90 of the most unique eco systems in Orange County. The Cypress Wetlands are amazing.  
91

92 Glenn Bowles: There is also beaver activity here.  
93

94 Mark Marcoplos: It seems like we talked about working with other committees, it seems the Commission of the Environment  
95 could have been involved in this. I will reiterate what was in our packet, my comments from the meeting last summer. I am fine  
96 houses being built I just think putting a road across the wetland is a bad idea. It is ashamed we could not find a way to have that  
97 development connect to the Booth Road neighborhood and make the changes that need to be made. I think it is a bad trade off.  
98 I would like to encourage people to check the wetland out.  
99

100 Earl McKee: Regarding that Booth Road access, unless my memory fails me, I believe our options were taken off the table by  
101 the developer of the last development on those roads when they drew the easements back.  
102

103 Glenn Bowles: Our attorney weighed in on that as well and his opinion was no extension. It was off the table.  
104

105 Earl McKee: That was my understanding. I would prefer to see it go out Booth Road.  
106

107 Mary Bobbitt-Cooke: Given what we have to work with I agree with Mark. We do need to be sensitive to the wetlands. Have we  
108 developed the technology to put a road in that is sensitive to the wetland?  
109

110 Samantha Cabe: Orange County has the most extensive protection ordinances to protect our water and wetlands and if a  
111 developer is willing to jump through the hoops we have laid out in order to protect it the best we can, I don't see how we can  
112 deny them to do that. Any time we disturb a natural land, it will change it. Our planning staff has put together an extensive group  
113 of ordinances that protect our water. Our staff will do everything we can to protect the land.  
114

115 Jeffrey Schmitt: When we looked at this off Booth Road, there were comments about the steepness. Had the access been  
116 through Booth Road and the twelve houses would have been there, those people would have not gotten out of there. I ride a  
117 bike and could not peddle up that hill.  
118

119 Judith Wegner: Do we have any discretion to require performance bond to ensure that not only construction but afterwards that  
120 if there's need to do any kind of remediation that the developer would be obligated?  
121

122 Craig Benedict: Our erosion control permits will require all the standards and conditions and fines.  
123

124 Judith Wegner: How do you set the amount? It seems to be a sensitive area, I would like to see that it would be kept for enough  
125 time that we know there isn't some kind of adverse effect afterwards that hasn't been taken into account when it's first built.  
126

127 Craig Benedict: We can consider with this project, in some cases we do temporary control measures and maybe we can  
128 suggest if you run into a permanent bio-retention facility to keep water quality that is dumped from this subdivision towards the  
129 Price Creek, to convert it to something that has to be maintained for the future by the HOA. That is the tendency we are looking  
130 toward. Erosion control measures of the past were more a construction activity and then you remove them, now we're moving  
131 towards permanent water quality basins that can be worked into the project, into the open space.  
132

133 Judith Wegner: Why not it have it be a bond that is publicly enforceable to the homeowners.  
134

135 Craig Benedict: I am not sure exactly how we can do that. For improvements that will be eventually handed over to the public,  
136 we can take bonds. We do not have procedures for bonds for private activity. I can see what can be done in this case to ensure  
137 the work is done.  
138

139 Glenn Bowles: There will be at least two erosion controls instead of one to handle the flow coming into the creek. We are  
140 thinking of coming with Bio-retention, they are low cost and extremely low maintenance. There are some funds floating around  
141 to help with that conversion from a required erosion control pond to transition into a rain garden.  
142

143 Judith Wegner: I would like to make a motion to put a condition on it that something to be done. I think it is a problematic site  
144 and I think the developer has been aware of that. I don't think it is a matter affecting the immediate community but it is close to  
145 University Lake.  
146

147 Jeffrey Schmitt: It is your contention that the rules in place are not adequate?  
148

149 Judith Wegner: That is not what I said. I would like the rules that we have we put the most stringent requirements to have  
150 adequate backups.  
151

152 Jeffrey Schmitt: Do we do it on this one? Or the next one? How do we discern how we do it?  
153

154 Judith Wegner: I think the fact that this is going over that kind of a water body and how close it is to University Lake Watershed  
155 that is quite different from other situations.  
156

157 Jeffrey Schmitt: It seems that staff and comments about how eco-sensitive that the County is, I guess I am hearing that  
158 notwithstanding that there is a tinge of distrust on your part that those would be inadequate.  
159

160 Judith Wegner: That is not what I would say for the record, what I would say for the record is that in my opinion, to the extent we  
161 have the authority, we should go with that authority and make sure there is an adequate backup for the public here.  
162

163 Jeffrey Schmitt: What is the distance we are actually talking about?  
164

165 Glenn Bowles: The creek is about 20-25 feet.  
166

167 Jeffrey Schmitt: That is a huge creek.  
168

169 Samantha Cabe: The only thing we are making a recommendation to the Board of County Commissioners about is a preliminary  
170 plat application?  
171

172 Glenn Bowles: Correct.  
173

174 Samantha Cabe: If the developer came back in and made plans for retention pools, that would be in a later planning process?  
175

176 Glenn Bowles: We could work something out with the developer and his agent about how that would work in to a resolution for  
177 approval.

178  
179 Samantha Cabe: This is not the last time this will be looked at?  
180  
181 Glenn Bowles: By the Planning Board but there will be one more public review.  
182  
183 Mary Bobbitt-Cooke: Has this already been through the DAC?  
184  
185 Glenn Bowles: Development Advisory Committee.  
186  
187 Mary Bobbitt-Cooke: Erosion Control representative on the DAC has to look at this?  
188  
189 Glenn Bowles: Correct.  
190  
191 Mary Bobbitt-Cooke: It won't go back to them again?  
192  
193 Glenn Bowles: No.  
194  
195 Craig Benedict: For construction plans, this will go to the Board of County Commissioners and they approve it, they do some  
196 final work prior to the recommendations, then when they get into the construction phase, that is where they have four more  
197 permit approvals for the Erosion Control and planning.  
198  
199 Glenn Bowles: One of those permits is a floodplain development permit.  
200  
201 Mary Bobbitt-Cooke: There is a lot of flood plain activity going on outside this property, are we asking landowners are there any  
202 roads that go across those and if so, do we ask the landowners to develop them at the same level we are talking about here?  
203  
204 Glenn Bowles: When they come in for a permit, yes we do.  
205  
206 Mary Bobbitt-Cooke: Are there any roads across that creek?  
207  
208 Glenn Bowles: There is Price Creek Road.  
209  
210 Mary Bobbitt-Cooke: There is nothing up creek?  
211  
212 Glenn Bowles: Damascus Church Road.  
213  
214 Mary Bobbitt-Cooke: It all flows to the lake.  
215  
216 **MOTION:** Samantha Cabe: made a motion to adopt the staff's recommendation and recommend approval to the Board of County  
217 Commissioners. Seconded by Mary Bobbitt-Cooke.  
218 **VOTE:** Unanimous  
219  
220 May Becker: I don't think it should be considered a matter of trust but rather a question of even if each of the points were  
221 followed that if we see something that will cause a problem that we should address that before it moves on so I would like to  
222 state my concern.  
223  
224 Brian Crawford: That would have to be in the form of a friendly amendment to Samantha's motion and she will have to decide to  
225 whether to accept it or not.  
226  
227 Judith Wegner: But if it not accepted it can still be put on the table as an amendment to the motion.  
228  
229 Brian Crawford: We have to vote on the motion and if the Planning Board is really considering your proposed friendly  
230 amendment, we have to vote down her motion.  
231  
232 Judith Wegner: I thought that it is order that the main motion is on the table and then after that, friendly or unfriendly, an  
233 amendment could be put forth, that gets voted up or down then you go to the main motion.  
234  
235 Brian Crawford: Ok, I'll defer to you.  
236

237 Judith Wegner: I would like to offer an amendment.  
238

239 Kent Wiles: I am the developer, talking about wetlands crossing and creek crossings. I have been a scientist for over a decade  
240 and I've worked with water quality. I did extensive research in the Outer Banks working with their stormwater system which is a  
241 mess right now. They take all their stormwater and put it right on the beach, literally or they put it in the sound. Having said that  
242 I am also an environmentalist, I do my post op out in Nags Head. All my research was done there, so it's close to me. I don't  
243 take it as trying to save a buck. Wetlands are extremely unique, every one of them. Crossing this one is, well I'd prefer not to  
244 but now Booth Road is a private road. I will take all measures that I deem necessary to cross this in an environmentally friendly  
245 way with rain gardens, with correct crossing of not just the creek but of the wetland too. That might not be enough to put your  
246 trust in me but it is my word and I will do my best.  
247

248 Samantha Cabe: My response to Judith's amendment is that I don't believe it is necessary because I believe our planning  
249 department, particularly Mr. Bowles, will enforce our ordinances to the utmost of their limits and we can't add to what those limits  
250 are. I trust staff. I don't think we can go above and beyond what our ordinances say.  
251

252 Judith Wegner: My point is that I think it should be explicit. I appreciate the developer's comments. I know you said what you  
253 thought was appropriate. Our job is to do the job so to try to be forthright as to what this is. Once a permit is given, you could sell  
254 to someone else who would develop it and it would be subject to the permits. I appreciate your comments but I feel given the  
255 sensitivity I would like to offer an amendment. Here is what I would propose. At the top of page 65, I would suggest that Mr.  
256 Bowles would specify one of those is the statement with the or there meaning you choose which of those or that we specify  
257 which of those. Is that up to the applicant to decide because of the 'or'?

258  
259 Glenn Bowles: I can clarify, they have the option to build the road to DOT standards with DOT's review and approval or they  
260 could post bond of a certain amount and have it built at a later date and if they don't built it the bond will kick in.  
261

262 Judith Wegner: I am trying to see where this proposed language would go. I think it would be an added item to say the  
263 following: To the extent permissible under Orange County Ordinances, the owner of such applicant shall provide a bond or other  
264 sufficient insurance that not only road construction but for two years after road construction, there will not be adverse  
265 environmental effect as a result of the road's establishment.  
266

267 Brian Crawford: Does everyone understand the amendment?  
268

269 Judith Wegner: Paragraph 6-To the extent permissible under Orange County ordinances, the owner/applicant shall provide a  
270 bond or other sufficient assurance to ensure that there is adequate protection of the water quality in the area following  
271 construction and for a period of at least two years thereafter.  
272

273 Samantha Cabe: Is there something in the ordinance that will allow for that?  
274

275 Michael Harvey: I am going to be general. Within the erosion control ordinance there are provisions when you are pulling an  
276 erosion control permit to post bonds to ensure that you have completed land disturbing and mitigation tests in accordance with  
277 approved permit. Any time you disturb stream, under state law, and even under County regulation, you got to mitigate that  
278 disturbance. That mitigation is left up to erosion control to determine what is appropriate per state standard. We do defer to  
279 state standard when it comes to mitigation. There are bonding provisions that would allow the developer to post the bond to do  
280 an incremental approach as necessary and erosion control determining if it is acceptable or not.  
281

282 Glenn Bowles: This will clarify what we would be seeking.  
283

284 Samantha Cabe: Is there a provision in the ordinance that requires that bond to ensure the two years after completion?  
285

286 Michael Harvey: I'm not going to say it focuses primarily on the timeframe of two years. It would be fair to say that the bond  
287 focuses on the completion of the project to the extent where erosion control certifies it meets the standards of the local erosion  
288 control ordinance, the local stormwater ordinance, and also any state requirements of mitigation. That can take longer than two  
289 years.  
290

291 Samantha Cabe: They have to complete the mitigation process as well. Will all that be done by Erosion Control whether or not  
292 that wording is in our recommendation to the Board of County Commissioners?  
293

294 Glenn Bowles: Not to that extent. The other option would be to make it a condition of the Flood Plain development, which staff  
295 does have control.

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Jeffrey Schmitt: We had a motion, it was seconded. The person who made the motion has the opportunity to accept or not accept the suggestion.

Judith Wegner: Right. But first of all there has to be a second.

Clarification- Mary seconded Samantha's motion; May seconded Judith's friendly amendment.

Earl McKee: This appears to have the affect of the Planning Board writing ordinance and regulation which I don't think is in our scope of work because we are, with this amendment, setting further conditions above and beyond what the County has set. Once you set it for this situation to apply for this devolvement, it becomes precedent for another down the road. My main concern is it seems we are exceeding our scope of work by writing ordinance and regulations.

Judith Wegner: Just so you know that what I was trying to say the outset consistent with the ordinances. I was trying to ensure that we were giving direction to staff to the extent there is authority that they need to check further and that in my mind I would like to have a nailing down indication I don't know for this know that mitigation is complete until there has been enough time go by to really see it in the really sensitive area how that would be so I wanted to be sure we weighed in. I do think by framing in terms of what is permissible under the ordinance, I am trying not to write the ordinance afresh. It seems this is really quite a sensitive area and the degree that would be an indication that what ever normal should be handled with care. I try to consider that where there are permits someone can sell and someone else can pick it up.

Samantha Cabe: I would like the Planning Board to vote on the amendment and not because I am not rejecting it but it is something everyone should have a voice on.

Mark Marcoplos: I will support it because it appears to meet on the regulations. I am disappointed in the process because I don't think it is more than five or six people in this room that even know what we are discussing. This is such an incredible ecosystem there we should have more information, pictures, environmental analysis from someone in the County, to make a conscious decision with a full set of facts. I hope in the future, when land is under our consideration, we could be more informed about it.

**FRIENDLY AMENDMENT MOTION:** Made by Judith Wegner to add item 6 on page 65 "to the extent under Orange County ordinances, the applicant/owner shall provide bonds sufficient to ensure the adequate protection of water quality within the law for a period of time that ensures that adverse effects have been mitigated. Seconded by May Becker.

**VOTE:** 4-6; (Judith Wegner, May Becker, Mark Marcoplos, Samantha Cabe) No (Mary Bobbitt-Cooke, Jeffrey Schmitt, Earl McKee, Pete Hallenbeck, Brian Crawford, Rachel Hawkins)

**Amendment Failed**

**MOTION:** Made by Samantha Cabe to accept staff's recommendation to send this to the Board of County Commissioners and recommend approval. Seconded by Mary Bobbitt-Cooke.

**VOTE:** Passed 9-1 (May Becker)

**Motion Passed**

*Mark Marcoplos left meeting*

**AGENDA ITEM 8: PLANNING BOARD RULES AND PROCEDURES**

To consider an amendment to the Planning Board Rules and Procedures to update Article VII - Meetings

*Presenter: Perdita Holtz, Planner III*

Perdita Holtz: This is a proposal to amend the Planning Board rules and procedures. The sole purpose it to update the locations of the meeting to the new building and revise the agenda setting process to put into words the process we have been following since Brian became chair last year.

**MOTION:** Made by Mary Bobbitt-Cooke to approve amendments. Seconded by Jeffrey Schmitt.

**VOTE:** Unanimous

**AGENDA ITEM 9: REVIEW OF DRAFT UNIFIED DEVELOPMENT ORDINANCE**

To begin review of certain sections of the draft Unified Development Ordinance.

*Presenter: Michael Harvey, Planner III*

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356  
357 Michael Harvey: We did place an item before you tonight which is a schedule of review when we will begin different sections of  
358 the Unified Development Ordinances. The dates can change. You have the kickoff with changes that we are looking to do with  
359 the UDO). We encourage you to make comments to staff via email. Each article will be assigned to a different staff person.  
360 (Reviewed abstract).  
361  
362 Samantha Cabe: Is there any difference in what you are proposing and the state model?  
363  
364 Michael Harvey: Yes and no. We are not as expansive as the state. We are allowing half the uses.  
365  
366 Jeffrey Schmitt: Statute allows the County to be more or less restrictive?  
367  
368 Michael Harvey: We can always be more restrictive but no less restrictive.  
369  
370 Mary Bobbitt-Cooke: Would you be able to give us a copy of what the state activities are so we can see you have decided is not  
371 applicable to Orange County?  
372  
373 Michael Harvey: Yes.  
374  
375 Mary Bobbitt-Cooke: When I compare what we are doing tonight with the paper you gave out tonight, Article is about  
376 enforcement here.  
377  
378 Michael Harvey: What I am referring to Article 6, Section 6.23.7 is the existing zoning ordinance. This talks about the UDO as  
379 you saw it at the January meeting with the proposed changes in the content.  
380  
381 Jeffrey Schmitt: What is an example of what we will not allow that the state will allow.  
382  
383 Michael Harvey: The state makes provisions to allow private playground equipment in a stream buffer. I am not comfortable  
384 with that.  
385  
386 Rachel Phelps Hawkins: We can be more restrictive than the state?  
387  
388 Michael Harvey: Yes.  
389  
390 Samantha Cabe: The allowable and the allowable mitigation match up with the state?  
391  
392 Michael Harvey: Yes.  
393  
394 Craig Benedict: One big example is that this would allow docks to be put on lakes and ponds that have stream buffers around  
395 them. The County has property where we would like to put a dock for fishing and we can't do that now.  
396  
397 Jeffrey Schmitt: If you are in the flood plain, you can't put a swing set, is that right?  
398  
399 Michael Harvey: Based on current County regulations, you cannot have any development in the stream buffer.  
400  
401 Jeffrey Schmitt: Is it Gold Park, the Hillsborough park, they allowed that but we wouldn't allow that?  
402  
403 Mary Bobbitt-Cooke: Is it right to assume when the County has its property interest at stake, we are going to come back and  
404 change some of these things?  
405  
406 Craig Benedict: These are mutual interest whether it is County owned property or not.  
407  
408 Mary Bobbitt-Cooke: The County now has its own interest in this. We need to know that the County, as a landowner, is now  
409 asking for a little leniency.  
410  
411 Pete Hallenbeck: Question, repairing buffer?  
412

413 Michael Harvey: State makes a reference to repairing a buffer following a specific course of stream liners that will be a certain  
414 distance. If you are disturbing or repairing a buffer under state regulations, you have to make mitigation.  
415

416 Pete Hallenbeck: I am looking at this buffer.  
417

418 Michael Harvey: Grass, natural area, trees, whatever it is, if it extends to the edge of the stream bank to a certain distance, all  
419 that being natural area being preserved in its natural state.  
420

421 Mary Bobbitt-Cooke: All the red is new stuff being added?  
422

423 Michael Harvey: Yes.  
424

425 Mary Bobbitt-Cooke: Are you also bringing in other parts of different ordinances? How will we know what that is?  
426

427 Michael Harvey: If you look under the section numbers, we have an italicized notes and comments.  
428

429 Jeffrey Schmitt: If we ask for a list of things that we are going to be more restrictive than the state, how long would it be?  
430

431 Michael Harvey: I believe it would be eight or nine pages.  
432

433 Jeffrey Schmitt: I have two streams and a pond on the property I own and I also have two granddaughters in Cary. If I want to  
434 put a swing set where the creek enters and exits, could I do that?  
435

436 Michael Harvey: No. But let me point out that as a modified farm you are except from local zoning regulations. There are no  
437 other proposed changes except putting it in the new format.  
438

439 Craig Benedict: Two and one half years ago, residents around Lake Orange, where there should be stream buffers, have been  
440 removing stream buffers and putting docks up. They thought that this would not help them but would actually allow the  
441 placement of docks in accordance with the 1970s agreement if it was mitigation. For the last couple of years, we have been  
442 meeting with them to resolve the issue.  
443

444 Samantha Cabe: So what authority does he have to put the docks there now?  
445

446 Craig Benedict: They do have docks and no one should be on any land adjacent to the water. There is a Lake Orange  
447 Incorporated that owns from 615 elevations to 620 and only private property starts from 620 and up. They really should not be  
448 putting any dock in the 615 out of the water because that is what Orange County does.  
449

450 Michael Harvey: One of the charges I took on when I entered employment with the County in 2005 was to try to address Lake  
451 Orange. We have issued several notices of violation preventing several docks from being erected. We continue to do so. We  
452 spend a lot of time at Lake Orange.  
453

454 Jeffrey Schmitt: You could put a motor boat to go skiing.  
455

456 Michael Harvey: Yes.  
457

458 Craig Benedict: When there was a drought, we found bulldozers out in the lake that were building docks.  
459

460 Michael Harvey: Reviewed Outdoor Lighting on page 93.  
461

462 Jeffrey Schmitt: Is this where you would deal with ball field lighting?  
463

464 Michael Harvey: To answer that question, we have added definitions of light trespass, fully shielded fixtures, light source and  
465 outdoor lighting in attempt to address that problem. Staff has not come up with a methodology to address the total.  
466

467 Jeffrey Schmitt: In the January Board of Adjustments meeting, there was a lady who lives in the northern part of the County who  
468 came to appeal a decision that Michael had made allowing lights to be placed on a ball field constructed and owned by a church.  
469 The lady did not prevail. They had followed all the rules. Under the rules, if you a church and own adjacent property, you could  
470 build a ball field, conduct games and put lights up. Conceivably, we could have 15 or 20 ball fields around the County with lights  
471 on them that belong to the church. I don't think that is right. I am going to personally go to the Board of County Commissioners

472 and ask them to do something because I don't think we should be able to do that. I really feel sorry for that lady and there was a  
473 lot of sympathy from the other members of the board. There are hundreds of churches in the County, if they have a ball field and  
474 put lights up and under the current ordinance, they can do that.

475  
476 Brian Crawford: Is that specifically for churches?

477  
478 Jeffrey Schmitt: Actually I will let Michael answer that.

479  
480 Michael Harvey: Actually Michael is not going to answer that because it is not pertinent to this review. But what I will say is that  
481 the Board of County Commissioners approved an ordinance amendment several months ago that stipulated in rural areas that  
482 lights must be extinguished by 11:00 P.M.

483  
484 Samantha Cabe: That includes schools?

485  
486 Michael Harvey: That includes any outdoor lighting in the rural area of the County.

487  
488 Samantha Cabe: Cedar Ridge High School?

489  
490 Michael Harvey: Cedar Ridge High School is not technically in the rural part of the County but the transition zone. What I will  
491 say in deference to my Board of Adjustment Chairman that Board of County Commissioners has already asked staff to begin a  
492 comprehensive assessment of how to address this problem. The reason it will not be part of the UDO is because it involves  
493 changing how we use land uses. Land uses are not part of this particular project.

494  
495 Craig Benedict: Michael, can you put a placeholder and say this is something that will be addressed. We want to highlight those  
496 and prioritize them.

497  
498 Samantha Cabe: What is a mercury bulb?

499  
500 Michael Harvey: It is just a high energy using bulb.

501  
502 Earl McKee: Are they still commonly used?

503  
504 Michael Harvey: They are phasing them out but we are stipulating you can't use them period.

505  
506 Samantha Cabe: Would just a bulb replacement work?

507  
508 Michael Harvey: Yes.

509  
510 *Jeff Schmitt left meeting*

511  
512 Mary Bobbitt-Cooke: Is there a special ordinance of how to dispose of them?

513  
514 Michael Harvey: We don't have one.

515  
516 Earl McKee: On page 108, in section 50-116b, "The following signs shall be permitted in all districts unless indicated otherwise."  
517 The next five words seem to contract themselves, "No Zoning Compliance permit shall not be required".

518  
519 Michael Harvey: The "not" should be removed.

520  
521 Samantha Cabe: Everything in black is what is currently part of the ordinance or what you proposed a long time ago?

522  
523 Michael Harvey: What was proposed a long time ago? This is essentially the existing sign ordinance that has been reorganized.  
524 What you see here is it reformatted that was presented a year and one half ago.

525  
526 Samantha Cabe: Is the black changing anything that is substantively currently in the ordinance?

527  
528 Michael Harvey: No. The red is what we are utilizing to identify new regulations. Section 50-116 J, we have taken that table in  
529 the existing ordinance and put it in word format.

530

531 Samantha Cabe: I want to talk about the maintenance section; does the County want to police the peeling and chipping of paint  
532 on every sign in the County? Is that really where our resources should be going?  
533

534 Michael Harvey: Part of the problem with maintenance is that if we don't ensure the signs are maintained, like the sign at the car  
535 wash on 86.  
536

537 Samantha Cabe: The paint is a little overboard.  
538

539 Mary Bobbitt-Cooke: I think Michael is saying that it is not being maintained at the level we are talking about but it does give  
540 them teeth to look at signs like the car wash.  
541

542 Samantha Cabe: This gives them teeth to go repaint to your sign.  
543

544 Mary Bobbitt-Cooke: It probably wouldn't be at that level of enforcement.  
545

546 Samantha Cabe: But it gives them the power to do that.  
547

548 Brian Crawford: In my experience, this maintenance section can be really dangerous.  
549

550 Michael Harvey: You would recommend dealing peeling or chipped paint?  
551

552 Samantha Cabe: I would recommend deleting the peeling or chipped paint?  
553

554 Brian Crawford: I would.  
555

556 Craig Benedict: I have noticed two mindsets in the County. In some of the urbanizing areas of the County where there is a little  
557 more activity, I think people like to see higher standards. There is an urban style image and there is a rural image. If we have  
558 every sign in the County are exactly the same it would be almost unenforceable. When we look at these regulations, if you are  
559 inclined to say, here is a standard we should in the urban transition areas because we think it needs to look at certain way. Just  
560 keep that in mind.  
561

562 Samantha Cabe: There are other factors, in other urbanized area, that can impress owners to improve their signage. One way  
563 to attract customers is to improve their image and they don't need the County to help them do that.  
564

565 Michael Harvey: I have no problem moving it. Anyone have any questions about political signs?  
566

567 Samantha Cabe: You can have as many signs as you want?  
568

569 Michael Harvey: Yes.  
570

571 Judith Wegner: You have to be cautious unless there is a safety issue.  
572

573 Samantha Cabe: I think "d" is not necessary. If I want to put a big sign in my yard because it will only be there 97 days pursuant to  
574 the ordinance. Because the ordinance limits the amount of time something is there why are we worried about how big it is.  
575

576 Michael Harvey: Part of my rationale is that residential districts are not allowed to have large signs anyway. You could pose that  
577 as a question in the documentation for the Planning Board and the Board of County Commissioners.  
578

579 Samantha Cabe: If the other size limitations limit it in a residential area anyway, then it may make sense to repeat it.  
580

581 Michael Harvey: This represents a specific size limitation on political signs. We established this limit based on the fact we  
582 already limit the total allowable size of signage within a residential zoning district for other purposes. I believe we are being  
583 liberal enough with the allowable size of a political sign. We can still pose that question to the Board of County Commissioners.  
584

585 Brian Crawford: I have a question about "g". If I understand this right that is generally where political signs are in the middle of  
586 the right of way then it talks about an area 15 feet from the edge of pavement. It sounds a little confusing for the general public.  
587

588 Michael Harvey: The problem here is there are certain roads that constitute a street right of way are hard to discern.  
589

590 Brian Crawford: The 15 feet is not considered the right of way. The road may not be in the center of the right of way. The  
591 County does not attempt to remove signs without trying to attempt to contact someone.  
592

593 Craig Benedict: Based on what occurred a few years, we may write this as political signs may not be allowed in the right of way  
594 pursuit to state law. This will take the enforcement issue to DOT and not to you.  
595

596 Michael Harvey: On page 127, Expiration of Permits, if you don't pull the permit within 180 days you lose it.  
597

598 Earl McKee: What is the reason for the 180 other than the six months?  
599

600 Michael Harvey: It is consistent with building code. If you don't begin your project, it is revoked after six months. That wraps  
601 up the signs section. We will move to Parking and Loading.  
602

603 Earl McKee: In our discussions about the County standards and state standards, will this include the increased restrictions in  
604 this section and other sections?  
605

606 Michael Harvey: I was talking for the section regarding stream buffers. What the state would permit in stream buffers and what  
607 we would recommend to be permitted in stream buffers.  
608

609 Earl McKee: How much of these red areas, I assume there are increased levels of regulation in some of these areas?  
610

611 Michael Harvey: Yes, we are increasing the landscaping standards.  
612

613 Craig Benedict: The state does not really have standards on this at all.  
614

615 Earl McKee: I have some concerns that I will submit in writing.  
616

617 Michael Harvey: The major differences will be on number 4, page 147, we currently require for every 10 parking spaces, the  
618 landscape width, the new items we are adding are canopy issues that the parking spaces have to be a certain distance from the  
619 canopy tree we are erecting. That is the new standard.  
620

621 Mary Bobbitt-Cooke: I don't know if Orange County has a sister County but let's say that New Hanover or Pitt County, do they  
622 have regulations this specific.  
623

624 Michael Harvey: I am going to say that most County have regulations that are specific in terms of where they want their  
625 landscape and how. Are we adding additional requirements, yes? As we move forward we will provide examples of what we are  
626 talking about.  
627

628 Mary Bobbitt-Cooke: If we went to other counties, they would give us a book with all this stuff too?  
629

630 Michael Harvey: Yes, you should also remember that each County has their own development philosophy that is implemented  
631 through their adopted comprehensive plan.  
632

633 Mary Bobbitt-Cooke: How do you describe our philosophy?  
634

635 Michael Harvey: It is Orange County's philosophy to allow reasonable growth at a sustainable level while protecting the natural  
636 environment while allowing reasonable use of the property.  
637

638 Craig Benedict: At the January meeting, the board was asking for a compass, are we getting more restrictive, less restrictive,  
639 etc. Maybe the outside consultant will be able to help. We do want to identify where we are going with these rules.  
640

641 Samantha Cabe: In the applicability section, does this ordinance apply to an individual homeowner?  
642

643 Michael Harvey: Please go back to number one, the last sentence. Site plan approval is required except for the single family  
644 detachable and duplexes. With the UDO, staff is not changing a long held exemption. Single family projects are not required to  
645 have a site plan approval.  
646

647 Brian Crawford: What do you need from us today?  
648

649 Michael Harvey: I would like for you to take what we have presented and give us your comments. We need your direction. We  
650 also need you to authorize staff to release these proposed revisions to various advisory boards for comments.  
651

652 Earl McKee: The more people and boards that this is put out to and brought back, the more fine-tuned it becomes. Is there  
653 certain number or departments that will be included?  
654

655 Michael Harvey: Let's look at the chart on page 167.  
656

657 Brian Crawford: During the Comprehensive Plan process, the other board's comments were invaluable.  
658

659 Earl McKee: I am not suggesting it should not be but my concern is that if the process is too involved and gets too long it will fold  
660 in on itself.  
661

662 Craig Benedict: The time frame is pretty tight. We will submit for comments along with a cover letter that this is their opportunity  
663 to submit comments in a couple of months. This will not be a never ending process.  
664

665 Mary Bobbitt-Cooke: Last month, we discussed who would be reviewing this. I think we discussed the developers need to be  
666 involved earlier and not later, is that happening? What do these acronyms mean?  
667

668 Craig Benedict: These are County appointed boards.  
669

670 Michael Harvey: My final comment is that we have slated next month is that we need your help on formatting. And we will  
671 devote next month to dealing with conditional use.  
672

673 Brian Crawford: When do you want our comments back on this set of documents?  
674

675 Michael Harvey: Within the next couple of weeks.  
676

677 Mary Bobbitt-Cooke: Is it possible to see each other's comments? We won't have another meeting where each person presents  
678 their comments.  
679

680 Judith Wegner: Maybe when we can compile comments in categories.  
681

682 Michael Harvey: We can do that.  
683

684 Craig Benedict: This is a major effort. A lot of these sections have been discussed in previous years so we had some work  
685 started. There are approximately 10 chapters of comments and not all of them changing. In the last meeting in June, I will be  
686 asking the Board of County Commissioners to put this on a public hearing in August.  
687

688 Brian Crawford: Just to summarize, we will get a prompting email from staff telling us what you would like for us to do in the next  
689 couple of days/weeks.  
690

691 Judith Wegner: If this text is available, it might help to get the text electronically.  
692

693 Craig Benedict: It may be on Monday because there is some clean up to do.  
694

695 May Becker: I have a question about the public hearing and the critical watershed issue, what is the status of that?  
696

697 Michael Harvey: We are going to public hearing with amendments that will affect the critical boundary in the Upper Eno. If that  
698 is approved, it will be incorporated into the UDO.  
699

700 Craig Benedict: We will not do all three watersheds at the same time. The chair and manager looked at it and there are different  
701 issues with each one. This Upper Eno amendment was prompted by the Efland Mebane Small Area Plan. The green areas are  
702 deletions from the existing critical area, the orange areas are increasing, and 7.8% increase so that will be on public hearing on  
703 February 22.  
704

705 **AGENDA ITEM 10: COMMITTEE/ADVISORY BOARD REPORTS**  
706 a) Board of Adjustment  
707 b) Orange Unified Transportation

708 Mary Bobbitt-Cooke: The train station, are we supposed to be following that? We did talk about that. They are putting  
709 substations down there. I learned that this is 20 square acres and the train station people need to be considered. They have to  
710 think outside of their box. They talked about drive thru things. They voted on it and it was to combine B, C and D. A was to  
711 eliminate it all. The other issue was the Comprehensive Transportation Plan.

712  
713 Judith Wegner: Where would the train come from and go to?

714  
715 Earl McKee: Washington, Baltimore and Atlanta. Isn't there an access issue with the train station property?

716  
717 Craig Benedict: We are looking to continue Orange Grove Road over the tracks and connect to 70 Business.

718  
719  
720 **AGENDA ITEM 11: ADJOURNMENT**

721  
722 **MOTION:** Judith Wegner made a motion to adjourn. Seconded by Mary Bobbitt-Cooke.

723 **VOTE:** Unanimous

724  
725  
726  
727 Items for staff: Send UDO Text out to Planning Board members  
728

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Brian Crawford, Chair