

SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 1, 2010
REGULAR MEETING

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MEMBERS PRESENT: Brian Crawford (Chair), At-Large, Eno Township; Judith Wegner (Vice-Chair), Bingham Township Representative; Tommy McNeill, Eno Township Representative; Peter Hallenbeck, At-Large, Cheeks Township; Mark Marcoplos, At-Large, Bingham Township;

MEMBERS ABSENT: Jeffrey Schmitt, Cedar Grove Township Representative; Larry Wright, At-Large, Cedar Grove Township; Earl McKee, Little River Township Representative; May Becker, At-Large Chapel Hill Township; Rachel Hawkins, Hillsborough Township Representative; Samantha Cabe, Chapel Hill Township; Vacant-Cheeks Township Representative;

STAFF PRESENT: Tom Altieri, Comprehensive Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Michael Harvey, Current Planning Supervisor; Shannon Berry, Special Projects Planner; Tina Love, Administrative Assistant II

OTHERS PRESENT: Allen Rosen

(Handouts for meeting: Table of Permitted Uses; Table of Permitted Uses – Economic Development Districts; Table of Permitted Uses – Added Definitions; Potential Question for UDO FAQ; Email from Mark Marcoplos; Email from May Becker)

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

(Quorum not Present)

Brian Crawford: Welcome, we do not have a quorum.

Perdita Holtz: We do not have any items that require a vote. The main item is the review of the UDO so I think we can proceed.

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Next Regular Planning Board meeting scheduled for Wednesday, October 6, 2010
- b) Planning Calendar for August and September

AGENDA ITEM 3: APPROVAL OF MINUTES

Draft Minutes for August 18 meeting not yet available.

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.

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 Brian Crawford: I attended the service for Mary Bobbitt-Cooke on Saturday and it was quite touching. She had people from
62 across the country who worked with her in different capacities when she was the Director of Public Health. It was a very nice
63 service with some great pictures of her. There were so many comments about her. We have the updated Public Charge
64 because of her hard work and she will be missed.
65

66
67 Judith Wegner: She was a very special person. She set an example that what you do for your community does matter and I
68 think everyday we should think about that.
69

70 AGENDA ITEM 7: PLANNING BOARD REPRESENTATIVE ON THE OUTBOARD:

71
72 Postponed until October meeting.
73

74 AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE – FIRST DRAFT:

75 To review the first draft of the Unified Development Ordinance
76 *Presenters: Perdita Holtz, Planning Systems Coordinator*
77

78 Judith Wegner: At the work session with the Commissioners it was a challenging meeting and I want to give thanks to the staff
79 because they were taking it all in and were poised answering questions. Commissioner Yuhasz had the most comments, and
80 Commissioner Jacobs had some and Commissioners Foushee and Hemminger had very few relatively. Commissioners Nelson,
81 Pelissier, and Gordon were not in attendance, all of whom in one way or another I would think of as pro environment. I found it
82 somewhat disconcerting because I had the feeling that we are a little bit out of sync. We are in summer season and the staff
83 was getting directives from those Commissioners present. I think we need to protect the staff and give them ample time to get
84 the full picture from all the Commissioners and Planning Board. I don't think we were getting the full read from the
85 Commissioners, we were getting a partial read and will probably get a partial read from the Planning Board tonight and then we'll
86 go through another round of process. We took notes about various things, you may remember we talked about the role of the
87 Planning Board and the list of duties we have and they wanted us to think about why we'd eliminate any of those. I think at the
88 time we tried to streamline it and we had good reasons for that. They also raised a question that we have raised about kennels
89 and riding stables and things like that which has come up on a recurring basis. We need to come up with a way to build
90 consensus around this. We are trying to wrap this up but it is a hard time of the year to get everyone on the same page to do
91 that.
92

93 Tommy McNeill: You wrapped it up. I know that Perdita and Tom were taking copious notes on all the changes that were being
94 recommended by the Board of County Commissioners. I want to also mention that Judith did a great job relaying to the BOCC
95 all the hard work that Mary has done and the things she believed in and she made that clear to the Commissioners then we took
96 a moment of silence and I thought that was very refreshing to do that. Regarding the UDO, again, I think staff capsulated all the
97 information the Commissioners wanted and I would imagine that they will present that to us.
98

99 Perdita Holtz: What will likely happen is that we are compiling all the BOCC comments into a document and we will be making
100 some changes and the Public Hearing draft of the UDO is going to have changes made since this document in a different color.
101 It will be green for new text and any strikethroughs will be green and all of the existing red and black strikethroughs and then red
102 for additions are going to remain so everyone can see what has happened since this first draft. You may want to recall, and we
103 are reminding Commissioners as well, we were tasked with putting existing regulations into a UDO format with some very
104 specific things that we could change. Some of the comments that are the most controversial that Judith talked about are going to
105 go into what is being called the implementation bridge. They'll be considered for a future phase. Certainly the BOCC is the
106 ultimate director of staff to say what we are going to pursue. Some of the things that were suggested will not likely be shown in
107 the Public Hearing draft. It will be shown on the separate document that says this was also suggested during this phase. We
108 are getting some of those comments from the public and Planning Board that are things that we really can't change during this
109 phase but they are going to be noted for potential future phases.
110

111 Brian Crawford: Are you saying some of the comments that came from the Board were changes in procedure? Substantive
112 changes?
113

114 Perdita Holtz: Substantive changes, yes. Once again if you only have one or two people making a comment, that's a comment
115 not a directive.
116

117 Brian Crawford: I don't know how we can get to substantive changes at this point as A. we weren't tasked with that and B. I
118 suspect the substantive changes have to go through some sort process to be changed and approved by the Board. Not just
119 comments.

120
121 Perdita Holtz: I would suspect that substantive changes, other than the Conditional Use, landscaping, signs, those areas we
122 were authorized to change, will ultimately be put into the hopper for future consideration by the BOCC. It is not what we were
123 tasked to do.

124
125 Judith Wegner: I think it may be helpful for the Planning Board, as the input is received, to have a log of the suggestions and
126 further comments, as well as our own list of commentary. I think tonight we should give some time for staff to share with us their
127 sense of where we go from here. I think we've generated some good frequently asked questions but much of what I heard from
128 the BOCC are things that are getting into that wouldn't be addressed by our frequently asked questions list and would otherwise
129 be things they are thinking about in terms of facilitating development.

130
131 Brian Crawford: It was a process that put us here to put this book together and I think as a Planning Board we need to be
132 protective of the process. If we allow substantive changes at this point, we'll never deliver this document in a timely manner. I
133 share that you put the suggestions somewhere else and if it comes up we, as the Planning Board, should say that this is the
134 process that staff and Planning Board was tasked to perform and anything else should be dealt with in time but we'll never
135 deliver the document if we start dealing with substantive changes right now.

136
137 Perdita Holtz: Right now we are definitely still thinking that we are going to have the November Quarterly Public Hearing
138 document and we are going with what we have, plus any non-substantive changes made to this document, and there is a
139 realization that we need to get this on the books. We need to get the framework in place and the framework does not change
140 much from the existing regulations. Let's get this adopted and in place and then we can worry about how we want to make
141 process changes. Everyone's comments are being documented. We have advisory board comments, BOCC comments, and
142 Planning Board comments along with what we did with them. Some got incorporated and some are substantive and will go into
143 future phase work. We do want to keep this on process to have a document ready for the consultant at the end of this month
144 and then they have a month to do what they need to do. That then will go to the November Quarterly Public Hearing.

145
146 Mark Marcoplos: That makes sense and as Judith proposed that we don't forget these things that caught our attention. We
147 should make a list and go back and revisit them at a later time. At that point I think we came to understand what we were really
148 doing which is putting together this document that is clearer and unified.

149
150 Perdita Holtz: Tomorrow night the BOCC will probably approve having a second work session on the UDO on September 17
151 from 12:30 p.m. to 3:30 p.m. and they picked it specifically for that day and time so they can have their comments done by the
152 September 20th deadline.

153
154 Judith Wegner: I wonder if there is a way, as the Planning Board, to suggest priorities within that set of next range of things to do
155 that would include what is most pressing, what's second, etc. with the staff's guidance. If you could map out the next year's work
156 beyond getting the mechanical incorporation/transition work done, I would think that would be helpful to us, to the staff, and I
157 would think to the Commissioners. That would show, for example, is it more important to work on additional landscaping, or
158 signage, or airports, and would reduce the frustration level if it is clear when we could go there in terms of the first six months,
159 after the UDO is adopted, the first year, etc. It would bring some sense of that maybe even to the November hearing so people
160 who may turn out and say 'I'm concerned about signage' or something about Lake Orange, there would be some schematic
161 about 6 months, a year, 18 months, etc. and for the staff it would give some sense of what is immediate and what next range,
162 and beyond. My sense is that if it is only what do we do by November there will be more ability to say, let's put that in the six
163 month bucket, or let's put it in the year bucket, etc.

164
165 Perdita Holtz: It is actually part of the consultant's role and contract to make recommendations on future processes and
166 prioritizations and I am not sure if we will have anything at the November Quarterly Public Hearing. Part of the reason for having
167 the public hearing is to hear people's thoughts but they are definitely going to have a document that they are putting together
168 after the public hearing that not only will have their professional recommendations on what Orange County should consider but
169 also all of the good ideas that have come forward as part of this entire process.

170
171 Judith Wegner: Does staff have suggestions on how the Planning Board should proceed to help move things ahead.

172
173 Tom Altieri: We are going to get more comments by the 20th deadline and some will not be seen, assuming we follow this
174 process, until the next cut of this draft and the public hearing is held. Staff has taken good notes and had staff meetings to talk
175 about the comments and which ones are items that should be addressed or mentioned in this policy bridge, what are items that

176 simply clarify some of the text in the document, and then how we can rewrite a particular area of the document to make it clearer.
177 What is going to be a challenge as we continue to move forward is to be able to show 'this is what we've done', 'this is what we
178 haven't done' and then be able to respond when asked why we didn't do this or that.

179
180 Perdita Holtz: It is important for you to turn in your bigger ideas you'd like to see implemented because a lot of the future phase
181 work is going to be built upon things we have and will hear. We've heard a lot over the years about how people want things to
182 change. Certainly there is no consensus across the spectrum.

183
184 Brian Crawford: Early on, we discussed substantive changes and the Commissioners and Planning Board agreed that they
185 would not be made at this time.

186
187 Judith Wegner: If we have a list of the suggestions and comments that have come in and create a Planning Board list of issues
188 and Commissioner issues to make it clear that it is the next generation of short, medium, long term phases, then people will feel
189 like they have been heard and I would suggest that anything controversial get shifted into the list and we could see the UDO
190 process as an effort to get a consensus document that is melding prior items and anything substantive would go in the next
191 iteration so we can get the structure and then we can go back.

192
193 Brian Crawford: For tonight I thought we would go through it just in a cursory manner to look at those minor things that we can
194 change, not substantive stuff. Let's move forward and get through as much as we can mindful of your comments.

195
196 Perdita Holtz: I think you have some minor thing, you can type up and send by email but if there is something you need clarity
197 on and it will be helpful to you for staff to answer questions, certainly we have time for that.

198
199 Brian Crawford: Let's look at the first section. On 1.1.9, just in general this is a sentence (c) that read strange so I will come
200 back with a suggestion for that.

201
202 Judith Wegner: The Commissioners commented on (b) and said it should not be the County attorney who decides the more
203 restrictive control. Maybe that's what you are flagging.

204
205 Brian Crawford: I remember a conversation that we had with the County attorney over the sign ordinance and the sign ordinance
206 in Orange County was more restrictive but we had to default to the state ordinance which was more lenient based on a Supreme
207 Court ruling that the attorney talked about. I don't know if that is correct or if we want the County attorney to check it. I
208 remember this provision clashed with the sign ordinance.

209
210 Perdita Holtz: It says "the more restrictive provision governs, to the extent permitted by law". So there are cases like signs
211 where it is a free speech situation and that it is clear that local government restrictions do not apply as much as maybe some
212 other areas. We have to have some sort of language in there that says how we handle it when there are conflicts.

213
214 Mark Marcoplos: That would seem to cover it - "to the extent permitted by law". It would seem to capture those other instances
215 such as you mentioned.

216
217 Brian Crawford: I would feel more comfortable if we get the County attorney to look at that.

218
219 Perdita Holtz: He's been asked to look at all of it.

220
221 Brian Crawford: 1.1.5, Vested Rights, is there a definition anywhere of vested rights?

222
223 Perdita Holtz: I believe it's in Article 10. page 10-53.

224
225 Judith Wegner: Do you have hyperlinks every time there is something that is defined later? Is it flagged as a hyperlink?

226
227 Perdita Holtz: We are probably going to ask the consultant to help us on that. I think it would be good to have in the electronic
228 version. It may be a matter of what kind of software is needed to do that.

229
230 Brian Crawford: 1.4.2, I just have a general comment, why did we substitute Planning Director in so many areas as opposed to
231 Zoning Officer or the planning department? Why did we say Planning Director?

232
233 Perdita Holtz: Because currently Zoning Officer and Planning Director seem to be used interchangeably within the Zoning
234 Ordinance and while there is a person that has the title of Planning Director, there is no person that has the job title, nor does the

235 job title exist of Zoning Officer so we made the decision internally that it should be Planning Director because that's the person
236 ultimately responsible for enforcing this Ordinance. It also says in here that the Planning Director also can mean his or her
237 designee, 1.1.4.a.
238

239 Brian Crawford: It raised a question with me that there will be a number of folks that will look to the Planning Director as the
240 person to do this as opposed to his designee and to a layman looking at this thing, they may say this is the Planning Directors
241 job. The more general planning department
242

243 Perdita Holtz: Yes but then it becomes who in the planning department actually has authority to handle something so you run
244 into the same type of questions. When you say planning department staff what does that mean? We have a variety of different
245 staff in the planning department. It is not just planners and some planners don't have the authority to render a decision on
246 unified development ordinance items. We think it is cleaner to have Planning Director and then he or she can designate.
247

248 Judith Wegner: Section 1.6.3 on page 1-15 and particularly carrying over to the following page, 1-16 as some of you may
249 remember that we had a discussion about the detailed functions of the Planning Board what should be posted here. There was
250 a question from Commissioners about why items were eliminated.
251

252 Michael Harvey: It was inconsistent with statute. Statute defines the Planning Board's role. I think looking at J through T, they
253 are all covered in A through H, they're just not spelled out in a specific manner. Part of the reason we added item I was to give
254 that catchall desired by the Planning Board. Judith's comment, made at the same meeting is that if you start defining what the
255 Planning Board does with such a level of specificity then you have to amend the Ordinance every time you want to do something
256 that doesn't fit into one of these generic categories. What I have subsequently found out through other research as directed by
257 the County Commissioners, is that the Planning Board had recommended most of these additions in the mid to late 80s because
258 they wanted specificity. They didn't feel the existing statutory duties were sufficient enough. I disagree with that entirely. I think
259 as long as it is consistent with statute and we leave it open-ended with the catchall we have proposed that it addresses a lot of
260 the concerns Board members have and I think it does give the flexibility to work with the staff and the director to address those
261 issues you might have without having to reinvent the wheel every time you think you need to do something. What we don't want
262 is to have to amend this section every time the Planning Board feels that it wants to do something different.
263

264 Brian Crawford: I have a typo, in 1.8.3 section B, I am sure that's a class B.
265

266 Mark Marcoplos: I emailed a couple of months ago with a suggestion of an addition to 1.1.4, page 1 and 2, purpose and intent of
267 this but I think there should be some wording in there, some separate wording and numbering referring to providing for the
268 protection of eco systems.
269

270 Perdita Holtz: We did consider it. One of the things we need to stick with is what state enabling legislation allows them to do.
271 Ecosystems are not exactly listed in state enabling legislation but Barry did bring up that on 8.b, he wants to say for the
272 protection of a natural environment and of surface and ground water resources.
273

274 Mark Marcoplos: Something like that, I think is a very important concept. So what is this state enabling legislation?
275

276 Perdita Holtz: State enabling legislation is what allows counties to regulate zoning and land use. All of the County's powers
277 come through state enabling legislation of one sort or another.
278

279 Judith Wegner: There may be other authority that isn't in the planning enabling legislation. The state constitution has a provision
280 about environmental protection that nobody has ever litigated so in light of Mark's comments, there may be other sources that
281 would have a bearing. It may be worth flagging and looking at.
282

283 Mark Marcoplos: On 1.1.4.B.6, avoid undue concentration of populations, in state enabling legislation, is that something that is
284 on the radar of the state legislators?
285

286 Perdita Holtz: One of the reasons that zoning actually came about is because there was too much density of population in the
287 cities. It was one of the main purposes of zoning when New York City adopted their code in 1916 to regulate density.
288

289 Mark Marcoplos: That concern I assume was based on health issues, was it based on environment issues?
290

291 Perdita Holtz: Not in 1916 and by health I am assuming you mean protecting the natural environment because you can make the
292 argument that the natural environment is part of the human system anyway. I am assuming that enabling legislation is pretty old.
293

294 Mark Marcoplos: We're in a pickle in North Carolina with that home rule summary. It has stopped so much progress.

295
296 Brian Crawford: Section 2, page 2-13, section B.4, legal documentation, I don't know if there is a way we can define that
297 anywhere or better explain it to the person who is using this section of the ordinance but I am sure we will get a lot of questions
298 about what is legal documentation; maybe through a footnote or something we explain what that would be.

299
300 Judith Wegner: I think you're right.

301
302 Brian Crawford: On page 2-24, is there a definition of Class A and Class B permits?

303
304 Perdita Holtz: There is a definition for Special Use on 10-41 near the bottom.

305
306 Judith Wegner: It doesn't explicitly reference A and B. I don't know whether A and B is consistently used? Maybe if you
307 expanded the definition of Special Use, example, different Special Use proposals may be routed to the Board of Adjustment or
308 the Board of County Commissioners depending on whether they are designated as Special Use A or Special Use B.

309
310 Brian Crawford: I think Article 5. This is an instance where this hyperlink thing may be important so if someone clicks on Special
311 Use permit, what's the difference between Class A and Class B, they can move to Article 5. If someone is going through this
312 looking at procedures, at least at that point, that is the first time they are going to see that.

313
314 Michael Harvey: If I could draw your attention to the chart on 2-25, staff accepts the completed application, staff reviews the
315 application and makes a formal recommendation, Class B SUP scheduled for review by Board of Adjustment at a public hearing
316 and the next one is Class A SUP scheduled for review by County Commissioners.

317
318 Judith Wegner: It may be good to add it to the definitions because people may look in different places for it.

319
320 Brian Crawford: Somehow just to get to it. Even though you know it is the Board of Adjustment, I agree but I think in the
321 definitions it says these types of things go to Board of Adjustment and these types of things go to County Board/Planning Board.
322 If that hyperlinks over to Article 5 it just may help with the person who is going through this. Ok, on 2.38, is there an actual
323 person called the Erosion Control Officer?

324
325 Perdita Holtz: Yes and it is established in Article 1.

326
327 Judith Wegner: The Board of Commissioners had a lot of discussion about say you create a subdivision then you want it folded
328 back into a single parcel. There are provisions here about vacated plats, etc. I don't know substantively if they were moving
329 anything but you may see some clarification on that.

330
331 Perdita Holtz: This is actually a new section, right now our ordinances don't really address it which has caused problems. This
332 is where staff is suggesting, and at least one person would prefer to see something easier, what you have to go through to
333 abandon the plat.

334
335 Judith Wegner: When you generate your issues list will you flag that so people could grasp that even if some of us can't explain
336 it tonight.

337
338 Brian Crawford: I guess one of the things in going through the procedures, I understand why you have this procedures section,
339 but a lot of terms in the procedures section, I had to go further down in the book to figure out what that means. Would it work
340 better to say here's Conditional Use Permit and put all the procedures in that section? Or you have a procedures section. In
341 terms of the flow of this for the first time user, I had to flip to figure out some of these terms. I guess that makes sense but it is
342 something to think about that someone is going to be flipping back and forth trying to figure it out.

343
344 Brian Crawford: Just in general, some places in the book you have the number ten written out and in other places you have the
345 numeric number ten. Shouldn't we have one or the other? Is there a reason why?

346
347 Perdita Holtz: Yes, if you look on the very first page, number 5 notes, it says number one through ten are spelled out
348 alphabetically and we tried to catch them all because it was inconsistent in the existing ordinance. If we didn't catch them and if
349 you see any please let us know. All numbers over ten are displayed numerically so the number 45 is the number four and the
350 number five. We tried to catch them.

351

352 Mark Marcoplos: I want to bring up something in the email I sent a few months ago and that is the definition of massage
353 business. I think it is high time that we got this one right. You often hear politicians talking about massage parlors. When the
354 issue of licensing of massage therapist comes up you get the gawfuls from the politicians, well this needs to describe therapeutic
355 massage. Massage parlor needs to be taken out and that needs to go in adult business sections and acknowledge the reality
356 that it is not respectful of massage therapists to have that in there. The definition of massage is accurate, massage businesses,
357 massage therapy which utilizes the type of techniques.....

358
359 Tommy McNeill: Are you saying it denigrates the profession?

360
361 Mark Marcoplos: Yes. It definitely does and so it's an irksome issue.

362
363 Perdita Holtz: Fixing it, I think, is going to be part of when we look at adult uses which is definitely on the list. I know you don't
364 want it lumped with adult uses but that is the type of fix where these types of things are considered adult and these types of
365 things are body work type of activities. It really needs to be fixed with the adult uses because right now they are a little lumped
366 together.

367
368 Mark Marcoplos: Right, I'm just saying move massage parlors over to adult uses. It's not something that anyone has any big
369 questions about. I don't think we will find anyone to argue this.

370
371 Brian Crawford: Section 3, I love that section, I just wanted to let you know.

372
373 Judith Wegner: The Commissioners also commended staff on the formatting. It's a really good job in terms of purpose
374 applicability the way it's laid out because it really helps people understand it.

375
376 Brian Crawford: It answers questions quickly. You don't have to dig through it. Your eyes go right through what you want to
377 know. It's great.

378
379 Judith Wegner: Is the difference between Conditional Use and Conditional Zoning defined in the definition section? The
380 terminology is somewhat similar. I wonder if it might be useful to have something in the definitions to explain it to people; maybe
381 that is something for the frequently asked questions list. Can explain the difference because at one point wasn't there a division
382 within the Board of Commissioners. This came up, for newer board members, about the speedway small area plan, didn't it?
383 Special Conditional Zoning Districts let someone rezone to what might otherwise have been a whole array of different uses but
384 instead it pegs it more narrowly to only one out of all the industrial uses.

385
386 Perdita Holtz: There is an actual Conditional Zoning district for each type of special district you want to set up. In some ways
387 they're no different from having AR or R1 it's just that with the Conditional Zoning District you're allowed to put conditions on
388 property. If you look at the table of permitted uses there are actually conditional zones listed on the very last three columns and
389 there are the uses you can do. You can pick from those uses and do a site plan, it does require a site plan, and rezone to that
390 zoning district. Conditional Use is a little bit more wide open. You can actually apply for any use that is listed on the table of
391 permitted uses and attempt to do it anywhere in the County in the planning jurisdiction. It really isn't that much different from
392 what is currently allowed under the Planned Development process. We are kind of doing away with Planned Development which
393 was adopted long before state enabling legislation allowed the County to have Conditional Use and Conditional Zoning Districts.
394 Somehow Orange County was able to come up with this planned development construct and it worked for us but now that the
395 state, as of 2005, allows these other things, let's go ahead and change it and let's be in conformance with state enabling
396 legislation since we know that it's allowed.

397
398 Judith Wegner: That is probably worthy of being on the frequently asked questions list about what happened to Planned
399 Development and what has replaced it.

400
401 Judith Wegner: Could you relay how the master plan concept fits in and how it is different.

402
403 Perdita Holtz: The way that it is different is somebody can come in and have ideas on a parcel, ideas on generally where they
404 want to locate uses on a parcel and they can get approval for these type of uses and this many square feet in this particular
405 section of the entire development. Then later when they are ready to develop that section, this works very well for phased
406 projects, they can bring in a site plan that staff would approve, it has to be in conformance with the guidelines and master plan
407 that was approved by the Board of Commissioners which of course the Planning Board sees and makes a recommendation to
408 the Board of Commissioners. It allows everything to not be exactly tied down. The master plan development is probably going
409 to be a good way for people to possibly develop the infrastructure of say an office park and then sell the lots to future users for
410 an office type of use because you can say, well I'm planning on doing seven lots and this is general layout and I am planning on

411 having 20,000 square feet of space on this lot. Then they can sell the lot saying you can do an office use and have up to 20,000
412 square feet. That concept has already been approved but the exact specificity of how it is laid out has not but it needs to be in
413 conformance with all standards of the Ordinance.

414
415 Judith Wegner: How would that work if somebody has an existing property and they want to add to it, some kind of office park,
416 etc. and they are seeking modification or something like that? I am curious about how the change in concept phases compared
417 to what has been there in the past.

418
419 Perdita Holtz: If you already had a master plan developed for that and in the future things change, you can't change the uses to
420 that extent and not have to get re-approval.

421
422 Judith Wegner: Can you change the margin? I remember all the ins and outs of the Economic Development manual and how all
423 that added up and subtracted. That may be the only thing in the whole County of that scale but if somewhere you got a little mini
424 shopping, I'll pick Highway 54, if somebody has some layout on a parcel there, there used to be a VCR place and a semi
425 hardware store, so say somebody owns that and they are going to try to revamp it and reconfigure it. I am curious to understand
426 or put in a FAQ list. If I don't understand others may not, what does it mean to transition from what we've had before where you
427 had to have certain kinds of site plans or maybe someone has a home office or operation and wants to maybe integrate things,
428 can they put a warehouse with it? That kind of transition in concept to master plan, I don't understand it for our purposes and
429 suspect lay people won't understand it without a better explanation.

430
431 Perdita Holtz: Anything that is out there currently would need to come through and do a master planned development.

432
433 Judith Wegner: For a change.

434
435 Perdita Holtz: For a change.

436
437 Judith Wegner: What's the significance if they have to do that?

438
439 Shannon Berry: If it's a multi-building site? If it was approved, something prior to this, they could come in and try to do it as a
440 master plan concept or I think they could actually go through and do it as a Conditional Use.

441
442 Judith Wegner: So they may have been used to thinking about a permit protocol but now they are going to be thinking this new
443 concept master plan?

444
445 Shannon Berry: If I had building and I had a garage in it and then I wanted to change the use to something else?

446
447 Judith Wegner: Yes, a day care, modify it or something.

448
449 Shannon Berry: If that use is permitted in that district and they are going in to that building, they don't have to do this. They can
450 do whatever is needed for zoning compliance.

451
452 Judith Wegner: If it's permitted, but if it's not squarely within the permit and they were going to come for some kind of permit
453 modification does that mean they're triggered to move into a master plan process?

454
455 Shannon Berry: It wouldn't necessarily be a permit modification, it would be a whole new application.

456
457 Perdita Holtz: It would depend on if they were originally approved by right or as a Special Use Permit.

458
459 Judith Wegner: If it were a Special Use Permit would that ...

460
461 Perdita Holtz: That would be a permit modification but they could also try to do an MPD or Conditional Use District and rezone
462 the property.

463
464 Judith Wegner: That, I would venture, would be a major question for some people. Can you picture that at a hearing? Someone
465 thinking about that would come in so if you are developing examples to help people understand, I think that would be.... I think,
466 we're in such an economic transition that as a conception transition people won't understand it and we need to be clear that we
467 understand it and its significance.

468

469 Pete Hallenbeck: On everything we talked about tonight in the back of my mind we need to focus on the fact that this is a merge
470 and not changes. I would like to speak to that in a couple of ways. The FAQ, the way it's written, makes it look like much of a
471 document that changes things than a document that merges them. There may be a way to rework it that could help people
472 reading it who think 'what is this, what are they changing?'. There are some things that don't make sense and implies there is a
473 change. Just a general comment, I had a lot of comments on three through seven but all of them are things that involve changes.
474 A lot of them are in areas of expertise. One thing I noticed is, because of your legal background, in the first two sections, you
475 found all sorts of things which from my perspective were small details but in your line of work is critical. The stuff I knew, if I go
476 back to page 10-29 under lighting definitions, there is a whole of luminaire, watts, etc., And for me, I think it's a little vague, it
477 needs to be cleaned up, but my reaction is to leave it. Let it go through, it's more than enough for most people and that's
478 something to focus on later. It's really a rough process for everyone because we have all these different people in lots of areas
479 of expertise that want to change things and then you add the political stuff. With regard to the home office subject, the comment
480 I look forward to making someday, after this has been passed and it's time to focus on change, is if the Ordinances of Orange
481 County were applied nationwide the companies Hewlett-Packard, Microsoft, Google, and Digital Equipment Corporation (if you
482 remember those computers) would not be allow to happen in this country. That would be my argument for saying we might want
483 to reexamine those; but to come out and say them now would just delay the merge process. What is in there is just fine and
484 consistent with the current rules. I keep weighing back and forth on whether if it's enough to mention or an area of expertise. It's
485 very difficult.

487 Mark Marcoplos: I agree with you. I would just like to get this merger of information behind us so we can get to the real
488 interesting discussions later. You make a good point about the frequently asked questions creating this idea that this is not just a
489 merger of information. However, that is the way people are looking at it. We've got a lot of people who, anytime the County
490 does something, says we are making it tough for business in Orange County. It's like a knee jerk reaction so people are going to
491 have those kinds of questions. I like the idea that the questions may come from that perspective a little but then the answer is,
492 and this is the same for a lot of those questions, this process was not designed to reevaluate and alter ordinances. This was
493 designed to clean up all the ordinances and make it more readable. Starting with those questions and having that answer brings
494 people back in to where the discussion needs to be at this time.

496 Perdita Holtz: We had talked about potentially having 20 FAQs, people are going to submit them and we will talk about which
497 ones we wanted included in the document.

499 Judith Wegner: It may be that one of them should be, assuming as you've told me that this isn't about change, how do I advance
500 recommendations for change. It is another topic and could be one toward the end. Maybe one asking if it changes a, b, c, d
501 could all be under one question and the answer is no it doesn't. I think you are all right in terms of what people may ask. I hope
502 you write about home office, telecommuting, etc, as it makes sense in this economic climate. If it conforms with the conveyance
503 and other things. We should be encouraging that and it makes sense for people to be able to work at home.

505 Brian Crawford: Perdita, I don't have a problem with staff picking the questions.

507 *Consensus from members that staff will pick the questions.*

509 Perdita Holtz: There are a couple of things I want to bring up that we will probably not answer. Those for which we don't have
510 an answer and we would prefer not to compare our regulations to other places. One because none of us are experts on those
511 regulations and two when you start comparing areas with water and sewer, like in cities, you are really talking about a horse of a
512 different color when you're talking about what their regulations allow and don't allow. We would prefer not to delve into that one.

514 Judith Wegner: I was trying to lay a platform for pros and cons and I think there are more pros than cons. You probably need to
515 have one that is for people who don't like regulations. Generally, this doesn't reduce regulations it simply provides them in a
516 more coherent way.

518 Brian Crawford: Does anyone think we need to get additional comments? We had talked about whether we wanted have an
519 additional meeting in September.

521 *Consensus from members not to have an additional September Planning Board meeting.*

523 Perdita Holtz: The comment deadline is 9 a.m. September 20th.

525 Brian Crawford: Ok, so if you have comments you please email them.

- 528 AGENDA ITEM 9: COMMITTEE/ADVISORY BOARD REPORTS
- 529 a) Board of Adjustment
- 530 b) Orange Unified Transportation
- 531 c) Efland-Mebane Small Area Plan Implementation Focus Group
- 532
- 533 No reports
- 534
- 535 AGENDA ITEM 10: ADJOURNMENT
- 536
- 537 Meeting was adjourned by consensus
- 538
- 539
- 540

Brian Crawford, Chair