

MINUTES
ORANGE COUNTY PLANNING BOARD
DECEMBER 7, 2011
REGULAR MEETING

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MEMBERS PRESENT: Brian Crawford (Chair), Eno Township Representative; Larry Wright (Vice-Chair), At-Large, Cedar Grove Township; Alan Campbell, Cedar Grove Township Representative; Buddy Hartley, Little River Township Representative; Mark Marcoplos, At-Large, Bingham Township; Lisa Stuckey, Chapel Hill Township Representative; Johnny Randall, At-Large Chapel Hill Township; Judith Wegner, Bingham Township Representative;

MEMBERS ABSENT: Rachel Hawkins, Hillsborough Township Representative; Andrea Rohrbacher, At-Large Chapel Hill Township; At-Large; Peter Hallenbeck, Cheeks Township Representative; Maxecine Mitchell, At-Large Bingham Township;

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

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS

- a) Next Regular Planning Board Meeting scheduled for Wednesday, January 4, 2012
- b) Planning Calendar for December and January
- c) Ordinance Review Committee (ORC) meeting before the regular meeting on January 4, 2012 to review items scheduled for February 2012 QPH

AGENDA ITEM 3: APPROVAL OF MINUTES

Brian Crawford: Are there any additions to the minutes?

MOTION made by Larry Wright to approve the October 5, 2011 ORC Meeting Notes. Seconded by Alan Campbell

VOTE: Unanimous

MOTION made by Larry Wright to approve the October 5, 2011 minutes. Seconded by Alan Campbell

VOTE: Unanimous

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

Mark Marcoplos: There have been issues in the past with long delays between items sent back to us and then three months later sent back to the BOCC. I suggested that if put our heads together at the quarterly public hearing and we were still good with sending it back to the BOCC we could do that. There was a little resistance from a commissioner about making sure the public had time to understand what was going on. I am going to write up something and see how we can make it work faster.

Brian Crawford: You may want to have it reviewed by the county attorney so he can pose his questions or problems earlier.

Mark Marcoplos: I think it may work that if a no brainer comes up and if we have pre decided that we will be okay with everything then unless there is a serious question at the public hearing, it will be pre-approved.

Brian Crawford: Mark will present that at the next meeting. Tina, please make that is part of the agenda. Larry, could you please sum up the events that happened at the last meeting.

Larry Wright: The dinner was productive and many concerns were addressed. One thing that was gratifying was the BOCC nodded approval of redefining limits on telecommunication towers and trying to look at telecommunications in general and put that on a fast track. There was mention of public safety but I think the BOCC were very receptive to it.

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61 Brian Crawford: No controversy?

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63 Larry Wright: Shannon did a heroic job.

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65 Brian Crawford: What was the discussion point?

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67 Shannon Berry: The Comprehensive Plan.

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69 Mark Marcoplos: I had a couple things I wanted to bring up, one was the idea of speeding up the process. The meeting was
70 very short. If it is only going to be once a year then it should be for a couple of hours.

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72 Brian Crawford: Is this a meeting they have with most of their boards at the end of the year?

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74 Craig Benedict: It is spread out throughout the year.

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77 **AGENDA ITEM 5: PUBLIC CHARGE**

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79 **Introduction to the Public Charge**

80 The Board of County Commissioners, under the authority of North Carolina General Statute, appoints
81 the Orange County Planning Board (OCPB) to uphold the written land development laws of the County.
82 The general purpose of OCPB is to guide and accomplish coordinated and harmonious development.
83 OCPB shall do so in a manner which considers the present and future needs of its citizens and
84 businesses through efficient and responsive process that contributes to and promotes the health, safety,
85 and welfare of the overall County. The OCPB will make every effort to uphold a vision of responsive
86 governance and quality public services during our deliberations, decisions, and recommendations.

87
88 **PUBLIC CHARGE**

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

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97 **AGENDA ITEM 6: CHAIR COMMENTS**

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99 Brian Crawford: Thank you to Larry for stepping in and for the kind notes from everyone. I have been Chair for a couple of years
100 and I haven't taken advantage of some kind of holiday gathering for our group. It is late in December but I would like for you to
101 think of something for January.

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104 **AGENDA ITEM 7: PLANNING BOARD INPUT FOR COUNTY COMMISSIONERS' ANNUAL PLANNING RETREAT:** To approve the input
105 form for the annual BOCC planning retreat in January. The annual report informs the BOCC of the past
106 year's activities of advisory boards/commissions and assists in overall County work planning.
107 Presenter: Perdita Holtz, Planner III

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109 Perdita Holtz: This is a fairly new process. Like the past year, this next year is projected to focus on economic development
110 activities. On page 15 of your agenda, there is a detailed list of the items to carry out in 2012. The recommendation is that the
111 Planning Board approve the form to be submitted by the Friday deadline.

112
113 Larry Wright: Do we formally accept this?

114
115 Perdita Holtz: You need to have a motion that we accept the form as written as indicative of the Planning Board's desires for
116 2012.

117
118 Mark Marcoplos: One of the concerns is continued small area plans. Does that refer to the small area plans complete?

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120 Perdita Holtz: Yes. Should I make that more clear?

121
122 Mark Marcoplos: No.

123
124 Perdita Holtz: The three adopted plans.

125
126 Craig Benedict: One item in the plan is about reviewing permitted uses and addressing process streamlining so that could be
127 addressed in the coming year and that is one of the items listed.

128
129 Brian Crawford: White Cross?

130
131 Mark Marcoplos: For the emergence of the Orange County Voice that has provoked discussions. This is an area ripe for
132 discussion.

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134 **MOTION** made by Larry Wright to approve this annual report as written and presented by Perdita Holtz. Seconded by Lisa
135 Stuckey.

136 **VOTE:** Unanimous
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139 **AGENDA ITEM 8:** **COMPREHENSIVE PLAN LAND USE ELEMENT MAP AND ZONING ATLAS AMENDMENTS:** To receive a brief
140 make a recommendation to the BOCC on government-initiated amendments to the Comprehensive Plan
141 Land Use Element Map and to the Zoning Atlas to assign land use category classifications and to establish
142 initial zoning for approximately 65 properties that will now be under Orange County's planning jurisdiction as the
143 result of the re-alignment of the Orange/Alamance County Line as described within Session Law 2011-88
144 (commonly referred to as the '91% line') enacted by the North Carolina General Assembly on May 25, 2011.
145 This item was heard at the November 21, 2011 quarterly public hearing.
146 Presenter: Michael Harvey, Planner III

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148 Michael Harvey: Reviewed abstract and attachments.

149
150 Brian Crawford: Were there any significant comments about this at the public hearing?

151
152 Michael Harvey: There were two citizens that indicated they had hoped their properties would be elsewhere.

153
154 Larry Wright: I was astonished that the meeting wasn't packed with people because this is the county lines that determine where
155 these people's kids will go to school.

156
157 Michael Harvey: A lot of that may be to a lot of the public outreach that Mr. Benedict and the team did leading up the adoption of
158 the session law.

159
160 Craig Benedict: We had four outreach meetings starting in 2009 and there were over 100 people in a lot of those meetings. By
161 the time we got to 2011, the majority of the people were comfortable with the decision of the 91 percent line. In a year or so we
162 may have to come back.

163
164 Brian Crawford: Congratulations.

165
166 Larry Wright: On page 36, I wasn't sure about Everglades Drive. That will still be in Mebane, right?

167
168 Michael Harvey: It is in Mebane's city limits so it is going to be in their planning and zoning jurisdiction but it is now is in Orange
169 County.

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171 Craig Benedict: Both sides of the line will be in Mebane's jurisdiction in city areas.

172
173 Alan Campbell: Did I hear at the public hearing that staff actually did an inspection of these?

174
175 Michael Harvey: My staff actually worked hard to keep me on track and spent a couple of days doing photo surveys and
176 verifying there was no land use that could be a problem. As I stated in Attachment 1, technically there were existing non-
177 residential operations that would qualify for an Existing Commercial 5 location but were not.

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MOTION made by Mark Marcoplos to approve the amendments as written. Seconded by Alan Campbell
VOTE: Unanimous

AGENDA ITEM 9: COMPREHENSIVE PLAN LAND USE ELEMENT MAP AMENDMENT: To make a recommendation to the BOCC on a government-initiated amendment to the Comprehensive Plan Land Use Element Map to change the land use classification of approximately 47-acres near Efland and Brookhollow Road, along the south side of McGowan Creek from Agricultural Residential to 10-Year Transition. This item was heard at the November 21, 2011 quarterly public hearing.
Presenter: Tom Altieri, Planner III

Tom Altieri: Reviewed abstract.

Larry Wright: On Attachment 2, on page 51, on McGowan Creek, it goes on either side, I don't understand why these lines were drawn to cross McGowan Creek and what this has to do with stream buffers and development up to that creek.

Tom Altieri: These are property lines and a separate coverage that shows the streams. Streams are further and more specifically identified through the development approval process. What you see is the approximate location of that stream. If a development came through, we would have to send our own staff to formally identify and document where that stream is. This is just a series of overlays, which are prepared at a different point in time, with different technology, and I this is just a discrepancy between a stream layer and a parcel layer.

Buddy Hartley: Is the intention for the property to be south of the stream?

Tom Altieri: To follow the stream.

Buddy Hartley: There may be parts of it where the property goes across the streamline.

Tom Altieri: There may be slivers. Any development would be required to follow the buffer requirements. I did mention at the public hearing that there was a minor subdivision approved for this parcel. Three acres have been carved off for minor subdivision. It had not been platted and that is why those lines are not reflected here.

Judith Wegner: Is there any comment from the residents?

Tom Altieri: There is not. Craig Benedict has been in conversation with Don Efland who is the property owner and he is supportive of the amendment. No adjacent property owners have had any opinion.

MOTION made by Judith Wegner to approve the amendment. Seconded by Lisa Stuckey.
VOTE: Unanimous

AGENDA ITEM 10: COMPREHENSIVE PLAN TEXT AMENDMENTS: To make a recommendation to the BOCC on government-initiated amendments to the text of several sections of the Comprehensive Plan. The purpose of the amendments is to correct many inconsistencies in the names of several land use categories/classifications and terms as they are used throughout the document, as well as to revise references to ordinances now incorporated in the adopted UDO. This item was heard at the November 21, 2011 quarterly public hearing.
Presenter: Shannon Berry, Planner II

Shannon Berry: Reviewed abstract.

Mark Marcoplos: Why is this something we are involved in?

Shannon Berry: It is an official document and there are processes that are outlined that kick you to the UDO about how you would amend this document.

Brian Crawford: All in the effort of more disclosure to the public.

236 Mark Marcoplos: It seems like there should be a judgment call of whether it is typo or another word close to it or it essentially
237 changes the meaning.
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239 Brian Crawford: In the past, even these rudimentary changes, there have been Board compositions where we have had to go
240 through them with the Planning Board and things were challenged, even small things. I know why they are going through this
241 process.
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243 Mark Marcoplos: Even if someone finds one word that might change the interpretation that will have to go back through the
244 same process?
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246 Brian Crawford: You said it possibly may change the interpretation.
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248 Larry Wright: Brian, Judith and myself sat on a board and were going through the 2030 Comprehensive Plan and there was a lot
249 of discussion on word-smithing.
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251 Johnny Randall: On page 83, second paragraph, "Historic" should be "Historical".
252
253 Larry Wright: This is a heroic effort. We are talking about word smithing, here we have these changes in the UDO, are these
254 changes relaxing or tightening the ordinances but given this document overall, is this UDO moving in the direction that erodes
255 the teeth or any or all of the ordinances and zoning restrictions in any incremental measure?
256
257 Shannon Berry: At this moment, we are talking about Comprehensive Plan text changes.....
258
259 Larry Wright: These changes to make everything....when I came on this Board, we were looking at the drafts of the 2030
260 Comprehensive Plan and they were overwhelming. Does this erode anything in our ordinance in any incremental measure
261 overall?
262
263 Alan Campbell: You are asking as to the Comprehensive Plan, these are technical changes that are not making less stringent
264 development?
265
266 Larry Wright: Is there any direction to change the profile of the Comprehensive Plan?
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268 Mark Marcoplos: The problem that anyone would have with this is rooted in the concern that it is making it easier or harder to
269 comply with what they wanted.
270
271 Shannon Berry: I do not believe this package of Comprehensive Text Amendments is intended to or will erode the substance or
272 meat of the document but to clean up inconsistencies which cause confusion and ultimately cause problems.
273
274 Perdita Holtz: I have a question about changing Historic to Historical. My concern is that it is located in the Natural and Cultural,
275 Element which is not an element that the Planning Board is the primary advisory board on and I would be loathe to say that we
276 can do it without consulting with the CfE, which was the primary advisory board.
277
278 Johnny Randall: It is not word smithing because it is an actual
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280 Perdita Holtz: Some people would argue that it is not word smithing but some people would disagree.
281
282 Johnny Randall: I was on the CfE when we went over these things and it was something that I brought up several times. This is
283 actually a common error.
284
285 Craig Benedict: We will forward it to them and see their comments.
286
287 Judith Wegner: Could we say that grammatical errors are corrected.
288
289 Johnny Randall: It is not really grammatical if you go to the National Heritage Program list of endangered plants and animals,
290 Historical is the category.
291
292 Brian Crawford: We need to make the suggestion and forward that this is what the Planning Board is intending to do and does
293 anyone have any objection.
294

295 MOTION made by Judith Wegner to adopt the amendment. Seconded by Alan Campbell.

296 VOTE: Unanimous

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299 **AGENDA ITEM 11: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS:** To make a recommendation to the
300 BOCC on government-initiated amendments to the text of numerous sections of the UDO. The
301 amendments relate primarily to processes and standards regarding economic development and also
302 include minor changes necessary due to the Comprehensive Plan Text Amendments proposed in #4
303 above. This item was heard at the November 21, 2011 quarterly public hearing.
304 Presenter: Perdita Holtz, Planner III

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306 Perdita Holtz: Reviewed abstract and pointed out change made as a result of comments made at the public hearing.

307

308 MOTION made by Judith Wegner moved to approve the amendments. Seconded by Lisa Stuckey.

309 VOTE: Unanimous

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312 **AGENDA ITEM 12: COMMITTEE/ADVISORY BOARD REPORTS**

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314 a) Board of Adjustment

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316 Larry Wright: We met but the attorney for the residences had a family emergency.

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318 b) Orange Unified Transportation (meeting was cancelled)

319 c) Efland-Mebane Small Area Plan Implementation Focus Group (not currently meeting)

320 d) Update from Pete Hallenbeck, Planning Board Liaison for Activities in the Efland-Buckhorn-Mebane Corridor
321 (Pete Hallenbeck unable to attend tonight's Planning Board meeting)

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323 **AGENDA ITEM 13: ADJOURNMENT**

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325 MOTION: Judith Wegner made a motion to adjourn. Seconded by Lisa Stuckey

326 VOTE: Unanimous

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Brian Crawford, Chair