

MEETING MINUTES  
ORANGE COUNTY PLANNING BOARD  
APRIL 7, 2021  
REGULAR MEETING

(Due to current public health concerns, this meeting was held virtually.  
Members of the Planning Board, staff and public participated remotely)

**MEMBERS PRESENT:** David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Susan Hunter, Chapel Hill Township Representative; Lamar Proctor, Cheeks Township Representative; Randy Marshall, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative; Whitney Watson, At-Large Representative; Charity Kirk, At-Large Representative

**MEMBERS ABSENT:** Gio Mollinedo, At-Large Representative, Kim Piracci, Eno Township Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Support

**OTHERS PRESENT:** Fiona Johann, Beth Bronson

**AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL**  
Chair David Blankfard called the meeting to order.

**AGENDA ITEM 2: INFORMATION ITEMS**  
a. Planning Calendar for April and May

**AGENDA ITEM 3: INTRODUCTIONS – WITH THE ADDITION OF NEW MEMBERS TO THE BOARD, EACH PLANNING BOARD MEMBER Will Be Asked To Introduce Themselves With A Brief Summary.**

*Each of the Planning Board members present introduced themselves to each other and gave some background information*

**AGENDA ITEM 4: APPROVAL OF MINUTES**  
March 3, 2021 Regular Meeting Minutes  
March 3, ORC Meeting Notes

**MOTION BY** Melissa Poole to approve the March 3, 2021 Regular Meeting Minutes and ORC meeting notes. Seconded by Randy Marshall.

**ROLLCALL VOTE:**

- Lamar Proctor Yes
- Susan Hunter: Yes
- Charity Kirk Yes
- Adam Beeman: Yes
- Randy Marshall: Yes
- Whitney Watson Yes
- Alexandra Allman Yes
- Melissa Poole: Yes
- Carrie Fletcher Yes
- David Blankfard: Yes

**MOTION PASSED UNANIMOUSLY**

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**AGENDA ITEM 5: CONSIDERATION OF ADDITIONS TO AGENDA.**

There were none

**AGENDA ITEM 6: 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 law 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.

**AGENDA ITEM 7: CHAIR COMMENTS**

There were none

**AGENDA ITEM 8: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – “160D” LEGISLATION** – To make a recommendation to the Board of County Commissioners on UDO text amendments related to State legislation that is referred to as 160D (a reference to the statute section). The amendments are also require changes to Appendix F of the Comprehensive Plan and to the Planning Board Rules of Procedure. This item is scheduled for BOCC public hearing on May 4, 2021.

**Presenter:** Perdita Holtz, Planning Systems Coordinator

*Perdita Holtz reminded the Board that the item was reviewed at the March 3, ORC meeting and at the conclusion of that meeting the Board decided they did not need to see the presentation again. She reviewed the recommendations for the Planning Board to consider.*

Charity Kirk: I have a question about how you notify people; a half a page ad in a newspaper seems potentially ineffective in this day of people not having newspapers subscriptions. I was wondering if you could talk about why that was chosen.

Perdita Holtz: We are not necessarily, choosing to do this. Currently, before 160D and for many years, statutes allowed for local governments to place a half page ad in a paper for large scale amendments. Orange County never adopted that provision. We have always done mailed notifications. However, our County Attorney's office feels that we need to include the option in the UDO so that we are in conformance with the State regulations that allow local governments to do this. We don't really anticipate that something like that would be used unless it's for a project that already had a public participation component leading up to amendments so that people would be informed, they would already know that something was going on.

Lamar Proctor: In terms of that notice, are these things put on the Orange County website? The notice in the newspaper ad or the signage that appears next to parcels where there's a zoning amendment or letters, do those reference back to the website. I have the same kind of concern that Charity has. I've looked at 160D and I know that it's an option for the 50

113 parcels or greater that you can do that with the newspaper. I guess the legislature thinks that people still get newspapers.  
114 I was wondering in terms of informational purposes whether we put that kind of stuff on the website.

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116 Perdita Holtz: The Planning Department has a section on the website called Current Interest Projects where we put  
117 projects that are currently being considered, not only for rezonings but also for Special Use Permits and things like Major  
118 Subdivisions. When the notification letters go out, information is included in the letters on accessing the website to learn  
119 more. Sometimes depending on the scope of the project, things go out in the weekly email that our Public Information  
120 Officer does or depending on the scope of the project, he might also post something on Facebook.

121  
122 Lamar Proctor: In terms of the days of notice, it's not more than 25 days and not less than 10. My concern is why can't  
123 we just do 25? I've seen several examples of a 10 day notice for letters or whatever it is, it gets mailed on a Friday, postal  
124 service has issues, people get it on a Thursday and then it references a meeting on a Monday or Tuesday. If they take a  
125 long weekend then it's sorry, they don't know. I've seen examples in our community where people find out about things in  
126 passing amongst neighbors and interested parties by a hair's breadth. So was there any talk or consideration of making it  
127 the maximum that you are allowed, 25 days, to give people proper notice.

128  
129 Perdita Holtz: We do almost always send out notices well in advance of 10 days. I think the County Attorney's office would  
130 have a concern about saying we will do 25 days because statutes allow you to do 10 and they feel that our UDO should  
131 conform to the language in the statutes. I also want to point out that Orange County sends out notices for the Planning  
132 Board meeting which is not required by statutes, we send out meetings to property owners within 1000 feet of a parcel and  
133 statutes require only abutting property owners be notified so Orange County already goes far beyond what statutes require  
134 for notice. There would also be concerns about saying we are going to do 25 when we normally send them out about 15  
135 days in advance because of the way our cycles work. There might be instances where an applicant is still trying to get  
136 some things worked out and to hold up the notice because they were a day late from 25 days, as you suggest, would add  
137 another month to the process.

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139 Lamar Proctor: Personally, I'm looking at this as a community member, I would love to see it be at least 15 days. I think  
140 the general language is notice shall be posted or mailed a minimum of 10 days prior. It's kind of permissive language,  
141 meaning you can do it more. There were other notices, weren't there for 15 days?

142  
143 Perdita Holtz: Yes, you can do it more than 10 days but it can't be more than 25 days in advance. Yes, I believe there  
144 was one either for the Comp Plan or SUPs that required 15 days. We are now standardizing it all to be in conformance  
145 with State statutes.

146  
147 Lamar Proctor: I understand the conformity and I think the uniformity within our own UDO is to notice so you don't have to  
148 say, it's 15 for this and 17 for that, 12 for that. That's ridiculous. My position is that I would like the minimum to be greater  
149 than 10 days because I think there are instances where people don't get proper notice because of the timing of things.  
150 That's one thought I had. My other concern was the exclusions being removed on page 158, I don't understand the history  
151 of those exclusions. When I read about a non-residential Conditional Use District that is really a blank slate, other than  
152 some limitations within the Rural Buffer, that combined with removing exclusions, makes me think that there could be a  
153 Conditional District approved for a crematorium in somebody's backyard or something that clearly fell within the exclusions  
154 previously and is now going to be game on for anything, anywhere other than what's specifically excluded in the NR-CD  
155 list.

156  
157 Perdita Holtz: I understand the concern but there's also another piece to the puzzle which is Appendix F of the  
158 Comprehensive Plan that shows which land use classifications that NR-CD can be applied to. That is found on the very  
159 last page of the amendment packet, page 348. NR-CD would be allowed for consideration in all of the land use  
160 classifications because currently the Conditional Use District also is allowed for consideration in all those classifications. I  
161 understand that it is correct that you could now apply for these uses where previously, you could not. When Conditional  
162 Use Districts were set up, at least in the '90s if not earlier, the people who set them up said we don't want these uses to be  
163 considered.

164  
165 Lamar Proctor: When I read this and I think about worst-case scenario, I see a 10-day notice requirement for a zoning  
166 change with an NR-CD or Conditional District that allows anything. Anything is on the table unless it's in the Rural Buffer.  
167 If there are a few landowners that are abutting or its homeowners that aren't concentrated around a parcel, they miss it  
168 and they are out of luck.

169

170 Perdita Holtz: Conditional Districts, as they are now called, require a Neighborhood Information Meeting so there are  
171 multiple steps that happen before notices for a Planning Board meeting or a Public Hearing ever goes out. For instance,  
172 on page 68 there are the requirements for a Neighborhood Information Meeting for Conditional Districts. Notices for  
173 Neighborhood Information Meetings are sent out 14 days prior and it is a 1,000 feet requirement and a sign is also  
174 required to be posted on the property.

175

176 Lamar Proctor: My concern is notice, there are plenty of spots where notice gets sent but they seem to be shrinking under  
177 these amendments. Is there a mechanism when there is an application for a zoning amendment that would include an  
178 informational meeting in front of the County Commissioners prior to the Planning Board considering it? It feels like these  
179 applications go out and come through the Planning Board and then we get surprised or even they get surprised at what is  
180 being put in front of them. Is there any mechanism that could be initiated or put in place where there is an application and  
181 then there is an informational session with the Board of Commissioners at a Public Hearing that says this is a zoning  
182 change that's being applied for, the process has starting and we're letting you know this is coming and we are following the  
183 process next where the Commissioners are put on notice and the public is put on notice. I feel like things kind of popped  
184 up and then interested parties hear about them by word of mouth and I want to make sure the public is getting the proper  
185 notice. Most people don't get newspapers anymore so those are some of my concerns regarding notice.

186

187 Michael Harvey: When an application is submitted, staff has five business days to determine sufficiency. Once it's  
188 sufficient and formally accepted, that's when our internal clock for the UDO starts. There is an internal review by Planning  
189 Department staff and other County staff through our Development Advisory Committee (DAC), we then schedule the  
190 Neighborhood Information Meeting. With Conditional District applications, the Neighborhood Information Meeting is  
191 required to occur in a set timeframe before Public Hearing. Notices of the Neighborhood Information Meeting are sent to  
192 property owners within 1,000 feet. The notices have to be sent 14 days prior to the date of the Neighborhood Information  
193 Meeting and we post signs on the property. After the Neighborhood Information Meeting it then goes to the Planning  
194 Board and there is a separate mailing required for Conditional District applications before the Planning Board, not required  
195 by State law but something the County is going to continue to do. After the Planning Board, there is a Public Hearing with  
196 a separate advertising component. There are three public meetings, Neighborhood Information Meeting, Planning Board  
197 meeting and Public Hearing with three separate advertisements for each application. As for an initial public review, at last  
198 night's meeting, there was a petition submitted by a County Commissioner to study whether or not we need to amend the  
199 Unified Development Ordinance to create a concept plan meeting where a conditional application would be reviewed by  
200 the County Commissioners before a Neighborhood Information Meeting is scheduled to offer comments to the applicant.  
201 That is in an infant stage in terms that we haven't been given formal direction by the BOCC to investigate that process but  
202 it is something that is being discussed. It was looked at several years ago but we were not authorized to submit the formal  
203 procedure to amend the UDO to include it but it is something the BOCC is tinkering with having us look at again.

204

205 Craig Benedict: It did come up last night and it will be referred to BOCC Chair/ Vice-Chair to be discussed and will include  
206 the County Manager/Deputy Manager and myself on what modifications could be necessary to have such a process. The  
207 reason it wasn't followed through with before was in the interest to have as much technical input on an application to offer  
208 to the applicant before someone looks at an application that might not be fully vetted. It may be part of our process that  
209 after all the various departments, NCDOT, Emergency Services, Fire, everybody makes their comments, and we let  
210 everybody know that we are looking at the aspects of an application. Then maybe there's another opportunity for the  
211 public to see it sooner rather than later. It might not – they thought having an un-vetted project by all those different  
212 internal agencies would make it look like the work was not being done.

213

214 Lamar Proctor: Board of Adjustment is appealed to Superior Court and does not go before the County Commissioners?

215

216 Perdita Holtz: Correct.

217

218 Lamar Proctor: The minimum 10 days and the removal of the exclusions is a huge deal and I question that. It seems to  
219 be something that is part of the history of our UDO and now it's wide open and those exclusions are removed. Those are  
220 my concerns.

221

222 Perdita Holtz: Maybe it would help you to know, all of these uses are allowed somewhere already they just weren't going  
223 to be allowed as a Conditional Use District but they are allowed in certain Zoning Districts if you look in the Table of

224 Permitted Uses. It's not like these uses were not allowed anywhere, all of these use types occur in the Table of Permitted  
225 Uses as allowed somewhere.

226  
227 Lamar Proctor: For some specific zoning, all of it is allowed?  
228

229 Perdita Holtz: Correct. These were not prohibited Countywide uses.  
230

231 Lamar Proctor: I saw on Special Use Permits, the Planning Director is allowed to modify those by, there's a list, for minor  
232 changes and I think that's under 2.7.14; how many times can an applicant come back for a minor modification like that?  
233

234 Perdita Holtz: There isn't a limit to how many times they can come back but I will say, it's exceedingly rare.  
235

236 Craig Benedict: In my 22 years, less than five times. It is exceedingly rare because our SUP conditions that are approved  
237 are very finite and specific to the project.  
238

239 Lamar Proctor: Asking directly about the 10 days, could we just make it 15 days? Is that crazy?  
240

241 Perdita Holtz: The Planning Board could vote to recommend that it be 15 days and it could go to the Board of County  
242 Commissioners as the Planning Board's recommendation.  
243

244 Lamar Proctor: The exclusions used to apply to Conditional Districts and the new UDO would remove that exclusion list,  
245 correct?  
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247 Perdita Holtz: It used to apply to Conditional Use Districts which no longer are allowed to be a zoning mechanism in North  
248 Carolina. The whole construct of Conditional Use Districts is gone.  
249

250 Lamar Proctor: Under 1.6.2 that whole section was stricken and I think the footnote says it's in policy documents, does  
251 taking that out of the UDO change it in substantive way?  
252

253 Perdita Holtz: No, unless you consider that changing it would currently require a UDO text amendment whereas changing  
254 it in the future would only require an amendment to the Planning Board Rules of Procedures.  
255

256 Craig Benedict: When the UDO was developed there was no separate policy mechanism for the advisory boards and over  
257 the last 10 years the Commissioners and Attorneys' Office have put together policies for each of the advisory boards.  
258

259 Lamar Proctor: Who can make the Planning Board amendments? If it's just a policy?  
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261 Perdita Holtz: It could start with staff, the Planning Board, or BOCC but the BOCC has to approve it.  
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263 Lamar Proctor: I would love to see that 10 days become 15 days, that's a motion by me. Instead of a uniform 10 days  
264 make it a uniform 15 days.  
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266 **MOTION BY** Lamar Proctor to require 15 days instead of 10 days for mailings. Seconded by Alexandra Allman.  
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268 Lamar Proctor Yes

269 Charity Kirk No

270 Adam Beeman: No

271 Carrie Fletcher No

272 Whitney Watson No

273 Randy Marshall: No

274 Susan Hunter: No

275 Alexandra Allman Yes

276 Melissa Poole: No

277 David Blankfard: No

278 **MOTION FAILED 8 – 2**

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280 Whitney Watson: I want to go back to the notice question, especially any kind of posted signage, while the UDO had  
281 plenty of places where it's very prescriptive, I'd like to add one more. Signage that's posted in a yard or the right-of-way  
282 needs to meet standards for legibility and readability just like we expect billboards to be able to be read when someone is  
283 driving by at 35 mph. There are a number that pop up around that western side of Orange County that I just can't read. If  
284 that could somehow be specified. I'm sure the DOT folks could tell you how big the letters need to be to be seen at various  
285 speed limits.

286  
287 Perdita Holtz: If I could address that, the County does attempt to put a lot of information on those signs. I don't know if  
288 you have seen other places in North Carolina where you'll see an 8 ½ x 11 yellow sign that just has a Z on it, which means  
289 zoning, and it has the phone number for the planning department. That is how a lot of places advertise that something is  
290 happening on the property. We could go to something like that. Having a sign with all the information that we attempt to  
291 put on it could result in a 4 ft. by 8 ft. sign and staff puts those up and staff does it in a County vehicle or personal vehicle  
292 and that would be pretty big to fit into those vehicles. If there is a general feeling that the sign needs to be larger, we  
293 would need to take a look how much we actually try to put on the sign and whether we should try to emulate the Z signs  
294 that so many other places use.

295  
296 Craig Benedict: Maybe with a website address and a phone number and then with the big Z. That is what people are  
297 using now for information gathering.

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299 Adam Beeman: Maybe not even a bigger sign but taller poles to stand it on so it isn't so low to the ground. That may help  
300 visibility.

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302 Whitney Watson: I would be in favor of less information that is more readable and getting it up higher would be great.

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304 Lamar Proctor: I agree with Whitney and I think this dovetails into my initial question about putting stuff on the website. I  
305 think it gives better notice to people to have a big Z and say look there's something going on, go here and you can read  
306 about it. You're trying to put as much information as you can and I think the big point of the sign is to put people on notice  
307 that something is going on. They are not going to get the details from their car but they will get the notice if it's a larger Z  
308 than if it's a small sign that could be easily be confused with a work permit or something.

309  
310 Perdita Holtz: Understood, the current way it came to be is because people complained that there wasn't enough  
311 information on the sign and they had to go somewhere else.

312  
313 David Blankford: Can you also put the date of whatever is going to happen, like on April 10, 2021 and then people will  
314 know something is happening that day and go find out what it is.

315  
316 Michael Harvey: Just to remind the Planning Board that there are statutory minimum requirements you have to post the  
317 date, time, location and nature of a public hearing. The problem is getting all that on a sign that the Department of  
318 Transportation won't rip down. In the 16 or so years I've been here, we have attempted numerous different sign options  
319 and as Craig and Perdita can attest, we've had several sign taken by the North Carolina Department of Transportation  
320 over the years. We even had signs removed as part of the Efland Station project because the Department of  
321 Transportation said they were too high or were too large and violated their sign policy. We have multiple avenues for  
322 information being provided to local residents on the numerous projects that are reviewed by both the Planning Board and  
323 the County Commissioners. We've been tasked with studying the issue again and we will do so. I'm not sure we can  
324 come up with accommodations that will address everybody's concerns.

325  
326 Carrie Fletcher: Since we have a lot of new members, can we go back to having the pre-meeting training sessions to help  
327 get people more information on the conditional, non-conditional and some of the new terminology. Those kind of pre-  
328 meeting instructional programs for people to learn some of the idiosyncrasies of the Planning Board.

329  
330 Perdita Holtz: Yes, what I did was a series of training sessions which I was planning to start again since we do have new  
331 members. That's something that I'll look at doing, as soon as the 160D amendments are adopted. I want be able to give  
332 the correct information.

333

334 **MOTION** by Whitney Watson to recommend approval of the Statement of Consistency, the UDO Amendments and the  
335 Amendments to the Planning Board Rules of Procedure. as proposed by Planning Staff to forward to the Board of County  
336 Commissioners for review and consideration. Seconded by Randy Marshall.

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338 Lamar Proctor Yes  
339 Charity Kirk Yes  
340 Adam Beeman: Yes  
341 Carrie Fletcher Yes  
342 Whitney Watson Yes  
343 Randy Marshall: Yes  
344 Susan Hunter: Yes  
345 Melissa Poole: Yes  
346 Alexandra Allman Yes  
347 David Blankfard: Yes

348 **MOTION PASSED UNANIMOUSLY**

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350 *Craig Benedict gave the Board information about the Joint project with the City of Mebane on the study done by the*  
351 *Piedmont-Triad Regional Council of Governments for the Buckhorn Area Plan to examine if there is viability for additional*  
352 *Economic Development Zones and/or the viability of the existing zones. There will be upcoming meetings and an*  
353 *outreach program that is likely to be scheduled for May 2021.*

354  
355 Randy Marshall: The Feds are thinking about changing zoning procedures because they felt in the past they have been  
356 exclusionary to some and I didn't know if there was anything there that might filter down to us that we would need to take  
357 into account of if you are familiar with it.

358  
359 Craig Benedict: We'll monitor, we have heard chatter about the regulations both at the State level and the Federal level.  
360 When they become law, we'll have to address how it affects our UDO.

361  
362 Whitney Watson: I was looking at a project being proposed around Mebane recently and it in there was information where  
363 the Planning Department had considered the availability of sewer and water. With the current emphasis on broadband, it  
364 seems like this would be a good opportunity for the Planning Department to ask the proposed developer how will they  
365 provide access to broadband for all the residents within a new development and perhaps even adjacent properties.

366  
367 Craig Benedict: The County has a program to try to get broadband penetration in rural areas and I agree that we should  
368 work with developers too. They can help plug the holes that our master plan does not. I'll get a report about what we are  
369 doing in the rural areas and then tie that into our interest to have the development community assist in that expansion. I  
370 think that is a good comment and I agree.

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373 **AGENDA ITEM 10: ADJOURNMENT**

374 Meeting was adjourned by consensus at 8:17 p.m.

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David Blankfard, Chair