

Minutes

PLANNING BOARD

Regular meeting

6:30 p.m. December 21, 2023

Human Resources Training Room, Town Hall Administration Building 101 E.
Orange Street



Present: Chair Frank Casadonte, Vice Chair Hooper Schultz, Cassandra Chandler, John Giglia, Robert Iglesias, and Sherra Lawrence

Absent: Saru Salvi, Christian Schmidt

Staff: Planning and Economic Development Manager Shannan Campbell, Planner II Molly Boyle, and Stormwater and Environmental Services Manager Terry Hackett

Jeanette Benjey, a potential new extraterritorial jurisdiction representative for the Planning Board, was also in attendance. Her appointment is pending approval from the Orange County Board of Commissioners.

1. Call to order and confirmation of quorum

Chair Frank Casadonte called the meeting to order at 6:32 p.m. Planning and Economic Development Manager Shannan Campbell confirmed the presence of a quorum.

2. Agenda changes and approval

Campbell proposed adding the introduction of new town planner Molly Boyle as item 3. She said Boyle will be staffing the Planning Board while Campbell works on the town parking study, revision of the United Development Ordinance (UDO), and an update of the land use plan in keeping with the town's comprehensive sustainability plan.

Motion: Vice Chair Hooper Schultz moved to amend the agenda as presented. Board member John Giglia seconded.

Vote: 6-0

3. Introduction of Planner Molly Boyle and incoming board member Jeanette

Campbell introduced planner Molly Boyle, who shared her background with the Board. Jeanette Benjey, a potential new extraterritorial jurisdiction board member, introduced herself. Board members in attendance introduced themselves to Boyle and Benjey.

4. Minutes review and approval

August 17, 2023, Joint Public Hearing.

Motion: Board member Cassandra Chandler moved to approve the minutes as presented. Schultz seconded.

Vote: 6-0

5. Adopt 2024 Planning Board meeting schedule

Casadonte explained that the 2024 schedule includes 11 meetings, 4 of them joint public hearings, with no meeting in July. Schultz asked if calendar invites could be sent to board members for the meeting dates. Boyle said they could.

Motion: Schultz moved to adopt the schedule as presented. Board member Robert Iglesias seconded.
Vote: 6-0

6. Discussion

A. UDO text amendment: Riparian buffers and variances

An amendment proposed by Stormwater and Environmental Services that updates sections on riparian buffers and associated variance procedures.

Stormwater and Environmental Services Manager Terry Hackett provided an overview of the proposed changes. He said the overall intent of the proposed amendment was to help staff enforce the new state riparian buffer rules. He said the amendment provides more flexibility to staff in enforcing rules by expanding uses which include more specific requirements and conditions; creates more specific impact thresholds, making rules more enforceable; updates “diffuse flow” of stormwater requirements to meet new state standards; provides parity between the town and private citizens and developers regarding allowed impacts; increases flexibility for development of infill lots that often have streams; and corrects factual and typographical errors.

He explained that the former arrangement whereby minor variance requests were heard by the town’s Board of Adjustments was onerous. Under the proposed amendment, variances can be sought only for a prohibited use and must be granted by the state. He also explained that the town has retained its “kick-in clause” that allows staff to determine if a stream exists even if it is not mapped. He said some streams depicted on maps no longer exist, while some existing streams were never mapped, partly due to changing rainfall patterns.

Casadonte asked board members to review the proposed changes. Boyle explained that variance requests will go the state Environmental Management Commission rather than the town’s Board of Adjustment. Iglesias asked if that board no longer had oversight on riparian buffer issues. Hackett said that was correct.

Iglesias asked where the 50-foot riparian buffer standard originated. Hackett explained 50 feet was the state minimum. He said some jurisdictions, like Orange County, have wider buffers, which may not provide more water quality protection but may provide better wildlife corridors and protection for sensitive aquatic species. He added that along the Eno River, flood plain rules supersede the 50’ riparian buffer. Boyle noted that under the new proposed table of permitted uses, certain uses are allowed within the outer zone (Zone 2) that are not permitted within the inner zone (Zone 1). Asked by Casadonte if “allowable on authorization” referred to state or town authority, Hackett said the phrase referred to the town.

Iglesias asked how fertilizer usage in riparian buffers was monitored. Hackett said by neighbors and town staff, who try to educate homeowners and developers on the topic.

Schultz asked about the provision for dewatering wells. Hackett explained that mines may pump out water if it is clean and noted that the state, not the town, has jurisdiction over mining operations. Schultz asked if the removal of nuisance vegetation using pesticides or herbicides should be deemed allowable since these treatments might go directly into the water. Hackett noted that the town’s Tree Board applies EPA-approved herbicides in a very spot-specific manner to remove invasive species. Schultz recommended the town have

oversight of all herbicide use in riparian buffers. Hackett said he was open to moving that use to the “allowable upon authorization” column.

Iglesias asked why the proposed amendments are an improvement. Hackett said they make the ordinances more enforceable by defining uses more specifically and what the limits are to certain uses. Campbell added they also give staff more flexibility in making judgement calls. Giglia asked what the procedure would be for an appeal. Hackett said there is no formal mechanism; parties appealing a decision would need to hire an attorney.

Motion: Iglesias moved to send the amendment to the town board with proposed changes. Schultz seconded, clarifying the proposed changes were to make “removal of nuisance vegetation” in item IX under section oo) Vegetation Management of the Permitted Uses table “allowable with authorization” instead of “deemed allowable and to add the word “herbicide” to the described use. Schultz seconded.

Vote: 6-0

Hackett asked how he should share with the boards any suggested changes to the proposed amendments made by the state. Campbell said they could be shared at the next public hearing.

B. UDO text amendment: Streets

An amendment clarifying requirements for streets in Hillsborough’s jurisdiction and when those requirements apply

Boyle explained that the proposed amendment was intended to clarify that the latest town standards apply not just to new, but also improved streets.

Motion: Schultz moved to send the amendment as-is to the town board. Chandler seconded.

Vote: 6-0

C. UDO text amendment: Government maintenance yards

Proposes to make government maintenance yards permitted by right in the Light Industrial (LI) district instead of requiring a special use permit (SUP)

Boyle explained that town staff had discovered that, under the current UDO, land uses more intensive than government maintenance yards were permitted by right in the light industrial zoning district (LI). The proposed change makes permitting requirements consistent throughout the LI district. Campbell added that the town’s maintenance yard on Hwy 86 N may be expanding and requiring a special use permit would be onerous.

Motion: Chandler moved to send the amendment as-is to the town board. Giglia seconded.

Vote: 6-0

D. UDO text amendment: Off-street parking

An amendment to clarify off-street parking regulations and consolidate them under Section 6.13 Parking, Loading, and Circulation

Boyle explained that off-street parking is regulated in several different places in the current UDO with some slight inconsistencies. The proposed amendment consolidates these references under Section 6.13 and

applies the same standard to all development, except one- and two-family detached homes, which are not subject to Section 6.13.

Schultz questioned the requirement of any off-street parking minimums, given the availability of public parking and the town's commitment to denser development. Boyle suggested staff might propose more revisions to off-street parking once the upcoming parking study was complete. Campbell agreed that the study would inform later revisions of the UDO.

Motion: Schultz moved to send the amendment to the town board, with a note suggesting the town move away from parking minimums. Iglesias seconded.

Vote: 6-0

E. UDO text amendment: Accessory dwelling units (ADUs) and home occupations

Proposes to allow larger ADUs and home occupations and also to establish minimum setback/location requirements for detached ADUs

Boyle explained the proposed amendment was meant to create more opportunities for reasonably sized ADUs and to avoid penalizing owners of small houses. Staff is proposing to increase the maximum size for ADUs to 50% of the gross floor area of the primary dwelling or 1,000 square feet, whichever is greater, but not larger than the primary dwelling. She described the proposed location requirements for ADUs. She said the amendment also increases the maximum size for home occupations, since it is common to propose home occupations in ADUs.

Chandler asked if there was a limit to the number of ADUs per lot. Boyle said the limit would still be one. Giglia asked if there was a minimum lot size. Boyle said no; applicants need only meet setback requirements. Chandler asked about potential problems with increased parking; Boyle said there is currently a limit of one parking space per bedroom. Giglia expressed concerns about ADUs making demands on a sewer and water system that is already at/near capacity. Campbell said ADU water usage was negligible and not a concern for the utilities director.

Casadonte asked about setback requirements. Campbell explained that under the current UDO, ADUs are subject to the same setback requirements as primary dwellings, which makes adding an ADU or converting an existing structure into an ADU impossible in many cases. As a result, some residents are calling their ADUs home offices to evade those requirements. Reducing the setback requirement will promote more transparency. She said the amendment changes rules for both home occupation and ADUS because many residents combine home occupations with ADUs. The Tourist Development Authority recently pointed out that the town treats short-term rentals of 1 to 2 bedrooms as home occupations, which currently have a space limit of 600 square feet. Most ADUs are larger than that. Staff is proposing to make maximum sizes for home occupations and ADUs the same. She noted the town has seen a growth in home occupations since the Covid pandemic, and the amendment will make it more likely people will apply for home occupation permits, allowing staff to have more oversight.

Schultz said the amendment would also promote more affordable housing by offering more rental alternatives. Boyle noted there has been much discussion in planning departments about relaxing ADU standards for this reason. Campbell added that many residents want to add an ADU but cannot under current restrictions. Iglesias pointed out the amendment will not increase home ownership, only rental options. Campbell said the revision of the town's UDO will likely promote home ownership by allowing more duplexes and triplexes.

Casadonte noted that short-term rentals were driving up home prices in some communities. Schultz said the town has restrictions on short-term rentals. Campbell explained the town allows short-term rentals of up to two-bedrooms, but not whole-house short-term rentals.

Casadonte asked if board members were ready to make a recommendation. Some board members felt the maximum size for ADUs should be 1,000 sf rather than 1,250 sf.

Motion: Schultz moved to send the amendment as-is to the town board. Lawrence seconded.

Vote: 5-1. Nays: Iglesias.

Iglesias said he didn't fully understand all the measurements and dimensions specified in the amendment. There was discussion of setbacks and other restraints on the construction of ADUs; Boyle said some language in the amendment might need editing for clarity. Campbell said staff could prepare diagrams to illustrate the proposed changes, and the board could postpone making a recommendation to the town board at the next public hearing and discuss the amendment further in its February meeting.

7. Updates

A. Board of Adjustments

Iglesias reported the board had not met recently.

B. Parks and Recreation Board

Schultz summarized proceedings of the last meeting in October. The board began planning for fiscal year 2025, including the construction of a \$300,000 skate park. Plans are underway to provide access to the Eno River in Gold Park using wood mulch. Planners for the \$16 million Ridgewalk have encountered obstacles navigating the right-of-way owned by the NC Railroad and the Churton St. bridge, which is owned by the NC Dept. of Transportation.

C. Staff and Board members

Campbell reported that plans for the new train station are moving forward, with site plans recently submitted. The project is expected to be completed in 2027.

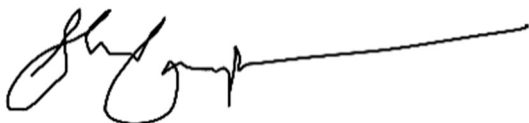
Giglia asked if new developments could be required to install solar panels on roofs. Boyle said it would be difficult to require their installation but said the town might explore ways to incentivize their adoption. Campbell added that the town had recently made it easier to install rooftop solar panels in the historic district.

8. Adjournment

Motion: Schultz moved to adjourn the meeting at 8:33 p.m. Chandler seconded.

Vote: 6-0

Respectfully submitted,



Shannan Campbell, Planning and Economic Development Manager

Staff support to the Planning Board

Approved: March 21, 2024