

**Minutes**  
**PLANNING BOARD**  
**January 18, 2007**

**MEMBERS PRESENT:** Chair Matthew Farrelly, Jim Boericke, Tom Campanella, Edna Ellis, Kathleen Faherty, Neil Jones, Paul Newton, Eric Oliver, Dave Remington, Toby Vandemark, and Barrie Wallace.

**ABSENT:** Neil Jones, absence excused.

**STAFF:** Margaret Hauth, Bob Hornik.

**ITEM #1: Call to Order and Confirmation of a Quorum.**

Mr. Farrelly called the meeting to order at approximately 7:03 and confirmed a quorum of the Planning Board.

**ITEM #2: Adoption of Minutes from November 7 and December 5, 2006 Meetings.**

Mr. Remington said on page 10 of the November 7 minutes, the motion was to recommend denial to the Town Board. Mr. Oliver said that on the vote on that page, he had voted no.

**MOTION:** Mr. Newton moved to approve the minutes as amended.

**SECOND:** Ms. Vandemark.

**VOTE:** Unanimously approved.

**ITEM #3: Additions to the Agenda and Agenda Adjustments.**

No adjustments or additions to the agenda were noted.

**ITEM #4: Committee reports and updates.**

**Board of Adjustment.** Ms. Wallace noted the BOA had recommended approval of a minor site plan for the Weaver Street Market at the Hillsborough Business Center. She said they were still working on the Cardinal State Bank on South Churton Street, noting the BOA was concerned about where they were locating the ATM machine as well as some driveway issues. Ms. Wallace said the BOA was continuing to work on the site plan review for the Orange County office complex downtown, noting there were concerns about the crosswalks, traffic, and stormwater. She said they had also recommended getting an additional BOA alternate.

**Parks and Recreation Board.** Ms. Hauth said Sig Hutchinson had attended the December meeting and provided a presentation on the importance of greenways. She said they continued to work on the master plan update, and had this week worked through some recommendations on active sports complexes and greenways. Ms. Hauth said they would not see the Waterstone Park at the hearing next week, since that project had been slowed due to the untimely death of Charlie Berger who was the consultant on that project. Mr. Oliver stated that at the last Parks and Recreation Board meeting Mr. Potts had shared the sidewalk plan and explained the four phases. He asked was it possible to get the "pdf" version of that plan as it now stood sent to the Board. Ms. Hauth said she would make sure that was done.

**US 70/Cornelius Street Task Force.** Ms. Vandemark said they now had a draft document that they would comment on and send those comments to the Planning Department. She said it would be presented to the public in February. Ms. Vandemark said there were 35-40 recommendations regarding traffic, crime prevention, and others.

**Staff Update:** Mr. Oliver asked Ms. Hauth to comment on what had happened at Waterstone where some specimen trees were removed. Ms. Hauth said on the Durham Tech site, there was a tree protection site on the front corner to address some of the County staff

concerns about preserving more trees on the site. She said due to a lack of communication between those building the road and those designing the site, the front corner was cleared, with two trees about 29" in diameter removed. Ms. Hauth said she had proposed that they replant the area with the same number, variety and diameter of trees removed. She said they would have a resolution to that well before Durham Tech was ready to open.

**ITEM #5: Discussion of Draft Strategic Growth Plan**

Roger Waldon with Clarion Associates noted he was the Town's consultant on the Draft Strategic Growth Plan. He provided a PowerPoint presentation on the Plan, pointing out particular aspects of how best to manage growth around the edges of Hillsborough. Mr. Waldon reviewed the entire project, why it was happening, what its purpose was, the key conclusions, and then the ideas that were presented at the public hearings. His last two slides indicated what had happened since the public hearings and where the Plan was likely to be headed as it went back to the Town Board and County Board for consideration of action.

Mr. Waldon used maps in conjunction with his slides. He said one problem was that a number of the lines on the maps were not coordinated particularly well, noting the red line identified Hillsborough's area of interest for water and sewer extensions, the grey line was Hillsborough's existing Town limits, and the purple line was the extraterritorial jurisdiction used by Hillsborough. He said one problem with the current ETJ boundary was that it gave Hillsborough zoning authority in some places where it was not needed and did not give zoning authority in some places where it was needed. Mr. Waldon said one of his objectives was to come up with some maps with lines that made more sense.

Mr. Waldon said this Plan had a regional context that was important to consider. One, he said, was that Chapel Hill and Carrboro had defined the area in green as a Rural Buffer in which water and sewer extension was not to take place. He said such areas were intended for low density, and the urban growth in Chapel Hill and Carrboro would be contained by that area. Mr. Waldon said another important piece of regional context was what was shown in red, which was known as Carolina North. He said UNC was planning a satellite campus on that property and it would be a major driving force in economic development, traffic patterns and much more in southern Orange County. He said it was very near to Hillsborough and therefore would have a strong influence. Mr. Waldon indicated that Durham was also growing to the west and was beginning to spill over into Orange County, so its plans were important to keep abreast of that as well

Mr. Waldon noted that water constraints were the most important single factor driving all of this, and Hillsborough had limited water capacity. He said the Town was near capacity, so the assumption was that there was not an abundant amount of development that could occur and be served by water from Hillsborough. Mr. Waldon said that added to the urgency and compelling nature for Hillsborough to be sure that the development that did occur and be served by Hillsborough's water system made the most sense and was the best that could be done.

Mr. Waldon then talked about transportation constraints and the capacity of roads. He said Churton Street was now over capacity. Mr. Waldon said according to the map, the main transportation destinations in Hillsborough were destinations to the south and east. He said most destinations were to the south, and Churton Street was the primary north/south artery through Hillsborough. He said since that road was already over capacity, then the one thing

that would be the worst possible scenario would be a lot of residential development to the north, because it would force cars onto Churton Street.

Mr. Waldon spoke about developable land and where it was located. He said given that developable land and taking into account constraints of water and sewer and traffic, they had developed several scenarios and tested them to come up with ideas. Mr. Waldon said those ideas had been put forth for public comment.

Mr. Waldon said the main conclusions that came out of all the studies and meetings were:

- Focus residential development to the south of Hillsborough to pull in the utility service annexation areas.
- Take advantage of Hillsborough's excellent interstate access.
- Consider the growth drivers to the south.
- Encourage mixed use development that can help support economic development while also trying to minimize traffic impacts.
- Coordinate with the southeast rural buffer with Chapel Hill/Carrboro.

Mr. Waldon said the summary he had presented at the hearings was to stay within the water constraints for Hillsborough's system, define the firm service area annexation line so there was certainty about where annexation might occur or would not occur, minimize residential growth to the north, adjust the Land Use Plan, and execute the interlocal agreement.

Mr. Waldon said since the hearings, several issues had surfaced. First, he said, there was general support for ideas about how and where growth should occur and where it should be discouraged. But, Mr. Waldon said, although people appeared to be comfortable with those concepts, when it got down to the detail of how to do that people became uncomfortable. He said that was how the idea came about to do it in phases, with Phase 1 being the concept and ideas and Phase 2 being the hard drawings of exactly where the lines would be. Mr. Waldon then explained how those phases would work, then distributed a new map and provided an explanation of its purpose. He said the map was an attempt to take the ideas and present them in a way that was more conceptual. Mr. Waldon said this map was a way of illustrating the concepts.

Mr. Oliver asked what the significance was of the change in terminology from rural buffer to critical watershed low density. Mr. Waldon said the general consensus was that no one was yet ready to say "rural buffer" and use it in the way other nearby jurisdictions used it. He said it was an indication that there needed to be more discussion about how to protect those critical areas. Ms. Hauth said they had realized at the last Steering Committee meeting that the rural buffer carried an implication of density, jurisdiction and methods along with it, whereas the one proposed around Hillsborough was more just to determine an area outside the Town's jurisdiction that the Town had an interest in. She said it was more of a review boundary, and did not necessarily imply an impact to the density of the land.

Mr. Waldon distributed a draft document that explained how an interlocal agreement might be structured. He said it would take the Strategic Growth Plan and accept it as a body of facts and ideas for further consideration. Mr. Waldon emphasized that nothing would be adopted or be legal until both Orange County and Hillsborough amended their maps and ordinances. He said then the map would be the starting point for a discussion about how to get more specific about the objectives to be achieved. Mr. Waldon said the potential

resolution to be put forward would then list other things that Orange County and Hillsborough would resolve to try to accomplish.

Mr. Waldon said the idea for tonight was to take that resolution forward to the Town Board and to the Orange County Board of Commissioners for consideration of action. He said he wanted the Planning Board to look carefully at the proposed resolution and decide whether they were comfortable recommending its adoption to the Town Board.

Mr. Oliver stated that Phase 1 and Phase 2 were not clearly indicated in the resolution. Mr. Waldon said the one distinction between the two was that some of the ideas being discussed, such as affordable housing and how to designate land for that within Hillsborough's jurisdiction for future use, were Hillsborough's decision and not part of the interlocal agreement.

Ms. Hauth said to address Mr. Oliver's concern, an additional "Whereas" could be added to the resolution to say that the concept was Phase 1 and that the items in paragraphs A through F would constitute the steps recommended for Phase 2. Mr. Oliver said that made it a little clearer. Ms. Hauth said it may be better to make the resolution more specific and continue the terminology to say that the adoption of the resolution would conclude Phase 1, and here are the steps we are recommended for Phase 2.

Joe Phelps, a member of the Water and Sewer Advisory Board, stated they had prepared a draft resolution to be given to the Planning Board expressing some concern about the way the water and sewer boundary line was drawn. He said a member of the Orange County Planning Board had indicated today that they were going to look at this again before they considered a resolution because of incorrect information. Ms. Hauth said she had received both documents today but had not brought them with her tonight. She left the meeting to bring copies of the referenced documents for the members to review.

Mr. Phelps asked when the map just presented had been brought into the discussions. Mr. Waldon responded it grew out of the post-hearing discussions, and was an attempt to respond to the public comments. Mr. Phelps said then this was the first time the public had seen it, noting it had not been discussed at any of the public hearings. Mr. Waldon said the map took the maps presented at the public hearings and reduced the focus and made them more conceptual.

Ms. Wallace asked who had authority over the orange area on the map and how did Mr. Waldon envision it would be handled. Mr. Waldon said within the purple line, which suggested the Hillsborough service area, was the corporate limits and the ETJ, as well as two areas that would remain in the County's jurisdiction but also suggested some phasing as a growth area. He said most comments indicated that they were not yet ready to make those fine distinctions yet, so the new map had been produced. Mr. Waldon said the new map took those general boundaries and made them more conceptual such that the area that had previously contained three different colors were now one color, and it would have to be decided how to split up the jurisdiction of that area.

Mr. Oliver said he liked the way the map looked now, because it had fuzzy lines and it no longer pinpointed specific parcels of land. He said that indicated that it was more of a

concept plan. Mr. Oliver said a lot of input and work would have to take place before we got to that kind of detail.

Ms. Ellis said she wanted to be sure that they did not lose the courtesy review by the County if we went outside the Town limits. She said the County reviews provided much information and insight. Mr. Waldon said in the draft resolution, Item F referred to exactly that point, in that courtesy reviews would continue. He said Item C referred to a map for the Hillsborough interest area, and Item D talked about a map for areas outside of Hillsborough's interest area, and then Item F talked about courtesy review and information sharing for those two maps. Mr. Waldon said Item F should be corrected to specifically refer to C and D rather than D and E, since it was referring to the two maps in C and D.

Responding to a question about Hillsborough's interest area, Mr. Waldon indicated it was the orange area on the map. He said to be consistent they should be referred to as the same on both maps. Mr. Waldon said that would mean the language in Item C would have the same language as the orange area on the map in order to reconcile them. At this time, Mr. Waldon spent some time explaining in more detail the colored lines and their functions.

Ms. Hauth distributed copies of the resolution from the Water and Sewer Advisory Board, and the email received from Mr. Dobbins, an Orange County Planning Board member, who indicated he was concerned about the maps and the timing. She said he indicated he would ask the County Planning Board to take this issue up again at its meeting on February 7. Ms. Hauth said the County Planning Board had already forwarded a recommendation to the County Commissioners, and it appeared that their recommendation might be modified.

Ms. Wallace asked why the Water and Sewer Advisory Board was making the statement that was contained in its resolution. Mr. Phelps said the Strategic Growth Plan did not actually state that there would be no extension of service outside the boundary lines. He said the Advisory Board's concern was that there was already water and sewer lines in some of those areas. Mr. Phelps said if someone came in and proposed a company in an area that was just outside the boundary, then we would not be able to extend service and therefore we would lose the jobs. Mr. Phelps said the Advisory Board did not want to give up the right to never extend service.

Mr. Farrelly said that sounded like something that needed to be discussed, noting the intent was to set up a process for considering exemptions or special cases. Ms. Hauth said all of the agreements being discussed for only as binding as the two jurisdictions that adopt them. She said previously the County and the Town had a cooperative planning agreement, but when the University Station development came along the Town had withdrawn from that agreement.

Mr. Newton said in essence, whatever came out of this local agreement it would be nonbinding. He said the Schools Adequate Public Facilities Ordinance was an interlocal agreement the Town had with Orange County schools, and if we wanted to deviate from that we could with no consequences. Ms. Hauth agreed, noting the agreement would mean only as much as those that adopted it and those that come later give it. Mr. Newton said he understood the essence of Mr. Phelps' request, in that we should not lock ourselves into something that should some extenuating circumstance arise would lock us out of addressing it.

Ms. Ellis said it was her understanding that the line on the map was pulled in because it was not possible to furnish water to everything that was in the outer line. She said the satellite annexation line was placed where it was to prevent a landfill from being placed there. Ms. Hauth said that was correct.

Mr. Newton asked whether because of the new information presented tonight and the amount of interest and questions that remained, it would be worthwhile to hold one additional public hearing or were we ready to make a recommendation tonight. Mr. Oliver said he believed it was conceptual enough to go forward with a recommendation now.

Mr. Farrelly said it was different from what we had looked at previously, because it was conceptual.

Ms. Faherty asked if the Board was considering adding the additional "Whereas" that was suggested earlier. Mr. Oliver responded he did not believe it was needed, and he had not heard a lot of support for it from the Board. Ms. Faherty said she believed they had moved away from it before everyone could comment. Mr. Farrelly said Mr. Oliver had asked what others wanted, and there was no response. Mr. Remington said the interlocal agreement was in essence Phase 2.

**MOTION:** Mr. Oliver moved to recommend to the Town Board that they accept the Strategic Growth Plan map as presented tonight and the associated draft document dated January 16, 2007, and the resolution which accepted the Strategic Growth Plan as a conceptual document.

**SECOND:** Mr. Campanella.

**DISCUSSION:** Mr. Remington suggested that the term "Hillsborough interest area" should be defined to refer to Hillsborough services/future annexation area. He said Item F should be revised to refer to Items C and D rather than Items D and E. Mr. Oliver accepted those amendments to his motion. Ms. Faherty asked if by accepting the Strategic Growth Plan, we were accepting the entire document with the new map as the resolved final map. Mr. Oliver said his motion was to recommend accepting the map and the resolution which referred to the Strategic growth Plan.

**VOTE:** Unanimous.

**ITEM #6: Discussion of Text Amendments to Update the Flood Damage Prevention Ordinance in Compliance with New State Requirements.**

Ms. Hauth said she had provided a map and two documents with the agenda packets, and there were a variety of options available as they moved forward. She said the first item was that the federal and State governments had created new floodplain maps. Ms. Hauth said we were obligated to adopt these new requirements by February 2 so that people who lived in the floodplain could continue to get flood insurance through the national flood insurance program. She said at the hearing on Tuesday night this Board would be asked to make a recommendation to the Town Board to adopt the new requirements so that the deadline could be met.

Ms. Hauth said the second item was that at the last meeting we had discussed if this was an opportune time to amend our flood ordinance and not allow further development within the floodplain. She said she had provided a draft ordinance in the packet that would do that, adding she had taken the model ordinance and deleted the language that she believed was not

necessary. Ms. Hauth said there was a second document in the packet that was the original model ordinance that could be used in case a lot of public comment was received next Tuesday. She said she had talked with Mr. Hornik who had indicated that if further development in the floodplain was prohibited, then we could do the State minimum that was more permissive.

Mr. Campanella said if they were to go with no further development in the floodplain, would that mean that the floodplain as strictly defined by the 100 and 500 flood hash lines, or did it include any properties touched by the lines. Ms. Hauth said it did not include properties touched by the lines. She said it was conceivable that a property owner would come forward with a detailed topography survey that showed where the 556 flood elevation was, and that they intended to build outside of that area. Ms. Hauth said there were procedures included that would address where maps needed to be corrected, or where property owners could provide documentation.

Ms. Ellis said there were many streams that contributed to the floodplain, and what had come out of the Old 86 Commons was one buffer restriction for those streams with the County having another. She said that was now on the map, and if it were developed under Hillsborough's regulations as it now stood then the buffer would be different from what the County would require. Ms. Ellis said there needed to be some continuity between the regulations. Mr. Farrelly said he was in agreement, but that was a different topic from what was being discussed at this time.

Mr. Newton asked if what was now being proposed put us in sync with the County. Ms. Hauth said it would, but not within the issue mentioned by Ms. Ellis. Mr. Newton said then this was a good first step. Ms. Hauth said it was. She said she would be glad to bring forward potential text amendments to the February or March meeting. Or, Ms. Hauth said, it could be added to the list to be included with rewrites to the Development Ordinance.

Ms. Hauth reminded the Board that the Tuesday meeting would be held in the Mural Courtroom. She said that as requested by this Board, all public hearings for this calendar year were scheduled for another facility. Ms. Hauth also stated for those interested, the site plan review process would be discussed by the Town Board on Monday night.

**ITEM #7: Adjourn.**

Mr. Newton moved to adjourn the meeting, seconded by Mr. Remington. The motion was adopted unanimously. The meeting was adjourned at 8:37 p.m.

Respectfully submitted,




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Margaret A. Hauth, Secretary