



Legislation Text

File #: 15-0088, **Version:** 1

TITLE:

Public Hearing on Land Use Ordinance Text Amendments Relating to Underground Utility Line Installations

PURPOSE: The purpose of this item is for the Board of Aldermen to consider text amendments to the Land Use Ordinance to establish a new use classification and permitting process for underground utility line installations. A draft ordinance has been prepared. The Board must receive public comments before taking action on the amendments.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Nick Herman - 919-929-3905; Mike Brough - 919-929-3905

INFORMATION: The Town has received a request for text amendments from the Northern Transition Area Advisory Commission (NTAAC) relating to underground utility installation (Attachment C-1). Per Section 15-321, Initiation of Amendments, a draft ordinance amending the Land Use Ordinance was prepared and presented to the Board of Aldermen and a date for this public hearing designated.

Section 15-146 of the Land Use Ordinance (LUO), Table of Permissible Uses, outlines a number of utility-type uses such as above-ground utility structures or facilities, and underground lines. Such uses are further classified based on the physical size of the facility's components as well as the extent, or coverage, of the area for which the utility is designed to serve. A draft ordinance has been prepared that, if adopted, would separate the existing use classification 17.400, Underground Utility Lines, into two sub classifications: 17.410 Electric Power Lines and Gas Lines, and 17.420 Other Underground Lines (Attachment B). The draft ordinance further indicates that the new use 17.410 shall require a conditional use permit in the C, WR, and B-5 districts and a special use permit in all other zoning districts. Use 17.420 shall continue to require the type of permit currently required for all 17.400 uses (see Attachment D-1 for excerpt of current Table of Permissible Uses).

The NTAAC has also requested an amendment to the Town Code relating to construction noise (Attachment C-2). An ordinance amending the Town Code is included as a separate agenda item in this packet.

The draft ordinance amending the LUO was referred to Orange County and presented to the joint advisory board review meeting on March 19, 2015. Comments and recommendations from Orange County, the Planning Board and NTAAC are provided (Attachment E). Neither the Transportation Advisory Board (TAB) nor the Environmental Advisory Board (EAB) had quorums present. Members of the TAB present, Kurt Stolka, Colleen Barclay and Sarah Moore, offered the following informal comments on the draft ordinance:

The amendment appears to create a process for addressing citizen concerns related to utility line installations

that is unproductive. Rather the environmental regulations should be strict enough to prevent utility companies from doing anything untoward.

The Town should strengthen regulations for utility companies instead of requiring public hearings install involve Town staff and Aldermen.

Could there be language in the amendment to separate the two issues brought forth in tonight's meeting?

Citizens having no voice and no recourse when it comes to utility companies and installations.

Environmental issues.

·Perhaps the process should involve neighborhood meetings between utility companies and neighbors rather than a formal CUP and public hearings.

The EAB had few members attend; those present declined to make any comments.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review. Minimal cost is estimated in relation to updating the Land Use Ordinance.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider adopting the resolution finding consistency (Attachment A-1), and the draft ordinance to the Land Use Ordinance provided as (Attachment B).