



**OAK RIDGE PLANNING & ZONING BOARD MEETING
OCTOBER 28, 2021 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Board Members Present

Nancy Stoudemire, Chair
Jason Streck, Vice Chair
Patti Paslaru
Larry Stafford
Rick Schlaginhaufen, Alternate

Staff Present

Sandra Smith, Town Clerk
Sean Taylor, Planning Director

Board Members Absent

Ron Simpson
Patrick Fiorentino
Tammy Gardner
Maureena Shepherd, Alternate
Megan Dyson, Alternate

1. CALL TO ORDER

The meeting was called to order by Chair Nancy Stoudemire at 7:00 p.m.

2. APPROVE AGENDA

Jason Streck moved to approve the agenda, and Rick Schlaginhaufen seconded. The motion was passed unanimously (5-0).

3. APPROVE MINUTES

Patti Paslaru motioned to approve the minutes of the August 26, 2021 meeting, and Jason Streck seconded. The motion was passed unanimously (5-0).

4. NEW BUSINESS

- A. SP-21-02: Heritage Farm Park.** The property is located at 1921-2035 Oak Ridge Road, approximately 1,430 feet southeast of Linville Road, and 8515 Scoggins Road, approximately, 585 feet southeast of Linville Road, in Oak Ridge Township. It is Guilford County Tax Parcels # 165112 and 165633. It is zoned RS-30 (Residential, minimum 30,000-square-foot lots) and AG (Agricultural), Scenic Corridor Overlay, Historic District Overlay, and is owned by Town of Oak Ridge.

Planning Director Sean Taylor read the property address into the record. He requested that his staff report, which is hereby incorporated by reference and made a part of the minutes, be accepted as presented.

Stoudemire pointed out that this was not a public hearing.

Larry Stafford said he thought McGill, the engineering firm that prepared the plans, had done a good job of reducing runoff and erosion and had done a good job in general with the plan.

Stoudemire asked if only the lighting plan was outstanding. Streck noted that the stormwater plans were also outstanding. Taylor said he had recommended conditional approval of the site plan until all technical ordinance requirements and permits are attained.

Streck asked if the site plan had been seen by the Historic Preservation Commission. Taylor said it was approved by the Commission the previous week.

Larry Stafford made a motion to conditionally approve the plan as presented, and Jason Streck seconded. The motion was passed unanimously (5-0).

B. Introduction of Limited Agriculture Ordinance.

Taylor presented a draft ordinance for the Board to review. He invited members to make changes as they saw fit.

Paslaru said she had several questions, and Taylor asked that she and others send any questions or comments to him. He said it was not his intention to rush the ordinance changes, and he said the Board could discuss the ordinance again at the next meeting. He said if it was ready, there might possibly be a public hearing at the January or February meeting.

Board members then began discussing the sample ordinance.

Paslaru noted that no permit was required to engage in limited agriculture under the draft ordinance, but that the Town could inspect properties engaging in those activities. She asked what would trigger such an inspection, and Taylor said it would be complaint driven.

Paslaru asked that the word "chicken" be changed to domestic fowl. She said her neighbor owns chickens as well as ducks and geese.

Stoudemire said she understood the draft ordinance is about agriculture, but some people consider chickens to be pets. She said the Town does not dictate, for example, how residents keep their dogs. She said the difference is that if there is a complaint about pets, residents would call Guilford County Animal Control, but if there was a complaint about chickens, would they call Taylor.

Streck said he had seen the County respond the complaints about roosters. Stoudemire asked if that would fall under the nuisance ordinance, and Taylor said yes.

Streck asked why the Board was considering such an ordinance, and Taylor said he currently has a complaint about a resident who has 30 or more chickens on a lot zoned RS-30 (residential, minimum 30,000-square-foot lots). Streck asked how many such complaints the Town gets, and Taylor estimated about five per year.

Streck said most newer subdivisions in Oak Ridge have restrictive covenants that prevent residents from having chickens. He said some people move onto lots that are specifically not in a neighborhood with restrictive covenants so that they can do things such as own chickens. Streck pointed out that the draft ordinance limits the number of chickens people can have on various size lots, such as six chickens on a 3-acre lot. He asked how Taylor had arrived at the number of animals allowed on a specific size lot, and asked how many dogs a resident could have on a 3-acre lot.

Taylor said that he had not really intended the Board to approve the ordinance as he submitted it, but that he had only presented it to them for discussion per the Board's request. He said he had invited the Board to suggest adjustments to the sample ordinance. Streck asked if the Board could cancel the discussion altogether since there does not seem to be a real problem.

Paslaru disagreed with Streck about there being a problem with chickens in the Town and said the creation of such an ordinance could ward off potential problems.

Streck said Paslaru disagreed with him because she had a neighbor with a lot of chickens. He said if people want to control what happens on a specific property then they should buy it. Paslaru said she would love to purchase the lot in question.

If such an ordinance were to be passed, Streck asked if dogs and cats would be discussed next.

Taylor said that he had created a draft ordinance and presented it to the Board for discussion, but he had no problem if the Board did not like it. He said the sample ordinance could be revised or adjusted so it is less restrictive. He said his biggest concern, in a situation like Paslaru's, is that the neighbor is on a very small lot and the large number of chickens does create a health, safety and welfare issue.

Streck said he felt like the process was being handled backwards because there had been no public outcry for an ordinance about chickens. He said the issue was not about sanitation or animal cruelty. Paslaru responded that she thought keeping 60 chickens on a small lot with no cover was cruelty.

Stoudemire said she agreed with both Streck and Paslaru on certain issues. She said when they are asked, residents say they like the rural aspect of Oak Ridge and living near farms.

Taylor said that without an ordinance, he was powerless to make residents remove chickens from a property.

Conversation then turned to whether the County already has ordinances in place that should be dealt with by County agencies such as animal control, the sheriff's office, or the health department.

Taylor said hobby farming had become very popular and more problems will develop as the Town continues to grow. He admitted that adopting an ordinance might be more restrictive than some people would like.

Streck said the Town was pushing the "rural feel" of the area and with that comes things like chickens. Paslaru said she didn't think they were saying chickens were not allowed, but just that there should be a limit. Streck said if the Board decides to move forward with an ordinance, there were very few items in the sample ordinance that he found acceptable and he thought it was restrictive beyond what was reasonable. He said screening was not required for dogs and asked why it should be for chickens. He asked whether the major concern with chickens was noise, smell, humane practices with animals, or something else.

Paslaru said if all citizens acted responsibly, the Board would not need to be discussing the issue. Streck said he thought this was a "not in my back yard" issue and he thought the number of dogs allowed on a property was a much bigger problem. He asked how many dogs would be allowed on a 3-acre lot, and he said if only six chickens were allowed on three acres, there would be an outcry.

Taylor said if there was no support for the draft ordinance, it would not be approved by either the Planning & Zoning Board or Town Council.

Streck said he thought it would be better to find out if there was a public outcry about chickens, and suggested Paslaru put an article in the Northwest Observer and find out people's reactions. Paslaru said she could talk to the Northwest Observer, but had no idea if they would publish an article. She said she could get opinions by posting a question on Nextdoor.com.

Streck said Paslaru has a problem with chickens, but the Town does not have such a problem. Paslaru said the issue with her neighbor had been going on for over a year and that she, as a member of the Board, had been asking the Town to do something about it. Streck said they kept circling back around to one property where there is a problem, and others' complaints about chickens seem to solve themselves.

Stoudemire said she was concerned the health department would not investigate the issue with Paslaru's neighbor. Taylor said Guilford County is large and is growing fast, and, with limited staff, it may not have the ability to enforce all the ordinances.

Streck said laws and ordinances were currently in place, and those need to be enforced instead of the Town creating new ordinances. Paslaru said animal control would not investigate, and Streck said he could provide her with the direct phone number of the animal control director. Paslaru said the entire neighborhood was upset because there was a rooster crowing day and night, there were odors, and other such issues.

Stoudemire asked if the ordinance could prohibit things like dog kennels. Taylor said whatever is allowed by statute could be included.

Streck suggested the Board do more research to determine whether such an ordinance is needed. Stoudemire asked Paslaru if she could discuss the issue with her neighbors, and Paslaru said yes.

Streck added that it is possible to get restrictive covenants added to a neighborhood that does not have them by getting all the property owners to agree.

Paslaru stated that she loved animals, just not 60 on one lot.

Planning Director Taylor said he appreciated the discussion, and the Board agreed by consensus to discuss the matter later.

5. PUBLIC COMMENTS

- Mike Stone, 8112 Hunting Cog Road, Oak Ridge, said he had seen the ordinance about limiting agriculture on the agenda, and he thanked Town Clerk Sandra Smith for the information she had sent him. He agreed with Stoudemire that the Town seems to want to promote remaining rural. He encouraged the Board to think of any unintended consequences that might occur as a result of a new ordinance. He said as Oak Ridge continues to develop, there will be more subdivisions with restrictive covenants. He said he lived in the oldest neighborhood in Oak Ridge with restrictive covenants and sometimes neighbors with 6 or 17 acres want things like chickens, but that they aren't allowed. He said sometimes such restrictive covenants have far-reaching consequences. Stone commended the Board for always doing a good job.
- Van Tanner, 6605 Ashton Park Drive, Oak Ridge, said he lived in a development with restrictive covenants. He commented on the development of Oak Ridge, saying that sometimes problems are the result of several subdivisions in close proximity to each other. He said that already drivers come down the roads in his development to try to beat the school buses at the Bunch and Oak Ridge roads intersection. Tanner said when all the developments near the intersection are built, there will be about 300 homes on contiguous tracts. He encouraged the Board to look at the full impact when approving a project. He said Oak Ridge is already having a look at increased density and it is talking about the "village feel" concept, but it is already losing its village feel due to development.

Jason Streck responded that the Board is restricted to approving or denying a subdivision based on whether it meets the ordinance, and it is not able to look at the combined impact of developments. He said it citizens feel strongly about development, they should bring it up to the Town Council.

6. ADJOURNMENT

Jason Streck moved to adjourn the meeting at 8:13 p.m., and Patti Paslaru seconded. The motion was passed unanimously (5-0).

