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SUMMARY NOTES  
ORANGE COUNTY PLANNING BOARD  
MARCH 3, 2021  
ORDINANCE REVIEW COMMITTEE

NOTE: A QUORUM IS NOT REQUIRED FOR ORDINANCE REVIEW COMMITTEE MEETINGS.

*Due to current public health concerns, the ORC meeting was virtual. Members of the Planning Board and staff participated in the meeting remotely.*

David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, 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

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

**OTHERS PRESENT:** Lamar Proctor

**AGENDA ITEM 1:** Call to Order

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS –“160D” LEGISLATION-** To review UDO text amendments related to State legislation that is referred to as 160D (a reference to the statute section). The amendments also require changes to Appendix F of the Comprehensive Plan and to the Planning Board and Board of Adjustment Rules of Procedure. A general overview of this item was also given at the September 2, 2020 ORC meeting.

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

*Perdita Holtz moved Lamar Proctor onto the meeting screen so he could participate and ask questions since he will be an official Planning Board member as of April 1. The Planning Board is scheduled to make its recommendation on the amendments at the April 7 meeting.*

*Perdita Holtz reviewed the limited number of revisions that modify current practices used by Orange County along with impacts and provided background information.*

*Craig Benedict informed the Planning Board that the County Attorney would be making a recommendation to the Board of County Commissioners about the amendments and has been working closely with Perdita to make the recommendations provided to the Planning Board.*

Randy Marshall: Can we continue to have the legal ads run in the newspapers.

Perdita: We are still recommending it be done for legislative items but staff is recommending that it be ended for the quasi-judicial Special Use Permit (SUP) and the reason is because it is notifying everybody that this is happening and yet legally only abutting property owners have legal standing to participate in the hearing. It doesn't make sense to notify everyone and have them think they can participate when in actuality they can't. Also, the Class A SUPs uses are being changed to Conditional Districts. They will still be decided by the BOCC with Planning Board recommendation.

*Perdita Holtz continued the presentation*

55 *Craig Benedict elaborated on some of the aspects*

56

57 Perdita Holtz: For next month, since you are all hearing this tonight, I'm not planning on doing a  
58 presentation because you've already heard it. If you have questions, I'll address them, if that is ok with  
59 everyone.

60

61 *Planning Board was in agreement with skipping the 160D Amendment Presentation at the April Planning*  
62 *Board meeting.*

63

64 Lamar Proctor: Is it going to affect WASMPBA and agreements with local municipalities, is that part of  
65 this packet? Is that an issue before us?

66

67 Craig Benedict: That is one of the discussions we're having with the Attorney's office, does state statute  
68 override interlocal agreements, that are allowed by state statute also, which one takes priority.

69

70 Perdita Holtz: The UDO stands as it is; it's more of a question of whether those interlocal agreements  
71 are ok under current statutes. The UDO is ok under current statutes, it's when you bring in all these  
72 other agreements and plans and whether those are ok. Those agreements might need to change  
73 because of current state law.

74

75 Lamar Proctor: The amendments is not that issue - the amendment of our UDO to conform with 160D.  
76 So the issue as to whether state law is going to usurp our current agreements with municipalities or  
77 WASMPBA, that's going to be an issue for a later time.

78

79 Craig Benedict: That will probably be answered by the Attorney.

80

81 Whitney Watson: There is a reference that the BOCC could change the zoning for a parcel which would  
82 then bounce back and change land use maps, is that the process as it exists currently or is that going to  
83 be the process going forward.

84

85 Perdita Holtz: That would be the process going forward and it's required by state law. The rezoning that  
86 you looked at tonight, if that were to get rezoned to GC-4 that is no longer consistent with the rural  
87 residential land use designation, it would need to be changed to CITAN on the Future Land Use Map and  
88 where it gets dicey with our joint plans and interlocal agreements is that those plans and agreements  
89 don't allow for that to happen but yet state law requires that it happen. That is what our legal staff is  
90 looking at.

91

92 David Blankfard: So the BOCC could overrule everything.

93

94 Perdita Holtz: That's the question because we have agreements that say they won't. We have  
95 agreements that everyone has to agree to change the map. Or, the joint plans, everyone has to agree to  
96 change the plans. State law is now saying something different so the legal questions becomes can the  
97 BOCC impose upon itself other requirements that it not do something that is allowed by state law.

98

99 *ORC was adjourned by consensus*