

**SUMMARY NOTES  
ORANGE COUNTY PLANNING BOARD  
AUGUST 4, 2021  
ORDINANCE REVIEW COMMITTEE/TRAINING SESSION**

NOTE: A quorum is not required for Planning Board Ordinance Review Committee meetings or Training Sessions.

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

**MEMBERS PRESENT:** David Blankfard (Chair), Hillsborough Township Representative; Randy Marshall, At-Large Representative; Susan Hunter, Chapel Hill Township Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Whitney Watson, At-Large Representative; Charity Kirk, At-Large Representative;

**STAFF PRESENT:** Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Patrick Mallett, Erosion Control and Stormwater Supervisor; Christopher Sandt, Staff Engineer; Tom Altieri, Comprehensive Planning Supervisor; Michael Harvey, Current Planning Supervisor;

**AGENDA ITEM 1: CALL TO ORDER**

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – PERFORMANCE GUARANTEES-** To review proposed UDO amendments related to performance guarantees.  
**PRESENTER:** Christopher Sandt, Staff Engineer and Michael Harvey, Current Planning Supervisor

*Christopher presented a PowerPoint Presentation on proposed amendments to the UDO regarding performance guarantees and streamlining the terminology.*

David Blankfard: To change the permitted start time from 18 months to 3 years seems like a long time to me.

Christopher Sandt: This is to match the state requirements and pertains to larger projects.

Patrick Mallett: The single family homes do usually start within 18 months. This pertains mostly to the bigger projects that can take 5 to 8 years to complete.

Randy Marshall: Most are simply text revisions and not significant revisions, do you anticipate anything that will be controversial that we should discuss?

Christopher Sandt: We are dropping the requirement for an SCM maintenance guarantee. What we ran into was the legality that we can't take lead on performing work on private property. From a staff level we don't have the manpower to track that.

Patrick Mallett: We have a good solid ordinance but there are conflicts and what we are proposing is eliminating a lot of the confusion and matching up with the state.

David Blankfard: I still think 3 years is a little long to start moving dirt. When does Wake County and Durham County have to get started?

Patrick Mallett: It varies, in Cary, for example, it's when land disturbing activity actually starts versus the preconstruction meeting.

David Blankfard: Does anyone else on the Board have a problem with 3 years?

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Melissa Poole: I don't think 3 years is unreasonable.

David Blankfard: Ok

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – CONCEPT PLANS FOR CONDITIONAL DISTRICTS-** To review proposed UDO amendments to require submittal and review of concept plans for conditional district rezoning applications  
**PRESENTER:** Michael Harvey, Current Planning Supervisor

*Michael Harvey presented information and the history on proposed UDO text amendments to require submittal and review of concept plans for conditional district rezoning applications*

Melissa Poole: Rather than going to the Planning Board, this means it will go to the County Commissioners and then come to the Planning Board?

Michael Harvey: What we're doing is adding a Concept Plan review to the existing process that will go to the BOCC at a regular meeting; this will allow the applicant to solicit feedback from the elected officials and potentially members of the community. After the conclusion of that meeting, applicants are still obligated to submit a formal Conditional District rezoning application. That application goes to a Neighborhood Information Meeting (NIM), it then comes to the Planning Board for recommendation and then ultimately goes to the Board of Commissioners for review and action. The Concept Plan is really an opportunity for the applicant to gauge from the elected officials their interest for seeing the project go through the process.

Melissa Poole: Do we anticipate that adding steps to the process will deter projects, particularly industrial development, business development and economic development in Orange County.

Michael Harvey: I think any developer would say that any increase to a process represents time and money to them in terms of investment and delay. But any insight into the project before they have spent a ton of money or lined up experts or final engineering would probably be beneficial to them and might lead to a smoother review process.

David Blankfard: What do you think it's going to cost?

Michael Harvey: My recommendation to the Planning Director for a Concept Plan application fee would be a minimum staff fee of \$250 to \$300 for our initial review and the advertising would be based on how many properties are within 1,000 feet. It is still being reviewed.

Alexandra Allman: After the Concept Plan meeting do you picture the applicant getting a recommendation or they go to a meeting and that's that, will your staff provide recommendations?

Michael Harvey: My hope is that the applicant takes the constructive observations to heart and potentially modifies their plans to address elected officials, community, and staff concerns. The applicant can choose to ignore them and say this is the project we are proposing and we are going with what we perceive is the most beneficial project for the area it is being located in. But they run a risk of a negative reaction to their proposal, especially if there are concerns brought to their attention by the participates in the Concept Plan review. My hope is they will do their best to address any concerns but staff cannot compel or require the applicant to alter their proposal to address initial community comment. We can only strongly advise them and provide guidance on compliance with regulatory matters. Of course, if the concern is directly related to complying with applicable land use regulations, staff has broader authority to compel changes.

**AGENDA ITEM 4: ADJOURNMENT**

The ORC/Training session was adjourned at 7:59 p.m.