

**SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
JULY 1, 2015
ORDINANCE REVIEW COMMITTEE**

NOTE: A quorum is not required for Ordinance Review Committee meetings.

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lydia Wegman-At-Large Chapel Hill Township (Vice Chair); Tony Blake, Bingham Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Lisa Stuckey, Chapel Hill Township Representative; Herman Staats, At-Large, Cedar Grove Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Planning Systems Coordinator; Ashley Moncado, Special Projects Planner; Patrick Mallett, Planner II;

**AGENDA ITEM 1: CALL TO ORDER
UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS
RECREATIONAL FACILITIES**

To review and comment upon proposed amendments to the UDO to modify the existing regulations pertaining to recreational facilities.

Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey: Reviewed abstract.

Paul Guthrie: Could a resident sponsor a club in his name and finance play on that field?

Michael Harvey: No sir. Not the way it is written.

Tony Blake: I can create my own non-profit and put in a putting green.

Michael Harvey: Not the way it is written, but part of this process is requesting the need for different wording. I am asking for your questions and comments. This (amendment) is designed to adopt the land use regulations and standards (of recreational land uses) where we don't have them and define what we would like to see in residential settings. Also, to eliminate what staff believes is unnecessary rezoning and permitting requirements.

Tony Blake: If I am a farmer and I want to donate land to a non-profit for a recreational sport (facility), would that be permitted?

Michael Harvey: It would have to go through the SUP process. There are certain facilities we don't want in residential settings due to their impacts. This also does not stop a county park.

Tony Blake: Is the intent to control the gun range use specifically?

Michael Harvey: No, not that use specifically but we will be adopting development standards associated with them.

Tony Blake: If you want to control that specifically, it would probably be a noise ordinance.

Michael Harvey: This amendment process was not started simply to regulate gun ranges. It was started because the County shouldn't be regulating a land use, or assigning or ascribing permitting processes, based on the ownership status of the property owner.

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Lisa Stuckey: What about the HOA in a subdivision that wants to put a ball field on an open space?

Michael Harvey: Perfectly legal because it is technically approved as part of the subdivision process.

Tony Blake: What if they want to do it retroactively?

Michael Harvey: The same thing as long as they comply with the ordinance with respect to compliance of Article 7 which is subdivision standards. Again, County parks would not be affected by this.

Lydia Wegman: Regarding Section 5.7.2, shooting ranges, no outdoor range shall be closer than 30 feet to the property range?

Michael Harvey: That is reference to commercial shooting ranges, like an archery range. In these instances shooting would only be allowed indoors. Private, residential shooting areas, the required setback is 300 feet.

**AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS
PUBLIC HEARING PROCESS REVISIONS**

To review and comment upon proposed amendments to the DUO to revise the public hearing process.

Presenter: Perdita Holtz, Planning Systems Coordinator

Perdita Holtz: Reviewed abstract and began presentation.

Tony Blake: This is where I was confused. I see the notes regarding the public meeting on page 43, but where is the neighborhood information meeting described?

Perdita Holtz: It is in the neighborhood information meeting section, Section 2.9.

Tony Blake: Are any changes being made to that?

Perdita Holtz: No

Tony Blake: I was going to suggest that the Planning Board member representing that township should be invited into the neighborhood information meeting and that's an important change.

Perdita Holtz: If it's a matter of inviting someone, that can be done administratively and not have to be written into the UDO. If it's something that you want to require then that's something that can be written into the UDO or into the Planning Board Rules of Procedure.

Lisa Stuckey: That wouldn't be appropriate in a quasi-judicial situation?

Perdita Holtz: The Neighborhood Information meeting isn't a quasi-judicial meeting, but to explain how the process works to neighbors.

Lisa Stuckey: I would touch base with a lawyer because it seems unlikely that you wouldn't get information not available to BOCC and other Planning Board members upon which you would base your votes.

Tony Blake: The only thing you would get is information would be the neighbor's comments.

Pete Hallenbeck: In the quasi-judicial world, if those neighbors are not experts, you can't take it into consideration.

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104 Lydia Wegman: To me, this is an information meeting.
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106 Pete Hallenbeck: When the neighborhood meeting happens, it quasi-judicial in play?
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108 Perdita Holtz: The Planning Board meeting is not quasi-judicial. From an ideal legal standpoint, the attorneys would
109 like the Planning Board to not be involved.
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111 Tony Blake: The neighbors are looking to us and if we don't have any information, what is the point of us at all.
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113 Craig Benedict: We are trying to make that meeting more process oriented with information about the process.
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115 Pete Hallenbeck: When does the quasi-judicial process start?
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117 Michael Harvey: I would argue it starts the day the application is accepted to review by the Planning Department and
118 all subsequent meetings that occur as a result are part of the quasi-judicial process.
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120 Paul Guthrie: I agree with all that has been said, but be careful because you are about to go past an advisory board
121 and cut off input that can make wiser decisions. At what point, what do I stop thinking about what I know and have to
122 stop and say what I hear. You need to be careful about how you define that if you want true, good, long term advisory
123 committee members.
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125 Lydia Wegman: If the neighborhood information doesn't include a presentation by the applicant then it would not be
126 helpful.
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128 Craig Benedict: It includes a review of the project.
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130 Lydia Wegman: There will be time for questions?
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132 Craig Benedict: There may be. The information will be available. This is a dry run so everyone will know what is
133 proposed.
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135 Perdita Holtz: Continued presentation.
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137 Paul Guthrie: How long after the hearing do we have a record so there is a good reference to what is acceptable as
138 evidence and what isn't?
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140 Perdita Holtz: All evidence is going to have to be made at the hearing.
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142 Paul Guthrie: How long does it take to get that record and will the 60 days be adequate?
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144 Perdita Holtz: You generally make a recommendation in less than 60 days.
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146 Paul Guthrie: Be sure that works within your process.
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148 Perdita Holtz: Continued presentation.
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150 Paul Guthrie: Question on specific language, Section 1B(c) on page 71.
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152 Perdita Holtz: That is not the part being changed.
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154 Paul Guthrie: May need to think about the language in the policy saying basically this document overrules the
155 advisory committee structure set up by the BOCC.
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157 Perdita Holtz: Only the BOCC approves the specific advisory board policies.

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159 **AGENDA ITEM 3: ADJOURNMENT**