Approved 11/5/14

MINUTES
ORANGE COUNTY PLANNING BOARD
OCTOBER 8, 2014
REGULAR MEETING

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Lisa Stuckey, Chapel Hill Township Representative; James Lea, Cedar Grove Township Representative; Herman Staats, At-Large, Cedar Grove Township; Tony Blake, Bingham Township Representative; Laura Nicholson, Eno Township Representative; Paul Guthrie, At-Large Chapel Hill Township; Andrea Rohrbacher, At-Large Chapel Hill Township; Buddy Hartley, Little River Township Representative; Maxecine Mitchell, At-Large Bingham Township; Bryant Warren, Hillsborough Township Representative;

MEMBERS ABSENT: Lydia Wegman-At-Large Chapel Hill Township;

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor, Tom Altieri, Comprehensive Planning Supervisor, Perdita Holtz, Special Projects Coordinator, Tina Love, Administrative Assistant II

OTHERS PRESENT: Bonnie Hammersley, County Manager; James Bryan, Staff Attorney; Andrew Vanard

HANDOUTS GIVEN: *(email from Lydia Wegman concerning Item 10 which is attached at the end of the minutes)*

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: INFORMATIONAL ITEMS

a) Planning Calendar for October and November
b) Dinner meeting with BOCC & quarterly public hearing on November 24, 2014

AGENDA ITEM 3: APPROVAL OF MINUTES
SEPTEMBER 3, 2014 REGULAR MEETING

MOTION by Paul Guthrie to approve the September, 2014 Planning Board minutes. Seconded by Buddy Hartley.
VOTE: UNANIMOUS

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA

AGENDA ITEM 5: PUBLIC CHARGE

Introduction to the Public Charge

The Board of County Commissioners, under the authority of North Carolina General Statute, appoints the Orange County Planning Board (OCPB) to uphold the written land development laws of the County. The general purpose of OCPB is to guide and accomplish coordinated and harmonious development. OCPB shall do so in a manner which considers the present and future needs of its citizens and businesses through efficient and responsive process that contributes to and promotes the health, safety, and welfare of the overall County. The OCPB

will make every effort to uphold a vision of responsive governance and quality public services during our deliberations, decisions, and recommendations.

AGENDA ITEM 6: CHAIR COMMENTS

AGENDA ITEM 7: 2030 COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT: To make a recommendation to the BOCC on government-initiated amendments to the Future Land Use Map of the Comprehensive Plan to assign County land use classifications to approximately 500 acres of property that are to be removed for the Town of Hillsborough Extraterritorial Jurisdiction (ETJ) located generally near the Eno River between US 70W and I-85/I-40 in Cheeks and Hillsborough Townships. This item was heard at the September 8, 2014 quarterly public hearing.
Presenter: Tom Altieri, Comprehensive Planning Supervisor

Tom Altieri reviewed abstract and presented a PowerPoint Presentation.

Pete Hallenbeck: Does anyone have any questions for Tom?

Tony Blake: I recall a conversation from the BOCC that the underlying concern seemed to be that we were repurposing land use for agricultural that might be better zoned rural residential or vice a versa and that there might be some permitted uses on a farm or something that would be disallowed if it was rural residential or again vice a versa and I think that it's key that the land use match the zoning and so that is my question, does the land use match the zoning in this?

Tom Altieri: You're correct, it does need to and in this case, in the Comprehensive Plan I think you've probably seen it, a few before in some previous amendments. There's what I call a matrix, it's located in the appendices at the back of the land use plan and it shows the relationship between the Future Land Use Map categories down one column and then the rows across are all of the applicable zoning districts. You're right for the Agricultural Residential Land Use category the only applicable zoning is Agricultural Residential. So that's exactly right.

Tony Blake: I believe and again I'm reading between the lines from the County Commissioners' comments, I believe that going around in some of their heads and I think Commissioner Dorosin in particular was this discussion about the solar farm in the north and what was permitted and what wasn't permitted and there might be something that was permitted like a solar farm on a farm as opposed to in a rural residential.

Michael Harvey: I want to clarify a solar facility is permitted with a issuance of a Special Use Permit in the Rural Buffer and Agricultural Residential and Rural Residential land use categories currently.

Tony Blake: There's not one that doesn't need a SUP?

Michael Harvey: There are three categories of solar array development. There's under 20,000 which accessory as a Class B and Class A. Class B and Class A would be allowed in the three zoning districts so there is no distinction from that standpoint.

Tony Blake: I was thinking of some of the farms that have put up solar facilities for use on their farms for their own purposes.

Lisa Stuckey: My impression is that AR is less restrictive and you can do more things in there by right, is that correct? In general.

Tom Altieri: Some of the questions are more related to the zoning side. However, Tony does make a good point which is once the Board has recommended Agricultural Residential on the Future Land Use Map side the only

applicable district that can be applied when we get to the zoning side is Agricultural Residential. There are some additional materials outlining the differences in the permitted uses that are part of the other item.

Tony Blake: I more wanted to get that on the record so that when the Commissioners read it they can either comment on whether I was reading between the lines correctly or not and maybe settle that question.

Craig Benedict: I think also one of the questions was is this new area more like a rural area or is it like an urban area and somebody mentioned that word suburban. Well, Orange County Land Use and city programs have quite a few demarcations so that's what I think was being inferred that there might be some sort of intermediate category that could be urban in the future. As Tom said in the interlocal agreements, saying that the urban service area boundary stops at this new ETJ boundary really does say this is urban and this is definitely a rural lifestyle. AR fits that well.

Pete Hallenbeck: My only comment on the topic is I think the Agricultural Residential fits what is currently going on there and that's borne out by that table that says only 15% of that is private and not farm use the other is either farm use or the quasi-public so I don't have a problem with that right now, in 30 years from now, who knows but today it seems like a pretty good call. Also putting sewer and water on Eno Mountain would be a little rough.

MOTION by Lisa Stuckey to recommend approval to the BOCC on the proposed 2030 Comprehensive Plan FLUM amendment. Seconded by Tony Blake
VOTE: UNANIMOUS

AGENDA ITEM 8: ZONING ATLAS AMENDMENT: To make a recommendation to the BOCC on a government-initiated amendment to the Zoning Atlas to assign County zoning districts to approximately 500 acres of property that are to be removed from the Town of Hillsborough Extraterritorial Jurisdiction (ETJ) located generally near the Eno River between US 70W and I-85/I-40 in Cheeks and Hillsborough Townships. This item was heard at the September 8, 2014 quarterly public hearing.
Presenter: Tom Altieri, Comprehensive Planning Supervisor

Tom Altieri reviewed abstract and presented a PowerPoint Presentation.

Herman Staats: So, the triangle that you said was inconsistently zoned versus land use designation, is there a reason it was zoned that way and if there is not a reason that it's zoned that way should the zoning be changed so that it is consistent?

Tom Altieri: The reason, I don't know the reason but I think that's how it was zoned when that township was originally zoned. I have a theory which is that it might have something to do with the Hillsborough Township line. I found it interesting that the western side of that R-1 boundary (illustrated on map) that's not a parcel line. That's a line that seems to be a hangover from a township line that for some reason doesn't extend further to the north or south as we know the Hillsborough Township does. Our mapping has gotten significantly better, our GIS and overlays and could be the result of previous less precise mapping.

Pete Hallenbeck: That area you're talking about, the Hillsborough triangle, is it in a critical watershed area?

Tom Altieri: It is.

Pete Hallenbeck: That tempers how much you can do there.

Tony Blake: How many acres is it.

Tom Altieri: Maybe 120 acres all those parcels combined.

Paul Guthrie: What is the ownership pattern? Are there a lot of owners, one owner?

Tom Altieri: I don't have that specific information tonight.

Paul Guthrie: Is there any development on it at all.

Michael Harvey: Single family residents on those lots and one of the parcels is part of a larger farm. The Hare Krishna part of their temple is on the other side of Dimmocks Mill Road there is a mish mash of existing land uses in that general area.

Pete Hallenbeck: In my opinion at this point, fairly well developed. Most lots have something on them.

Tony Blake: One more question, that phantom line seems to bisect a bunch of lots, does that mean that the lots have two land use and zoning classifications?

Tom Altieri: One base land use classification and correct, two different zoning classifications.

Tony Blake: This would serve to bring them in line and make them consistent across the lot.

Tom Altieri: That's not part of this amendment. If it is something that this Board wanted to recommend to the County Commissioners it would require another public hearing and notification and then we could consider that.

Tony Blake: I don't think it's worth it.

Craig Benedict: One other thing, this upgraded consistency statement, just something that we can use for future reference. With this consistency statement, you see us referring to previous planning studies. One case was the Hillsborough Interlocal Agreement another planning construct was the water and sewer boundary agreement was another layer of the planning. As we proceed with these rezonings in the future, you'll see us continue to use the value of our small area planning processes to show consistency. The law has come back around to support what we have been doing in the past by having multiple reasons for changing zoning. Some places around the state would say, just because, so this is a way of incorporating our prior planning and give a good consistency statement.

Pete Hallenbeck: So to put this concept of the consistency statement into perspective, if we're talking about taking some parcel there and zoning it for some gigantic store or office complex that would be a consistency problem instead we're wrestling with AR versus R-1.

Paul Guthrie: Has there been any commentary from any of these parties that have an ownership interest on this particular activity?

Tom Altieri: Very little. They all have received first class mail notification and the information. We had one citizen that attended the public hearing that spoke to me after the meeting that just wanted more information. I provide him the information, more detail on his zoning and the permitted uses and Margaret Hauth's contact information with the Town if he had any interest in how the zoning may have played out had his property stayed within the Town's jurisdiction. We did have a lot of interest back in January of this year when the Town was looking at both relinquishing and expanding its ETJ, that involved another 200 or so properties and we did have about 50+ people show up at that meeting. All but two were there because they owned property within the areas where the Town was considering expansion. I think a lot of the people dropped off and there have only been a few phone calls, 3 or 4.

MOTION by Bryant Warren to recommend to the BOCC approval of the rezoning amendment. Seconded by Buddy Hartley.
VOTE: UNANIMOUS

MOTION by Bryant Warren to approve the consistency statement. Seconded by Tony Blake
VOTE: UNANIMOUS

AGENDA ITEM 9: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT: To make a recommendation to the BOCC on government-initiated amendments to the text of the UDO to require that a neighborhood information meeting be held at least 45 days prior to the public hearing regarding applications for a Class A or Class B Special Use Permit. This item was heard at the September 8, 2014 quarterly public hearing.
Presenter: Michael Harvey, Current Planning Supervisor

Michael Harvey reviewed abstract

Tony Blake: I have a couple of questions, it seems to me 45 days is obsessive but what we really need is a window of time because you don't want somebody introducing a plan and two years and then 45 days before they execute have a neighborhood information meeting.

Michael Harvey: That doesn't typically happen.

Tony Blake: It seems me that there should be a minimum and a maximum. The second is in the rural areas, 500 feet is not sufficient. What you will get are people who are really against whatever it is as opposed to a broader audience of people who may benefit from it in a larger sense. I am pointing specifically to the fire station substation we built. If we had strictly stayed with the 500 feet we would have gotten the people who didn't want to live within 500 feet of a fire station instead of the larger population who would benefit from a reduction in insurance rates. You are going to miss in this neighborhood information meeting, the point of view of the greater good.

Michael Harvey: You're allowed to your opinion and I don't want to argue with you on it. It is your opinion, I see pro and con to it. The only comment I will make is that the notice that we send out is not the only means of advertising we also post the property. I think when you take a look for example the Binks solar facility, which we did notify people within 500 feet of the property, if you extend that to 1000 feet you would quite frankly only have captured 20 or 30 additional properties owners. Some of which were there because of the advertising signs we had put out at the property.

Tony Blake: I invite people to do the research and look and see roughly how many notices you actually sent out on these in the rural areas. I think you'll see it 2, 3, 4 people.

Michael Harvey: I don't dispute that there are situations where you have areas with large properties where even a 1000 feet wouldn't make much difference.

Tony Blake: I understand that registered mail is a cost. It seems to me like there could be other ways to communicate. Those are my comments.

Michael Harvey: Ok

Paul Guthrie: I want to go the other way, I think the bigger problem may be in urbanizing areas in terms of the costs. I thought about our house and it is on a less than one acre lot and under the 500 foot rule, everywhere except one location you'd pick up maybe 6 or 8 maybe 10 houses. Right across from us is a condominium with about 25 units. So to do anything that requires a Special Use Permit, the homeowner would maybe need 35 registered letters. I can conceive of this in a larger or fringe of an urban area having a high density property of one property among many others that could raise the costs for the applicant significantly. I am a little concerned about what that does to the small, not to the large corporate well-financed organization, but the small organization that for one reason or another needs a Special Use Permit. Assuming it is compatible with the general character of the neighborhood, having to spend that money.

Michael Harvey: Again, Mr. Blake is not incorrect and you're not incorrect either. There are pros and cons to both sides of the equation.

Bryant Warren: I noticed in the past when you get ready to do something there are signs put up all around the neighborhood and area, even if we stick with the 500 feet that should be sufficient enough especially if you continue putting the signs up.

Laura Nicholson: Not to belabor the point, but isn't there a way to just conditionally make it 500 feet for an urban area but as a rural area make it larger? That way it's not changing the whole fabric, could you change it depending on..

Michael Harvey: I don't know how comfortable I would be with that because that gives greater utility to a Class 2 Kennel for example locating in one area in the County versus another area in the County. I think that I'm going to err on the side of caution and treat all applicants the same.

Pete Hallenbeck: Actually, I'll comment on that, we seem to run into this problem a lot that we almost need a settled density function. Something that tells you how dense is this and that is used as criteria for notification area. The problem with that is you can argue over a number, you can argue over a function and whatever you come up with people putting up kennels will gain the system to do what they want. It's one of those difficult problems that never have a right answer.

Craig Benedict: As part of our discussion more recently about the use of technology and how to get information out to people different than the mailings, definitely the signs on the property so we are going to start putting our application out there. Evidently there'll be some mapping and that could be with that and people will see the signs and be able to look on line to see what's happening. I think we'll use technology, even the statutes are saying that how we advertise is being liberalized to include media.

Pete Hallenbeck: Tony you talked about a sample window.

Tony Blake: I was thinking more within a certain minimum distance from the project start and a maximum as well.

Lisa Stuckey: Are you worried they'll do it like 60 days out?

Tony Blake: Yea, or six months and by then everybody has forgotten or then all of a sudden everybody says, I remember but it was too long ago.

Michael Harvey: Let me try to address that point. Applications are typically submitted currently 60 days to 70 days before a public hearing, depending on what public hearing. Class A is County Commissioners, four quarterly public hearing and Class B is Board of Adjustment. So you have a window usually of 50 to 60 days before public hearing when application becomes submitted, it is then scheduled for a public hearing. We basically have a five day window according to our ordinance to ascertain whether or not the application is complete and either reject it or accept it and then submit it for review. Essentially how this process is going to work now is basically once we determine the application is viable, meaning all components have been submitted and its complete, we are submitting it for peer review, not only to internal county departments but external planning partners. The Department of Transportation is a key example. We then have to send out notices advertising the meeting because of the timeline and the window before the public hearing so basically you're getting a letter from the planning department 14 day minimum before the neighborhood meeting. That's when we have to send it out as the ordinance is currently proposed. The neighborhood meeting has to be held 45 days prior to the public hearing is scheduled. So it is conceivable if an applicant asks to withdraw from one hearing or postpone to a hearing they would have to then also potentially have a second neighborhood meeting if the first one isn't held. I don't think you're going to go 6, 8 months or a year with people having a gap between the neighborhood meeting to a public hearing. With the amount of money involved. I understand what you are saying but I think we're better served by an ordinance amendment that says this has to happen a minimum of days before the hearing which then gives everybody sufficient time to prepare for the hearing.

MOTION by Laura Nicholson to recommend approval of the UDO text amendments. Seconded by James Lea.
VOTE: UNANIMOUS

MOTION by Bryant Warren to approve the statement of consistency. Seconded by Lisa Stuckey.
VOTE: UNANIMOUS

AGENDA ITEM 10: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT: To either provide input or make a recommendation to the BOCC on government-initiated amendments to the text of the UDO to change the existing public hearing for Comprehensive Plan, UDO, and Zoning Atlas related items/ amendments. This item was heard at the September 8, 2014 quarterly public hearing.
Presenter: Perdita Holts, Special Projects Coordinator

Perdita Holtz reviewed abstract

Craig Benedict: What I put on the Board here is what we presently have. We usually give the Planning Board a briefing on what is coming up at the public hearings, this is kind of informal. We did have the joint public hearing here and then this was referred back to the Planning Board and then back to the Commissioners for action. As you answer these questions, we'll find out, does the Planning Board make recommendations here or do they make recommendation somewhere else? We will draft it up, as you come to some sort of consensus, we'll try to sketch something up for clarity.

Pete Hallenbeck: I am not going to read what is in attachment one, I'll just make a couple of quick comments. First we are going through something different here, it's not a text amendment or something laid out for us. It's an opportunity to say what we're thinking. With that comes the obligation to try to get our thoughts organized. I think the main thing is the joint meetings were a problem just because of the quorum and I think you could move that so they are not joint meetings. However, I think you can, somewhere between require and strongly urge, have the Planning Board members attend. I think it is really important, since we are giving recommendations, to have as many people as we can present to hear what is going on because there is such a difference between reading something and hearing someone present it. There is talk in the meeting about holding the Planning Board either before or after. I think Planning Board before I like a lot, Planning Board after the decision is like closing the barn door after the horse is gone. I'm not quite sure what we'd do, that was discussed. I think citizen notification which is in here is a good deal and it would be nice if that notification includes a description of the process so people know what to do. Part of what happened in the solar project is people were scrambling with the time they had and they weren't sure what the next steps were and also the dates. I think when you combine what we just voted on with the 45 day and you add in the changes we are looking at now and if that notification spells out what is going to happen, it should be a different picture than what we had before. I like treating legislative quasi-judicial mixes as quasi-judicial and that led to those recommendations. So you can sort of see what I am thinking from that attachment one. What we'll do here is just go around the room and take input that anyone would like to pass on to the Commissioners.

Perdita Holtz: I forgot to mention that Lydia Wegman sent an email earlier today about her views. I wanted to make sure it got into the minutes that I did distribute her email.

Pete Hallenbeck: Yes and we should put her comments into the minutes since she is not here. She also talked about it the Planning Board should be at the public hearing and she talked about how they should be required to attend the public hearing. We're seeing everybody wrestle with the same details.

Paul Guthrie: You took the first part of what I was going to acknowledge and suggest everybody read it carefully. Lydia is a very smart person and has been in this business a long time. I must admit that I've thought a lot about this issue and I really wasn't a 100% percent sure where I was going with it so I decided to make it simple. We are in business for one reason and that is to work for the County Board of Commissioners, present them with our understanding of issues and, where appropriate, make recommendations as we gather as citizens in the County. I would caution us as we shape this don't violate that particular rule and if you decide that it's necessary to change that rule in a significant manner, then you need to decide whether the Planning Board is relevant. I would just say that this is a very fundamental issue that needs to be carefully considered and I understand where the concern comes and it is legitimate concern in terms of the quorum/non-quorum issue. It seems to me we ought to be able to

deal with that issue without tearing up the relationship of what a citizen advisory board is to the elected leaders of this County. I think we should think in that line as we work on the process.

Pete Hallenbeck: I agree we need to find a way to get people there but we need to find a way to do it that doesn't penalize people who come to a meeting if we don't have enough people there. That might be the best way to put it.

Laura Nicholson: I have a lot of comments, in light of the timeline that we were given to consider this I wonder if we can't divide it. It seems like there are a few things that are easy and specific and there are a few things that are really squishy so if could just get through some of the specifics. In regard to the quorum, I obviously haven't been here long enough to understand why the quorum was ever an issue but it just seems like a communication thing. If we've made it clear that you are supposed to be at as many monthly meetings and you can and be at the quarterly public hearing, and are given insufficient notice, and we double check to make sure there's enough people there, I don't see it as an issue. I think it is a little insane to do this whole roundabout to change this whole process that seems important because we can't get our act together internally and I think it could be fixed internally so it doesn't have to be this whole big process. And the frequency of public hearings, I don't know if that is something that is really specific and easy to figure out or not but I'm just curious if we couldn't just divide it. So talk about a few things we can iron out tonight and a few things we go back and ask for more time to figure out.

Pete Hallenbeck: Again, it strikes me how to get people there because I think there's agreement that's really important but if we make mistakes and people can't show up for whatever reason, how do you keep that from throwing everything off track? We do serve at the pleasure of the Commissioners so they could certainly come up with some club and stick approach to make everybody come to the meetings but I would leave that decision to them.

Bryant Warren: Reading this I'm a little concerned with, I feel like it is on the step of dissolving the Planning Board and just going straight to the County Commissioners. I'll apologize I did miss the public hearing last month, I got my days mixed up and thought it was the next night. But it is very seldom that I'll miss a public hearing or a meeting. I will make sure I'm here and I don't understand how the Planning Board can make a recommendation to the BOCC before the public hearing is being held because I really think they need to be involved in the public hearing in order to make an adequate recommendation to the BOCC. I think we can do something, I only been on the Board for a couple of months now so I don't know what went on in the past regarding the quorums. I do feel like if you're a member of the Planning Board then it is your obligation to make sure you attend the meetings. I think what we need to do is stress that we need to keep things the way they are, continue the public hearing, continue with the Planning Board playing a very big role in it so they can make the recommendations they need to, because evidentially, if they don't, then you might as well dissolve the Planning Board and not even have it. That's my recommendation.

Pete Hallenbeck: One challenge that came out of this whole discussion that hit me was during the quarterly public hearing, I referred to citizens that want to go to the top they want to go to the decision makers and sometimes it's hard to get citizens to come to an advisory board, they want to talk to the Commissioners. Part of the reason for making sure that this notification process tells people about the Planning Board is to give them more opportunities for input. The before and after comes down to what Craig has up on the board. We have a public hearing then Planning Board then BOCC action. I think that's good I think that's critical and I think the Planning Board has to get input so they can make the recommendation to the Commissioners. When I talk about having a Planning Board meeting after what I am talking about is once the Board of County Commissioners has made decision, I don't think there is any role for further input from the Planning Board. I do think it's critical and would even say they shouldn't make a decision before the Planning Board has had an opportunity to make a recommendation. Any time the Commissioners have the option of doing it and just saying wow, this is just too much to handle all this input, they can kick it back to the Planning Board and we can talk it over and it will come up at the next meeting, they have that option. So, yes if the impression that the Planning Board is somehow being diminished in its role, no I don't want that. I do want to make sure we don't hold up the citizens that show up and I'd like to find a way to encourage citizens to come to the Planning Board to get their concerns known earlier. Part of that is what I'm talking about in here about the Planning Board meeting with the public if the public could come to these meetings, it is a bit of a dry run. The other thing that came up in that meeting is another problem we've always had which is would that we had a crystal ball to predict the no-brainers from the ones that are going to be controversial. If we can get citizens to come to the Planning Board

with input earlier, we can get a better feel of what is going on. The Commissioners can see that when they read the minutes and I think those are ways the Planning Board can be more engaged than it is now.

Bryant Warren: The problem with that is they want to meet with the top people and by having a joint public hearing appearing with both then they are both getting the information and people are showing up for it.

Pete Hallenbeck: I wouldn't be surprised if it continues in the same way but I also don't want to penalize people who want to learn how the systems works and try to get the most out of it. So if they have a 45 day notice and they come to the Planning Board and they're organized and they come to us and say here's the concern and talk about it then the Commissioners can read it. That's the closest we're going to come to that no-brainer crystal ball. They will be much more informed, the Commissioners will, than if all this just hits them for the first time.

Bryant Warren: Right now we have one every 4 months, if it goes to every 2 months, is there not some way if we need another public hearing we can call one or do we have a time frame that would keep us from doing that.

Craig Benedict: The Unified Development Ordinance does set out a public hearing specific dates of 4 a year. We can amend the UDO to say there are other times we can consider amendments. As Perdita put up there, there are three types of hearing, the legislative ones are typically a little bit easier. There is a good possibility we could move some of those legislative items to a regular meeting and have some more opportunities for them. We know that the quasi-judicial are usually the ones that are a little bit more labored because of the testimony and that would probably clog up a regular meeting so having the quarterly public hearings isolated for them will probably remain a good idea. We can consider regular Commission meetings to have a public hearing.

Bryant Warren: I know a lot of developers want to get it out, get it to the public, and get it back as quickly as they can so they can start generating money from it. That's probably what we're trying to do is to accommodate some of them so I don't see anything wrong with it.

Pete Hallenbeck: We have the full spectrum of the developers would love a two month process and a lot of citizens would like a nine month process. What you're talking about with additional meetings, I know Commissioner Jacobs was concerned that if you put additional public hearings on the normal Commissioner calendar, that's where the crystal ball for the no-brainers comes in. You would hate to put, for example, that solar project on the end of a budget meeting cause it would take too long, you really won't be doing the citizens any service, everybody would be tired by the time it was midnight and probably wouldn't accomplish what you wanted. If you know, that crystal ball, that this was going to be a 30 minute with no problem.

Herman Staats: Pete, so I understand correctly, the process that is on the white board now, is what we currently use?

Pete Hallenbeck: Correct.

Herman Staats: Am I understanding you to say that we should have an additional Planning Board meeting with the public and if so where in that process do you propose to put it?

Pete Hallenbeck: The question is the first item, these quarterly public hearing are on a certain schedule but we meet every month. There's an opportunity to have that 45 day notice and have people come to a Planning Board meeting and get citizen feedback quicker and then that feedback can be presented at the next available quarterly public hearing it is unlikely that the Commissioners would decide at that time but that's where the no-brainer, crystal ball comes in. It is far more likely that they will take that citizen input and kick it back to the Planning Board. We would also be at that meeting, however the carrot and stick approach the Commissioners work out for getting us there.

Lisa Stuckey: So if I'm a citizen and I am bringing something forward, you're suggesting that there be a public hearing in front of the Planning Board and then a public hearing in front of the Board of County Commissioners and then it comes back to the Planning Board.

Craig Benedict: Maybe it doesn't have to go here afterwards. There are differences between the legislative and

Lisa Stuckey: But wait, because they were saying they wanted to give people a third or fourth opportunity to speak without question when it came back, as a former member of the school board, every time you hold a public hearing, you will get people to come and the more anxious they are about the outcome, the more they will come and they the longer they will talk. It is just a lot of time. I am not passing judgment on whether or not they should be allowed to, it's just a tremendous amount of time for the boards.

Craig Benedict: There could be different processes for legislative versus quasi-judicial. The reason we have a process now to just have written testimony after this public hearing is because you're trying to set a point in time where the record is closed, let's make a decision, and if we keep on opening things up very late in the process then it doesn't end. That was part of the reason, especially for quasi-judicial matters, for legislative matters, the Commissioners can choose to let them hold it in three minutes, don't repeat what we've heard here. They can diplomatically say that.

Lisa Stuckey: It won't work.

Craig Benedict: Also it shows in the agenda package that the Commissioners, when they have this public hearing over here, they can do three things; they could close the public hearing, this is what we are suggesting as potential options. They could close the public hearing this night and they can set a date to make a formal vote on it, or if it is contentious they could send it back to the Planning Board to return then for a date certain, or one that has never worked well in the past is they can actually decide that night, close the public hearing and say we have enough testimony to decide. That has always been a lot for them but over the many years there's been a few where they thought that were very simple, one was actually a school site for the Orange County school that was an SUP and they needed to get it built and they wanted to approve it there but the process didn't allow them to do that at that time, to vote the same night. It had to go back.

Bryant Warren: So you're talking about on the public hearing that is joint now it will not be a joint public hearing, it would be just the Commissioners?

Craig Benedict: That would be just the Commissioners and as the Chair said, we would suggest the Planning Board attend here or they could watch it on Granicus or they could watch a video of it or they could look at the minutes. *(referring to board)* This would not be a formal, this isn't the formal public hearing here, it's just a point where we can let people know in a neighborhood information meeting that the Planning Board is going to be hearing this item. It is what's called a Planning Board hearing, formal hearing will always stay with the Commissioners that's what state laws says.

Bryant Warren: I don't think you're going to get as many people showing up for just a public hearing with the Planning Board as you're going to get to show up for the Commissioners and Planning Board combined.

Craig Benedict: It's true, the Planning Board and staff may be able to answer some questions here at this pre-meeting. At this crystal ball meeting. Even at this point here, we're going to be educating the public because that's what the Commissioners suggested. Let them know about what process we're going through, is it legislative, is it quasi-judicial let them know what levels of input there are, is it going to be formal expert or can it be anecdotal i.e., we don't think that fits the neighborhood. We can do a lot of education here, having something early where the public can be invited. It probably would be a lot more attendance at Planning Board meetings than you've had in the past. It still goes to the formal public hearing, let's call that the legal public hearing. Then the Commissioners have the opportunity to decide at that point to bounce it back or to themselves two weeks hence.

Perdita Holtz: This Planning Board meeting where he crossed off formal review, the Planning Board recommendation meeting, where there would be notices that actually went out and the property would get posted with a sign to let people know that the Planning Board meeting was happening, it would not be a formal public hearing, it would just be a Planning Board meeting with changing the way we notify the public about Planning Board meetings so that people would know the Planning Board meeting was happening, they would be able to come and speak, it wouldn't have to

be written comments only and at the conclusion of that meeting the Planning Board would make a recommendation on whether they thought the application should be approved or not, on legislative items. Craig is a little bit mixing legislative and quasi-judicial together. Then the item would go to public hearing with the Planning Board recommendation. At the public hearing the BOCC could decide, man there's so many people here that maybe didn't talk at the Planning Board meeting; we really should kick it back to the Planning Board for them to consider this other information that came out at the public hearing. Or, the BOCC could decide this is one of those no-brainers, the people who have been on the Planning Board before will remember the discussion about no-brainers, this is a no-brainer, we can close the public hearing tonight and we can just vote on it, or they can say, well, you know the Planning Board gave us a recommendation, nothing major has come out but I want to mull this over more and the BOCC can say let's schedule it for a later meeting.

Loss of recording device/full memory- approximate 7 to 9 minutes lost.
[There was some discussion about how notices about the Planning Board meeting would be sent via first class mail to adjacent property owners and a sign would be posted on the affected property, in the case of map amendments].

Pete Hallenbeck: It is important that the notifications be a blend of the dry legal requirements of notification and a nice human readable, ok guys here's how it's going to work- we're going to have to this meeting here's what you can do, this is an opportunity for you, so it explains the process and people know what is going on.

Tony Blake: I have a couple of comments; I don't know how much power we really have. I think we're maybe assuming that we have more power than we do here. We are really looking at the UDO and deciding whether or not a project meets the criteria of the UDO, we can't just all of a sudden say, no we don't like that, and the second part of it is, I think we're all here to represent some part of the County. I represent Bingham because I live there and because I have other contacts in the community and it seems to me that we should be part of the notification list for any public information session in our area of representation. We should be at least as strongly encouraged to attend that public information meeting on behalf of the Planning Board and all the Planning Board members be encouraged to attend any public information meeting as that somewhat cloudy crystal because I think you can tell from a public information meeting how many people show up as to what kind of a response you're going to get and what the real concerns and questions are that need to be addressed up front. I don't really understand the quasi-judicial role we have, I understand that we stand up there and give testimony but if our power is limited to interpreting the UDO and trying make whatever changes proposed fits within the UDO and it either does or it doesn't and staff is far more versed in the UDO than I am. I find their recommendations are pretty bang on. All of what I have to say in a quasi-judicial way is hearsay, right?

Pete Hallenbeck: The role of the Planning Board is this oversight, are we meeting the requirements of the UDO. Yes, you're right, but that's a level of detail you have to have. I would point out, though, that there's also a document called the Comprehensive Plan. If the UDO is the rules, the left brain, the Comprehensive Plan is the heart and soul, it's the right brain part of it. There are times when we've reviewed things and it's met all of the requirements but then you'll find something in the Comprehensive Plan that's not right and I think it's not power per say but it's a very valid role of the Board is to point this out. An example of that is the Comprehensive Plan encourages that all subdivisions have sidewalks and yet every time we run into it there is no money for sidewalks and DOT doesn't want it. There is a conflict there and we don't have power over that but we can certainly point it out and I think that's also true with representing the areas you're from.

Tony Blake: Yeah, but I don't find that to be quasi-judicial in essence. You can point it out in a quasi-judicial hearing but it's not some...

Pete Hallenbeck: Quasi-judicial is such a different beast because people get sworn in and there's testimony. It really changes the game a lot and our role in quasi-judicial is very strict.

Lisa Stuckey: We're supposed to be the judge in a quasi-judicial, aren't we?

James Bryan: In quasi-judicial, it's the governing board- the deciding body that is the judge. From a legal perspective, for planning boards' involvement, it's dangerous. Especially, how we have it where you close the public

hearing and then you have the statements. I think that's right before appeal, for a number of reasons, I don't know if the Board really wants to get into all of that but my recommendation would be that because of all of the legal concerns with all that let one board handle it, the Board of Adjustment, that's all they do and then you also have a corollary to that because when the public goes to these meetings and they want to know, look I'm a neighbor and I'm against this, quasi-judicial they can't say anything. That's objectionable, you're not supposed to allow them to go and speak to that. So if you have one board where they know, oh Board of Adjustment that's when I have to have my expert there to testify and any time you go before the Board of County Commissioners or the Planning Board, that's when I'm allowed to give my opinion because they do policy and legislative matters. It's clear for the public.

Lisa Stuckey: So, the quasi-judicial, and I guess the mix will move out of the Planning Board?

James Bryan: That would be my recommendation.

Perdita Holtz: Well, the legislative part of the mix would not but we need to figure out what we want to do for legislative versus quasi-judicial before we tackle that funny beast of the mix.

Lisa Stuckey: But quasi-judicial is leaving us.

Bonnie Hammersley: No, as the County Manager I have to speak. The issue tonight is some kind of recommendation from this Board to the County Board of Commissioners, they make the final determination. One thing I would want to add thought as you all talked about your power or your worth, this Board is a highly valued board in county government and is in all the counties I've been in. The County Board of Commissioners depend on you greatly for your recommendations and what you do and so I want you for that but no determination has been made on what is going to happen. That's what this discussion is about. It would be a recommendation to the County Commissioners and whether the Commissioners would agree with that, they would make the final determination and I don't know what that is.

Maxecine Mitchell: I'm sitting here thinking I want to share in my own way, when I decided to be on this Planning Board, I came to represent my community. I don't feel comfortable in any decision we make, I have to be there to hear what the people have to say. I sit here every month and hear the staff from their perspective and I get a good understanding on their challenges, what they are trying to do as a whole, I then like to come to the public hearing meeting and I cautiously listen to the people. Within the decisions we make to the UDO and the Comprehensive Plan when we have a chance that helps me to figure out if it a good thing for the community. Then my recommendation that I give to the County Board of Commissioners, I'm looking at it from the community perspective because I have to live here. You may not live in my neighborhood, in my area, and I don't want rules making it hard for me to enjoy the life here in Orange County. I take this very seriously so I don't want whatever we do, I want to hear from the public, as well as coming here every month and hearing from the Planning Board and hearing the County Commissioners and what they want and make it all work the best we possibly can. I understand the legal process but for me that's top concern because we have to live here in Orange County so we have to keep it where people can enjoy the County and not feel like they want to move to Durham or Alamance County, that's the way I see it and I want to find the best way to say that in the decisions we make. I try my best to show up to the public hearings and I go to work at 12 at night and the night of that long meeting, I left that meeting and went right to work because that's my commitment to the citizens of Orange County to be there. I think that staff and the Board of Commissioners get benefit from it.

Pete Hallenbeck: One good thing coming from this discussion is that it's an interesting opportunity for everyone to think about the role of the Planning Board and I think we are all basically on the same page. If anyone has another rule they think is critical.

Paul Guthrie: I mentioned one and that is the fact that we provide the Board of Commissioners with a screen with which they can filter through information as they deal with some very tough issues.

Pete Hallenbeck: Yes, with a blend of the feedback and the community and public input. Also I think there is representation of the areas and there is also that everybody here has a diverse skill set and drawing on both of those really helps with these opinions that we can give the Commissioners.

Tony Blake: Is it safe to say that any quasi-judicial process is preceded by a legislative?

Perdita Holtz: In quasi-judicial matters it depends on how you're zoned on whether you have to get a Special Use Permit and so at some point zoning was applied to the property but you can't say that it precedes it by a month or a year of something like that.

Tony Blake: No, what I'm saying is the maybe when we run up against this situation where we think, maybe the County is being too heavy handed but we don't really have the power to do anything but interpret the facts against the UDO and it either is or it isn't, right? Michael is the oracle on that, we have a handoff or a way to pass along to a more powerful body, the Board of Adjustment or the Board of Commissioners whoever it is and say here's our legislative view to take into your quasi-judicial. I don't know.

Perdita Holtz: No, it's not for most of the types of Special Use Permits that we see. The only time that there's a legislative component is if there is a rezoning associated with also needing a Special Use Permit and that happens in the case of some subdivisions when you get larger subdivisions in the rural area.

Tony Blake: Yeah, I was thinking of that dog kennel up on 70 where they weren't really in compliance. They wanted to do something, they couldn't do something without being in compliance first and then being in compliance was too expensive. It really got dicey and at the end of the day, basically, we were told we couldn't do anything outside of the UDO but at the same time it didn't qualify for the Board of Adjustment and so there was this limbo thing and then it was thrown over to the County Commissioners who changed the decision.

Perdita Holtz: Yes, that really was a messy one.

Tony Blake: That's the kind of situation I'm thinking of that it just really seems like we could be more graceful. Changing gears here if we got in early at the community information meetings and tried to make that at least as important as attending the quarterly public hearings for the representatives of that group to bring back to the Planning Board I think that would go a long way towards your crystal ball.

Pete Hallenbeck: Two things here, on page 72 there's that summary and that Perdita came up with and 88% of the time things are legislative and 3% of the time it is a mix. You never want to ignore a minority of cases but you also don't want to optimize the system on one low probability parameter. Also, Tony, I wanted to comment and this will sort of speak to what Maxecine was talking about, I like the idea that you notify Planning Board members if there is neighborhood information meeting in their district. I think that's a great thing to do.

Michael Harvey: With all due respect, I think that the policy should be that every Planning Board member gets notified and they can choose to attend if they can or cannot. That way everybody benefits. As neighborhood meetings are scheduled the Planning Board gets notified and every member has an opportunity to attend.

Tony Blake: I would agree.

Michael Harvey: The reason I saying it that way is if Tony Blake can't show up, maybe other members can and the fact that Tony was not able to show up on a given evening. I think if you're asking staff to make sure you're notified of every NIM then we can just do that as a policy.

Pete Hallenbeck: You're right on the money, that's more functional and easier to implement.

Paul Guthrie: I have a question for those of us who live in the County but are under Chapel Hill planning management, how do we get notified? Because most of the planning of what that has done is under Chapel Hill's Planning Board. There was a point in time in the past the County Commissioners made a recommendation for

appointment to the Chapel Hill Planning Board, from the area in which I live in, and the first thing that happened, it happened to be me as the nominee, and the first thing that happened was Chapel Hill Planning Board and the Council decided to eliminate that position so I think that we need to talk about those fringe areas that are in the extraterritorial jurisdiction and see if we can get the process working there too. I'm in the southeast corner of the County and it is going to be one of the big growth areas in a very small area over the next few years, I'm afraid, and there is a lot going on but you usually have to read about it in the newspaper to find out about it.

Perdita Holtz: So you're suggesting that we work with Chapel Hill Planning's Department for them to overhaul their practices on how they notify?

Paul Guthrie: No, I'm just saying it would be nice to know when those things are going on or how many newspapers I need to subscribe to.

Perdita Holtz: It's Chapel Hill's planning jurisdiction and we don't necessarily always know what is going on.

Pete Hallenbeck: I think the key thing is, you being in Chapel Hill, if there's any neighborhood information meetings, you'll find out about it in the County because Michael's suggestion was right on the money. It's easy to implement and everybody's informed.

Buddy Hartley: I feel like the process we have now is working. The question is can we get a quorum at the public hearing. That's the question. The process is working, staff is doing their job. Staff is giving us the information for whatever is taking place and we are recommending to the Board of County Commissioners, whether they like our recommendation or not, they do what they want to do. So, I do like the fact of possibly having the public being able to come to us before the public hearing but then the question is are we going to have a quorum at the public hearing. I don't see a big problem with that we just need to let staff know in advance if we cannot make that meeting so they know. We should be able to get a quorum at the public hearing.

Perdita Holtz: Well it's really far in advance because the legal ad gets published and notices get sent out, the legal ad is due to the paper like three weeks before the public hearing.

Buddy Hartley: So we want to be able to have a quorum at the public hearing, we either do or we don't.

Lisa Stuckey: Aside from the time somebody was late, and I was one of them one time, it's been very close. There were other meetings, I can think of two others, maybe three, where we were waiting for people to come.

Maxecine Mitchell: But I usually get an email and if not an email somebody calls. Does not everybody get that same thing as a reminder?

Perdita Holtz: Yes, Tina sends out emails asking about quorum.

Maxecine Mitchell: I have it on my calendar but when I get the email I remember, that's right I do have a public hearing.

Buddy Hartley: And she does call.

Maxecine Mitchell: Yes, if she doesn't hear from me, she'll call. I just wondering, is that not working for everybody to remember that there's a public hearing?

Perdita Holtz: Often we call because enough people have said no, and so it's getting very close on whether we're going to have quorum and so now we're scrambling to get on the phone with people who haven't responded to see if they can show up or not.

Pete Hallenbeck: You can put a lot of procedures in place but the bottom line is we had a lot of trouble and if it happens again something has got to change. I would ask, it's not clear to me, what the value of having a true joint

meeting where the Planning Board has a quorum versus requiring Planning Board members to attend and if you have bad attendance then the Commissioners can do something about it, like say thank you for your service but you're not cutting it. We're going to be there and we're going to hear the public hearing input. The commissioners certainly have the ability while we're there, even if it's not a joint meeting, to ask if there are any comments from the Planning Board. It's well within their purview so I just don't see that dropping the official joint with a quorum requirement, I don't think that will change the process a whole lot. What it will do is not hold up a meeting where you have 100 citizens there.

Craig Benedict: From what I'm hearing from the discussion, there seems to be somewhat of a role of the Board in a differentiation between how they act on a legislative matter, where they can hear opinions left and right, they can hear the community and they can see the site versus the quasi-judicial nature where your role is more structured. Not that we are making any determinations tonight, but maybe when we do this interim report, maybe there are two different processes that we follow for legislative matters versus a quasi-judicial and right now they're clustered together and maybe we should take a look at the role of the Board on a legislative matter and how we get input versus a quasi-judicial matter follow a different tract. Does that sound reasonable?

Pete Hallenbeck: In general, what I'm hearing, and I realize there is variation everywhere, is everybody agrees there is great value in having the Planning Board at the quarterly public hearing. The challenge is if you don't have a quorum, we don't want that to derail anything. I am also hearing people are happy with this concept that the Planning Board can take citizen input so we can get that sooner and hopefully that combined with the 45 days will just make everything go better. Most of what we've been talking about is for the legislative processes which are 88% of the time. The quasi-judicial is a different process and we need to work on knowing what our role is in that. That may be something staff and the attorney can work on to educate us on that a little bit better but again 88% of the time it is legislative and it would be great to also notify all Planning Board member of any neighborhood information meeting that is going on so we have a chance to get out there and see what is going on. Those are the main points I'm pulling out. Is there anything major anyone can think of?

Laura Nicholson: So, is the idea that we will have quorum and we'll all just internally say we are going to be better about getting quorum or was there some barrier that maybe some of us that are new don't understand why we couldn't get a quorum before?

Pete Hallenbeck: My personal opinion is to drop the quorum requirement because we've blown it two or three times and if we blow it one more time, it is just, it's getting to the point it's not excusable and that's also based on the fact that if we can just impress upon people how important it is to be there, it's not clear what the quorum is doing and the Commissioners can still ask Planning Board members who are present for comments and input.

Laura Nicholson: It's just funny that you're saying we need to make sure that we all know that it's really important to be there but it's not a requirement. If it's really important to be there it should be a requirement.

Pete Hallenbeck: It should but then when you don't have it, we were lucky that we had only a 30 minute delay. What would happen if you had a meeting and you didn't have quorum and you tell all these people I'm sorry we just don't have the people, we'll try this again in three months.

Laura Nicholson: I agree I just don't see how we can't have a quorum.

Lisa Stuckey: Why don't we ask staff, what's the problem? Do we know why people haven't shown up? What's been the issue?

Perdita Holtz: I think it just depends on the personalities that you have on the Board. How seriously people take their position.

Tina Love: There has never been a time when staff went to the meeting without a quorum. I have never left work at the end of the day that staff didn't have a quorum. If I haven't heard from you, I get on the phone and I call you and I keep on calling until I reach you, and I'm sorry about that, but we have to ensure there is a quorum. Then staff gets

to the meeting and for whatever reason, and things do come up last minute but there just isn't a quorum. I don't know what other process we can do to fix that.

Tony Blake: Send the Orange bus.

Maxecine Mitchell: For me, I know we get a copy of the calendar every month, I put it on my personal calendar and an alarm goes off and I say hey you've got a meeting. I don't care if it's an hour before, I'll throw on my clothes and get up here because I've made up in my mind I'm committed and I know it's part of my responsibility on the Board. If something comes up, an emergency, the first thing I try to do, I'm calling from South Carolina when my sister passed away to say she passed I can't make it. Things like that, you can't help but if you're here you should be making it to the meeting. I think it doesn't have to be a rule we just have to be committed and show up unless it is out of our control.

Laura Nicholson: I just think if the quorum isn't a rule then we're making ourselves seem less important. Like we can't make it to a quorum, we've already embarrassed ourselves by not being there so let's just not hold ourselves accountable and I think we should hold ourselves accountable by saying there has to be a quorum.

Pete Hallenbeck: If the quorum requirement were effective, we would never have not had a quorum and I see this as the price of failure of value of success and the price of failure having the quorum is we hold up the public. The value of success is we have a quorum, the meeting starts but after that I don't see a lot of difference because the Commissioners can still ask our opinion and we are still there to get input. I think that's why I come down on the side of dropping the quorum requirement. It's just that simple weighing of the price of failure and the value of success. I don't see any difference in the outcome.

Tony Blake: What's the reason for the joint meeting?

Pete Hallenbeck: I think Laura's right on the money, it does bring the Planning Board out, it makes it part of the process, it give value to it, adds importance to it. By the same reason if we don't show up it makes it look like the Planning Board isn't important it doesn't care and the people are not there and you're holding up the citizens.

Laura Nicholson: Is it possible that it was a communication issue, so for example, I knew I was going to be ten minutes late so I emailed Tina but I don't know if she got my email so maybe it's that we need cell phone numbers of staff so that we can call people and say hey, I'm going to be late or this came up or maybe it's just because I'm new.

Tina Love: One other thing we need is alternative numbers, cell phone numbers for Planning Board.

Laura Nicholson: So I see it as a communication issue that is holding up the quorum process and if we just over communicate rather than under communicate it will solve itself.

Perdita Holtz: It really wasn't the issue of someone being ten minutes late and calling. It was people having full calendars and just not making it to the meeting.

Laura Nicholson: And they don't know that in advance?

Perdita Holtz: I don't want to speculate on when people know in advance.

Laura Nicholson: I'm new so I can't comment but to me it seems simple you're supposed to be there, you're there and if you're not you tell somebody.

Perdita Holtz: That's a wonderful outlook.

Pete Hallenbeck: Sometimes just the ebb and flow of life just doesn't work out.

Buddy Hartley: Things come up and when things come up, you contact staff and you let them know, I can't make this meeting for whatever reason. Everyone won't be able to always make meetings and if that happened with 3 or 4 people for the same meeting, you might not have a quorum.

Lisa Stuckey: It's not a regularly scheduled meeting for us, it's an odd meeting and I think that's part of the problem and it's on a Monday instead of Wednesday when we normally meet. Honestly when you're talking about going to more meeting I wonder how many Planning Board members can really go to those neighborhood meetings.

Perdita Holtz: I'm a little fuzzy on a certain aspect of what you've discussed tonight; I hear that you want to attend the public hearing whether those are quorumed or not quorumed that you want to attend to hear the public.

Lisa Stuckey: But if they change it and they're doing it six or eight times a year, are we really committed to that? I would be extremely skeptical.

Perdita Holtz: That is a question at this time, I don't really think they are going to be changing the frequency but that's just my feeling from what we've heard.

Bonnie Hammersley: I will support Perdita on that. One of the things we have is for the November 24th quarterly public hearing we don't have any agenda items and so it's difficult to try to justify adding more meetings so right now I don't see that being the will of the Board to change it.

Perdita Holtz: I hear that you want to attend the public hearing what I'm fuzzy on is I've also heard that you want to do public meeting where the public can come to the Planning Board meeting and comment beforehand. There would be an official agenda item, we would send out notices to any affected property owners and they could come and talk with you. At that point, would you all make a recommendation at that Planning Board meeting and then attend the public hearing or do you still want to wait to make the recommendation after the public hearing? We're just talking about legislative not quasi-judicial for this. What I am trying to clear on, because I have to write something up for the BOCC, is you want to attend the public hearing and you also want to have a pre-meeting where the public can come and attend. If it involved a piece of property the public is going to get mailed notices and we are going to put notices/ a sign saying come to the Planning Board meeting and let them know what you think. At that meeting will you all make a recommendation prior to the public hearing or do you want to wait until after the public hearing to make a recommendation?

Pete Hallenbeck: I think we can no more guarantee we can make a recommendation than the Commissioners can guarantee they can make a decision at the quarterly public hearing much as happened with the solar project. I think the best the Planning Board can do is to provide feedback based on our knowledge on the communities we come from and maybe comment on what people say and yes there is a bit of a challenge there because there may be time when all we can do is except that input and frankly there won't be a whole lot we can say that is terribly intelligent other than thank you for the input.

Perdita Holtz: So after the public hearing you want to make a recommendation still so my concern is that on legislative items, that do not have a neighborhood information meeting, you are now adding an additional meeting before the public hearing that is going to make the process longer. I want to make sure that.

Pete Hallenbeck: I don't think I was saying it that way.

Perdita Holtz: You're having a Planning Board meeting that we are going to send out notices.

Craig Benedict: We'll send out the letter out and decide.

Perdita Holtz: No, they're saying they don't want to decide, I know that is what we talked about two weeks ago but this is not what's being talked about tonight. They want to wait to decide until after the public hearing.

Herman Staats: My own personal feeling about making a recommendation is what I said earlier, if you have opportunity for public input but no one comes then yes we can make recommendations based on the written guidelines but you still don't have public input. So the whole goal of us discussing this tonight was to increase and have a better access to public input but if they don't come then we're not increasing public input. I thought this whole process came up of how do we get more feedback from the public and how do we get them involved.

Perdita Holtz: That's one part of it.

Maxecine Mitchell: Right now, I'm going to go with leaving things the way they are right now.

Perdita Holtz: Increasing the public involvement, that's certainly one part of it Herman, about increasing the public involvement however, the increasing of public involvement is really pertinent to quasi-judicial matters and so I am trying to nail down more of what you are all thinking about the legislative matters and we're going to have to tackle quasi-judicial at some other time.

Pete Hallenbeck: Yes, I agree, just talking legislative and I think I agree with Herman that if we can make a recommendation or decision, we will but there may be circumstances where we just can't.

Michael Harvey: Is the concern that not enough citizens are interested in showing up and you're going to make a recommendation in a vacuum.

Pete Hallenbeck: No, if nobody shows up and they have met all the requirements for what they are trying to do and it meets the UDO, I say we make a decision and say yes, we're all for this. I think the times where we wouldn't make a decision would be like the solar array.

Paul Guthrie: It's not judicial, we're not encumbered on that solution that we have something, nobody shows up, we have a question about it, we could send that to the Commissioners and it could be incorporated in the call for the public hearing.

Pete Hallenbeck: Yes, all that is possible and again it's part of being an advisory board there

Tony Blake: Let me just suggest just opposing the whole thing for just a second here. Why not add, and I think other boards have this thing that they have sort of a County Commissioner liaison. Why not require that liaison to be here for quasi-judicial, no quasi-judicial right? Then they can carry that feedback back to the other County Commissioners.

Pete Hallenbeck: We're going to stick with the legislative, quasi-judicial is a very strict process.

Perdita Holtz: There are reasons there's not a BOCC liaison for the Planning Board and I don't think there is going to be.

Pete Hallenbeck: I think the changes we're talking about is we have the 45 days, we're just saying let the public come and present input either in writing or verbally at the Planning Board meeting that's part of the notification they get. We will discuss it there will be times when we can make a recommendation and there will be times when we'll just throw our hands up and there will probably be times when we go, we don't really want to get near this thing and we kick it back to the Commissioners.

Paul Guthrie: Would that be mandatory or just advisory? Could we simply say you may wish to come to a Planning Board meeting prior to the public hearing?

Pete Hallenbeck: Yes, but part of this is to explain the process, is that exact language. You're not required but if you care to this is great as it gives us better input sooner, the Commissioners read your feedback before the quarterly public hearing. That explanation should enough to let a citizen realize how the process works.

Paul Guthrie: Probably a good idea.

Laura Nicholson: To me there is just some things that seem really cut and dried and there are some things that are really squishy. Is there a way we can delineate that and say these things we agree on and bring a recommendation on these things and these things we still want to talk about more, is that a possibility?

Pete Hallenbeck: Part of why I tried to say it's important to be at the QPH not wild about the quorum and you're comments you really think the quorum will help. The Planning Board taking citizen input, it sounds like everybody is good with that and more input is good. We realize this is legislative that is 88% of what we see, all Planning Board members get notification of any neighborhood information meetings and we realize that the quasi-judicial is a problem for another day we need more education as there are very strict rules. That's ok because we've just dealt with 88% of what we deal with and I would say that's the summation of what we are putting before the Commissioners along with this process.

Craig Benedict: Chair, based on the direction the Commissioners gave the manager and the attorney and staff is this interim report is not going to make decision so, that interim report will say probably some things are easier to achieve and some things are a little bit harder so I think in essence we are going to get some ideas on which way we can move with it. Where's there's some clarity and which areas might need a little more time. That's why they said the November 6th meeting wouldn't have everything done by then. We'll let them know where we are in the process that we were getting consensus on some areas and we are also determining that there are differences, clear differences, on how the Board's role is for quasi-judicial versus legislative and how we get community input that might take a little longer.

Pete Hallenbeck: That's also why we're not going to vote tonight on this and what we recommend. We've talked they get to sludge through it and see what we're thinking and it goes on from there. Ok, the last item on the agenda, I'll entertain a motion to adjourn

AGENDA ITEM 11: COMMITTEE/ADVISORY BOARD REPORTS:

a. Board of Adjustment

AGENDA ITEM 12: ADJOURNMENT:

MOTION by Bryant Warren to adjourn. Seconded by Buddy Hartley.
VOTE: UNANIMOUS

Email from Lydia Wegman:

From: Lydia Wegman [mailto:lnwegman@gmail.com]
Sent: Wednesday, October 08, 2014 2:12 PM
To: Perdita Holtz
Subject: Re: October Planning Board Materials

Hi Perdita,

Thanks for that helpful explanation of the status of the recommendations on the public hearing process. I am very sorry to be missing the discussion tonight. As a new member of the Board, I feel I would benefit from hearing the views of the folks who have served on the Board longer than I. I do, however, have two thoughts to offer, which are laid out in the next paragraph. In addition to that, I plan to read the minutes of tonight's discussion and then offer my thoughts on the conclusions reached, if any. I know this is not the best way to engage in discussion, but given that I am out of town, I think it's the best I can do.

Here are my views on two issues for tonight's meeting: First, I do not think the Board of Adjustment should handle Class A SUPs. I think those should continue to come to the BOCC and to the Planning Board for a recommendation to the BOCC. I feel that decisions on these SUPs concern the way in which the county is using the precious land within its boundaries and those decisions should be left to the elected, not appointed, officials. I think it's important for the Planning Board to offer its views to the BOCC. My second thought is that the the Planning Board should make its recommendations to the BOCC after the conclusion of the public hearing, as is done now. I think the Planning Board should be required to attend the public hearing and am not sure why there has been such a problem with attendance at the quarterly hearings. Is there really such a problem? If so, I suggest that the Planning Board be asked to solve it. I don't think the solution is to cut the Board out of that process. But even if the Board is not required to attend the public hearing, it should be required to listen to the hearing before offering its views to the BOCC. The information at a public hearing is in my view essential to helping the Board thoughtfully consider what recommendation to make.

I hope these views can be considered at tonight's meeting. Thanks very much. I look forward to hearing about the discussion at the meeting.

Lydia

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Pete Hallenbeck, Chair