

SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
JULY 10, 2013
ORDINANCE REVIEW COMMITTEE

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

MEMBERS PRESENT: Peter Hallenbeck (Chair), Cheeks Township Representative; Stephanie O'Rourke, Eno Township Representative; Tony Blake, Bingham Township Representative; Herman Staats, At-Large, Cedar Grove Township; James Lea, Cedar Grove Township Representative; Paul Guthrie, At-Large, Chapel Hill Township

STAFF PRESENT: Craig Benedict, Planning Director; Michael Harvey, Current Planning Supervisor; Perdita Holtz, Special Projects Coordinator; Ashley Moncado, Special Projects Planner; Tina Love, Administrative Assistant II

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS –GOVERNMENTAL USES
To review and comment upon proposed revisions to the UDO to require that the site plan review process for governmental uses include a neighborhood information meeting.
Presenter: Michael Harvey, Current Planning Supervisor

Mr. Harvey reviewed abstract.

Tony Blake: Is this a conflict of interest for me? I have no financial interest but it is directly related to the substation we are trying to build.

Michael Harvey: I don't think you have a conflict.

Tony Blake: How does this affect the plan in progress?

Michael Harvey: If your site plan has already been submitted then you won't have to follow this process. If it is adopted and your site plan has not been submitted then you will need to follow this process. With due respect to White Cross Volunteer Fire Department, Commissioner Jacobs has indicated his preference for a meeting to be held no matter what to address some of the concerns of the local residents.

Craig Benedict: I would work with the attorneys to put a provision in on the effective date, what this applies to, like a clause that says that anything from a certain date that it applies to.

Tony Blake: This is one of the volunteer organizations and we don't have the time or wherewithal to host a public meeting so would the county be hosting this meeting for us in a volunteer situation?

Michael Harvey: The ordinance says we will assist with scheduling the meeting but we are not assuming the liability or cost for advertisements or informing the citizens. There is nothing in the code that says you can't use county facilities.

Tony Blake: Typically the public hearings are run by the county.

Michael Harvey: This isn't a public hearing just a neighborhood information meeting to inform the local residents as to what is being proposed.

Tony Blake: Is the outcome of this meeting a decision as to whether to proceed or not?

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55 Michael Harvey: This is to initiate and have a dialogue with adjoining property owners to address or mitigate those concerns if
56 feasible.
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58 Tony Blake: I am trying to understand the purpose of this if it is not binding in any way. I am thinking of the people that are
59 currently against this. I don't see any way we will change any minds.
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61 Michael Harvey: There is a broader issue here that doesn't necessarily involve the White Cross Volunteer Fire Department.
62 There is a feeling among the Board that any time there is government project, there needs to be notification to the public.
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64 Pete Hallenbeck: Imagine you had a meeting for everyone at the volunteer fire department and have slips with questions, i.e.
65 are they adjacent property owners, give them check boxes and a place for comments. You could have a presentation and let
66 people speak and in writing. Then you could say this is what we did at the meeting with committee which you could document
67 with an executive summary.
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69 Tony Blake: Where does this document go?
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71 Michael Harvey: To the county planning staff as part of your site plan submittal.
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73 Craig Benedict: During the subdivision process, we take those comments into consideration and the neighborhood
74 information notes become part of our packages.
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76 Stephanie O'Rourke: How do you handle it if they all object?
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78 Craig Benedict: Michael, you go through the uses permitted by right by uses
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80 Michael Harvey: That is the first item on the regular agenda I don't want to jump into that presentation. Government uses are
81 permitted by right meaning that they are subject to staff review and approval with a site plan submitted according to this code.
82 There are typically no public hearings required, the BOCC will not be approving it or the planning board. In this specific
83 instance, the White Cross Volunteer Department Substation will still be approved and acted upon by the county planning staff.
84
85 Paul Guthrie: This language which has been developed because of the White Cross application and I would assume the
86 property owners within 500 feet of the property on Neville Road is a handful of them easily for and that is simple. If this goes
87 into the general development, what will you do when you have this issue come up and three condo units with 200 separate
88 owners and you have to go through this process? I am concerned that this has implications down the road. Have we thought
89 through in the development of this language the implications that other situations and concerns?
90
91 Michael Harvey: This language is consistent with existing language on how we handle neighborhood information meetings for
92 several projects. If you have a government use that is adjacent property where there are 200 lots, then you will have to notify
93 all 200 of them. If it was a major subdivision, the staff would still have to notify those property owners. You will typically find
94 that both state and federal governments are exempt from zoning regulations.
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96 Tony Blake: I think this is reactive in a political year by the County Commissioners and it has bad implications down the road.
97 This is time consuming and resource consuming and what the tax payers give us is to be used for fighting fire. If the county
98 wants it that it is the county's role to hold it and I would also suggest strongly that this also be able to be satisfied in the form of
99 writing rather than a public meeting because we have a very small fire station. I think it puts an unnecessary burden on a
100 volunteer organization.
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102 Pete Hallenbeck: I suggest you take those suggestions and put them in writing so when the BOCC look at passing this UDO
103 amendment, you could speak as a citizen. There is the opportunity here; no matter what you do there will be people against it.
104 But it would be a good opportunity to give information.
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106 Tony Blake: The end result is that it would be neighbor versus neighbor.

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Pete Hallenbeck: I understand you think this is political but if you do that and it goes to a public hearing, you have shown that you have taken the time to listen to the public. Ultimately the decision is made by the BOCC but it is a good way to be proactive.

Perdita Holtz: Just for clarification, the decision is not made by the BOCC because it is a staff approval.

Stephanie O'Rourke: Can you give me another scenario of what you would have to deal with?

Michael Harvey: Orange County Department of Environment Parks Natural Agricultural does park planning. If they wish to propose a park, they would be subject to these rules and regulations.

Paul Guthrie: The County wants to designate a bicycle trail or a hiking trail covering a great deal of distance and many owners. Under this language, would they have to reach out to every owner within 500 feet of that trail in order to satisfy this ordinance?

Michael Harvey: With respect to government uses, the land use category this would impact, you have government facilities and office buildings so yes I could see a trail falling into that category but also I would say that development of such a trail would be discussed in a public forum where the county would advertise

Paul Guthrie: But not necessarily see a certified letter?

Michael Harvey: Not necessarily but we have written in this code that if there is planning effort soliciting public comment or involvement with the development of a plan, that satisfies this meeting requirement. If you any other questions or concerns, please email me.

AGENDA ITEM 3: ADJOURNMENT

Meeting was adjourned by consensus

Pete Hallenbeck, Chair