

**ORANGE COUNTY PLANNING DEPARTMENT
131 W. MARGARET LANE, SUITE 201
HILLSBOROUGH, NORTH CAROLINA 27278**



**AGENDA
ORANGE COUNTY PLANNING BOARD**

Wednesday, October 7, 2020

Regular Meeting – 7:00 pm

Due to current public health concerns, the meeting will be virtual. Members of the Planning Board and staff will be participating in the meeting remotely. Interested persons can view and participate in the meeting by pre-registering at:

https://orangecountync.zoom.us/webinar/register/WN_g2r-ZZfxRQCPnad6cnBrxQ

After registering, Zoom will email registrants additional information and a link which must be used to access the meeting.

| <u>No.</u> | <u>Page(s)</u> | <u>Agenda Item</u> |
|------------|--------------------------|---|
| 1. | | CALL TO ORDER |
| 2. | 3 – 4 | INFORMATIONAL ITEMS a. Planning Calendar for October and November |
| 3. | 5 – 6 7 – 8 9 – 10 | APPROVAL OF MINUTES July 29, 2020 Training Notes September 2, 2020 Regular Meeting Minutes September 2, 2020 ORC/Training Notes |
| 4. | | CONSIDERATION OF ADDITIONS TO AGENDA |
| 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 residents 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.

Public Charge

The Planning Board pledges its respect to all present. The Board asks those attending this meeting to conduct themselves in a respectful, courteous manner toward each other, County staff, and Board members. At any time should a member of the Board or the public fail to observe this charge, the Chair will take steps to restore order and decorum. Should it

| <u>No.</u> | <u>Page(s)</u> | <u>Agenda Item</u> |
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become impossible to restore order and continue the meeting, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed.

The Planning Board asks that all electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

Please be kind to everyone.

6. CHAIR COMMENTS

7. 11 – 12 PLANNING BOARD PROCEDURAL ISSUES - To discuss issues raised by Planning Board members during the training session on September 2. Specifically, the ideas of concluding Planning Board meetings by a certain time and placing limits on the amount of time spent on repetitive public comments were raised.

Presenter: Perdita Holtz, Planning Systems Coordinator

8. ADJOURNMENT

IF AN EMERGENCY OCCURS, OR IF YOU ARE RUNNING LATE FOR THE MEETING, PLEASE LEAVE A VOICE MAIL FOR PERDITA HOLTZ (919-245-2578).

| October 2020 | | | | | | |
|--------------|--------|--|---|--|--------|----------|
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
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| 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | BOCC Business Meeting Virtual Meeting | Planning Board 7:00 pm* Virtual Meeting | BOCC Work Session Virtual Meeting | | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
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| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| | | BOCC Business Meeting Virtual Meeting | | | | |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |
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| 30 | 31 | | | | | |
| | | | | Notes: * Planning Board Member Attendance Required - Virtual Meeting | | |

| November 2020 | | | | | | |
|---------------|--------|---|---|--|------------------------------|----------|
| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | ELECTION DAY | Planning Board 7:00 pm* Virtual Meeting | BOCC Business Meeting Virtual Meeting | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | BOCC Work Session Virtual Meeting | | |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| | | BOCC Business Meeting Virtual Meeting | | | | |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| | | | | HOLIDAY OFFICES CLOSED | HOLIDAY OFFICES CLOSED | |
| 29 | 30 | | | | | |
| | | | | Notes: * Planning Board Member Attendance Required Virtual Meeting | | |

SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
JULY 29, 2020
TRAINING SESSION

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NOTE: A quorum is not required for Planning Board Training Sessions.

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

MEMBERS PRESENT: David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Hunter Spitzer, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative

STAFF PRESENT: Craig Benedict, Planning Director; Perdita Holtz, Planning Systems Coordinator; Michael Harvey, Current Planning Supervisor; Brian Carson, GIS Tech III; James Bryan, Staff Attorney; Tom Ten Eyck, Land/Use Transportation Planner; Nish Trivedi, Transportation Planner; Tina Love, Administrative Assistant III

AGENDA ITEM 1: **PLANNING BOARD TRAINING SESSION** – Staff will lead training on virtual meeting in preparation of the Planning Board’s first remote meeting scheduled for August 5, 2020

PRESENTER: Perdita Holtz, Planning Systems Coordinator

Perdita Holtz conducted a training session on use of zoom in virtual meetings in preparation of the Planning Board’s remote meetings.

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DRAFT

MEETING MINUTES
 ORANGE COUNTY PLANNING BOARD
 SEPTEMBER 2, 2020
 REGULAR MEETING

(Due to current public health concerns, this meeting was held virtually.
 Members of the Planning Board, staff and public participated remotely)

MEMBERS PRESENT: David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Hunter Spitzer, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative

MEMBERS ABSENT: Gio Mollinedo, At-Large Representative; Vacant, At-Large Representative

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

OTHERS PRESENT: Daniel Arneman; Jon Lorusso; Janet Marks; 1 caller

Perdita Holtz reviewed the technical processes and rules for the virtual meeting

AGENDA ITEM 1: CALL TO ORDER AND ROLL CALL

Chair David Blankfard called the meeting to order.

AGENDA ITEM 2: INFORMATION ITEMS

a. Planning Calendar for September and October

AGENDA ITEM 3: APPROVAL OF MINUTES

August 5, 2020 Regular Meeting

August 19, 2020 Special Meeting

Randy Marshall and Adam Beeman offered minor corrections to the minutes for the August 19, 2020 special meeting

MOTION by Randy Marshall to approved the August 5, 2020 Regular Meeting and the August 19, 2020 Special Meeting Minutes with corrections. Seconded by Adam Beeman.

ROLLCALL VOTE:

Randy Marshall: Yes

Kim Piracci: Yes

Adam Beeman: Yes

Patricia Roberts: Yes

Melissa Poole: Yes

Susan Hunter: Yes

Hunter Spitzer: Yes

Alexandra Allman: Yes

Carrie Fletcher: Yes

David Blankfard: Yes

MOTION PASSED UNANIMOUSLY

AGENDA ITEM 4: CONSIDERATION OF ADDITIONS TO AGENDA.

Randy Marshall: Not an addition but Craig said at the last meeting that Frequently Asked Questions would be answered by the staff and given to the Board and the public. I want to make sure there was a copy of those that could be made available to us.

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57 Craig Benedict: We had discussion today that draft FAQs have been prepared and it's likely they will be released to
58 the public on Friday. It's 24 pages so we think it's a comprehensive and objective response to a variety of questions.
59

60 **AGENDA ITEM 5: PUBLIC CHARGE**

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62 Chair Blankfard asked Adam Beeman to read the full public charge, which Mr. Beeman did.
63

64 **INTRODUCTION TO THE PUBLIC CHARGE**

65 The Board of County Commissioners, under the authority of North Carolina General Statute,
66 appoints the Orange County Planning Board (OCPB) to uphold the written land development law of
67 the County. The general purpose of OCPB is to guide and accomplish coordinated and
68 harmonious development. OCPB shall do so in a manner, which considers the present and future
69 needs of its citizens and businesses through efficient and responsive process that contributes to
70 and promotes the health, safety, and welfare of the overall County. The OCPB will make every
71 effort to uphold a vision of responsive governance and quality public services during our
72 deliberations, decisions, and recommendations.
73

74 **PUBLIC CHARGE**

75 The Planning Board pledges to the citizens of Orange County its respect. The Board asks its
76 citizens to conduct themselves in a respectful, courteous manner, both with the Board and with
77 fellow citizens. At any time, should any member of the Board or any citizen fail to observe this
78 public charge, the Chair will ask the offending member to leave the meeting until that individual
79 regains personal control. Should decorum fail to be restored, the Chair will recess the meeting
80 until such time that a genuine commitment to this public charge is observed.
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83 **AGENDA ITEM 6: CHAIR COMMENTS**

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85 There were no chair comments.
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87 **AGENDA ITEM 11: ADJOURNMENT**

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89 **MOTION** by Randy Marshall to adjourn. Seconded by Adam Beeman.
90

- 91 Randy Marshall: Yes
- 92 Kim Piracci: Yes
- 93 Adam Beeman: Yes
- 94 Patricia Roberts: Yes
- 95 Melissa Poole: Yes
- 96 Susan Hunter: Yes
- 97 Hunter Spitzer: Yes
- 98 Alexandra Allman: Yes
- 99 Carrie Fletcher: Yes
- 100 David Blankfard: Yes

101 **MOTION PASSED UNANIMOUSLY**

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103 Meeting adjourned at approximately 7:14 p.m.
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SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
SEPTEMBER 2, 2020
ORDINANCE REVIEW COMMITTEE/TRAINING SESSION

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

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

MEMBERS PRESENT: David Blankfard (Chair), Hillsborough Township Representative; Adam Beeman (Vice-Chair), Cedar Grove Township Representative; Kim Piracci, Eno Township Representative; Susan Hunter, Chapel Hill Township Representative; Patricia Roberts, Cheeks Township Representative; Randy Marshall, At-Large Representative; Hunter Spitzer, At-Large Representative; Alexandra Allman, At-Large Representative; Melissa Poole, Little River Township Representative; Carrie Fletcher, Bingham Township Representative

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

OTHERS PRESENT: Daniel Arneman; Jon Lorusso; Janet Marks; 1 caller

AGENDA ITEM 1: CALL TO ORDER

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS – “160D” LEGISLATION - To receive an overview on upcoming amendments related to State legislation that is referred to as 160D (a reference to the statute section). The expected timeline for the Planning Board recommendation and BOCC public hearing has not yet been determined, but is expected this fall.

PRESENTER: Perdita Holtz, Planning Systems Coordinator

Perdita Holtz presented a PowerPoint Presentation on proposed amendments to the UDO due to new legislation referred to as “160D”

There were concerns expressed regarding the sole use of print media for notification of large-scale map amendments. Perdita explained that it would be an option in certain instances and that the word could get out via other means, such as social media, rather than through mailed notices to potentially thousands of people. She discussed times in the past when FEMA flood maps were updated, necessitating mailed notices to several thousand people within 1,000 feet of affected parcels when the amendments were required to be made and had no or limited impact on adjacent property owners.

The Planning Board members were asked if they would like to see the 300+ pages of changes come back to the ORC review prior to going to a Regular Planning Board meeting with the understanding that there will be limited ability to make changes required by the State. If it goes to a regular meeting it could be continued but if ok with the 300+ pages, a recommendation could be made that night.

Jon Lorusso addressed the Board about notifications of projects and pointed out that newspapers are not the best way to advertise the legal ads as readerships are down two thirds. He would have liked to have heard about the RTLP sooner, he did not receive a letter. He said the Planning Board site is not adequate, it's too much text, it's not organized very well and he thinks the public needs to be engaged in a better way. He didn't want to say the Planning Board or County is trying to hide information but thinks the County would want to keep the public informed

51 about everything that's going on and be fully transparent. He noted that social media is very cheap, engage the
 52 public that way and make it clear how they can find out easily rather than finding out what is the cheapest and
 53 hoping for the best.

54
 55 Kim Piracci expressed the need to take as much planning technical language/jargon as possible out of the
 56 information that is shared with the Board and information shared with the public in meetings and on the website.
 57

58 Jon Lorusso agreed with Kim and indicated that he had difficulty with the language as well and it took him a while to
 59 understand the process that the Planning Board makes the recommendation to the BOCC and they vote on it. He
 60 said at the meetings the public is swimming in acronyms that make no sense and maybe there needs to be an
 61 educational component or some way to involve the public in a more meaningful manner.
 62

63 **MOTION** by Adam Beeman to take the upcoming UDO amendment directly to a Regular Planning Board meeting. Seconded
 64 by Kim Piracci.
 65

66 **ROLLCALL VOTE:**

67 Randy Marshall: Yes

68 Kim Piracci: Yes

69 Adam Beeman: Yes

70 Melissa Poole: Yes

71 Hunter Spitzer: No

72 Susan Hunter: Yes

73 Patricia Roberts: Yes

74 Carrie Fletcher: Yes

75 Alexandra Allman: Yes

76 David Blankfard: Yes

77 **MOTION PASSED 9 -1 (SPITZER)**
 78

79 Adam Beeman asked to have staff highlight the items that the Board will be able to have some discretion to modify.
 80

81 **AGENDA ITEM 3: MOTIONS ON AGENDA ITEMS – To receive training on making motions and voting on agenda**
 82 **items.**

83 **PRESENTER:** Perdita Holtz, Planning Systems Coordinator
 84

85 *Perdita Holtz presented a PowerPoint Presentation on making motions and voting*
 86

87 Melissa Poole asked to have a limit to the length of Planning Board meetings and the length of public comments
 88 instituted for future meetings. Perdita indicated this topic would be brought back as a discussion item at an
 89 upcoming Planning Board meeting.
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91 **AGENDA ITEM 4: ADJOURNMENT**

92 The ORC/Training session was adjourned at approximately 8:20
 93
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**ORANGE COUNTY
PLANNING BOARD
ACTION AGENDA ITEM ABSTRACT**
Meeting Date: October 7, 2020

**Action Agenda
Item No. 7**

SUBJECT: Planning Board Procedural Issues

DEPARTMENT: Planning and Inspections

ATTACHMENT(S):

None.

INFORMATION CONTACT:

Perdita Holtz, Planner III (919) 245-2578
Craig Benedict, Director (919) 245-2575

PURPOSE: To discuss issues raised by Planning Board members during the training session on September 2. Specifically, the ideas of concluding Planning Board meetings by a certain time and placing limits on the amount of time spent on public comments were raised.

BACKGROUND: At the September 2 Planning Board training session, a Planning Board member requested the Board discuss putting a time limit on both Planning Board meetings (e.g., have a definitive end time) and the length of time public comments are heard by the Planning Board. Planning staff has consulted with the County's Legal staff regarding these issues and offers the information below for consideration.

Length of Meeting

Placing a time limit on the length of a meeting could occur in these ways:

- If a meeting is running long, it is within the current purview of a Planning Board member to make a motion for adjournment at any time.
 - The motion would need to be seconded and voted upon.
 - If approved, any items still on the agenda would move forward to the next agenda.
 - Depending on topics, it might be desirable to also declare a special meeting before the next regular meeting (so that items do not wait a month in order to be addressed at the next regular meeting).
- If the Board anticipates a meeting will run long, members could discuss a potential end time during the portion of the agenda for "Consideration of Additions to Agenda," which is near the beginning of all agendas, and come to an agreement regarding the time at which the meeting is likely to adjourn. This would give everyone in attendance knowledge of the likely end time.
 - A member would need to make a motion at the agreed upon time to end the meeting, as in the first bullet.
 - This option would give the Board the ability to keep the meeting going past an absolute end time which could be useful if items are almost complete but just need a few more minutes.
- All meetings could end by a specific time (which would need to be determined) or could continue past a specific time only if a majority of members vote to go longer.

- If there is to be no/limited flexibility in the meeting end time, this option would need to be added to the Planning Board's Rules of Procedure, which must be approved by the Board of County Commissioners.

Public Comments

In many North Carolina jurisdictions, the Planning Board acts as technical reviewers and public comments are not taken by the Board. There is no statutory or case law that requires Planning Boards accept public comments. In Orange County, the requirement that the Planning Board hear and consider public comments is found in Section 2.8.8(A) of the Unified Development Ordinance (UDO) which states:

The Planning Board shall allow public comments at its meeting and those comments shall be taken into consideration by the Planning Board in making its recommendation.

If the Planning Board wishes to limit or eliminate public comments at its meetings, the following are potential options:

- The Planning Board could limit public comments to a set time period per agenda item, perhaps one hour with a per-speaker limit of 3 minutes.
 - Formalizing a limit would require an amendment to the Rules of Procedure, which must be approved by the BOCC.
 - Language could be added to discourage repetitive comments while allowing for a range of viewpoints.
 - Language could be added to encourage written comments prior to the meeting rather than oral comments at a meeting.
- Amend the UDO in such a way that the Planning Board will no longer hear public comments and instead will act as a technical review board.
 - Several sections of the UDO would need to be amended as there would no longer be a need to send out notifications nor post a sign on the property advertising the Planning Board meeting if the Planning Board is not going to hear from the public.
 - If the Planning Board wishes to pursue this option, staff will evaluate the UDO more thoroughly for necessary edits.
 - The Planning Board has the authority to initiate an amendment to the UDO (see Section 2.8.2(A) of the UDO). A motion and affirmative vote would be necessary to initiate an amendment.

FINANCIAL IMPACT: There is no financial impact to discuss these topics.

RECOMMENDATION(S): The Planning Director recommends the Planning Board discuss the topics and, if necessary, provide direction to staff on any next steps.