



## UDO PLANNING BOARD SUBCOMMITTEE

### MINUTES

Monday, March 7, 2022, at Noon

Remote GoTo Webinar Meeting, Pittsboro, NC

**Attendance:** Jon Spoon, George Lucier, Jamie Hager, Eric Andrews, Clyde Frazier, James Fogleman, Jason Sullivan, Angie Plummer, Chance Mullis, Dan Garrett, Meg Nealon, Jeannie Ambrose, and Julie Esther.

12:00 P.M.

I. CALL TO ORDER

II. VIRTUAL MEETING GUIDELINES

III. INTRODUCTIONS

- Chair Spoon thanked the Planning Board members willing to be part of this subcommittee and currently we have seven members. These will be public meets, but we will not have a specific public input session for most of our meetings, but the public is free to attend. The UDO website has a place for residents to submit concerns and questions and that will ensure not only do we as the UDO subcommittee hear these concerns, but also the UDO consultants.
- Community members that might have the expertise in an area that we are discussing and would like to be a consistent part of this process and discussions could become a non-voting ex officio member. If there is a person that you know or we as a subcommittee are informed of, we can nominate and vote for them to be an ex officio member.
- Some of our meetings will have subject matter presentations about conservation, agriculture, how incentives work, and mixing rural and urban planning. There are a lot of residents and neighboring county residents that have a lot of experience working on this and we will want them to be a part of those discussions.

IV. SUBCOMMITTEE MEETING TYPES AND STRUCTURES

- Chair Spoon said there will be three types of meetings as we progress through this process: an informational meeting, presentations by experts, and work sessions.
  1. Information meetings will allow the staff to update us on the process of the UDO and sharing the next steps on how we can participate going forward. A consultant will also inform us on the public input and how the consultants are progressing on the UDO. These meetings should be an hour long and virtual.
  2. Presentation meetings by subject matter experts will give a brief presentation to help inform us as we make decisions about the UDO. We currently have a list of eight experts and if any of the subcommittee members know of an expert that would be willing to speak, bring that to our attention. This meeting should also be about an hour meeting and virtual either during the day or evening.
  3. Work session meetings will provide an opportunity for us to dive deep into discussion on different topics and allow us to produce our recommendations for the consultants and the BOC for what we feel needs to be included and how we see the UDO shaping Chatham County. These meetings will probably be in the evening and 2-3 hours in length.

V. UDO PROJECT NEXT STEPS

- Chance Mullis said staff received and reviewed the issues identification memorandum from the consultants. This is a summary of all the information gathered from the different advisory boards and committee meetings. Staff was able to make comments to this memorandum and now the consultants are moving forward to the more detailed audit report. The audit report should be completed by the end of March and will be presented to the BOC on April 4<sup>th</sup>. We will take the commissioners feedback and move forward to the annotated outline, which is the

drafting blueprint we will use as we get into drafting modules. A copy of the audit report will be provided once it is made public before the April 4<sup>th</sup> BOC meeting.

## VI. SUBCOMMITTEE SURVEY RESPONSE

- Chance thanked the subcommittee members for filling out the survey and providing their feedback. There were a few questions with similar concerns such as question 1, “Which sections of the codes routinely produce substandard applications or bad results?” The overall comments were about the Conservation Subdivision ordinance and how it needs a little more attention. There was concern about how to protect high priority natural areas and incorporating agricultural aspects. We also need to identify and define conservation space better with the natural and open space. There have been some amendments to the ordinance which has been beneficial, but it still needs more critiquing to accomplish the goal and the success we would like to see. The subcommittee recognized there is a need for affordable housing in compact communities and it was mentioned that it requires a lot of staff time to review and process.
- Question 3, “What adds time unnecessarily to the review process you are involved with?” A comment theme to this question was some of the conversations during a Planning Board meeting is outside of the purview of the Board. We need to identify what is the Planning Board legally allowed to do and making sure the discussions about the project or the jurisdiction are not outside of the legality of the Planning Board.
- Question 5, “Are there any current code provisions or regulations that provide insufficient support for the decision-making and recommendation processes you’re a part of?” It is important that we know what is not working with the decisions that you are making as a board. We have certain guidelines and ordinances, and there might be a project where a lawyer is representing the applicant who will argue anything that follows the ordinance has to be approved. However, we would not have made guidelines if they were not meant to be informative of the process. If the project meets the ordinance but does not follow the guidelines for a model, we need to have clear and legal defensible right to recommend denial. We have run into this before where a project may meet all the requirements of the ordinance, but it does not follow our Land Use Plan. As we move forward in the UDO process, we need to be sure the Planning Board can identify what is legally allowable to deny and approve and is everyone fully informed of the information they are reviewing. Are there better ways we can understand the projects the board is looking at and the analyses you are reading?
- Question 8, “Are there improvements or streamlining to the review and approval processes you’re a part of that you’d recommend? What is it about the process that isn’t working today?” There were a few comments that were beneficial about this question, as you know the Planning Board packets provide a lot of information and a bulk of it might be things the board never even discusses or look at. Some examples mentioned were property deeds, datasheets for wetlands, and Traffic Impact Analysis. These documents would be available, but maybe left out of the packets.
- Another topic of concern was the wastewater and septic systems in the county. We need to acknowledge and identify where to put language in the UDO that will achieve our goals with wastewater and have a better code in place that will support our vision.
- Chair Spoon asked, as board members do you feel like we have ample guidance on what we can and cannot recommend while balancing our personal conscience about these projects and the legality of these decisions? George Lucier said when the BOC meets, they have the County Attorney present and will help guide them, if necessary, but we are left to our own devices. It would not be cost effective for the County Attorney to attend our meets, but how do we get that information when we need it?
- Chair Spoon stated we did have the County Attorney speak at one of our meeting to help clear up any confusion, but we are an advisory board and nothing we do is legally binding, and there are times it is conflicting because you want to do right for the community, but I also do not want to put the commissioners in a position where they

have to go against our recommendation because they are legally bound by a different standard. What recommendations we can and cannot give as a board needs to be more explicit in the UDO process, so it is clearer and clean cut.

- There was some subcommittee discussion about the by right subdivision applications and the legality of the Planning Board recommendations. If there is a subdivision application, we as a board do not like we need to identify where in the ordinance it is in violation if we were to deny it. It was also mentioned that the Planning Board discussions and concerns are important even if the applicant does meet the ordinance requirements because the applicants sometimes are willing to make changes and conditions to make it a better project. It is also a good idea for a summary of the Planning Board recommendation be provided to the BOC, so they are completely informed of our concerns. Chair Spoon stated maybe we could have an annual meeting with the County Attorney for a reminder to existing board members and new board members of our legal responsibilities.
- Chair Spoon asked how members feel about our process for public input, too little or too much, and is it structured in a fair and efficient way? George said there is plenty of opportunities for the public to speak and when there are multiple meetings with the same item some residents tend to speak again and again about the same topic. We could do better with that and be more efficient about it, but part of our charge in the ordinance that established the Planning Board is an educational component with what we do by informing the public about the recommendations we make and the reasons for it. This needs to be looked at in the UDO, do we need to make revisions that accurately reflect what we do or to identify areas that we should be doing more in. Chair Spoon feels we do a good job listening to residents and proud that we do it that way even if it can take time and tedious.
- Chair Spoon asked if there are types of projects that should be just administrative decisions and what is the threshold for those projects? Chair Spoon said maybe subdivisions with 40 lots or less could be administrative. There was some discussion about this topic and suggestions where there could be a specific number of lots per project acreage threshold. It was also mentioned that 40 lots might be too much, but it can be more than 5 lots which is the maximum right now.

## VII. FUTURE MEETING SCHEDULE DISCUSSION

- Chair Spoon said the next meeting will be around the middle of April once the code audit becomes public to work through that. Chair Spoon asked the subcommittee two questions to be thinking of in the meantime.
- Are there areas that need to be addressed that are not currently included in the UDO planning? (Examples: concept for conservation credits, percent for an art program, greenway connectivity plan)
- Do you know subject matter experts that you think might be able to help this subcommittee?
- George asked if the consultants are looking at the ordinance for the county being compatible with the municipalities? Meg stated this will come up more during the mapping process but being aware of some of the districts that are in the municipalities is important just from the standpoint of understanding where there is a likelihood of a rezoning in the county jurisdiction and ultimately an annexation later. That seamlessness is important, and we can borrow from some of the existing codes so that consistency will make sense.
- Chair Spoon stated the Siler City and Pittsboro Planning directors are professionals and will work with us as we go through this project. Jason said there was good participation with municipalities during the Comprehensive Plan projects and we will reach out to them again through this UDO process.

XII. ADJOURNMENT: Meeting was adjourned at 12:58 am.