



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 20-3408      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 1/31/2020      **In control:** Planning

**On agenda:** 2/17/2020      **Final action:** 2/17/2020

**Title:** Receive an update from Planning Staff on the Unified Development Ordinance (UDO) and give direction on the options provided for the project’s next steps. Additionally, vote on Request to authorize notice of advertising for the Request for Proposals (RFP) for the Chatham County UDO by electronic notice.

**Sponsors:**

**Indexes:** Comp Plan Goal 1: Preserve the rural character and lifestyle of Chatham County, Comp Plan Goal 10: Foster a healthy community., Comp Plan Goal 2: Preserve, protect, and enable agriculture and forestry., Comp Plan Goal 3: Promote a compact growth pattern by developing in and near existing towns, communities, and in designated, well planned, walkable, mixed use centers., Comp Plan Goal 4: Diversify the tax base and generate more high-quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting., Comp Plan Goal 5: Conserve natural resources., Comp Plan Goal 6: Provide recreational opportunities and access to open space., Comp Plan Goal 7: Provide infrastructure to support desired development and support economic and environmental objectives., Comp Plan Goal 8: Become more resilient by mitigating, responding and adapting to emerging threats., Comp Plan Goal 9: Provide equitable access to high-quality education, housing and community options for all.

**Code sections:**

**Attachments:** 1. Feb 2020 BOC UDO Update

Date	Ver.	Action By	Action	Result
2/17/2020	1	Board of Commissioners	adopted	Pass

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**Action Requested:**

Receive an update from Planning Staff on the Unified Development Ordinance (UDO) and give direction on the options provided for the project’s next steps. Additionally, vote on Request to authorize notice of advertising for the Request for Proposals (RFP) for the Chatham County UDO by electronic notice.

**Introduction & Background:**

As part of the on-going implementation of the comprehensive plan, the Planning Department in conjunction with Watershed Protection Department continue to seek to modernize the county’s land development regulations. This modernization will address major issues and content in moving toward a Unified Development Ordinance that combines all land use and development regulations and ordinances into a single document.

Current land use related ordinances and regulations are not only numerous (reflective of the County previously being partially zoned), but are also outdated and cumbersome to navigate. Some regulations use contradictory language in tandem with others. There is a lack of graphics, illustrations, and clear definitions. There are insufficient cross-references, and outdated standards and design guidelines, and vague language.

The following goals are anticipated to be accomplished through this process:

- Draft and adopt a Unified Development Ordinance with commonly accepted modern planning practices and contemporary zoning tools; compliant with North Carolina state statutes.
- Create clear procedures and guidelines that are simple, flexible, and easily administered by staff; a user friendly document for residents, elected officials, appointed boards, and the development community.
- Create a streamlined and clearly outlined development review process tailored uniquely to Chatham County. All the while, incorporate innovative and creative approaches to land-use regulation, building upon the best design principles and practices throughout the United States and NC laws/codes.
- Integrate and cross reference other land use regulations, to ensure consistency with local, state, and federal laws and regulations.
- Incorporate the recommendations of the County's Comprehensive Plan adopted in November 2017. The UDO should encourage development and redevelopment of designated centers, support sound economic development, support preservation of agricultural areas, integrate multimodal transportation where it is appropriate, and provide a platform to support sustainable infrastructure investment and affordable housing.
- Build an illustrated code: depiction of requirements, concepts, process flowcharts, etc.
- Coordinate with other county development related departments as well as other entities, including but not limited to: adjacent counties, regional partners, Army Corps of Engineers, North Carolina Natural Resource Wildlife Commission, North Carolina Department of Transportation, and municipalities to ensure consistency in land use patterns at boundaries as needed.

The Board of Commissioners approved the release of the Request for Proposals (RFP) for the Chatham County's Unified Development Ordinance at the Board of Commissioners Retreat in January 24th, 2019. The County received a total of 3 proposals and on April 15th 2019 and the Board approved the recommendation from the Unified Development Ordinance Selection Committee to award the UDO contract to Code Wright LLC. The Contract was signed by the County Manager July 8th 2019 and the UDO Project began. The Contract was terminated as indicated by the Memo sent by the County Manager to the Commissioners December 3<sup>rd</sup>, 2019. Prior to termination, the Project Kickoff was partially completed, documents were reviewed, and outreach to boards and committees had been completed to start the formation of focus groups for the annotated outline.

## Discussion & Analysis:

After the termination of contract, staff evaluated multiple paths to continue moving forward to complete a Unified Development Ordinance for the County.

The following paths were evaluated:

1. Reissue the RFP with no revision
2. Reissue the RFP with revisions
3. Consider options to complete project if consultant is not able to be selected (evaluate if the entirety of the project, or to what degree any components of the project could be completed by staff)

Planning staff conducted extensive research into other jurisdictions code updates and rewriting processes by organizing and analyzing the components of the project that would need to be coordinated.

- First component being compliance. State legislative changes are going to require some significant change to the County's land use related regulations before January 2021. This will need to be handled by staff to ensure compliance with state law by deadline.
- Second, the consolidation of the number of ordinances that need to be reconciled, made consistent, clear, and streamlined. This component would require extensive legal review and drafting.
- Third, the implementation of the recommendations from the Comprehensive Plan will require careful collection of input to be integrated into the process.
- Fourth being, the modernization of code. Staff determined that this would best be performed by a consultant as it requires technical expertise. If staff were to handle this component, additional technical training and software would be required.
- Fifth, the adoption/enactment of the code text and map will take a significant amount of time outside of the drafting and codification of the document occurs. Initial guidance will come from the project, but ultimately staff will be heavily involved in the implementation for years to come.

There were very few projects from other jurisdictions interviewed that were exactly the same. Staff evaluated jurisdictions that completed or are completing their code rewrite or update project by contracting with a firm, by prioritizing the project to be done by staff, and other hybrid approaches. Additionally the setting, type, and scope of the project were varied. However, the comparison of components and approaches proved to be a valuable exercise. From these comparisons, staff was able to identify the potential benefits and drawbacks to each option.

Option 1: Reissue RFP from 2019 with minimal revisions (i.e. date changes and minor grammatical corrections). One benefit of this option is the budget would be controlled by a single contract. Another benefit, would also be its drawback. The County, to some degree, will know what to expect. A low number of proposals could potentially result in a firm not being selected and would restart the conversation about options in approximately 3-4 months.

Option 2: Release two RFP's; each related to the overall project. One RFP for the planning services of meeting facilitation, and coordination to incorporate feedback in the drafting process. The second RFP specifically to draft the UDO with incorporation of feedback. This approach would assign the County project manager as the lead for both firms to work together and receive direction from. It also

can potentially reduce travel costs for firms out of state while still ensuring that the outreach needed for Chatham County is integrated into the process. It also directs the most critical component of a final consolidated and legally compliant document to be the focus of output product by one firm, while leaving the second most critical component; public engagement, to be carefully incorporated into the process by County staff and a local planning facilitator.

Option 3: Organize a Staff led project. If the project were to become staff led, some short term benefits include the ability to start quickly on the Audit Report. However, if additional staff is not in place to accommodate the workload, in the long term, this would result in the overall project time lengthening extensively. A thorough evaluation would need to be conducted and considered before starting with this option. The following variety would need to be evaluated; budget estimates for staffing, software, and training needed. Additionally details for staff roles and current workload would need to be considered. Also managing multiple and interlocking contracts at once would need to be investigated to ensure everything is covered in the scope of contracts, as well as ensuring continuity of each contract, and the overall project cost. It may become difficult to ensure the project to stay in budget and operate as fluidly. The overall process would also be ordered and broken down into phases that if not carefully messaged could potentially present as confusing to the public.

#### **How does this relate to the Comprehensive Plan:**

The completion of the Unified Development Ordinance is the implementation of the Comprehensive Plan and supports all 10 goals.

#### **Recommendation:**

1. Receive update and provide any comments, feedback, or questions regarding the options to move forward.
2. Provide direction for the project's next steps given the 3 options.
3. Vote to adopt a Resolution of the Chatham County Board of Commissioners to authorize Electronic Advertising for the Request for Proposals for the Unified Development Ordinance to authorize notice of advertising by electronic notice for all Request for Proposals (RFP) associated with service contracts for the Chatham County UDO.