



## STAFF REPORT

Meeting Date: April 21, 2015

Agenda Item #: 5

**TO:** Mayor and Town Council  
**FROM:** Rawls Howard, Director of Planning and Inspections  
**THRU:** Susan Parker, Town Administrator  
**TITLE:** Technical Review Committee (TRC) Processes  
**ATTACH:** Correspondence from UNC Institute of Government

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**Summary:** After review of the current development review processes for the Town, I would ask the Town Council reconsider its earlier action and remove the two appointed Planning Board members from the Technical Review Committee (TRC). I make this request not out of deference for the Planning Board, but to ensure that our development review process is prompt, efficient, and more suitably reflects the development review processes found throughout the State and the country. In order to ensure fairness, transparency, and overall effectiveness, I would like to offer a practical compromise to the current framework. However, before getting to this compromise, I wanted to explain the rationale for my proposal.

**Discussion:** The TRC is intended to be a strictly staff review of development plans, plats, and all other items required by ordinance to be reviewed before moving to the appointed Board selected by Council to make decisions. With the addition of the Planning Board members to the committee, it transforms what is intended to be an otherwise administrative staff review into a public body. With this conversion to being a public body, the Town is then required to advertise meetings of this body to ensure compliance with open meetings law. This practice is counter to typical TRC processes that I have experienced working in or encountered. I have solicited and provided a statement from the UNC Institute of Government to help provide insight to the purpose of a TRC.

The side effect of this action, whether intended or not, is that it substantially increases the amount of time it takes for applications to go through the process for initial staff review and creates a managerial inefficiency in our review system above what, I believe, is necessary. In what would otherwise take staff a few days to initially review and comment on an application, plat, or plan, it takes two to four weeks due to public notification requirements. This initial process contemplates only receiving comments from staff before moving the application onto Planning Board. This example does not include when comments go back to the applicant for corrections.

On December 3, 2012, the Town Council adopted the Unified Development Ordinance. As a part of this adoption, concessions were made to add two Planning Board members to the TRC as a part of a process that allowed staff to administratively approve developments under 5,000 sq. ft. without the need for Planning Board approval. I believe the idea was such that if two Board members were on the Committee, the Council was complicit in allowing smaller developments to go through the process without the need to go through Planning Board. This amendment never made it to the actual UDO language in the book that I can find during the UDO adoption action. I was only recently made aware of this provision. The language in the current UDO contemplates ALL development must go to the Planning Board for approval, except single family, two-family and certain temporary uses.

With nearly all items going to the Planning Board for approval, there is no need for two members to sit on a staff review board as all members will be reviewing and approving the proposals once staff has worked out all technical issues with the proposal.

I also wanted to mention that Planning Board has recently transitioned to having a "fixed" agenda format. This means all items on the agenda would be advertised to the public with no additions being allowed to be added at the meeting. In other words, there would be no surprises as to what is being discussed and the Planning Board meeting would be properly advertised. All public discussion on items should be handled at the Planning Board and or Town Council meeting, whichever is applicable. Staff has virtually no or extremely limited discretion in the TRC reviews. Our ordinance is structured that Planning Board and Council have that authority.

I am proposing this as a matter of promoting efficiency in our processes. To promote transparency, I would have a standing, weekly meeting at a regular time and place in which the TRC would meet to promote predictability. I have also spoken personally with both the Chairperson and Vice-Chair of the Planning Board regarding this proposal. There was no substantive discussion or reservations regarding the proposal. They had no issue with me informing you that they have no problems whatsoever with this arrangement.

**Fiscal/Policy Implication(s):** None anticipated.

**Legal Implication(s):** None anticipated.

**Recommendation:** My proposal to remedy these issues, promote transparency and efficiency, and provide for a much smoother system include the following:

1. I support the current ordinance language in the book. I recommend Council officially adopt the current UDO language in the current book mandating all developments, except the aforementioned, go to Planning Board for approval after TRC review and approval. By adopting the current language in the book, it cleans up the inconsistency regarding the UDO's original adoption intent and what is actually written and provide much stronger oversight from the Planning Board on applications;
2. Remove the two Planning Board members from the TRC, thus not making it a public body requiring advertising.

**Motion(s):**

1. To send the current UDO language regarding development review and approvals to the Planning Board for consideration.
2. To remove the appointed Planning Board members from the Technical Review Committee.