



ATTACHMENT C:

PLANNING COMMISSION COMMENTS JANUARY 14, 2020

TC1800010

Action by the Planning Commission: By a vote of 9-1, the Planning Commission recommended approval. The Planning Commission finds that the ordinance request is consistent with the adopted *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

BRINE – I voted to recommend approval of this proposed text amendment because I was persuaded by the comments of fellow Commissioners that the proposed change was at least a small step in the right direction. Nevertheless, the NPO process still appears to be long and cumbersome; I believe that there must be a better way. Hopefully we will keep trying to improve the process.

I have two major concerns about the NPO process. Firstly, even if the appropriate Governing Body gives approval to start one, there is absolutely no guarantee that doing the NPO will be included in the subsequent Work Program by the JCCPC. I simply think that delays caused by failure to include an approved NPO in the Work Program is totally unfair to the neighborhood that has already jumped through a good many hoops just to get approval to start. I think that the JCCPC should find a way to include an approved-to-start NPO in the Work Program even if some previously approved work has to be lowered in priority. Secondly, I share the concern expressed at our public hearing that the development community seems totally opposed to NPOs. The development community should not be allowed to trump a neighborhood's right to establish (or seek to establish) additional standards for the neighborhood.

BUZBY – I believe this proposed revision to the NPO process provides a slightly more streamlined process and more up-front certainty to this citizen-led tool.

Since this is a step in the right direction, I vote to approve.

HYMAN – Voted yes to the changes which do seem to be an effort to streamline a very cumbersome process; granting more options to review whether concerns are compatible with levels of supporting the City or County.

KENCHEN – It's my opinion that the NPO process will be improved by these revisions. I hope that staff continues to find ways to improve it.

MILLER – I voted in favor of this text amendment because I view it as incrementally better than the current procedure. Further, I note that recent changes in the statutes governing future zone changes compel a serious re-examination in the way the city manages all citizen-initiated zone changes. No longer may ordinary citizens apply to change the zoning in their community. All rezonings other than

city/county initiated changes must now have the consent of the property owner. Setting aside my opinion about the recent work of the General Assembly, it is undeniable that the effect of the change is to advance the position of developers in land use matters and further alienate ordinary people from planning and zoning rules and processes. It is up to local governments, therefore to revise their processes and their attitudes to compensate for the public's loss of their traditional rights.

Durham's procedure for creating an NPO is too complicated. It involves too many prior and post approvals. It consumes too much time. Few ordinary people – and by ordinary people I mean people who do not stand to make money by engaging in the process, people whose only interests are the homes and communities they live in – have the resources and stamina to understand, engage in, and last out the process now on the books or even the one represented by this change. Further, this trial-by-ordeal process favors people with education, money, and time over those who don't have these things. People, I imagine, who might benefit most from the benefits which might be conferred by having an NPO. God bless the former. God help the latter.

Durham must do some serious work not only on its comprehensive plan, but, with the complete rewrite of zoning statutes going into effect in less than a year, its UDO. Let's hope we can make entirely new policies and procedures for NPOs and, indeed, all aspects of citizen participation that are better than those we have now.

WILLIAMS – I'm against this as it stands with the very real concerns of the disregarding of the community and their voice in any way shape or form. Further clarity is needed to assure existing neighborhoods in Durham will have a fair and just way to protect their neighborhoods and investment.