

MEMORANDUM

Date: July 19, 2022
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From: Carol Rhea, Orion Planning + Design
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Subject: Key Take-Aways from LUMO Audit Stakeholder Survey

The following pages summarize key take-aways gleaned from a preliminary assessment of the responses provided by the LUMO audit internal and external stakeholder surveys as well as the benchmarking survey results received to date (this survey remains open through mid-August). The external survey was open from May 22nd through June 6th, 2022 and received a total of 24 responses (out of approximately 45 recipients). The internal survey was open from May 16th through June 31st, 2022 and received 25 responses out of an unknown recipient pool. Aggregate data for each survey can be found at the following links:

- [Internal Stakeholder Survey Data](#)
- [External Stakeholder Survey Data](#)
- [Benchmarking Survey Data](#)

Internal Stakeholder Responses—Significant Takeaways:

NOTE: Both the “Advisory Board that reviews development applications” and the Board of Adjustment had only one respondent. Their responses do not appear in the summary. The “Another Advisory Board” category had no respondents.

- Respondents: 7 staff, 5 administrators, 5 PC, 1 Advisory Board member, 1 BOA, 4 TC
- The PC seems to be struggling somewhat with their understanding of the LUMO as compared to other groups
- 60% of staff respondents occasionally or often struggle with timely reviews
- Conditional rezonings, text amendments, and special use permits are the processes respondents deal with most frequently
- At least 50% of Staff and Town Council respondents felt that decisions took too long while nearly 50% of the PC respondents felt that review took an appropriate amount of time. None felt decisions were made too quickly. Reasons cited for lengthy processes:
 - Need more information up front
 - Too much debate on hypotheticals
 - Cumbersome processes
 - Too many reviews
 - The process is broken
 - There is a culture against growth and development
- The three highest-rated factors for causing delays or lengthy reviews:

- Process requirements
- Staff capacity
- Timing of involvement of individuals, groups, etc. (other than staff) in the public process
- When asked a series of questions about the LUMO:
 - The only area of agreement (agree or strongly agree) among at least 50% of respondents was the LUMO protects existing neighborhoods. No respondents disagreed with that statement.
 - 50% or more of the respondents disagreed or strongly disagreed with at least ten of the statements.
- When asked what level of regulation the LUMO represents,
 - 40% of staff and PC respondents felt the LUMO was an appropriate level of regulation
 - 40% of staff and 50% of Town Council respondents felt it is too much regulation
- Regarding the level of regulation being too much, individual comments included:
 - Too many regulations to remember (staff)
 - Results are an unaffordable luxury (housing cited) (staff)
 - Everything is negotiable (staff)
 - It's a vehicle for wealth preservation for homeowners/landowners (PC)
 - It focuses on the past; outdated regulations (PC)
 - Need more by-right processes (PC)
 - Some standards need more detail; other areas are overregulated (such as the amount of TC involvement) (TC)
 - There is unnecessary process but it provides predictability and guidance (TC)
 - Too many projects need TC approval (TC)
- When asked which LUMO section or topic causes the most conflicts or misunderstandings, staff and Planning Commission respondents provided the following:
 - **Staff**
 - Appendix B Definitions
 - Uses (how they are defined and lack of guidance on nonconformities)
 - Language involving RCD and stormwater overlap
 - Land disturbance and the 20/40 rule about reoccurring land disturbance
 - **Planning Commission**
 - The practice of basing conditional rezoning applications on the general use district closest to the applicant's ideal set of restrictions
 - The Land Use Map
 - The LUMO is inconsistent with the Town's climate action goals and response, housing access and ownership, and mobility
- When asked about the importance of the roles of the LUMO, the results were:
 - None of the respondents felt that any of the roles listed was "not important at all"
 - Few of the respondents felt that any of the roles listed was "not very important"
 - Staff felt more strongly in its role of protecting property rights than either the PC or TC
 - The PC and TC felt more strongly than staff in its role to enable people to build housing and businesses that serve the needs of the community
 - TC felt more strongly in its role to protect land, air, and water from damage or pollution than either the staff or the PC

- Staff felt more strongly in its role to protect future residents than the PC or TC
- Staff felt more strongly in its role to provide the community with a way to influence development and change than the PC or TC
- TC respondents felt strongest in its role to support a strong business environment
- When asked to rank the value of characteristics of a code, the results were:
 - TC and PC ranked **predictability** the lowest; the administrator group the highest
 - The administrator group ranked **consistency** lowest (very low); TC the highest (very high)
 - Staff and the administrator group ranked **clarity** the lowest; PC the highest
 - TC ranked **efficiency** the lowest; the administrator group the highest
 - TC ranked **community support** the lowest; staff the highest
- When asked to rank the LUMO on these same characteristics, the results were:
 - No respondent group felt strongly that the LUMO is **predictable** least of all TC and the administrator group where the ranking fell between poor and fair
 - The PC and staff felt the LUMO is average on **consistency**, but the administrator group felt it is poor
 - The TC, PC, and administrator group also felt the LUMO is poor to fair in terms of **clarity** whereas staff rated it on the higher side of average
 - All respondents rated the LUMO poor to fair in terms of **efficiency** with the PC giving it a slightly better rating than the rest
 - All respondents rated the LUMO poor to fair in terms of **community support** with staff giving it the highest score (2.5) and PC the lowest (1)

External Stakeholder Responses—Significant Takeaways:

- Respondents: 24
- Knowledge of LUMO content was average with more than 50% knowing the code somewhat well or very well
- More than 60% of respondents use the code occasionally or at least bi-monthly
- The most common permits/processes used/applied for were conditional rezoning, special use permits, and administrative permits
- More than 80% felt it took too long to reach a conclusion on a permit/decision; none felt it was too fast or an appropriate amount of time
- The three factors having the most impact on the length of time were
 - The written rules and standards
 - The process requirements
 - The timing of participation of individuals or groups in the public process
- The only statement that garnered enough support (3.7 weighted average) to qualify as “near” agreement was “The LUMO protects existing neighborhoods.” Otherwise, all other responses ranged from near neutral to strongly disagree.
- A high percentage of respondents chose “no opinion” or “other” when asked about the amount of regulation represented by the LUMO. Thirty-one percent felt it represented too much regulation, and half that thought it was an appropriate amount.
- The following sections/topics were cited as causing the most conflicts or misunderstandings:

- Some of the future planning maps and the timing (or length of time) it takes to update
- Poor definitions
- Stormwater management
- Dimensional standards (density, floor area ratio, setbacks)
- Inclusionary zoning
- Zoning districts
- Setbacks and lot minimums
- Rezoning
- Special use permits
- Equal percentages of respondents felt staff interprets the code too much and a reasonable amount.
- The three highest rated roles of the LUMO were:
 - To enable people to build housing and businesses that serve the needs of the community (4.77)
 - To support a strong business environment (3.92)
 - To protect the land, air, and water from damage or pollution (3.79)
- Respondents ranked the value of regulations from highest to lowest as follows:
 1. Predictability
 2. Efficiency
 3. Clarity
 4. Consistency
 5. Community support
- When asked to rank the LUMO on the same characteristics, nearly all responded with “Poor” or “fair.” The order of ranking from highest (best) to lowest was:
 1. Consistency
 2. Clarity
 3. Predictability
 4. Community support
 5. Efficiency
- The planning issues that caused the most concern were:
 - Housing affordability
 - Housing choice
 - Lack of pedestrian facilities

Those causing the least concern were:

 - Too much traffic
 - Loss of neighborhood character
 - Lack of historic preservation

Benchmarking Survey Responses—Significant Takeaways:

NOTE: With such a small sample and 3 of the 4 representing the same jurisdiction, the usefulness of the following summary is questionable at best. That is further complicated by many skips.

- Respondents: 4. Three were from Durham and one was from Orange County. All serve in a planning director or manager role
- All respondents have an online code that is either HTML with search capability (3) or a PDF (1). Most are not aware if the online version has been reviewed for ADA compliance.
- All replied that the online version is updated every time there is an amendment
- The online version is the official code in Orange County, but not Durham
- All (3 in Durham and Orange Co) replied that they have a UDO
- Form-based districts and design components are used in the Durham code and are considered very useful. They are not used in Orange County.
- No respondents disagreed with any of the statements describing the character of their code. All believed their code provides the tools necessary to consistently apply regulations.
- Orange County regulates short-term rentals and distributed energy generation.
- All (3 in Durham and Orange Co.) replied that their code allows digital applications, reviews, and approvals
- When asked about what actions their special permitting software is used for, Durham respondents selected everything except “safeguarding the process by preventing premature approvals, and Orange County selected all.
- The special permitting software cited was “Box (Durham), Bluebeam (Durham), “a Xerox product,” (Durham) and Energov (Orange)
- Durham does not use a TAC; Orange County does. OC’s meets 1-2 times per month, is populated by various personnel based on subjects, and is chaired by current planning. Applicants do not attend meetings
- Length of time for approvals in Durham:
 - Basic rezoning—6-12 months
 - Conditional rezoning—1-2 years
 - Text amendment—6-12 months
 - Administrative permit—2-6 months
 - Special use permits—2-6 months
 - Variances—2-6 months
 - Appeals—2-6 months
 - Subdivision approvals—6-12 months
- Length of time for approvals in Orange County:
 - Basic rezoning—2-6 months
 - Conditional rezoning—2-6 months
 - Text amendment—2-6 months
 - Administrative permit—Less than 2 months
 - Special use permits—2-6 months
 - Variances—2-6 months
 - Appeals—2-6 months
 - Subdivision approvals—6-12 months
- While varying widely in terms of population (326k vs 56k), the two jurisdictions have 49 and 32 employees respectively
 - 8 and 5 FTE planning staff are devoted to long-range planning

- 14 and 27 are devoted to current planning (I question how Orange County is counting its people)
- 5 and 4 senior planners
- 3 and 1 code enforcement officers