

Discussion points for Orange County Commissioners consideration:

V2050

Risk Assessment and Unfair legislation to your constituents and your BCC seat:

1. **Orange County Staff's reason for insisting on a county-wide deployment, even though it has never been done in the 36 years of Form Based Codes existence:**
 - a. Claiming a targeted implementation with the remaining majority of county parcels under Euclidean form of governance would not deliver predictability and is too complicated.
 - i. **Counter thought:**
 1. Flat out "not true". If it were, the 7 counties using FBC and Euclidean together would have changed their model to county-wide (and none of them have done that..) 100% of the 7 counties in the US using Form Based code (0.23% of all US counties) have deployed it only to specific high growth targets within their most dense growth targets and near transportation hubs, while continuing to maintain Euclidean governance on the majority of their jurisdiction in the suburban and rural areas.
 2. One city (Miami) in the US has deployed Form Based Code city-wide back in 2010. **Today, 15 years later, no other city has followed their lead.** In fact, cities that have deployed FBC since 2010 have opted to deploy a hybrid of targeted FBC and balance with Euclidean governance. To-date, none of those additional city deployments have opted to expand their FBC targeted deployments into a city-wide deployment.
 - a. (Let actions of those that have gone before you help you understand and decide what is best practice for you..)
 - ii. **The fix:** Don't deploy Orange Code outside of the urban core. Do like 100% of all other counties in the US have done and only deploy in an initial phase targeted at your two largest desired urban growth sectors (in our case: I-drive/tourist corridor and UCF/Valencia corridor (if those are the correct targets)). Continue to have our Euclidean govern the remaining core, suburban and rural areas – BUT, with the addition of adding Orange Codes "Master Plan" design to replace our current systems PD design for any large projects that apply going forward.

Continued..

2. **Orange County Staff's reason for needing to make this substantial change to the current FLUM now:**
 - a. Claiming it is a state requirement for the county to do so due to age of existing documents.
 - i. **Counter thought:** True in 2030, but not true here in 2025. State requirement is Orange County to review our CLUP and FLUM by 2030. We still have six years of validity. By 2030, we simply need to review them, make a few changes/edits and we are compliant. There is no CURRENT (2025) requirement for OC to edit our documents and there is no requirement for a complete revamp.
 - ii. **The fix:** Don't deploy Orange Code outside of the urban core. Do like 100% of all other counties in the US have done and only deploy FBC in an initial phase targeted at your two largest desired urban growth sectors (in our case: I-drive/tourist corridor and UCF/Valencia corridor (if those are the correct targets)). BUT, with the addition of having Orange Codes "Master Plan" design replace our current PD design for any large projects that apply today forward.
 1. (or simply modify a few items in our current CLUP and FLUM and you are good. But,, I do feel there are some benefits within Org Code IF it is a targeted/phased approach.
 2. If not targeted/phased – the risks outweigh the reward. Stay with our current model, but replace our PD process with the Master Plan process created within Orange Code. Also have the PZC and BCC hold true to the FLUM and zoning and you will have all the predictability staff currently desires and OCPS needs.
3. **You are being asked to vote in favor reducing your constituents, input rights, and voting rights on parcels 6 acres or less in their own backyards.**
 - a. The very people that voted you into office you will be turning around and placing a legally binding vote for a new policy that reduces your constituents writes for input, and your ability to vote on their behalf in regard to a development request on any parcel 6 acres or less that is consistent with the proposed Orange Code higher density and use rezone (unless in the RARE occasion, staff, at their discretion, opts to pass a parcel request to the board).
 - i. This single change might very well be one of the most substantial votes you will make as a district commissioner. In this case, it is a 26 year binding policy change that will be virtually impossible to reverse due to the new property development rights it is giving parcels.
 1. In the case of Comm Uribe's district, it has been argued that such a ruling encompasses almost 100% of any development request in her district. If true - Comm. Uribe's vote in favor of V2050 will be a vote to willingly limit her commissioners seat votes AND any input from her voting constituents regarding 100% of any development changes in her district for the next 26 years... In the case of other districts, <6 acre parcel percentages located outside of the OC targeted growth zones is also significant.
 2. **The fix:** Change the wording to "3 acres, or less". (yes – it is that simple...)

4. Why would you give developers with existing PD's the legal right to opt in or out of vision 2050 while on the other hand, you are not giving this same “remain the same, or opt-in” right to existing neighborhoods and community sectors?

- a. Especially when V2050 puts in place Form based code that requires form that does not match existing communities?
 - i. **The fix:** Add in an “Existing PD FLUM” designation for existing PD’s, while also adding in the currently proposed “Master Plan” designation for all projects going forward. (protects prior PD’s and deploys tighter/more predictable rules for future Master Plans)

5. You are being asked to vote in favor of a new policy that strips away the requirement for compatibility in favor of a required “Form” of a proposed parcel project in your district. It also lowers the bar for parcels receiving request changes by granting increased densities, but controlling them via lower bar zoning.

- a. For lots 6 acres or less that are consistent with the V2050 proposed density increases and expanded use - they have to build the new structure based on the new form - even though that form is not compatible with all established building form around it. (no front garage, no setback requirements, no minimum lot size, etc.) Duplexes(?), mixed use(?), retail, or office space on bottom and multi-family on second floor(?).
- b. Should the build intent meet the higher allowed land use that is granted due to the county wide deployment, but not meet the zoning requirements – the land owner need only to request a zoning change (which is FAR easier to achieve vs what would have been a previous requirement of requesting a FLUM change and a zoning change (far more difficult and less incentive to try to develop a property that under the new process would only be limited by zoning requirements.)
 - i. **The fix:** Don’t deploy Orange Code outside of the urban core. Do like 100% of all other counties in the US have done - only deploy in an initial phase targeted at your two largest desired urban growth sectors (in our case: I-drive/tourist corridor and UCF/Valencia corridor (if those are the correct targets)).