



MEMORANDUM

April 3, 2026

To: County Administrator Byron Brooks -AND- Supervisor Cheryl Gillespie

From: Vice Mayor Dr. Kelly Martinez Semrad, District 5 Commissioner

Subject: Commissioner's Report Request for a Future BCC Discussion Item
BCC Appeal Authority on DRC-Reviewed Application Decisions

Dear Administrator Brooks,

On January 14, 2026, the Orange County Development Review Committee (DRC) heard DRCA-25-12-304, an applicant-initiated appeal of the County Engineer's denial of a variance from Orange County Code Section 37-539(4) for lot size requirements based on private potable well and individual on-site sewage disposal system (OSDS). The DRC voted to overturn the County Engineer's denial and approve the requested variance, granting the ability to utilize an individual OSDS on the same parcel as a private potable well for commercial consumptive uses.

Section 34-29 of Orange County Code provides the appeal process for decisions made by the DRC and generally allows appeals by a person who is "aggrieved" by a decision when they can demonstrate a special injury; that is, a specific, personal harm that is different from the general interest shared by the public. However, a similar process does not exist in Orange County Code for the Board of County Commissioners to directly appeal DRC decisions.

Absent a Commissioner-initiated appeal process, applications like DRCA-25-12-304 are approved administratively without being subject to meaningful engagement from the public or their elected representatives. The lack of oversight allows impactful decisions, which can have long-term implications for our communities, to stand without requisite transparency and in violation of long-standing policies. Specifically in the referenced case, policies prohibiting commercial properties from using septic (S. 37-539(4)) and

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cut-through traffic in rural settlements (FLU 6.8.12) were overruled by the DRC. Additionally, questions of incompatibility with the locality's character, and therefore potential inconsistencies with FLU 6.2.14, remain open without recourse, which can result in improper precedents that could further strain county infrastructure.

Having unchecked development review practices undermines the Board's authority to hold necessary public hearings for residents to provide input on planning decisions that affect their communities. Orange County residents deserve a process where Commissioners can call for a public hearings on any DRC-reviewed applications.

Please accept this memorandum submittal as my formal request to schedule a Discussion Agenda Item at the next available Board of County Commissioners meeting. Providing a forum for public input and consideration of information for all involved and affected parties is responsible oversight and a commitment to accountable government. Through an Ordinance update, we can modernize Orange County Code to continue building trust with our constituents and ensure all applications have proper channels to be reviewed with public input.

Respectfully submitted,

Vice Mayor Dr. Kelly Martinez Semrad, District 5 Commissioner

/s/

Cc: Mayor Jerry L. Demings
Commissioner Nicole Wilson, District 1
Commissioner Christine Moore, District 2
Commissioner Mayra Uribe, District 3
Commissioner Maribel Gomez Cordero, District 4
Commissioner Mike Scott, District 6
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