

UPDATED Item 7-a Abstract  
December 1, 2014 BOCC Meeting

**ORANGE COUNTY  
BOARD OF COMMISSIONERS  
ACTION AGENDA ITEM ABSTRACT  
Meeting Date: December 1, 2014**

**Action Agenda  
Item No. 7-a**

**SUBJECT:** Consideration of the Town of Chapel Hill’s Extraterritorial Jurisdiction (ETJ) Extension Request

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**DEPARTMENT:** Planning and Inspections

**PUBLIC HEARING: (Y/N)**

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**ATTACHMENT(S):**

- 1. Legal Description, Map, and Chapel Hill Ordinance
- 2. Letter from Chapel Hill and ETJ Request Overview Including RENA Petition and Letters from Residents
- 3. Public Hearing Notification
- 4. Planning Staff Comments
- 5. Resolution
- 6. Chapel Hill ETJ & JPA Areas

**INFORMATION CONTACT:**

Craig Benedict, Planning, 919-245-2592  
Bonnie Hammersley, Manager,  
919-245-2300  
John Roberts, Attorney, 919-245-2318

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**PURPOSE:** To act on the request of the Town of Chapel Hill to extend its ETJ.

**BACKGROUND:** Orange County is in receipt of a request by the Town of Chapel Hill to extend its extraterritorial jurisdiction (ETJ) into an area presently within the Joint Planning Area (JPA) Agreement originally signed in 1987. There is no formal County policy for the expansion of municipal ETJ limits; in any event, the Board of County Commissioners shall receive public comments and concerns tonight. Following the public comment period, the Board will review the information from the Town of Chapel Hill meetings and the current public comment, taking into consideration germane information and take action on the request.

The Town of Chapel Hill’s request is to extend the existing ETJ westward and northward to include approximately 1033 acres as shown in Attachment 1. These lands were within the Joint Planning Agreement (JPA) since 1987 and the Town of Chapel Hill had prescribed land use and zoning powers per the Orange County/Chapel Hill/Carrboro JPA.

Attachment 1 contains a legal description and map of the proposed ETJ extension request and an ordinance from the Town of Chapel Hill Town Council requesting the proposed ETJ extension.

Attachment 2 contains a letter from the Town’s Mayor, an overview and summary of the request prepared by the Town of Chapel Hill, and petitions and letters from area residents.

Attachment 3 – The public hearing was advertised in the Chapel Hill Herald and mailed notice was sent to the affected property owners within the extension area by the Town of Chapel Hill.

Attachment 4 – Planning Staff Comments – NCGS 160A-360-362 explains the process for municipal ETJ expansion. The process is primarily a responsibility of the municipality. A summary of the actions to be completed is followed by the itemized checklist.

Attachment 5 is a Resolution of the BOCC approving the request.

Attachment 6 is a map showing Chapel Hill's new and existing ETJ and remaining JPA transition areas including acreage.

### **Staff Comment**

The Planning Board heard the Chapel Hill ETJ expansion request at its November 5<sup>th</sup> meeting as an information item since there is not a formal policy to process such an item through the Planning Board at this time. A draft future policy is likely to incorporate a more substantial role for the Planning Board. They heard the item which compared present status of the subject area as being part of the Joint Planning Agreement (JPA) Transition area which is under the primary land development auspices of the Town of Chapel Hill. The Planning Board thought it was a reasonable request based on the following aspects below. A few urged improved communication with these JPA or ETJ areas.

There is a joint land use plan which governs the area and presently includes Orange County oversight. A change to ETJ jurisdiction would limit Orange County's land use oversight but, in this case, the same land use and zoning is remaining and Chapel Hill is requesting the continuance of long term planning in the area, specifically the greater Rogers Road-Eubanks area. If the ETJ expansion request is approved, ETJ statutory rules replace JPA rules in the specific area. In both scenarios, collaborative planning will continue.

A few other areas of implementation are also involved. The area would switch from having advisory board appointments from the county fulfilling a JPA role to an ETJ role. The Orange County Planning Department is bolstering its communication with county appointments to various municipalities' advisory boards in an effort to explain planning history and context for the specific areas. A meeting was recently held in this regard. Orange County has done more than most counties with the development of inter-governmental planning studies for those critical growth areas around the perimeter of municipalities. The ETJ representation will be based on a population proportionality formula.

A positive aspect of ETJ jurisdiction is the "Supplemental Powers" NCGS 160A-363 afforded municipalities. This section permits the local government to seek federal and state grants and/or expend local appropriations to support the area. In this case, sewer infrastructure and a community building expense could be shared with the county.

Another aspect, that may be positive or negative, is the time it takes to review a development proposal. If the proposal was consistent with the JPA land use plan, then there would be similar time frames of approval under JPA or ETJ. However, if a land use change was proposed for a property under JPA jurisdiction, then there would be a longer time period including joint public hearings with county and local governments and a formal vote by the county which would otherwise be unnecessary with sole ETJ authority by the City.

### **Future Policy**

Orange County Planning staff presented some future ETJ expansion request policies at the BOCC work session of November 11, 2014. Orange County may include a process that is more elaborate than required by state law to ensure that the benefits of 'joint planning' continue and that advisory board representation of these unincorporated ETJ areas is reasonable and effective. These draft policies will be brought back to the BOCC in February/March of 2015.

Orange County Planning Staff finds that the request is consistent with the criteria of the County's land use policies. The Town of Chapel Hill's Land Use Plan currently incorporates the requested area, and given the close proximity of the Town's existing municipal limits, the site is within an anticipated and natural growth area for the Town. Water and sanitary sewer service is available or can be made available to the property and the area's geographical location and infrastructure funding potential makes it more conducive for these properties to be under ETJ authority of the Town. Given this information, staff recommends approval of the Town of Chapel Hill's request for extension of its ETJ.

**FINANCIAL IMPACT:** There is no direct correlation to county fiscal impacts since the area is presently within Chapel Hill's JPA planning area and therefore there is no change to the county's planning staff workload. However, this change may allow Chapel Hill to explore other funding sources to assist in the infrastructure development of this area.

**RECOMMENDATION(S):** The Manager recommends the Board:

1. Approve the extraterritorial jurisdiction request by the Town of Chapel Hill pursuant to the Resolution in Attachment 5.
2. Authorize the County Manager to proceed with developing a long term plan for the area.

## Attachment 1

## APPENDIX A

Extraterritorial Jurisdiction boundary amendment as shown on the attached map and as described as follows:

## SECTION I

Beginning at a point on the existing Chapel Hill Corporate Limits at the northwest corner of Martin Luther King Jr. Blvd and Weaver Dairy Road and proceeding in a generally northerly direction along said corporate boundary following the centerline of Martin Luther King Jr. Blvd. to the northwestern corner of parcel 9880-27-0438 and the southern right-of-way of Interstate 40; thence leaving said corporate limits line proceeding westerly across MLK Jr Blvd to the southeastern corner of parcel 9880-08-4202, such corner being on the northern r/w line of Eubanks Road and also being on the existing Chapel Hill Corporate Limits Line; thence proceeding westward and following said corporate limits line along the northern r/w line of Eubanks Road to the easternmost boundary of parcel 9880-07-6840; thence continuing northward along said corporate limits line and the easternmost boundary of said parcel 9880-07-6840 to its northernmost boundary and proceeding westward along the northernmost boundaries of said parcel and parcel 9880-07-1883 to a point intersecting with parcel 9870-98-7294 and thence proceeding northward to the northernmost boundary of parcel 9870-98-7294 and then proceeding westward along said parcel's northernmost boundary to the parcel's westernmost boundary; thence proceeding southward along the parcel's westernmost boundary and continuing along the existing Chapel Hill Corporate Limits line proceeding southward along the westernmost boundary of parcel 9870-98-7045 to a point that intersects with Eubanks Road; thence proceeding southward across said road along the westernmost boundary of parcel 9870-97-8235 to the southernmost boundary of said parcel 9870-97-8235 and proceeding eastward along its southernmost boundary to a point intersecting with parcel 9880-06-0661; thence proceeding southward along said parcel's westernmost boundary and the westernmost boundaries of parcels 9880-06-0493; 9880-06-0297; 9880-06-0192; and 9880-06-0857; to the southwest corner of said parcel 9880-06-0857; thence proceeding easterly along the southernmost boundaries of parcels 9880-06-0857; 9880-05-2817; 9880-05-3886; 9880-05-5839; 9880-05-6953; 9880-05-7975; 9880-05-8888; 9880-15-0836; 9880-15-1895; 9880-15-3856; 9880-15-5817; 9880-15-6869; 9880-15-9853; 9880-25-1853; 9880-25-3820; and 9880-25-4859; and crossing the r/w of Martin Luther King Jr. Blvd. to meet the point and place of beginning containing 96.15 acres more or less.

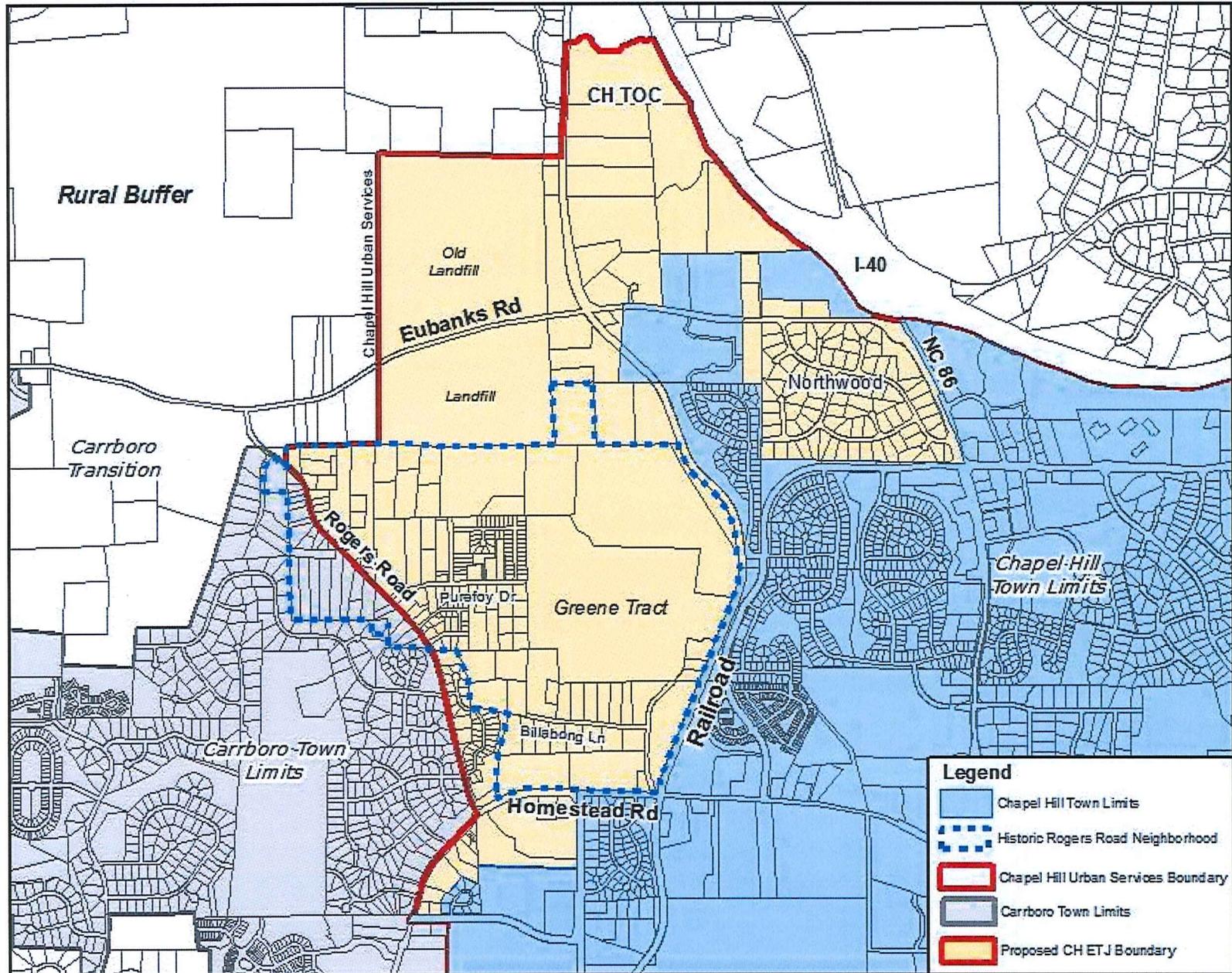
## SECTION II

Beginning at a point at the southernmost and easternmost point of parcel 9870-99-7083 and proceeding northward along the western edge of the Interstate 40 right-of-way to a point intersecting with parcel 9871-81-0744 and the center of the stream bank and proceeding generally westward along the center of the stream to a point intersecting with rail line then generally heading southward to a point approximately 250 feet south of the parcel identified as 9870-89-0971 and then heading west along parcel's 9870-68-0669 northernmost boundary proceeding southward along the parcel westernmost boundary, including parcel 9870-66-2911 to a point intersecting with parcel 9870-55-0605 and heading west along the northernmost boundaries of the following parcels: 9870-45-6572, 9870-45-3385, 9870-45-1708, and 9870-35-

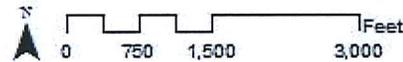
7767; at the westernmost boundary of parcel 9870-35-7767 proceeding south along the parcel's westernmost boundary to a point intersecting with centerline of Rogers Road, proceeding southeasterly along the centerline of Rogers Road to a point intersecting with Homestead Road; then proceeding westward along centerline of Homestead Road to the intersection with High School Road; then proceeding eastward along the southern edge of the High School Road right-of-way to the easternmost boundary of parcel 9779-59-7804.002 proceeding northward along the parcel's easternmost boundary then proceeding northward along the easternmost boundaries of parcels 9870-50-6072 and 9870-50-6280 then proceeding along the southernmost and easternmost boundary of parcel 9870-50-7493 then proceeding along the easternmost boundary of parcel 9870-60-0533 to a point intersecting the southernmost boundary of parcel 9870-60-9427 proceeding to a point on western edge of the Seawell School Road right-of-way then proceeding to following Seawell School Road right-of-way northward the intersection with Homestead Road then proceeding eastward on northernmost edge of the Homestead Road right-of-way to a point intersecting with the railroad tracks then proceeding to following the westernmost edge of the railroad right-of-way generally northward until intersecting with southernmost boundary of parcel 9870-94-9449 and crossing perpendicular to the railroad to the easternmost edge of the railroad right-of-way then traveling northward along the easternmost edge of the railroad right-of-way to a point intersecting with northernmost edge of parcel 9870-95-2979 then proceeding westward to the easternmost boundary of parcel 9870-77-6296 proceeding northward along the easternmost boundary of the parcel to a point intersecting with the northernmost edge of the Eubanks Road right-of-way then proceeding heading generally easterly along the Eubanks Road right-of-way to a point intersecting the easternmost boundary of parcel 9870-88-3323 then traveling northward along the parcel's easternmost boundary to a point intersecting with southernmost boundary of parcel 9870-99-0117 then proceeding along the southernmost boundaries of parcels 9870-99-0117 and 9870-99-7083 to meet a point and place of beginning containing 916.60 acres more or less.

# EXHIBIT A

## Proposed Extraterritorial Jurisdiction Boundary



GIS Map prepared by  
Chapel Hill Planning Dept.  
July, 2013



**AN ORDINANCE EXTENDING THE EXTRATERRITORIAL PLANNING JURISDICTION OF THE TOWN OF CHAPEL HILL (2014-10-15/O-1)**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHAPEL HILL as follows:

Section 1. Findings.

- A. The Charter of the Town of Chapel Hill in Chapter V thereof provides for a defined area known as “extraterritorial planning jurisdiction” to extend not more than three miles outside the corporate limits wherein the powers granted by Article 19, Chapter 160A of the General Statutes may be exercised.
- B. The area identified in Exhibit A attached hereto (the “Area”) is located within both the Town’s Joint Planning Area and the Town’s Urban Services District and is within three miles of the Town’s corporate limits.
- C. The Area which is proposed to be included in the extraterritorial jurisdiction includes a portion of the Historic Rogers Road Neighborhood.
- D. The Area is of critical concern to the Town in assisting with extension of utilities to serve the Historic Rogers Road Neighborhood.
- E. The Town has stated interest and has the means to contribute financially toward infrastructure cost in the Area through the use of Community Development Block Funds.
- F. The Town needs extend its Extraterritorial Jurisdiction to include the Area in order to spend Community Development Funds in the Area.
- G. In accordance with N.C. G.S. Sect. 160A-360, the Town held a public hearing on October 21, 2013, to consider the extension of its extraterritorial jurisdiction, and notified property owners of all affected parcels of land as listed on the Orange County tax records via first-class mail at least four weeks prior to the public hearing.

Section 2. Pursuant to N.C.G.S. Section 160A-360, the Area described in Exhibit A is hereby included within the extraterritorial jurisdiction of the Town of Chapel Hill for all purposes authorized by Article 19, Chapter 160A of the North Carolina General Statutes; provided, however, that this Ordinance shall become effective only upon the approval of the Orange County Board of Commissioners, indicating their agreement with the Town’s assuming territorial jurisdiction over the Area.

Section 3. The Town Manager is directed to forward a copy of this Ordinance Extending the Town’s Extraterritorial Jurisdiction and the Town’s request for agreement by the County to the Orange County Board of County Commissioners for consideration at an upcoming meeting of that Board.

Section 4. If the Board of County Commissioners favorably responds to the extraterritorial boundary extension request, the Town will record a copy of this Ordinance in the office of the register of deeds of Orange County and initiate steps required to enact planning regulations for this Area as required by the provisions of N.C. G.S. Sec. 160A-360.

Section 5. If the Board of County Commissioners does not approve the extension of the Town's extraterritorial jurisdiction pursuant to this Ordinance within 180 days of enactment of this Ordinance, the Ordinance shall be void.

This the 15<sup>th</sup> day of October, 2014.



Attachment 2

OFFICE OF MAYOR KLEINSCHMIDT  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514

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phone (919) 968-2714 fax (919) 969-2063  
www.townofchapelhill.org

October 28, 2014

Ms. Bonnie Hammersly  
Orange County Manager  
200 South Cameron Street  
Hillsborough, NC 27278

Subject: Chapel Hill Extraterritorial Jurisdiction Boundary Ordinance

Dear Bonnie:

At the October 15, 2014 Council meeting, the Town of Chapel Hill Council voted unanimously to enact an Ordinance extending the Town's Extraterritorial Jurisdiction boundary. The North Carolina General Statute requires Orange County Commissioners to act on this request. I have attached a copy of the adopted Ordinance for consideration at an upcoming County Commissioners meeting.

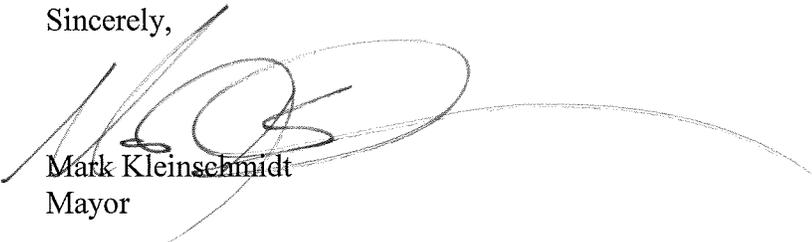
The Town of Chapel Hill has taken this action in order to participate in its share of funding the installation of sewer service to the Historic Rogers Road neighborhood. Extension of the Extraterritorial Jurisdiction boundary in this area, in lieu of the existing Joint Planning Area, would allow the Town to spend community development block grant funding for low and moderate income households. The recently completed outreach efforts by the Jackson Center have shown nearly 80 percent of the households fall below 80 percent of the area median income and qualifying as a low and moderate income area.

If the Orange County Commissioners act favorably upon this request, the Town will record a copy of the Ordinance with the Register of Deeds office and initiate steps required to enact planning regulations for the area.

Attached are letters from the public regarding this action.

If you have any questions, please contact Roger L. Stancil, Town Manager at (919) 968-2743

Sincerely,

  
Mark Kleinschmidt  
Mayor

## MEMORANDUM

TO: Roger L. Stancil, Town Manager

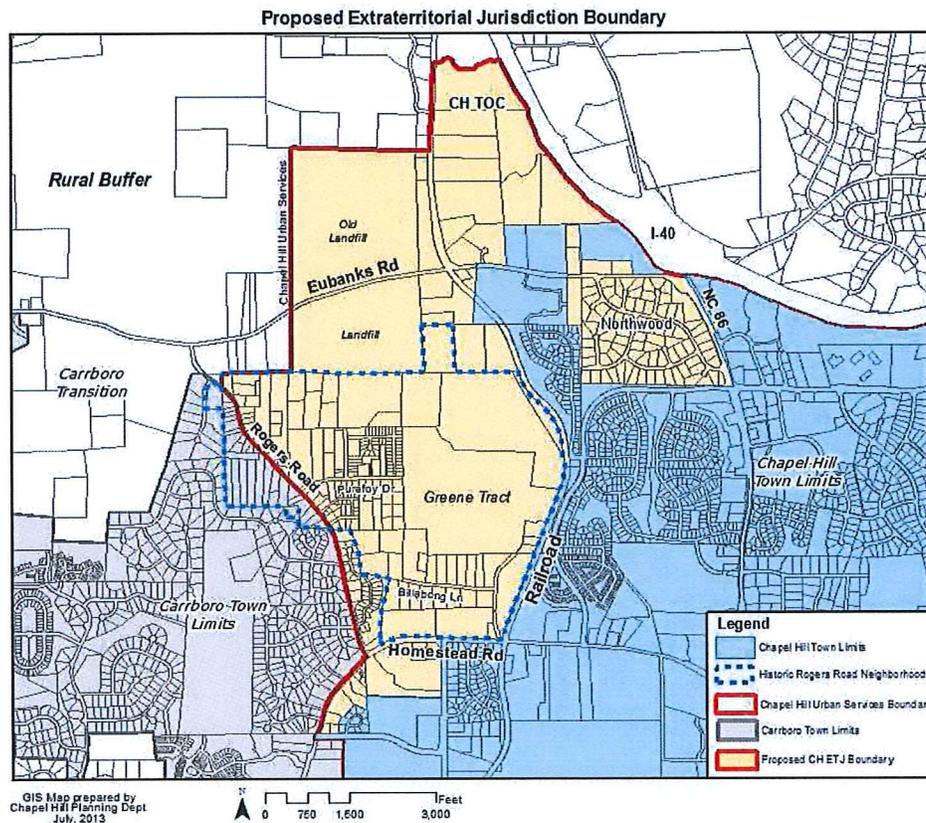
FROM: Mary Jane Nirdlinger, Planning and Sustainability  
Loryn Clark, Housing and Community  
Judy Johnson, Principal Planner

SUBJECT: Consideration of the Rogers Road Sewer Project and Extension of the Extraterritorial Jurisdiction (ETJ)

DATE: October 15, 2014

## INTRODUCTION

Tonight the Council continues the public hearing from [September 8, 2014](#)<sup>1</sup> to consider amending the boundary of the Town's Extraterritorial Jurisdiction (ETJ). The area currently designated as the Joint Planning Area is being considered for expansion of the ETJ. We recommend that Council enact the attached Ordinance, extending the ETJ, and adopt the Resolution, directing the Manager to continue long-term planning efforts.



<sup>1</sup> <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2851&meetingid=281>

## **BACKGROUND**

In 2012, the Historic Rogers Road Neighborhood Task Force (Task Force) was formed to address the extension of sewer service and a community center to serve the Rogers Road neighborhood. The Task Force recommendations were provided in a report dated September 17, 2013 and available at this [link](#)<sup>2</sup>. This report has several key recommendations, with the primary focus being providing sewer service to 86 identified properties. This memorandum addresses some of the key recommendations associated with that report.

### **EXTENSION OF SEWER TO HISTORIC ROGERS ROAD NEIGHBORHOOD**

**OUTREACH:** Outreach efforts by the Jackson Center have been underway since mid-summer. The Jackson Center has been in contact with nearly all 86 identified parcels. The efforts have been focused on obtaining socio-economic and demographic data, historical connections, community interests, and desire for sewer. The Center is reporting that approximately 82 percent of the households surveyed are at, or below, the 80 percent Area Median Income (AMI) threshold and approximately 49 percent of the households are below 50 percent of AMI. Community development block grant (CDBG) programs serve low and moderate income households. For a family of four, a household income of less than \$52,550 is at 80 percent AMI and less than \$32,850 is at 50 percent AMI.

The Jackson Center has been working collaboratively with the Rogers Eubanks Neighborhood Association (RENA) in developing community input sessions and newsletters.

**SEWER SERVICE:** The recommendations from the Task Force Final Report included a recommendation that the three jurisdictions fund the sewer service through a cost share agreement. Pursuant to the agreement, the County and Chapel Hill would each provide 43% of the cost and Carrboro would contribute 14%. The Final Report also recommended a plan that would extend sewer service at a preliminary cost estimate of \$5.8 million to serve the 86 parcels identified in the Historic Rogers Road neighborhood.

Preliminary Engineering is underway by OWASA, at a cost of \$130,000. This cost is shared by the three jurisdictions with Orange County and Chapel Hill contributing \$55,900 each and Carrboro contributing \$18,200. The preliminary engineering field work includes surveying, subsurface utility engineering, and geotechnical evaluation. This work will provide more certainty to the layout and cost estimate, identify the location of buried utilities (which may cause conflicts along the route), and determine the subsurface conditions (such as rock). We anticipate this work should be concluded by March 2015, assuming no weather delays. It is important to note that the preliminary engineering field work does not include services such as design, permitting, or easement acquisitions.

The Town Attorney has determined that we are unable generally to spend Town funds in an area outside of the Town limits and not within the ETJ. An exception to this general rule exists to allow the Town to provide financial support to recreational facilities which are open and

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<sup>2</sup> <http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2419&meetingid=230>

available to Town residents. Accordingly, in order for the Town to participate in the efforts with Orange County and Carrboro to date, we have increased our contribution towards construction of the clubhouse to include our 43 percent share of the outreach efforts and preliminary engineering costs. The cost of the clubhouse is estimated to be approximately \$700,000 with the Town share of 43 percent equaling \$300,000.

### **EXTRATERRITORIAL JURISDICTION**

The area within the Chapel Hill's portion of the joint planning area (under the Joint Planning Agreement between the Town, Carrboro, and Orange County signed in 1986) primarily east of Rogers Road, is outside of the Town limits and outside the Town's current Extraterritorial Jurisdiction. As such, the Town Attorney has determined that the Town may not provide funding for most projects in this area. If the area were to be included within the Extraterritorial Jurisdiction (ETJ), the Town could spend Community Development Block Grant funds if the area qualified as low or moderate income households. This would allow the Town to contribute towards extending sewer service to the area.

One of the recommendations of the Task Force was for the Town of Chapel Hill to pursue expanding the Town's Extraterritorial Jurisdiction (ETJ) to include the Historic Rogers Road area. The demographic data generated by the outreach efforts of the Jackson Center indicates that a significant percentage of the households will qualify as either low or moderate income households. With this data, Town staff is recommending that the Council consider expansion of the ETJ to allow the Town to spend community development funding in the area even though it would remain outside the corporate limits of the Town. Please see the Recommendations section of this memorandum for additional information.

### **NEXT STEPS**

We have additional recommendations and ask the Town Council for guidance.

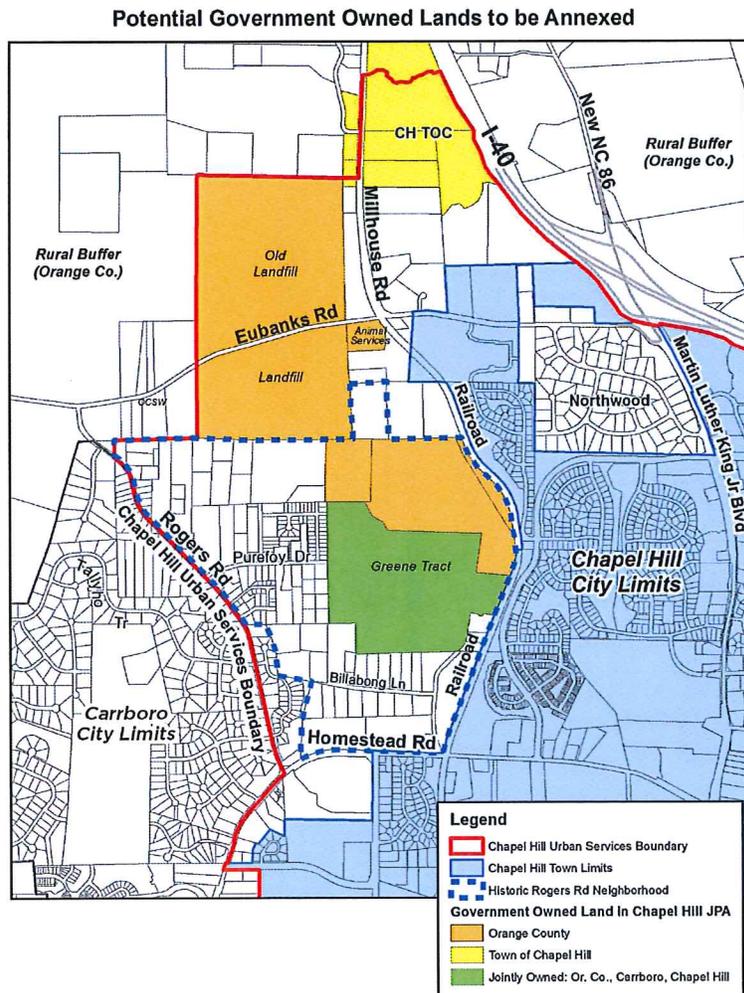
**LONG-TERM PLANNING:** The provision of sewer service to the 86 identified parcels will likely affect the development patterns and pressures in the Rogers Road area. We believe some systematic planning of the un- (or under-) developed properties is critical in preserving the character of the existing neighborhood and being proactive in managing the area's future. We recommend that the Council direct the Manager to continue and expand efforts for developing a long-term plan for the area. This process would include engaging with the community through the Jackson Center and Rogers Eubanks Neighborhood Association (RENA).

The Managers and staff have also been exploring the option of creating an expanded utility district. The district would include the Historic Rogers Road neighborhood, additional neighborhoods in the path of the sewer lines, and the immediate area that would benefit from the extension of utility lines.

Providing assistance for residents of the Rogers Road neighborhood would continue to be the first priority. The creation of the Utility District could be phased to provide service to residents of the Rogers Road neighborhood first and residents outside the Rogers Road neighborhood

second. The Utility District could also have policies in place to recoup the cost of utility installation in the event the property is (re)developed such as decreasing costs for long-term residents. There are many large parcels of un- (or under-) developed land in the area and bringing urban services to the area may encourage development. As the sewer project provides service to the 86 identified parcels, we believe there is an efficiency of scale to providing utility services to other unserved properties in the area, which can help offset and reduce overall costs of the project.

**ANNEXATION OF PUBLICLY-OWNED PROPERTIES:** Another one of the recommendations of the task force was for annexation of the county-owned properties in the Historic Rogers Road neighborhood. These properties are shown on the map below. Annexation of these properties could allow for Town funds to be expended for sewer service to those parcels and potentially other properties that would be served along the way.



We encourage the County to consider petitioning the Town Council for annexation of these properties.

## RECOMMENDATIONS

1. We recommend that the Council consider the attached Ordinance that would enact the Extraterritorial Boundary expansion for the area identified on the above map.

If the Council moves to adopt the attached Ordinance, the next step would be for the Orange County Board of Commissioners to adopt a resolution approving the Town's action to extend the boundary.

Following the County's and Town's action to extend the ETJ, the Town must, within 60 days, amend the Town's zoning ordinance to zone the expanded area. This zoning process will include receiving a recommendation from the Planning Commission and conducting a public hearing.

2. We recommend that the Council adopt Resolution A authorizing the Manager to proceed with developing a long term plan for the area and updating the Council with progress made. The Council encourages the Manager and staff to engage the Rogers Eubanks Neighborhood Association, Town of Carrboro, and Orange County in developing a plan.
3. We also recommend that the County consider a formal petition for annexation for County-owned (or publicly-owned) properties in the ETJ as recommended by the Historic Rogers Road Neighborhood Task Force.

# RENA

## Community Center



Restoring the Rogers  
Road Community

Rogers Entbanks Neighborhood Association | www.rena-center.com

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We, the undersigned, support any and all actions that would bring water and sewer to the residents of historic Rogers Road. In accordance with the Task Force Recommendations, we urge the Council of the Town of Chapel Hill to pass the Extra Territorial Jurisdiction (ETJ) for purposes of expeditious funding of sewer plans. We are aware of the implications of the ETJ and remain committed to long-term planning efforts for the future of our community.

Name	Address	Phone
Charles Thomas	2044 Nashville Rd	919-967-1415
Liz & Bobbie	82 Terra Vista Dr. Ch.	(919)-932-2118
J. J. J. J.	731 S Merritt Mill Rd Ch	(919) 967-3404
Bob & Sue	101 Oakley Rd Greensboro NC	719-693-3569
Arnell Van Hook	7506 Union Drive Rd Ch.	919-242-3975
Lillian P. Stutts	107 Gossard Cir. Carolina NC	919-967-1103
John O'Neil	107 SPRINGTON HILLS <sup>27510</sup> CH	919-929-1953
Kaysha J. Reid	4503 Havenwood Dr. Greensboro, NC <sup>27407</sup>	(919) 923-0348
Kenneth E. Lamb	1315 West Creek Dr	919 383-3831
Lena & John	4421 E. Broad Street, Fuquay Varina <sup>27539</sup> NC	919 602 0405
Bishop Zella	Industry Lane Durham NC <sup>27713</sup>	
Bishop Mark Case	Industry Lane Durham NC <sup>27713</sup>	
Mary Keith	8012 Rogers Rd, Chapel Hill <sup>27516</sup>	919-537-8126
Dail G. Neuhoff	8012 Rogers Ad. Chapel Hill, N.C.	919-537-8126
Sheresa D. Neill	8012 Rogers Rd. Chapel Hill, NC	
Larry D. Kirk	1113 Grand Monac Casey, NC <sup>27612</sup>	(919) 696-0796
Whitney Williams	1898 Priscilla Lane CH NC	
C		

# RENA

## Community Center



Restoring the Rogers  
Road Community

Rogers Eubanks Neighborhood Association | [www.rena-center.com](http://www.rena-center.com)

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Name	Address	Phone
Linda Allan	7212 Rogers Rd	919-448-4404
Shirley Sharpe	7823 Rogers Rd	919-933-0716
Phyllis Sharp	7704 Rogers Rd	919-621-9888
Karen Kelley	423 W. Maynard	919-358-3120
Gabriel Cunningham	130 Norwood Ln, Manson, NC	252-456-3471
Carla Nawood	130 Norwood Ln Manson NC	252-456-3471
Wileen Brown	Raleigh NC	919-210-0514
Ann Akabe	1 Redox Place Durham NC	919-765-0950
Ryan Trecairtin	3300 Walnut Creek Pkwy Raleigh	919-669-1632
JOHN SCHULTZ	1022 ROSEHILL AV 27705	919-541-5723
Mikaela Morocco-schelp	307 Bolin Forest Dr Carrboro	919-943-8753
Louise Spidgen	2162 Englewood Ave Durham NC	919-666-8056
Jane Johnson	725 W. Woodridge Dr. Durham NC	919-225-8629
Judith Romanowski	2100 Englewood Ave Durham	
KATINA PARKER	2603 TUCKAWANNA AVE. (818)692-3300	919-286-9983
HELENA CRAGG	214 Edward St, Durham 27701	919-868-6208
DANNETTE SHAPLEY	422 W Club Blvd Durham	919-812-6402
SAMMY TRUONG	622 W. CLUB BLVD. DURHAM	(919)308-7703
THEO LOEBKE	2212 W. KNOX ST DURHAM NC	919-627-1015

# RENA Community Center



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We, the undersigned, support any and all actions that would bring water and sewer to the residents of historic Rogers Road. In accordance with the Task Force Recommendations, we urge the Council of the Town of Chapel Hill to pass the Extra Territorial Jurisdiction (ETJ) for purposes of expeditious funding of sewer plans. We are aware of the implications of the ETJ and remain committed to long-term planning efforts for the future of our community.

Name	Address	Phone
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Halah Flynn 425 Hillsborough Street 336-540-8903

Miranda Barrigas 101 Emerson Dr. 714-512-1950

Kaitlyn Hessler 455 Paul Hardin Dr. 704-661-9384

Victoria Redmon 515 Hinton James Dr. 419-504-8340

Ambriana Wade 109 Stadium Dr. 302-682-4748

Joe Sullivan 281 Raleigh St. 410-321-0910

Ben Kovach 515 Hinton James Dr. #1005A 836-706-3273

Kay Hwang 411 Skipper Bowles Dr. 704-978-9552

Sarah Boland 515 Paul Hardin Drive 912-312-4158

Kimberly Cassler 495 Paul Hardin Dr. 252-376-9426

Lucas Selvidge 110 Standing Rock Rd. 919-929-2439

Sherry Horne 1720 Purefoy Dr. 919-370-6488

Eric McClain 3128 Verdugo Dr Raleigh NC 919-522-1579

Jasmine McClain 3128 Verdugo Dr Raleigh NC 919-522-2143

Ashanti McClain 3128 Verdugo Dr Raleigh NC 919-522-2143

Angela Brittain 110 Edgar Edgar St. Chapel Hill 919-867-7725

Jennie Bradshaw 8015 Sandberg La Chapel Hill 919-246-8914

Maharaj Patel 8030 Sandberg La Chapel Hill 919-246-8914

Manju Rajendran 1903 Billabong Lane Chapel Hill NC 27516

Karen Reid 1819 Purefoy Dr (919) 929-9962

Edward Lopez Purefoy Dr

# RENA

## Community Center



Restoring the Rogers  
Road Community

Rogers Eubanks Neighborhood Association | [www.rena-center.com](http://www.rena-center.com)

We, the undersigned, support any and all actions that would bring water and sewer to the residents of historic Rogers Road. In accordance with the Task Force Recommendations, we urge the Council of the Town of Chapel Hill to pass the Extra Territorial Jurisdiction (ETJ) for purposes of expeditious funding of sewer plans. We are aware of the implications of the ETJ and remain committed to long-term planning efforts for the future of our community.

19

Name	Address	Phone
Eddie Isler	402 Timbermill Lane, Durham	919-544-4780
Debbie Isler	402 Timbermill Lane Durham	919-544-4780
Mary Marshall	112 Highway 54 P.O. Box 54 West	919-338-9781
Mrs Marsh	819 Sarah Williams Ave Graham, NC	336-352-2011
Sharon Bennett	400 Cykes St. Chapel Hill, N.C.	(919)407-1374
Stephen E. Tepp	3033 Monford Dr Durham NC	919 493-5833
Sharon L. Cates	343 Silk Floss Dr. Chapel Hill, NC	(919)225-1075
Charlana D. Daniel	343 S. Estes Dr.	(919)923-6154
CHRIS NACE	315 SYLVAN WAY Chapel Hill	27516 919 923 4873
JEWEL FRANCIS	306 BROOKS ST., CHAPEL HILL NC	27516 (919) 923-4681
ALVIN FARMER	313 SYLVAN WAY Chapel Hill	(919) 260-6850
Amelia Garner	313 Sylvan way Chapel Hill	(919) 260-2965
Cheryl Allison	202 Jubilee Dr. Chapel Hill, NC.	27516 (919) 428-5578
Cheryl Tlong	805 NC Hwy 516, Chapel Hill NC	27516 919-967-4161
Monella Francis	303 Homestead Rd. Chapel Hill NC	27516 (919) 945-6693
Dianne George	4014 Pope Rd. Durham NC 27707	919-519-6426
EMMA C. FOWLER	#1749 Dobbin's Dr. Chapel Hill, N.C.	27514 919 933-9359
Kenneth M. Dula	1012 Clifford DR Durham NC	919-452-1946
Bishop O'Leary	8009 Rogers Rd CH	919 942-8472

# RENA

## Community Center



Restoring the Rogers  
Road Community

Rogers Eubanks Neighborhood Association | [www.rena-center.com](http://www.rena-center.com)

(13)

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Name	Address	Phone
------	---------	-------

Jimmy Rogers	230 Edgar St Chapel Hill	919-880-809
Georgia Belcher	8030 Sandberg Ln, Chapel Hill, N.C.	919-942-7067
Nancy Rogers	230 Edgar St Chapel Hill, NC. 27516	919-929-8009
Carl Pungay	1715 Pungay Dr Chapel Hill NC 27516	919-929-6165
Barbara Hopson	1715 Pungay Drive CHH	919-864-0164
Sally Coonin	1804 Billabong Dr CH	919-260-8638
Mike Lee	1515 Telford Dr Chapel Hill	919-537-8817
Annella P. Webb	8700 Rogers Rd CH	919-929-6690
Leander Howard	7718 Rogers Rd	919-967-0150
Michael Lewis	8030 SANDBERG LN	919-428-5789
Styhe Paul-Sims	123 Old Larkspur Way CH	919-932-1901
Raymond P.	223 N. Robertson St CH	704-891-6050
Hudson Vaughan	512 W. Rosmary CH	919-960-1670

# RENA

## Community Center



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106

Name	Address	Phone
Mary Moss	P.O. Box 1006 Carrboro 27510	919.960.0331
Oliver Olson	401 NE 5th Bypass, D14, Carrboro, NC 27510	919-797-8384
Liz Mason-Deese	112 NC Hwy 54 Carrboro, NC 27510	919-428-5510
Mark Riddle	117 Dillard St Carrboro 27510	734 649 3031
William Knuth	707 Hibbard Drive Carrboro	
Blanche Brown	600 C N. Greensboro St Carrboro	850 556 4056
Brethra Harrison	245 N. Graham St Chapel Hill	919-593-2516
Elaine Ebertner	101 Fidelity Carrboro 27510	919-968-1855
Chas Gaerthner	101 Fidelity Carrboro 27510	919-968-1855
William Marinello	2526 Chapel Hill Rd, NC 27707	704-728-2841
Caitlin Hettel	107 Oak St. Carrboro NC 27510	919.306.4887
Sam Suchofsky	"	919.636.2005
Kicia Scales	1103 N. Greensboro St. Carrboro NC	919-265-7462
JAN NICHOLSON	1103 N GREENSBORO ST. CARRBORO NC	919 265 4999
Rebecca Mithras	3022 Silk Hope Lindley Mill Rd Snowcamp NC	919-663-3620
Andrew Pearson	400 Davie Rd #142, Carrboro NC 27510	919 360 2027
John Ewin	Jones Ferry, Carrboro, NC 27510	919951-5465
Raj Butalia	195 Hackberry Lane, Pittsboro NC 27312	

# RENA

## Community Center



Restoring the Rogers Road Community

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14

Name	Address	Phone
L. Russell Herman, Jr.	P.O. Box 10233, Raleigh, NC 27605-0233	919-834-2693
Dani Moore	1112 TreeTop Ct., Raleigh, NC 27612	919-360-9471
KRITI SHARMA	1212 Prabhupada Dr, Hillsborough, NC 27278	919-923-1830
Latoya Webb	201 Lir Niala Chapel Hill NC	919-923-2307
Guiana Phillips	104 Edgar street Chapel Hill <sup>27516</sup>	919-227-6902
Tony Webb Sr.	209 Lir Niala Chapel Hill NC 27514	(919) 557-5869
Corretta Caldwell	608 Orchard Pl. Hillsborough, NC	919-884-6080
Nancy Caldwell	1215 Rusch Rd	919 451-7759
Yeshua Hyde	220 Edger St	919 7698
Keosha Britton	110 Edger St Chapel Hill	(919) 338-4727
Melanie Tillery	1111 Orchard Way Durham NC	910-229-5372
Seva Saldgado	100 Edgar St. Chapel Hill NC	919-999-0289
Cristel Millman	803 North Carr St. <del>Chapel Hill</del> <sup>Mechanicville</sup>	(919) 97-2988
Charlene Byrd	440 Tillman St. Burlington	(910) 338-9533
Danni Caldwell	104 Edgar St Carrboro	(919) 260-6143

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10

Name	Address	Phone
Amy J. Vrieze	2005 Carolina Ave, Durham	
Jennifer Vrieze	2005 Carolina Ave Durham	
SL ARIMON	121 <del>WESTVIEW</del> #41 CARBORO	
Lynne Walter	5228 Glenridge Drive Raleigh 27604	
Jan Przewoznik	211 Monticello Ave, Durham, NC 27707	
Sara Janus	1019 W Markham Ave Durham 27701	
Jeanette Stokes	1023 W. Trinity Ave Durham NC 27701	
Sarena Sabri ng	312 E. Trinity Ave Durham NC 27701	
Sam Hummel	2516 N Roxboro St, Durham NC 27704	
Oliver Williams	1207 Carroll St Apt C Durham NC 27707	
Caitlin Brecklow	1503 Virginia Ave, Durham, NC 27705	
George Chen	705 N. Greensboro St Apt AC Durham NC 919 619 3987	
Sweta Jekar	12475 SW 69th Ave, Miami 305-543-3417	
Rashidkh Richardson	105 Bennett St, Chapel Hill, NC 27514	
Vimala Rajendran	129 Viburnum Way carboro NC 27510 919 618 1739	
Monica Palmaria	4196 1st AVENUE SAC, CA 252-268-0558	

October 8, 2014

The Honorable Mayor Kleinschmidt  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514

RE: Extraterritorial Jurisdiction in Rogers Road

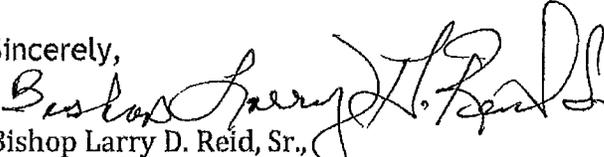
Dear Mayor Kleinschmidt,

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Over the past few months, I have been involved in conversations with the Rogers Eubanks Neighborhood Association. We have discussed the implications of the change to an ETJ, and it is with this knowledge that I write to you with my full support of the ETJ as the most efficient means of providing sewer service to my neighborhood.

I urge you to vote for the ETJ on October 15<sup>th</sup> in order make sewer accessible to Rogers Road residents as quickly as possible. I look forward to seeing you at the council meeting this Wednesday.

Sincerely,



Bishop Larry D. Reid, Sr.,  
Cathedral of Hope Mission Church  
First vice President  
NAACP Chapel Hill- Carrboro Branch

October 8, 2014

The Honorable Council Member Greene,  
406 Morgan Creek Road  
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

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Sincerely

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Sincerely,

*Jannie Bradshaw*

October 8, 2014

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Sincerely,

*Trumella Peppers*

October 8, 2014

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406 Morgan Creek Road  
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

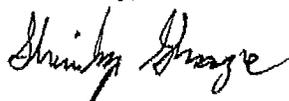
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October 8, 2014

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*Thank you!*

Sincerely,

*Molly H. Mallin*

October 8, 2014

The Honorable Council Member Greene,  
406 Morgan Creek Road  
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

Dear Council Member Greene,

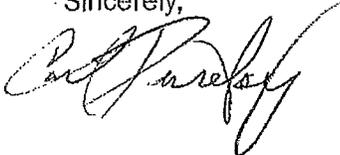
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I urge you to vote for the ETJ on October 15<sup>th</sup> in order make sewer accessible to Rogers Road residents as quickly as possible. I look forward to seeing you at the council meeting this Wednesday.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Parry". The signature is written in a cursive style with a large, sweeping initial "P".

October 8, 2014

The Honorable Council Member Greene,  
406 Morgan Creek Road  
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

Dear Council Member Greene,

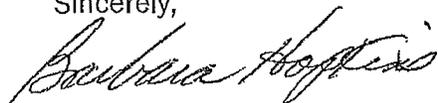
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Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Hopton".

October 8, 2014

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406 Morgan Creek Road  
Chapel Hill, NC 27517

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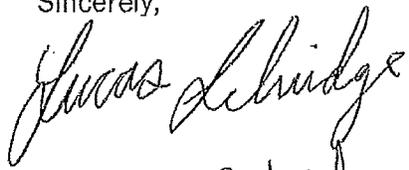
Dear Council Member Greene,

Thank you for your service and dedication to the Town of Chapel Hill. I am writing to ask for your support of the Extraterritorial Jurisdiction ordinance for Historic Rogers Road this coming Wednesday, October 15, 2014 in order to help fund sewer service in Rogers Road. I live in Orange County and support the efforts of the Rogers Road Community.

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Sincerely,

  
Lucas Selvidge

October 8, 2014

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Sincerely,

*Lellie Brown*

October 8, 2014

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Sincerely,

*Bishop Olu McMillan*

October 8, 2014

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Sincerely,

*Thanks for all that you do!*  
*Karen Onkeid*

October 8, 2014

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Sincerely,

*Thyler Shar*

*Thank you for your help*

October 8, 2014

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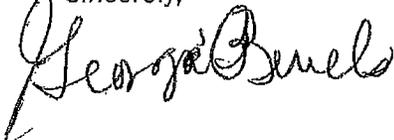
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Over the past few months, I have been involved in conversations with the Rogers Eubanks Neighborhood Association. We have discussed the implications of the change to an ETJ, and it is with this knowledge that I write to you with my full support of the ETJ as the most efficient means of providing sewer service to my neighborhood.

I urge you to vote for the ETJ on October 15<sup>th</sup> in order make sewer accessible to Rogers Road residents as quickly as possible. I look forward to seeing you at the council meeting this Wednesday.

Sincerely,

A handwritten signature in black ink that reads "George Benel". The signature is written in a cursive style with a large, prominent initial "G".

October 8, 2014

The Honorable Council Member Greene,  
406 Morgan Creek Road  
Chapel Hill, NC 27517

RE: Extraterritorial Jurisdiction in Rogers Road

Dear Council Member Greene,

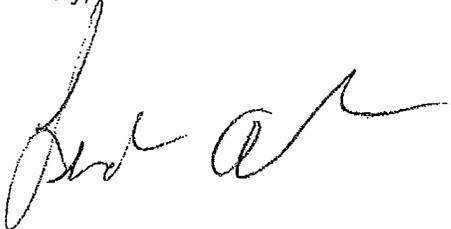
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Sincerely,

A handwritten signature in black ink, appearing to be "D. A. [unclear]", written in a cursive style.



# Your Mailing Proof

Please review this PDF document carefully as it is a proof version of your mailing and is not the final product. This document must be approved before the mailing is printed and mailed. What you see on this Proof is a representation of what will be printed. Keep in mind colors may vary slightly from what is seen on screen and the final product.

## Your Account Information

Account: Planning Department  
 Email: [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org)  
 Home: Not on file.  
 Business: Not on file.  
 Fax: Not on file.

## Return address for this mailing

Planning Department  
 Town of Chapel Hill  
 405 Martin Luther King Jr. Blvd.  
 Chapel Hill NC 27514

## Customer Support

1.888.681.1214 6:30AM-4PM (PST)  
[customersupport@amazingmail.com](mailto:customersupport@amazingmail.com)

## Details about your mailing

Date/Time PDF generated: September 17th, 2013 at 1:13pm MST  
 Mailing Type: 4.25" x 6"  
 Coating: Gloss UV  
 Account Information: 1025-899475  
 Session Information: 10.0.0.4, 20130917124324913306  
 Images on this mailing:

- Select Back Image: 20130917131124913479.jpg  
 Image is 720px by 720px and will print at 232dpi.  
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- Images should be rotated to the preferred orientation before they are uploaded.

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### Postage: First Class Mail

- Cards will be mailed to all recipients, both verified and unverified.

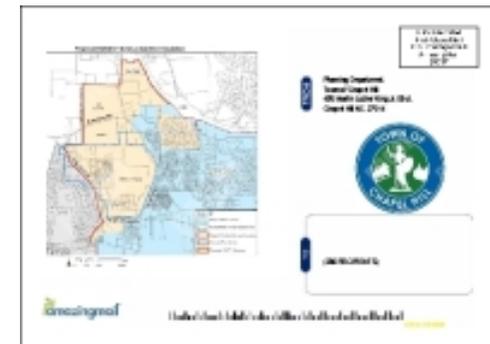
### File used from postcard gallery: None.

Total Postcards to be mailed: 286

Projected mailing date: September 18th, 2013



[click here to scroll to page 2](#)



[click here to scroll to page 3](#)

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## Front of Your Card

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This a representation of your image with crop marks.

### Public Hearing to Amend Chapel Hill's Extraterritorial Jurisdiction (ETJ) Boundary

On Monday, October 21, 2013, the Chapel Hill Town Council will hold a public hearing to receive public comment about a proposed change to the Town's ETJ Boundary. The meeting will be held at 7pm in the Orange Human Services Complex at 2501 Homestead Road, Chapel Hill, NC 27516. The boundary proposed to be changed is shown on the map on the reverse side of this notice. As a landowner in this area, you have a right to participate in this public hearing prior to adoption of any ordinance extending the area of ETJ. All residents of the area have the right to apply to the board of county commissioners to serve as a representative on the Town of Chapel Hill Planning Board and Town of Chapel Hill Board of Adjustment.

ETJ is area outside of the Town's limits that is subject to the Town's land development regulations. The properties within the proposed ETJ expansion area are currently within the Joint Planning Area (an agreement between Orange County, Carrboro, and Chapel Hill). These properties are already subject to compliance with the Town's Land Use Management Ordinance. Building code and permitting will continue to be administered by the Town of Chapel Hill. Areas under the Joint Planning Area are currently subject to review and approval by both Orange County and the Town of Chapel Hill. If the ETJ boundary is extended, the approval of rezoning and development permits would be subject to approval only by the Town Council.

091813JJ



# Back of Your Card

The "Proof" watermark will not appear on your printed mail.  
This a representation of your image with crop marks.

**Proposed Extraterritorial Jurisdiction Boundary**

CH.TOC

Old Landfills

Eubanks Rd

Landfills

Northwood

Greene Tract

Chapel Hill Urban Services

Historic Rogers Road Neighborhood

Chapel Hill Town Limits

Carboro Town Limits

Proposed CH ETJ Boundary

1.40

NC 68

Railroad

Homesield Rd

Blalock Ct

Legend

0 750 1,500 3,000 Feet

Auto Presorted  
First-Class Mail  
U.S. Postage Paid  
AmazingMail  
85007

**FROM**

Planning Department  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd.  
Chapel Hill NC 27514

**TOWN OF  
CHAPEL HILL**

**TO**

(286 RECIPIENTS)

12345/12345678/

**A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER EXTENDING THE EXTRATERRITORIAL JURISDICTION (ETJ) BOUNDARY (2013-09-23/R-#)**

WHEREAS, on June 24, 2013, the Council discussed the extension of the Extraterritorial Jurisdiction (ETJ) boundary in the northwest portion of the Town's Joint Planning Area (JPA) to enable the use of the Town's CDBG funding in this expanded area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing for October 21, 2013 at 7:00 p.m. in the Southern Orange Human Services Complex, 2501 Homestead Road, to consider extending the Extraterritorial Jurisdiction (ETJ) boundary as shown on the attached map, Proposed Extraterritorial Jurisdiction Boundary, dated July, 2013.

This the 23<sup>rd</sup> day of September, 2013.

Planning staff has reviewed the ETJ request in accordance with the following checklist and finds that the request is consistent with processing criteria. Footnotes at the bottom of the checklist explain the applicability of the various sections and post Orange County action activities.

To summarize, the remaining activities to complete after affirmative Orange County action please note the following:

NCGS 160A-360(a)1 (also cross-referenced in 160A-362)

Chapel Hill is to accept a county representative to serve on Chapel Hill's Planning Board and Board of Adjustment (or equivalent). This ensures a level of representation for an area that is affected by municipal land regulations in the ETJ area but remains unincorporated with only voting rights in the county. The process for county appointment is specifically outlined in 160A-362 and should be accomplished in approximately 90 days. The existing representation conditions of the present JPA agreement will necessitate a reallocation apportionment from JPA to ETJ for this 1000+ acre area. The specific population based representative equivalency is under review by Chapel Hill and Orange County based on Chapel Hill's knowledge of existing percentage assumptions. (See Attachment 4 map)

NCGS 160A-360(b)

- Chapel Hill is to maintain new ETJ boundary per NCGS 160A-22
- Chapel Hill is to record legal description in the Orange County office of Register of Deeds

NCGS 160A-360(c)

- The boundary line identified in the JPA as dividing Chapel Hill and Carrboro planning areas will act as the interlocal agreement where ETJ may have overlapped

NCGS 160A-360(f)

- Chapel Hill intends to leave all present zoning in effect for the new ETJ areas. Most ETJ expansions in the state would have county zoning but not in this case because of the existing JPA agreement.

NCGS 160A-360(i)

- Chapel Hill is to identify any subject projects in the area where vested rights had occurred under the JPA regulations.

NCGS 160A-360(k)

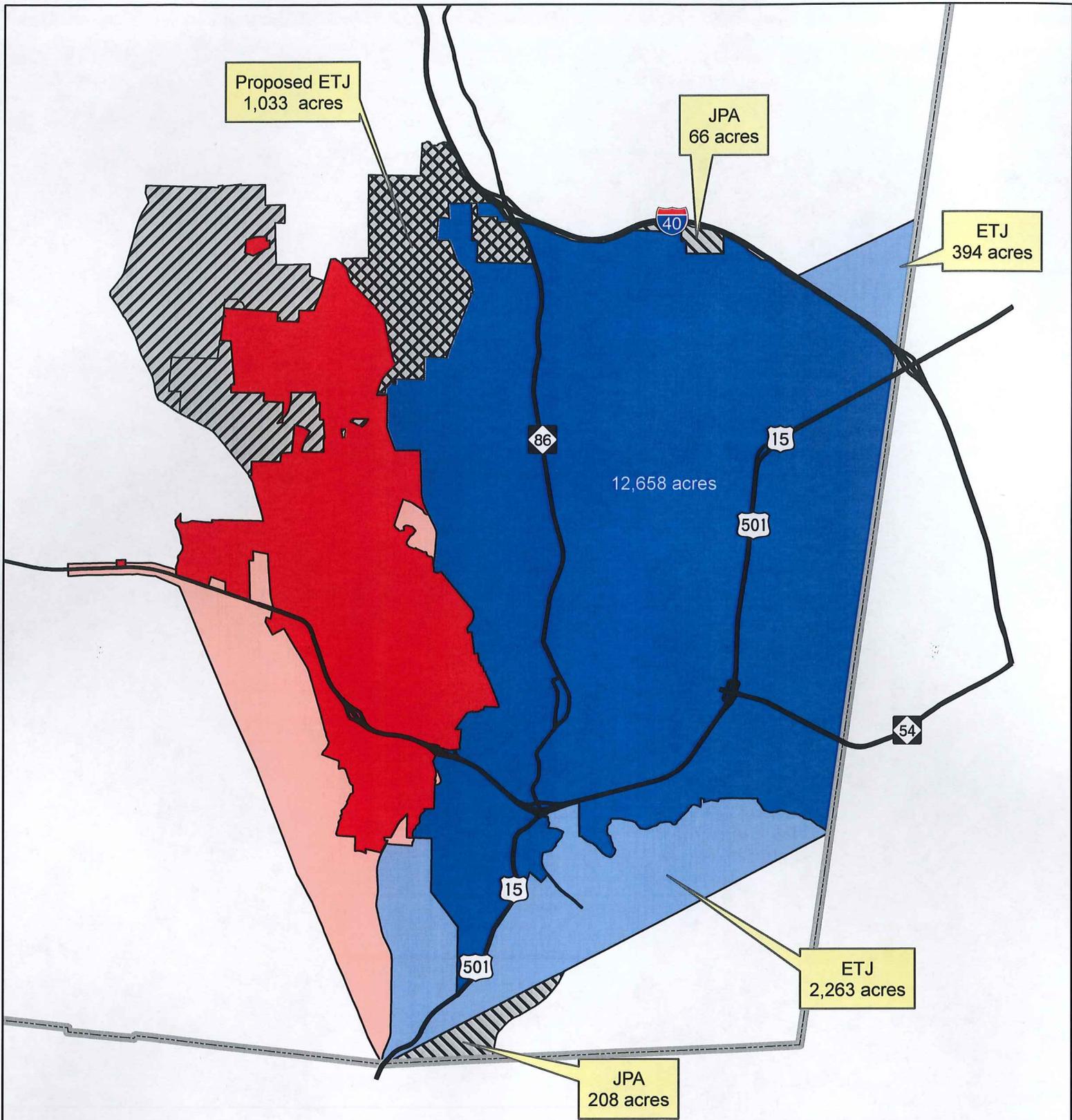
- Chapel Hill is to identify "Bona Fide farm purposes" per NCGS 53A-340 in which the ETJ which will be exempt from certain aspects of municipal planning.

- Please see NCGS excerpt outlining the ETJ representation process. Chapel Hill will amend as necessary their Planning Board and Board of Adjustment bylaws and Orange County will make appointments as required.

**§ 160A-362. Extraterritorial representation.**

When a city elects to exercise extraterritorial zoning or subdivision-regulation powers under G.S. 160A-360, it shall in the ordinance creating or designating its planning board provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. Representation shall be provided by appointing at least one resident of the entire extraterritorial zoning and subdivision regulation area to the planning board and the board of adjustment that makes recommendations or grants relief in these matters. For purposes of this section, an additional member must be appointed to the planning board or board of adjustment to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning board or board of adjustment. Membership of joint municipal county planning agencies or boards of adjustment may be appointed as agreed by counties and municipalities. Any advisory board established prior to July 1, 1983, to provide the required extraterritorial representation shall constitute compliance with this section until the board is abolished by ordinance of the city. The representatives on the planning board and the board of adjustment shall be appointed by the board of county commissioners with jurisdiction over the area. When selecting a new representative to the planning board or to the board of adjustment as a result of an extension of the extraterritorial jurisdiction, the board of county commissioners shall hold a public hearing on the selection. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The board of county commissioners shall select appointees only from those who apply at or before the public hearing. The county shall make the appointments within 45 days following the public hearing. Once a city provides proportional representation, no power available to a city under G.S. 160A-360 shall be ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them. If the ordinance so provides, the outside representatives may have equal rights, privileges, and duties with the other members of the board to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area; otherwise they shall function only with respect to matters within the extraterritorial area. (1959, c. 1204; 1961, c. 103; c. 548, ss. 1, 13/4; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22, 149; c. 197, s. 2; cc. 246, 685; c. 1208, s. 3; 1969, cc. 11, 53; c. 1010, s. 5; c. 1099; 1971, c. 698, s. 1; 1983, c. 584, ss. 1-4; 1995 (Reg. Sess., 1996), c. 746, s. 2; 2005-418, s. 11.)

# Chapel Hill ETJ Expansion Request (and other planning jurisdictions)



Municipality Town of Chapel Hill  
 ETJ Extension Request  
 Date October/November 2014  
 OC Planning Staff Review

Article 19  
 Planning and Regulation of Development  
 Part 1. General Provisions

**NCGS 160A-360 Territorial Jurisdiction**

(a.)	<u>&lt;10,000 population - 1 mile or less</u> .....	<u>Y</u>
	• <u>10,000 – 25,000 - 2 miles or less</u> .....	<u>NA</u>
	• <u>&gt;25,000 - 3 miles or less</u> .....	<u>Y</u>
	<i>(Verified)</i>	
	Population annual estm NCDOA .....	<u>Y</u>
	<i>(56,500)</i>	
(a.1)	• Municipality to notify all parcels of land with proposed area per county tax records. ....	<u>Y</u>
	First class mail. ....	<u>Y</u>
	Content; inform (160A-364) .....	<u>Y</u>
	Participate (160A-364) .....	<u>Y</u>
	• Right to serve as a county representative on PB and/or BOA (160A-362) . ..... <i>(To be done; switch from JPA to ETJ)</i>	<u>CH+, OC+</u>
	• Four weeks prior to public hearing. ....	<u>Y</u>
	• Notices to be certified by municipality. ....	<u>Y</u>

Y – Yes or applicable; N – No; NA – Not Applicable; + To be done within 60 days; Y+ Acknowledged as applicable or necessary  
 CH – Chapel Hill; OC – Orange County

(b.)	• Specify the areas . . . . . <i>See Attachment 1</i>	Y
	• Why areas are of critical concern . . . . . ( <i>See JPA agreement 1987 and multi-year planning studies for the Rogers Road area</i> )	Y
	• Projected urban development plans/studies. . . . . <i>See above</i>	Y
	• Boundaries are identifiable . . . . . ( <i>Primarily roads &amp; existing development</i> )	Y
	• Excluded areas from ETJ expansion request; plausible - Location - Barriers - De minimus . . . . .	NA
	• Ordinance legal description . . . . . <i>See Attachment 1</i>	Y
	• Drawn on a map. . . . . <i>See Attachment 1</i>	Y
	• Maintained per GS 160A-22 for corporate limits. . . . . <i>To be done</i>	+
	• Recorded in office of Register of Deeds. . . . . <i>To be done</i>	+
(c.)	• Overlapping ETJ areas. . . . .	NA
	• Midpoint delineation . . . . .	NA
	• Interlocal agreement line. . . . . <i>JPA agreement line between Chapel Hill &amp; Carrboro should suffice</i>	Y+

(d.)	• Specific boundaries and planning jurisdiction. . . . .	Y
	• All municipal. . . . . <i>Chapel Hill will regulate all areas</i>	Y
	• All county. . . . .	NA
	• Hybrid jurisdiction. . . . .	NA
(e.)	• County is enforcing all three powers' zoning, subdivision, building code. . .	NA
	• County is not enforcing all three powers'. . . . .	Y
	• County and Municipality agree . . . . .	Y
(f.)	• County regulations stay in effect for 60 days or. . . . . <i>JPA presently allows Chapel Hill to regulate</i>	NA
	• Municipality has adopted substitute regulations. . . . . <i>Assumes present zoning designations remain in effect</i>	Y
	• Additional hearings to adopt new regulations anticipated . . . . .	N
(f.1)	• Relinquishment of ETJ. . . . .	NA
	• Municipal stays in effect for 60 days. . . . .	NA
	• County adopts 'substitute' regulations. . . . .	NA
(g.)	• Resolution by requesting local government . . . . . <i>See Appendix B</i>	Y
	• 2 year timeframe to rescind resolution and request . . . . .	Y+
	• Resolution may be modified at any time by mutual agreement . . . . .	Y+

(h.)	• ETJ requests do not amend local acts . . . . .	Y+	51
(i.)	• Acquired vested rights are preserved. . . . . <i>JPA approvals still apply</i>	Y+	
	• Subject projects . . . . . <i>Chapel Hill to identify</i>	+	
	• Reciprocity to enforce development permit . . . . .	NA	
	• Repealed. . . . .	NA	
(k.)	• “Bona Fide farm purposes” GS/53A – 340 is exempt from municipal planning jurisdictions . . . . . <i>Chapel Hill to identify probably NA</i>	+	
(l.)	• Not applicable. . . . .		

<ul style="list-style-type: none"> <li>• Proportional representation. ....</li> </ul> <p><i>Switch in part Chapel Hill Boards (Planning and BOA) bylaws from JPA to ETJ as necessary</i></p> <hr/>	<p>+</p> <hr/>
<p>Planning Board. ....</p> <hr/>	<p>+</p> <hr/>
<p>Board of Adjustment. ....</p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> <li>• Appointed by BOCC. ....</li> </ul> <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> <li>• Public hearing on the selection .....</li> </ul> <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> <li>• Advertising requirements. ....</li> </ul> <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> <li>• &lt; 45 days to appoint. ....</li> </ul> <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> <li>• Available applicants. ....</li> </ul> <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>
<ul style="list-style-type: none"> <li>• 90 day deadline after request by city. ....</li> </ul> <p><i>To be done</i></p> <hr/>	<p>+</p> <hr/>

**NCGS 160 A – 363 Supplemental Powers  
(Financial and/or Planning assistance)**

(a.) • Federal grants. . . . .	Y
<hr/>	
• State grants. . . . .	Y
<hr/>	
(b.) • Regional grants. . . . .	Y
<hr/>	
• County. . . . .	Y
<hr/>	
• Other local government . . . . .	<hr/>
<hr/>	
(c.) • Local appropriations. . . . .	Y
<hr/>	
(d.) • Ability to create a Unified Development Ordinance (UDO) . . . . .	Y
<hr/>	
(e.) • Enactment of tax, fee, monetary contribution . . . . .	Y
<hr/>	

**NCGS 160A – 364 Adopting, Amending, Repealing**

(a.) • Notice of Public Hearing. . . . .	Y+
<hr/>	
(b.) • Written notice as necessary. . . . .	Y+
<hr/>	

Y – Yes or applicable; N – No; NA – Not Applicable; + To be done within 60 days; Y+ Acknowledged as applicable or necessary  
CH – Chapel Hill; OC – Orange County

**RESOLUTION  
A RESOLUTION OF THE ORANGE COUNTY BOARD OF COMMISSIONERS  
AGREEING TO AN EXTENSION OF THE TOWN OF CHAPEL HILL'S  
EXTRATERRITORIAL JURISDICTION**

**WHEREAS**, N.C.G.S. 160A-360 allows a municipality to exercise powers conferred by Article 19 of Chapter 160A of the North Carolina General Statutes within a defined extraterritorial jurisdiction;

**WHEREAS**, N.C.G.S. 160A-360(c) requires a city and county to agree upon an extension of a city's extraterritorial jurisdiction where a county enforces a zoning ordinance and subdivision regulations and within which the county is enforcing the State Building Code regulations;

**WHEREAS**, Orange county enforces a zoning ordinance and subdivision regulations and enforces the State Building Code regulations within areas in the county which are outside the Joint Planning Transition Areas, corporate limits and extraterritorial jurisdiction of cities;

**WHEREAS**, the Town of Chapel Hill wishes to extend its extraterritorial jurisdiction to include property as noted in Appendix A (including map) which is adjacent to the Town of Chapel Hill's corporate limits and/or exterritorial jurisdiction;

**WHEREAS**, Town Council desires to extend its extraterritorial jurisdiction and, therefore, seeks the agreement of the Orange County Board of Commissioners for the extension;

**WHEREAS**, this proposed area has been part of the Orange County/Chapel Hill/Carrboro joint planning area since 1987; and

**WHEREAS**, the Board of County Commissioners finds the request consistent with its comprehensive plan goals, objectives and policies, including but not limited to the land use program;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners hereby agrees to, by a formally adopted resolution, beyond what is required by N.C.G.S. 160A-360, to an extension of the Town of Chapel Hill's extraterritorial powers under Article 19 of Chapter 160A of the North Carolina General Statutes within the area identified in Appendix A.

This the \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Barry Jacobs, Chair  
Orange County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Donna Baker, Clerk to the Board of County Commissioners

# Chapel Hill ETJ Expansion Request (and other planning jurisdictions)

