ORANGE COUNTY BOARD OF COMMISSIONERS
CHAPEL HILL TOWN COUNCIL
CARRBORO BOARD OF ALDERMEN

JOINT PLANNING PUBLIC HEARING
October 15, 2015
7:00 P.M.
Orange County Southern Human Services Center
2501 Homestead Road
Chapel Hill, North Carolina

NOTE: Information is available on-line at the "Meeting Agendas" link at: http://www.orangecountync.gov/ and also in the Orange County Planning Department or the County Clerk's Office

NOTICE TO PEOPLE WITH IMPAIRED HEARING: Audio amplification equipment is available on request. If you need this assistance, please call the County Clerk's Office at (919) 245-2130.

A. OPENING REMARKS FROM THE CHAIR AND MAYORS

B. PUBLIC CHARGE

The Boards and Council pledges to the residents of Orange County its respect. The Boards and Council ask residents to conduct themselves in a respectful, courteous manner, both with the Boards and Council and with fellow residents. At any time should any member of the Boards and Council or any resident fail to observe this public charge, the Chair will ask the offending member to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair will recess the meeting until such time that a genuine commitment to this public charge is observed. All electronic devices such as cell phones, pagers, and computers should please be turned off or set to silent/vibrate.

C. PUBLIC HEARING ITEMS

1. **Text Amendments to the Joint Planning Agreement** – Consider revisions to existing language regarding Transition Area resident representation on the Town of Chapel Hill's Planning Commission and Board of Adjustment.

D. ADJOURNMENT OF JOINT PUBLIC HEARING

ORANGE COUNTY BOARD OF COMMISSIONERS
TOWN OF CHAPEL HILL COUNCIL
TOWN OF CARRBORO BOARD OF ALDERMEN
JOINT PLANNING AREA (JPA) JOINT PUBLIC HEARING
ACTION AGENDA ITEM ABSTRACT
Meeting Date: October 15, 2015

Action Agenda Item No. C.1

SUBJECT: Text Amendment to the Joint Planning Agreement – Revise Existing Language Regarding Transition Area Resident Representation of the Chapel Hill Planning Commission and Board of Adjustment

DEPARTMENT: Planning and Inspections **PUBLIC HEARING: (Y/N)** Yes

ATTACHMENT(S):

Town of Chapel Hill Planning Staff Report

INFORMATION CONTACT: (919)

Gene Poveromo, Town of Chapel Hill Planning, 969-5069
Perdita Holtz, Orange County Planning, 245-2578
Craig Benedict, Orange County Planning, 245-2592
Trish McGuire, Town of Carrboro Planning, 918-7324

PURPOSE: To receive public comment on two proposed options to amend the Joint Planning Agreement to revise existing language regarding Transition Area resident representation on the Town of Chapel Hill's Planning Commission and Board of Adjustment.

BACKGROUND: In the mid-1980s Orange County and the Towns of Chapel Hill and Carrboro adopted a Joint Planning Land Use Plan and accompanying Agreement that provided land use planning for the area of the county commonly referred to as the Rural Buffer and for areas designated as "Transition Areas" adjacent to the Towns of Chapel Hill and Carrboro. Transition Areas were defined as areas in transition from rural to urban and were projected to be provided with urban services (public utilities and other town services). The full plan and agreement is available at: http://orangecountync.gov/planning/Documents.asp.

In October 2014, the Town of Chapel Hill enacted an Extraterritorial Jurisdiction (ETJ) expansion ordinance that changed most of the Town's designated Transition Area to ETJ. Because there is relatively little Chapel Hill Transition Area remaining, the Town of Chapel Hill has proposed two options for potential amendments to the Joint Planning Agreement regarding Transition Area resident representation on its Planning Commission and Board of Adjustment. The attached Town staff report provides further details on the options.

Amendments to the Joint Planning Agreement require a joint public hearing and approval by the three governing boards of the jurisdictions that are parties to the agreement.

FINANCIAL IMPACT: Costs to hold a public hearing on this item have been paid from County FY 2015-16 funds budgeted for this purpose. Necessary work has been accomplished using existing local government staff. Enactment of the amendments is not expected to have a direct financial impact on the local governments.

SOCIAL JUSTICE IMPACT: The following social justice goal is applicable to this item:

GOAL: ENABLE FULL CIVIC PARTICIPATION

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

RECOMMENDATION: The Planning Staffs recommend that the governing boards:

1. Hear public comment on the proposed options to amend the Joint Planning Agreement.
2. Close the public hearing.
3. Refer the matter to the local governments for decision in accordance with the following schedule:
    a. Orange County
       Orange County Planning Board for recommendation – November 4, 2015
       Board of County Commissioners for possible action – December 7, 2015
    b. Chapel Hill
       Chapel Hill Planning Board for recommendation – done on September 1, 2015
       Town Council for possible action – November 9, 2015
    c. Carrboro
       Carrboro Planning Board for recommendation – November 5, 2015
       Board of Aldermen for possible action – November 10 or 24, 2015

TOWN OF CHAPEL HILL
NORTH CAROLINA

MEMORANDUM

TO: Carrboro Board of Aldermen
Chapel Hill Town Council
Orange County Commissioners

FROM: Mary Jane Nirdlinger, Chapel Hill Planning and Sustainability
Gene Poveromo, Chapel Hill Development Manager

SUBJECT: A Proposal to Amend Section 2.7 of the Joint Planning Area Agreement Regarding the Joint Planning Area (JPA) Membership on the Chapel Hill Planning Commission and the Chapel Hill Board of Adjustment.

Recommended Action

- That the governing bodies consider the proposed amendment, recess the public hearing and take action on the proposed amendment at their respective follow-up meetings.

Explanation of Recommendation

Joint Planning Agreement

- The Joint Planning Agreement requires that the Chapel Hill Planning Commission and the Chapel Hill Board of Adjustment include one representative from the Joint Planning Area (JPA).
- Changing JPA representation on the Chapel Hill Planning Commission and the Board of Adjustment requires the County Commissioners, the Carrboro Board of Aldermen, and the Chapel Hill Town Council to unanimously agree to amend the Joint Area Planning Agreement.

Context with Key Issues

Reducing the JPA land area

- On October 15, 2014, the Chapel Hill Town Council enacted an ordinance to expand the Town's Extraterritorial Jurisdictional (ETJ) boundary. This expansion was achieved by switching the Joint Planning Area (JPA) in the Roger's Road neighborhood to ETJ.
- This effectively reduced the JPA from 1,033 acres to 274 acres. A map of the current ETJ and JPA areas is attached. The ETJ area outlined in red identifies the area that was previously JPA prior to October 15, 2014.
- The expansion of the ETJ was undertaken in order to help fund a plan to expand public sewer service into the Roger's Road neighborhood.

- Tonight's discussion is to consider if, due to the reduced area of the JPA and associated reduction in residential population, the JPA representation on the Chapel Hill Planning Commission and Board of Adjustment should be amended.

Population Estimates

- The estimated 2013 population of the Town of Chapel Hill, is 59,635. This represents population within Chapel Hill's corporate limits in both Orange and Durham County. While there is no formal population estimate for the planning areas outside the corporate limits (ETJ and JPA), it is possible to extrapolate a population in the ETJ/JPA based on the number of dwelling units in those areas (According to the 2010 Census, there are approximately 2.38 people per household in Chapel Hill).
- The chart below reflects the 2013 corporate limits population and the extrapolated population for the new ETJ boundary and reduced JPA area.

Chapel Hill Area	Population Estimate	% of Population
Town Limits	59,635	93.3%
Extraterritorial Jurisdiction	4,020	6.3%
Joint Planning Area	297	0.4%
Total	63,952	100%

Options for Consideration

Chapel Hill Planning Commission Recommendation (Option A)

- The Chapel Hill Planning Commission recommended amending the Joint Planning Area agreement to replace the Joint Planning Area member on the Planning Commission and the Board of Adjustment with a Chapel Hill Resident.

- The Chapel Hill Planning Commission based their recommendation on the fact that the current ETJ/JPA population percentage (6.7%) is less that the representative percentage (22%) of 2 seats on the Planning Commission. The Commission noted that with one ETJ/JPA seat on the Planning Commission, there is still almost double the population representation (11% vs.6.7%) on the Planning Commission.

Other Options (Option B)

- Another option includes:
    - Replacing the JPA seat with an ETJ or JPA resident within 90 days of a vacancy, with an opportunity for the Chapel Hill Town Council to appoint a Chapel Hill Town resident after the 90 day time period.

Next Steps

- Following tonight's meeting, this matter will return to each governmental body for addition consideration and possible final action. The schedule for these future meetings is listed below:
    - Carrboro Board of Aldermen – November 10 or 24, 2015
    - Chapel Hill Town Council - November 9, 2015
    - Orange County Commissioners – December 7, 2015

Notifications

- The Town of Chapel Hill sent a post card to all property owners in the Joint Planning Area notifying them of tonight's public hearing, as well as the proposed amendment. The post card also noted the above listed meetings.

Attachments

- Draft Option A
- Draft Option B
- Copy of Section 2.7 (Representation of Transition Area Resident): page 15 from the Joint Planning Agreement
- Chapel Hill Planning Commission Recommendation
- Map of JPA and ETJ

OPTION A

This option replaced the JPA seat on the Chapel Hill Planning Commission and the Chapel Hill Board of Adjustment with a Chapel Hill Resident (new text underlined, deleted text strike through)

Section 2.7 Representation of Transition Area Residents (Carrboro)

~~Chapel Hill shall revise its Land Development Ordinance and~~ Carrboro shall revise its Land Use Ordinance to provide that at least one resident of ~~each~~ the town's ~~respective~~ Transition area shall be appointed to ~~each~~ the town's ~~respective~~ planning board and board of adjustment, in the same manner as representation of extraterritorial planning area residents is provided for in ~~each~~ the Town's ordinance.

OPTION B

This option provides a 90 day period in which the County Commission can fill a vacant JPA seat with a JPA or ETJ resident. If the vacancy is not filled after 90 days, the Chapel Hill Town Council may fill the vacant seat with a Chapel Hill Resident (new text underlined, deleted text strike through)

(NEW TEXT)

Section 2.7 Representation of Transition Area Residents

Chapel Hill: Chapel Hill shall revise its Land Use Development Ordinance to provide that in addition to one Extraterritorial Jurisdiction representative on the Planning Board and Board of Adjustment that the County Commission appoints one additional representative from the Joint Planning Area or the Extraterritorial Jurisdiction. If an appointment by the County Commission is unable to be secured within 90 days of a vacancy, the Town Council may fill the vacant seat with a Chapel Hill resident. Chapel Hill shall notify Orange County of any vacancies for which Orange County is to make an appointment, within ten days of a vacancy. At the request of the County Commission, the Town Council may extend the 90 day time limit.

Carrboro: Carrboro shall revise its Land Use Ordinance to provide that at least one resident of Town's Transition area shall be appointed to the Town's respective planning board and board of adjustment, in the same manner as representation of extraterritorial planning area residents is provided for in the Town's ordinance.

(DELETED TEXT)

Section 2.7 Representation of Transition Area Residents

~~Chapel Hill shall revise its Land Development Ordinance and Carrboro shall revise its Land Use Ordinance to provide that at least one resident of each town's respective Transition area shall be appointed to each town's respective planning board and board of adjustment, in the same manner as representation of extraterritorial planning area residents is provided for in each Town's ordinance.~~

A. following a joint public hearing by the two governing bodies. With respect to property that is located within the CJDA Transition area, changes in zoning classifications, including the creation of or changes to the 'floating' conditional use districts designed to implement the recommendations of the 'Facilitated Small Area Plan for Carrboro's Northern Study Area' (Village Mixed Use conditional use districts or Office/Assembly conditional use districts) may not be made unless and until an ordinance approving such zoning map amendment has been approved both by Orange County and Carrboro following a joint public hearing by the two governing bodies. Requests for rezonings within the Transition areas that are filed with the County shall be referred to the respective towns to initiate the amendment process.

B. Proposed amendments to the text of this Agreement shall not become effective until approved by the towns and an Orange County ordinance adopting the amendment is adopted by Orange County.

Section 2.7 Representation of Transition Area Residents

Chapel Hill shall revise its Land Development Ordinance and Carrboro shall revise its Land Use Ordinance to provide that at least one resident of each town's respective Transition area shall be appointed to each town's respective planning board and board of adjustment, in the same manner as representation of extraterritorial planning area residents is provided for in each Town's ordinance.

ARTICLE 3. LIMITATIONS ON ANNEXATIONS

Section 3.1 No Annexation Into Rural Buffer

CHAPEL HILL PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION
PLANNING COMMISSION AND BOARD OF ADJUSTMENT MEMBERSHIP AND REPRESENTATION

September 1, 2015

Recommendation: **Approval** ☐ **Approval with Changes** ☑ **Denial** ☐
[noted by double-strikethrough text]

Motion: Michael Parker moved and Melissa McCullough seconded a motion to recommend enactment of an ordinance, amending the Land Use Management Ordinance, and a resolution, amending the Joint Planning agreement. The recommendation would replace the Joint Planning Area member, on the Planning Commission and the Board of Adjustment, with a Chapel Hill Resident, as noted below:

PLANNING COMMISSION MEMBERSHIP	
Current Membership	**Proposed Membership**
Community Design Commission Champion	No Change
Environmental Stewardship Champion	No Change
Housing Advisory Board Champion	No Change
Transportation & Connectivity Board Champion	No Change
3Chapel Hill Residents	No Change
Extraterritorial Jurisdiction Resident (ETJ)	No Change
Joint Planning Area Resident (JPA)	~~Change to an JPA, ETJ~~ ~~or~~ Chapel Hill resident

- The Commission also recommended that the JPA seat on the Board of Adjustment is changed to a Chapel Hill resident seat (as recommended for the Planning Commission).

Vote: 7 - 0

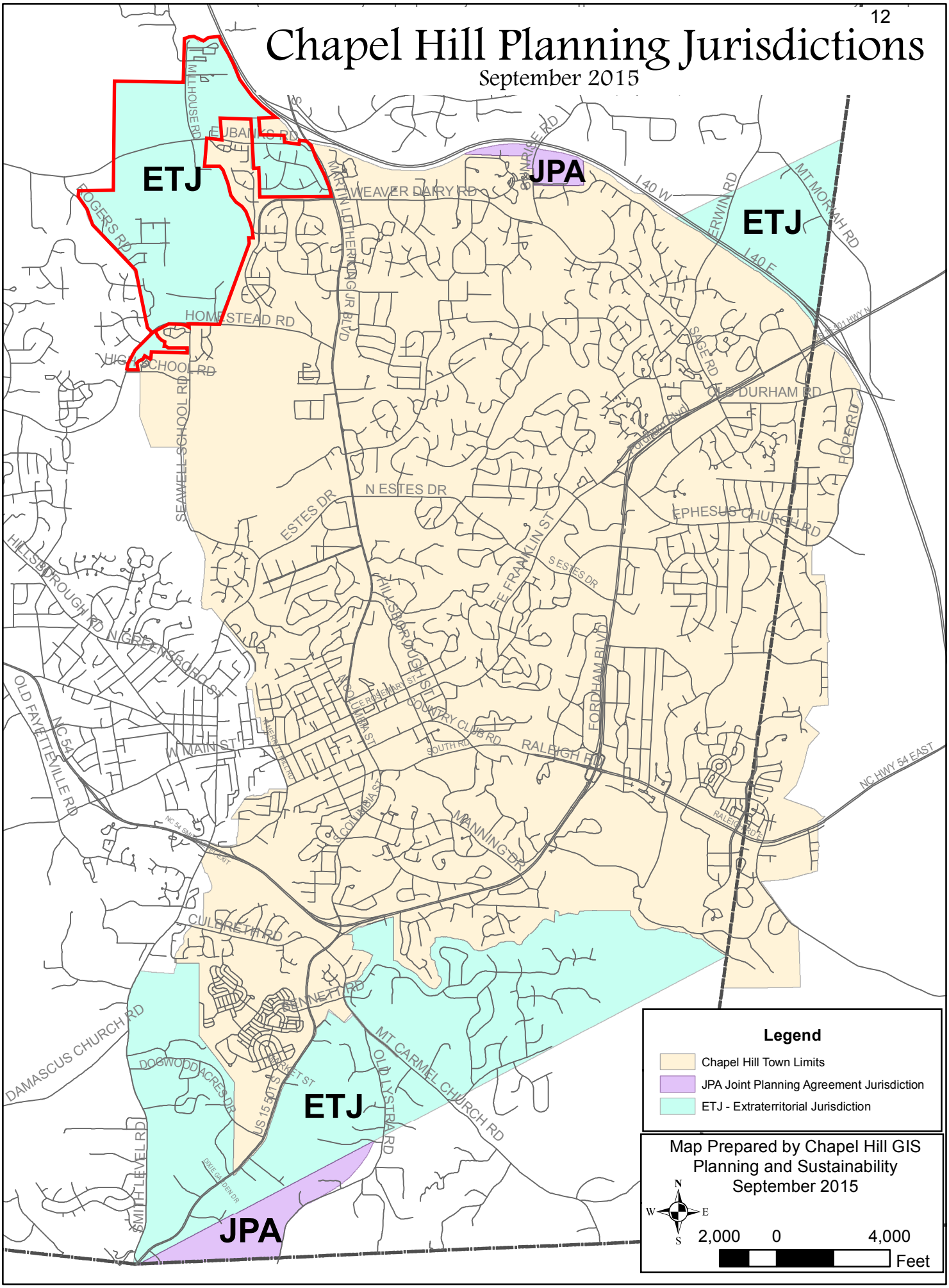
Ayes: Neal Bench, Travis Clayton, Deborah Harris, Melissa McCullough, Michael Parker, Amy Ryan, Elizabeth Weber

Nays: None

Discussion: The Planning Commission based its decision on the current ETJ/JPA population percentage as compared to Planning Commission member percentage (6.7% versus 22% with 2 representatives and 11% with one representative). With one

ETJ/JPA Planning Commission member there is still almost double the representation on the Planning Commission.

Prepared by: Neal Bench, Chair, Planning Commission
Gene Poveromo, Staff

Chapel Hill Planning Jurisdictions

September 2015