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

JOINT PLANNING PUBLIC HEARING
March 27, 2014
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

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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 Land Use Plan and Agreement** – Revise existing language to ensure agricultural activities are recognized as being allowed throughout the Rural Buffer, require a minimum 2 acre density, allow for the clustering of subdivision lots in those portions of the Rural Buffer outside of the University Lake Watershed Area, and clarify text associated with the minimum lot size within the University Lake Watershed Area.

2. **Text Amendments to the Joint Planning Land Use Plan and Agreement** – Revise existing language to allow for the possibility of locating appropriate agricultural support enterprises in the Rural Buffer land use classification.

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: March 27, 2014

Action Agenda Item No. C.1

SUBJECT: Text Amendments to the Joint Planning Land Use Plan and Agreement - Revise Existing Language to Ensure Agricultural Activities are Allowed Throughout the Rural Buffer, Clarify Density and Allow Cluster Subdivisions Outside of the University Lake Watershed Area, and Clarify the Minimum Required Lot Size Within the University Lake Watershed Area.

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

ATTACHMENT(S):

Pages of Joint Planning Land Use Plan and Agreement Proposed for Amendment (includes Agreement in its entirety for reference)

INFORMATION CONTACT: (919)

Michael Harvey, Orange County Planning, (919) 245-2597
Craig Benedict, Orange County Planning, (919) 245-2592
J.B. Culpepper, Town of Chapel Hill Planning, (919) 968-2728
Trish McGuire, Town of Carrboro Planning, (919) 918-7324

PURPOSE: To receive public comment on a proposal to amend the Joint Planning Land Use Plan and Joint Planning Agreement modifying language to ensure agricultural activities are allowed throughout the Rural Buffer and clarify required densities and minimum lot sizes within, and outside of, the University Lake Watershed Area.

BACKGROUND: In October 1986 Orange County and the Towns of Chapel Hill and Carrboro adopted a Joint Planning Land Use Plan (hereafter 'the Plan') outlining acceptable levels of development within what became the County's Rural Buffer general use zoning district. In 1987 the participating entities adopted a Joint Planning Agreement (hereafter 'JPA') establishing parameters for the review and approval of development projects within the area.

The Plan envisions two (2) distinct types of development areas, namely:

- Transition Areas: Areas of future urban growth administered by the Towns of Chapel Hill and Carrboro under their individual land use and zoning regulations in accordance with the Plan. The County's role in the Transition Areas is to review and comment on development proposals, as well as text and atlas amendments, as detailed within the JPA.
- Rural Buffer: Areas outside of the aforementioned Transition Areas under County regulatory control intended to remain rural in character where annexation is prohibited

and urban services (i.e. water and sanitary sewer) are not a necessary component to support development. As previously indicated, this area corresponds to the Rural Buffer Land Use Classification as detailed within the adopted 2030 Orange County Comprehensive Plan and the Rural Buffer (RB) general use zoning district as defined within Section 3.3 of the Orange County Unified Development Ordinance (UDO).

The Town's also review development proposals and text/atlas amendments occurring within this area in accordance with the JPA.

These are broad categories of land uses composed of additional sub-categories of defined development areas allowing for varying intensities of development and land uses. The Rural Buffer area is currently broken down into eight separate land use categories, specifically:

a. Resource Protection Areas,
b. Public/Private Open Space Areas,
c. New Hope Creek Corridor Open Space Areas,
d. Agricultural Areas,
e. University Lake Watershed Area,
f. Rural Residential,
g. Retail Trade Areas, and
h. Extractive Use.

ISSUE(S): In completing a recent assessment of the Plan and JPA, County Planning staff noted the following concern(s):

1. The Agricultural Areas land use category is not depicted on the various maps contained within the Plan and, to staff's knowledge, no properties were ever designated as being within this category.

   While staff is unsure why no properties were delineated, recent changes in State regulations as well as planning practice no longer lend credence to the notion that agricultural activities can somehow be limited or restricted with respect to their location in the areas covered by the Plan.

2. The Rural Residential land use category does not specify a density limit. While it does require a minimum lot size of 2 acres, there is no mention of a maximum permissible density within the category.

   It should be noted staff has always interpreted there is a 1 dwelling unit for every 2 acres of land area density for parcels located within the category.

3. The clustering of lots, through the County's subdivision process, is not viable in the Rural Residential land use category.

   The existing process allows for the reduction of required lot sizes, not below 1 acre in area, so long as 33% of a parcel is preserved in open space and established density limits are observed. The technique is utilized throughout the county, including the University Lake Watershed Area, but is not feasible within the Rural Residential land use category due to existing language within the Plan and JPA.

   While clustering of lots may be allowed within the category, the minimum lot size shall be 2 acres. There little incentive to convince a developer to go through the process of preserving 33% of the property in perpetual open space. Developers will therefore choose to go through the conventional subdivision process where the preservation of

open space, exclusive of what is captured within the proposed individual lots, is not a requirement.

4. Language within the Plan indicates the minimum lot size for parcels within the University Lake Watershed Area is 5 acres. The minimum lot size for parcels within the area, as detailed within the JPA and County regulations, is 2 acres with a density limit of 1 dwelling unit for every 5 acres of property. This contradiction needs to be corrected.

   For those familiar with the Town of Carrboro's regulations, the Town requires a 5 acre minimum lot size for properties located within its Extraterritorial Jurisdictional boundary (ETJ) for parcels located within its University Lake Watershed district. As indicated above, the County's regulations require a 2 acre minimum lot size, consistent with language in the JPA, within its jurisdictional portion of the University Lake watershed.

Staff is proposing to address these issues as follows:

i. Combine the existing Rural Residential and Agricultural Areas land use categories into 1 category and add language indicating agricultural activities are permitted throughout the area covered by the Plan.

ii. Add language establishing a density of 1 dwelling unit for every 2 acres for property located within the Rural Residential land use category.

iii. Allow for cluster subdivisions within the Rural Residential category so long as proposed density requirements (i.e. 1 unit for every 2 acres) are adhered to.

iv. Change language within the Plan denoting the required minimum lot size for parcels in the University Lake Watershed Area is **2 acres** consistent with the adopted JPA and existing County regulations.

FINANCIAL IMPACT: Costs to hold a public hearing on this item have been paid from FY 2013-14 funds budgeted for this purpose. Necessary work has been accomplished using existing staff. Enactment of the amendments is not expected to have a direct financial impact on the local governments.

RECOMMENDATION: The Planning Staffs recommend that the governing boards:

1. Hear public comment on the proposed amendments to the Joint Planning Land Use Plan and 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 – May 7, 2014
      Board of County Commissioners for possible action – June 3, 2014
   b. Chapel Hill
      Chapel Hill Planning Board for recommendation – May 6, 2014
      Town Council for possible action – June 9, 2014
   c. Carrboro
      Carrboro Planning Board for recommendation – May 1, 2014
      Board of Aldermen for possible action – June 3, 2014

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* ORANGE COUNTY LAND USE PLAN CATEGORIES

*Amended
2/3/92 (effective 2/24/92)

Basic Category	Land Use Plan Category
DEVELOPED	Urban Existing Urban Activity Node Proposed Activity Node
TRANSITION	Ten-Year Transition Twenty-Year Transition Commercial Transition Activity Node Commercial-Industrial Transition Activity Node
COMMUNITY	Rural Community Activity Node
RURAL	Rural Buffer Rural Residential Agricultural-Residential Rural Neighborhood Activity Node Rural Industrial Activity Node
CONSERVATION	Public Interest District Water Supply Watershed Water Quality Critical Area New Hope Creek Corridor Open Space

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*JOINT PLANNING AREA LAND USE PLAN CATEGORIES

*Amended
4/2/90
2/3/92 (effective 2/24/92)

Major Class	Subclass	Land Use Plan Category
TRANSITION	Transition	Resource Protection
	Transition I	Public-Private Open Space
	Transition II	New Hope Creek Corridor Open Space
		Suburban Residential
		Urban Residential
		Office-Industrial
		Future UNC Development
		Retail Trade
		Light Industrial
		Disposal Use
RURAL	Rural Buffer	University Lake Watershed
CONSERVATION		Resource Protection
		Public-Private Open Space
		New Hope Creek Corridor Open Space
		~~Agricultural~~
		Rural Residential and Agricultural [1]

[1] Staff is recommending combining the terms together and creating a new land use category.

		Retail Trade
		Extractive Use

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***Suburban Residential Areas** are designated for housing densities ranging from one (1) to five (5) dwelling units per acre. Such areas are located where land is changing from rural to urban, suitable for urban densities, and to be provided with public utilities and services. Housing types range from single-family to duplexes to multi-family dwellings.

*However, densities may be lower than one dwelling unit per acre in Suburban Residential Areas. Chapel Hill as part of its Southern Small Area Plan has identified certain areas in the Southern Triangle as being suitable for densities not exceeding one (1) unit per acre for areas immediately east of U.S. 15-501 and densities not exceeding one (1) unit per five (5) acres for areas immediately west of Old Lystra Road.

*Amended 2/1/93

Urban Residential Areas are similar to Suburban Residential Area in terms of both housing types and public services availability. However, densities are higher, ranging from six (6) to thirteen (13) dwelling units per acre.

Office-Institutional Areas is a category consisting of establishments which offer an array of financial, insurance, real estate, legal, medical, and business services. Such areas generally have public utilities and services available and are located adjacent to heavily traveled streets.

Future UNC Development is a category established for lands owned by the University of North Carolina, including Horace Williams Airport and adjacent parcels. Such lands are contemplated for expansion of the UNC campus, provided the Airport is relocated.

Retail Trade Areas are limited in Transition Areas, including existing establishments at Starpoint and Calvander. Modest room for expansion was projected in Transition Areas.

Light Industrial Areas are singular, consisting of the Chapel Hill Industrial Park on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

Disposal Use Areas consist of landfill sites, either existing or future. The existing landfill on Eubanks Road and the proposed site between Eubanks Road and Homestead Road are included in this category.

***Rural Buffer and Conservation**

*Amended
4/2/90
2/3/92 (effective 2/24/92)

The basic categories of Rural Buffer and Conservation have been combined in the Joint Planning Area Land Use Plan to form a single land use classification – Rural Buffer.

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The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural~~, contain low-density residential uses,~~ and not require urban services (public utilities and other Town services). The Rural Buffer is expected to contain low density residential uses as well as agricultural uses ~~The Rural Buffer~~ and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; ~~Agricultural;~~ [2] Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater~~ with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained. [3] In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~ [4]

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as steam beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

[2] County governments do not have the authority to restrict the location of agricultural activities while municipalities can regulate farms located within their corporate limits. Agricultural activities, as defined within State law, are allowed in all areas subject to the Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

[3] Cluster subdivisions are allowed throughout the County, including the University Lake Watershed Area, with the exception of the Rural Residential area of the Rural Buffer. We are modifying existing language to allow cluster subdivisions in the Rural Buffer, outside of the University Lake Watershed Area, so long as a density limit of 1 dwelling unit per 2 acres is maintained. This proposed amendment does not impact existing density limits in the University Lake Watershed Area, which only allows 1 dwelling unit for every 5 acres of land area. Staff has incorporated comments received by the County Attorney's office as well as Chapel Hill and Carrboro Planning staff.

[4] This information has been captured within the renamed 'Rural Residential and Agricultural Areas' land use category.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

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***University Lake Watershed Area**

*Amended
4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres. Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. ~~A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development~~. [5]Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed so long as density limits are adhered to. There is an allowance for ~~as well as~~ the creation of ~~a limited number~~ of 5 lots ~~(5) of two-acre lots~~ at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989.[6] Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.

[5] The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences are allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment staff is moving density language to the front portion of the description so that it is understood what the limit is. We are also indicating the required minimum lot size for the area is 2 acres to ensure consistency with the Joint Planning Agreement.

[6] Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance. This date is consistent with the existing requirements of Orange County's Unified Development Ordinance (UDO) specifically Section 4.2.4.

LOCATION STANDARDS

The principal task in formulating a land use plan is determining where specific land uses will be located. The primary elements feeding into this step include the operating principles outlined previously and a defined set of location standards.

The location standards proposed for the preparation of the Joint Planning Area Land Use Plan are based upon previously enumerated background elements – natural environment and compatibility with existing land use patterns. On the accompanying page, there elements are listed on the horizontal axis of the Location Standards Matrix. Included in the matrix, but not previously defined are various street classifications listed under Transportation Accessibility. These classifications are defined as follows:

STREET CLASSIFICATIONS

STREET TYPE	FUNCTION	SPEED	ROW	DAILY VOLUME	TRIP LENGTH	ACCESS	TRAVEL LANES
INTERSTATE	Movement	55 mph	200-300’	>40K	>3 mi.	Limited	4
ARTERIAL	Movement	45 mph	120-150’	10K-25K	>1 mi.	Unlimited	4
COLLECTOR	Movement/Access	35 mph	60-70’	800-3K	<1 mi.	Unlimited	2
LOCAL	Access	25 mph	50’	75-200	<1/2 mi.	Unlimited	2

Listed on the vertical axis are the general land use planning categories. By locating the desired land plan category on the vertical axis, it is possible to read from left to right and identify by the “X” symbol desired locations for each land use type.

CONCEPTS AND STRATEGIES

Following the November Public Information Meeting, four alternative strategy maps were prepared with illustrated various development scenarios for the Joint Planning Area. The four maps sought to identify those areas which would be classified as urban, transition, and rural buffer without identifying specific 10 and 20 year growth areas. The four maps are reproduced in sketch form on the following pages. The basis premises governing each alternative are listed below.

LOCATION STANDARDS MATRIX

	SLOPE			SOIL STABILITY			VEGETATION			RESIDENTIAL				COMMER				OPEN AREA			ACCESSIBILITY			
LAND USE CLASSIFICATION	0 - 7 ½%	7½ - 15%	15% +	SLIGHT	MODERATE	SEVERE	CLEAR	FOREST	WETLAND	RURAL	SUBURBAN	URBAN	HIGH URBAN	OFFICE	RETAIL	PUBLIC/QUASI-PUBLIC	INDUSTRIAL	RECREATIONAL	AGRICULTURAL	FORESTRY	INTERSTATE	ARTERIAL	COLLECTOR	LOCAL
RESIDENTAIL																								
Rural and Agricultural	x	x	x	x	x		x	x		x	x					x		x	x	x	x	x	x	x
Suburban	x	x		x	x		x	x		x	x	x				x		x					x	x
Urban	x			x			x				x	x	x	x	x	x		x			x	x	x	
COMMERCIAL																								
Office	x	x		x			x					x	x	x	x	x		x			x	x	x	
Retail	x	x		x	x		x					x	x	x	x	x					x	x	x	
INDUSTRIAL	x			x			x										x				x	x	x	
RESOURCE-CONSERVATION																								
Recreational	x	x	x	x	x		x	x		x	x	x	x	x		x		x	x	x			x	x
~~Agricultural~~	~~x~~	~~x~~		~~x~~	~~x~~		~~x~~			~~x~~						~~x~~		~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~	~~x~~
Forestry	x	x	x	x	x	x		x	x									x	x	x	x	x	x	x

STAFF NOTE: We are recommending deleting existing references to the 'Agricultural' category and combining them with the existing 'Residential' category. Staff has denoted those locations where 'x' has been added in red underlined text to preserve the locational criteria for agricultural uses within the 'Residential' category.

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*THE RURAL BUFFER

*Amended
4/2/90
2/3/92 (effective 2/24/92)

~~Eight~~ Seven categories of Rural Buffer land use have been depicted on the Land Use Plan. These categories include Resource

Protection Areas, Public-Private Open Space Areas, ~~Agricultural Areas~~ [1], Rural Residential and Agricultural Areas, Retail Trade Areas, Extractive Uses, and the overlay category designated University Lake Watershed Area.

Resource Protection Areas

As was the case with Transition Areas, Resource Protection Areas have been designated on the Land Use Plan to include flood plains, and wetlands along drainage tributaries and steep slope areas (15% or greater). These areas form the basis for a comprehensive parks and open space system which provides the framework within which other land use categories are to function. Parks have been generally located throughout the Joint Planning Area using a neighborhood park one-half mile service radius. The parks, as well as portions of Duke Forest, are linked together by a system of greenways extending along drainageways, and pedestrian routes (sidewalks) along thoroughfares.

Public/Private Open Space Areas

Major land areas owned or controlled by both public and private interests in the Joint Planning Area have been designated on the Land Use Plan. These areas include the following:

1. Duke Forest;
2. University of North Carolina lands (excluding Horace Williams Airport and adjacent properties);
3. U.S. Government lands associated with conservation areas around the Jordan Lake Reservoir;
4. Orange Water and Sewer Authority lands associated with conservation areas around University Lake and raw water storage in the former quarry site on NC Highway 54: and
5. Camp New Hope conference and recreational center.

A Public/Private Open Space Area has also been designated along Interstate 40 to recognize the Major Transportation Corridor (MTC) district established to provide a 100-foot buffer along that route. The Plan recommends utilization of portions of the buffer to link proposed park and greenway areas together.

While the status of such holdings as Duke Forest, UNC lands and Camp New Hope is uncertain in the future, their continued existence appears likely during the planning period. This is due to the research, educational, forest management and recreational functions related to such areas. If decisions are made to change the use of such large tracts of land, negotiations should be initiated to secure the use of all or portions of the tracts for recreation and/or open space purposes. Such areas contribute greatly to the natural setting of the Joint Planning Area and every effort should be made to retain such features.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private

[1] As previously indicated, County governments do not have the authority to restrict the location of agricultural activities. Agricultural activities, as defined within State law, are allowed in all areas that are subject to this Plan. Staff is clarifying existing language accordingly and eliminating references to 'Agricultural Areas' as being a separate Plan land use category and combining it with the Rural Residential Land Use Category.

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Open Space Areas which are designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value. The New Hope Corridor Open Space Master Plan describes these areas in detail and makes specific recommendations as to how they should be protected or utilized for environmental, educational, and/or recreational purposes.

~~Agricultural Areas~~ [2]

~~During the compilation of background information, a land use survey was conducted of the Joint Planning Area. The survey indicated those land areas currently in use for agricultural purposes. This information was further verified through the Orange County Tax Office to determine those farms which were qualified and listed for use value taxation purposes.~~

~~The Land Use Plan designated those farms and agricultural uses which are anticipated to continue in the same status during the planning period. Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density nature and will generally consist of farm dwelling and outbuildings.~~

***University Lake Watershed Area**

*Amended
4/2/90

The University Lake Watershed Area includes all lands which drain into the University Lake reservoir. Density within this area is limited to 1 dwelling unit for every 5 acres with a required minimum lot size of 2 acres. Based on a preferred watershed protection strategy of land use controls as recommended by Camp, Dresser and McKee in the University Lake Watershed Study, only low-intensity residential uses are permitted. ~~A minimum lot size of five (5) acres and a maximum density of one (1) unit per five (5) acres is required for any development~~. [3]Cluster subdivisions with lot sizes of not less than one (1) acre are also allowed so long as density limits are adhered to. There is an allowance for ~~as well as~~ the creation of ~~a limited number~~ of 5 lots ~~(5) of two-acre lots~~ at a density of 1 unit per 2 acres for property legally in existence as of October 2, 1989.[4] Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.[5]

[2] Some of this information has been relocated to the renamed Rural Residential and Agricultural section of the Plan and is denoted in **green underlined bold text** on the next page.
[3] The minimum lot size in the Rural Buffer is 2 acres. Density (i.e. how many residences allowed on a given property) has always been limited to 1 dwelling unit for every 5 acres of property. With this amendment Staff is moving density language to the front portion of the description so that it is understood what the limit it. We are also indicating the required minimum lot size for the area is 2 acres.
[4] Staff is adding the specific date a lot has to have existed on to qualify for the 2 acre density allowance.
[5] Staff has ensured the language describing the University Lake Watershed Area is consistent throughout the Plan.

***Rural Residential and Agricultural**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in size or greater~~. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained[6]. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses and agricultural uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

[6] As previously indicated we are modifying existing language to ensure required minimum lot sizes and density limits are observed. As previously indicated staff has incorporated comments from the County Attorney's office and the Towns of Carrboro and Chapel Hill into this section.

September 22, 1987
Amended April 2, 1990
Amended September 30, 1998
Amended February 2, 1999
Amended August 20, 2002
Amended June 24, 2003

JOINT PLANNING AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of November, 1987, by and between the COUNTY OF ORANGE, a political subdivision of the State of North Carolina, the TOWN OF CHAPEL HILL, and the TOWN OF CARRBORO, municipal corporations duly created and existing under the laws of North Carolina.

WITNESSETH:

In consideration of the public benefits expected to flow from the cooperative efforts of the parties in establishing a coordinated and comprehensive system of planning within their respective areas of public concern, the parties to this Agreement hereby mutually agree as follows:

ARTICLE 1. PURPOSE, DEFINITIONS, EFFECTIVE DATE, LINKAGE

Section 1.1 Purpose of the Agreement

The purpose of this Agreement is to establish a method of coordinated and comprehensive planning in the Orange County-Chapel Hill-Carrboro Joint Planning Area, as defined herein.

Section 1.2 Definitions

A. Joint Planning Area. The area within the Rural Buffer and Transition Areas designated on the Joint Planning Area Land Use Map lying outside the extraterritorial planning jurisdiction of Chapel Hill and Carrboro.

B. Joint Planning Area Land Use Plan. The Orange County-Chapel Hill-Carrboro Joint Planning Land Use Plan dated April, 1986, adopted by Orange County August 19, 1986 (revised October 13, 1986), amended May 4, 1987 and as it may be amended from time to time.

C. Joint Planning Area Land Use Map. The Orange County-Chapel Hill-Carrboro Joint Planning Area Land Use Map, adopted August 19, 1986 (revised October 13, 1986) and as it may be amended from time to time.

D. Carrboro Joint Development Review Area (CJDA). The area lying generally west of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

E. Chapel Hill Joint Development Review Area (CHJDA). The area lying generally east of a division of the Joint Planning Area and shown as such on the copy of the Joint Planning Area Land Use Map attached to this Agreement, labeled Exhibit A, and incorporated herein by reference. Exhibit A is appended to this Agreement solely for the purpose of indicating the CJDA and the CHJDA boundary. Exhibit A is an accurate copy of the Joint Planning Area Land Use Map as of the effective date of this

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

F. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

G. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, ~~Agricultural~~[1], Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained.[2] The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses and agricultural uses and not require urban services (public utilities and other town services).

H. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in transition from rural to urban or already urban in density. Urban services (public utilities and other town services) are now provided to this area or are projected to be provided to this area. The portion of the Transition Area located in the CJDA shall be

[1] We are combining the existing 'Agricultural' land use category with the 'Rural Residential' category as part of amendments to the Plan The agreement is beiong updated accordingly.

further divided into Transition Area I and Transition Area II on the Joint Planning Area Land Use Map. The Joint Planning Area Land Use Plan shall provide that, within Transition Area II, no tract may, after the effective date of this Agreement, be approved for development at a density that exceeds one (1) housing unit per gross acre until at least 75% of the gross land area of Transition Area I consists of any combination of:

1. lots containing one acre or less;
2. residential developments approved for development at a density of at least one unit per acre;
3. streets, roads and utility easements located outside of lots containing one acre or less;
4. lots or tracts that are used for commercial, industrial, institutional or governmental purposes;
5. tracts that are owned by the University of North Carolina or other non-profit entities and that are not available for development.

This density limitation does not apply to Village Mixed Use districts or Office/Assembly districts as provided for in the Facilitated Small Area Plan for Carrboro's Northern Study Area.

I. Development Permit. Major subdivision preliminary plat approval and any discretionary permit (whether called conditional or special use permit or some other term) issued by the Orange County Board of Commissioners, the Chapel Hill Town Council, or the Carrboro Board of Aldermen.

[2] Incorporating modifications within the Plan into the Agreement

J. Involuntary Annexation. Annexation authorized or undertaken pursuant to G.S. 16OA-31, Article 4A, Part 3.

K. Voluntary Annexation. Annexation authorized or undertaken pursuant to G.S. Chapter 16OA-31 or G.S. Chapter 160A, Article 4A, Part 4.

Section 1.3 Effective Date and Duration

A. This Agreement, except as provided below, shall become effective on the effective date of an Orange County ordinance (1) adopting this Agreement (after it has been approved by Chapel Hill and Carrboro); (2) amending Orange County's Zoning Ordinance (including Zoning Atlas) and Subdivision Regulations as prescribed in Section 2.1 of this Agreement; (3) amending the Joint Planning Area Land Use Plan to reflect the existence of Transition Area I and Transition Area II; and (4) amending the Joint Planning Area Land Use Map to show the location of Transition Area I and Transition Area II as indicated on Exhibit A. Any previously adopted Agreements shall become null and void upon this date. The Appendix to this Agreement shall become effective upon the execution of this Agreement.

B. This Agreement, including any Appendix hereto, shall remain in effect until terminated by mutual agreement or by withdrawal of any party. Subject to termination provisions of this Agreement, annexation provisions of this Agreement shall be valid for not more than 20 years and may thereafter be renewed. A party may not withdraw until it holds a public hearing on the proposed withdrawal followed by written notices to the other parties within thirty (30) days of the public hearing. The withdrawal shall be effective

one (1) year following receipt by the other party of the written notice. Withdrawal of one party shall not invalidate the Agreement with respect to remaining parties.

C. Upon execution of this Agreement, the parties agree that each will take, in a timely manner and without unnecessary delay, all steps (including but not limited to preparation and adoption of Zoning maps, appointment of Transition Area representatives to Planning Boards and Boards of Adjustment, and all required land use ordinance amendments) required to cause this Agreement to become effective, and will notify the other parties when those steps have been taken. Orange County will notify the Towns by resolution when this Agreement becomes effective. This Agreement may become effective as to two parties pending completion of steps necessary to make effective a 3-party Agreement.

Section 1.4 Linkage with the Water and Sewer Management, Planning and Boundary Agreement

The Water and Sewer Management, Planning and Boundary Agreement (hereinafter WSMPBA) is incorporated into this agreement by reference. A copy of the WSMPBA is Exhibit B to this agreement. Termination of the WSMPBA does not terminate this agreement. The withdrawal by a party from the WSMPBA does not constitute withdrawal from this agreement. Termination of this agreement or withdrawal from this agreement can only be accomplished as provided in this agreement.

ARTICLE 2. ADOPTION, ADMINISTRATION AND AMENDMENT OF STANDARDS

Section 2.1 Standards Within the Transition Area

A. Chapel Hill shall prepare a Zoning Map for that portion of the Transition area that lies within the CHJDA and shall recommend its adoption by Orange County which, upon approval and adoption as prescribed in Subsection C of this Section, shall become part of the Orange County Zoning Ordinance. The Zoning Map shall be prepared using zoning districts which correspond to the text of the Chapel Hill Land Development Ordinance and which correspond with the density designations and plan classifications as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map for the CHJDA.

B. Carrboro shall prepare a Zoning Map for that portion of the Transition area that lies within the CJDA and shall recommend its adoption by Orange County, which upon approval and adoption as prescribed in Subsection C of this Section, shall become part of the Orange County Zoning Ordinance. The Zoning Map shall be prepared using zoning districts which correspond with the density designations and plan classifications as prescribed in the adopted Joint Planning Area Land Use Plan and the adopted Joint Planning Area Land Use Map for the CJDA. Transition Area II shall have density limited pursuant to Section 1.2H.

C. Upon completion of the Zoning Maps referred to in Section 2.lA and B above, Orange County shall amend its Zoning Atlas in accordance with said Maps. Orange County shall also adopt by reference (i) the Chapel Hill Land Development Ordinance and make its provisions applicable to that portion of the Transition area located within the CHJDA, and (ii) the Carrboro Land Use Ordinance and makes its provisions applicable to that portion of the Transition area located within the CJDA.

Section 2.2 Standards Within the Rural Buffer

Within the Rural Buffer, the Orange County Zoning Ordinance (including Zoning Atlas) and Subdivision Regulations that are in effect on the effective date of this Agreement shall remain in effect unless amended in accordance with Section 2.6 of this Agreement.

Section 2.3 Permit Administration Within the Transition Area

A. Except as otherwise provided in Sections 2.5 and 2.6, the Town of Chapel Hill and the Town of Carrboro, respectively, shall perform all functions related to the administration of the ordinances referenced in Section 2.1C. Subject to the remainder of this Section, Chapel Hill and Carrboro shall administer the referenced ordinances just as if the land were located within the respective Towns' planning jurisdictions. Administration shall include, but not be limited to, the following:

1. Receipt and processing of applications;
2. Issuance of any required permits and certifications;
3. Review and approval of required site/construction plans;
4. Conducting necessary site/building inspections;
5. Enforcement of all standards;
6. Any other acts or things necessary to administer the Ordinances;

and shall be carried out in a manner so as to insure that a developer complies with all applicable ordinance requirements and the terms and conditions of any permit issued by the respective towns. The towns may also charge fees for processing applications, conducting site/construction plan reviews, and carrying out site/building inspections in accordance with fee schedules applicable within their respective planning jurisdictions.

B. Whenever Chapel Hill or Carrboro receives an application for a development permit as defined in this Agreement relating to land within their respective portions of the Transition area, it shall forward copies of the application to Orange County for review. The towns shall establish timetables to insure that Orange County has an opportunity to make recommendations regarding such applications within the framework of the County's regularly scheduled meeting dates. To the extent possible, the timetables of the County and the towns shall provide for simultaneous review to expedite application processing; provided, however, the towns may not vote to issue or deny a permit until they have received the recommendations of Orange County or until the expiration of forty-five (45) days after orange County has received the application, whichever comes first.

C. From time to time a development moratorium is appropriate in order to address exigent circumstances or the results of a study of density designations, plan classifications or other matters prescribed by the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of the Town of Chapel Hill or the Town of Carrboro. To preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study, the Town of Carrboro or the Town of Chapel Hill may propose the adoption of a development moratorium pending consideration of the ordinance amendment. With respect to the CJDA, any proposed moratorium shall not be effective until adopted by the Town of Carrboro and approved by Orange County following a public hearing conducted by the Town of Carrboro. With respect to the CHJDA, any proposed moratorium shall not be effective until adopted by the Town of Chapel Hill and approved by Orange County

following a public hearing conducted by the Town of Chapel Hill. Any such adopted and approved moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed here.

Section 2.4 Permit Administration in the Rural Buffer

A. Except as otherwise provided in Section 2.6 and the remaining provisions of this Section, Orange County shall perform all functions related to the administration of the ordinances referenced in Section 2 .2 in the same manner as if the land were located outside the Joint Planning Area.

B. Whenever Orange County receives an application for a development permit relating to land located within the CHJDA Rural Buffer or the Joint Courtesy Review Area, it shall forward copies of the application to Chapel Hill for review. Similarly, whenever Orange County receives an application for a development permit relating to land located within the CJDA Rural Buffer or the Joint Courtesy Review Area, it shall forward copies of the application to Carrboro for review. The County shall establish timetables to insure that the towns have an opportunity to make recommendations regarding such applications within the framework of their respective regularly scheduled meeting dates. To the extent possible, the timetables of the respective towns and the County shall provide for simultaneous review to expedite application processing; provided, however, Orange County may not vote to issue or deny a permit until it has received the recommendations of the respective Towns or until the expiration of forty-five (45) days after the respective towns have received the application, whichever occurs first.

C. From time to time a development moratorium is appropriate in order to address exigent circumstances or the results of a study of density designations, plan classifications or other matters prescribed by the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of Orange County. To preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study, Orange County may propose the adoption of a development moratorium pending consideration of the ordinance amendment. Any proposed moratorium shall not be effective until adopted by Orange County following a public hearing conducted by Orange County. Any such adopted moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed here.

Section 2.5 Enforcement Remedies.

A. Permit revocation, if necessary and authorized by ordinance, shall be handled by the same individual or board authorized to issue the original permit.

B. Within those portions of the Joint Planning Area where the ordinances specified in Section 2.lC are administered by the respective towns, enforcement efforts through the use of civil penalties, criminal penalties or injunctive relief shall be initiated by the respective towns. The towns shall have the duty to defend at their own expense and shall indemnify and hold harmless, to the extent they can legally do so, Orange County, its Board of Commissioners, its advisory boards, its staff and all members of its boards and staffs, in their official and individual capacities, from any and all claims, actions, proceedings,

expenses, damages or liabilities, including attorneys' fees and courts costs, resulting from the towns' administration of the ordinances specified in Sections 2.1(C).

C. Orange County shall notify the respective towns and the towns shall notify Orange County as soon as practicable thereafter of any such claim, action or proceeding.

Section 2.6 Text and Map Amendments

A. Proposed amendments to the Joint Planning Area Land Use Plan and/or the Joint Planning Area Land Use Map may be initiated by (i) Orange County or (ii) the Towns or any other party by filing a request for such an amendment with Orange County. Any petition or request to amend the Joint Planning Area Land Use Plan received by the County shall be referred to the respective Towns. No such amendment may become effective until after it has been adopted by Orange County, Chapel Hill and Carrboro following a joint public hearing by all three governing bodies.

B. Except as provided herein, proposed amendments to the text of the Orange County Zoning and Subdivision Ordinances that are applicable within the Rural Buffer as well as proposed changes in zoning district classifications (i.e., zoning map changes) that affect property within the Rural Buffer shall be initiated and adopted in accordance with the procedures set forth in those County ordinances. All such proposals that affect the CHJDA shall be referred to Chapel Hill for review and recommendation, and all such proposed amendments that affect the CJDA shall be referred to Carrboro for review and recommendation. Orange County may not adopt such proposed amendments until the respective Towns have made their recommendations, or until the expiration of thirty (30) days following such referral, whichever occurs first.

C. Whenever Chapel Hill proposes to amend the text of its Land Development Ordinance, and whenever Carrboro proposes to amend the text of its Land Use Ordinance, the respective towns shall deliver a copy of the full text of the proposed amendment to Orange County not later than thirty (30) days before the date of the public hearing on any such amendment. However, with the written consent of the Orange County Manager or his designate, this thirty (30) day period may be reduced to not less than ten (10) days. Unless Orange County files with the respective towns a written objection on or before the date of the public hearing on the proposed ordinance amendment, then adoption of the amendment by the respective town shall automatically effect a corresponding amendment to the applicable ordinance adopted by reference by Orange County as provided in Section 2.1C. Any such objection shall be based on a determination by Orange County that the proposed amendment is inconsistent with the adopted Joint Planning Area Land Use Plan. If a town adopts an amendment despite Orange County's objection, then it shall refer such amendment to Orange County with a request that the County make corresponding changes as expeditiously as reasonably possible so that the town may continue to enforce within its portion of the Transition area the same standards that it enforces within its own planning jurisdiction. In the event of objection by Orange County as provided herein, no such amendment shall be effective within the Joint Planning Area until it is adopted by Orange County.

D. Orange County may not unilaterally amend the text of its zoning or subdivision ordinances applicable to the Transition areas (i.e., those ordinances adopted by reference pursuant to Section 2.lC). Amendments to the ordinances referenced in Section 2.lC by Orange

County may be accomplished only pursuant to subsection C above (including adoption by Orange County following a request to do so by the applicable town). Any petitions or request to amend these ordinances received by the County or initiated by the County shall be referred to the respective Towns.

E. With respect to property that is located within the CHJDA Transition area, changes in zoning classifications may not be made unless and until an ordinance approving such zoning map amendment has been approved both by Orange County and Chapel Hill 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.

F. 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

Except pursuant to the written consent of all parties to this Agreement, neither Chapel Hill nor Carrboro may annex into the Rural Buffer (whether by voluntary or involuntary annexation or any other method authorized by law) nor shall any party seek special legislation accomplishing such annexation.

Section 3.2 No Annexation by One Town Into Another Town's Transition Area

Except pursuant to the written consent of the other town, neither Chapel Hill nor Carrboro may annex into the other's Transition area (whether voluntary or involuntary annexation) or any other method authorized by law, nor shall either Town seek special legislation accomplishing such annexation.

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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: March 27, 2014

Action Agenda Item No. C.2

SUBJECT: Text Amendments to the Joint Planning Land Use Plan and Agreement – Revise Existing Language to Allow for the Possibility of Locating Appropriate Agricultural Support Enterprises in the Rural Buffer Land Use Classification.

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

ATTACHMENT(S):

Pages of Joint Planning Land Use Plan and Agreement Proposed for Amendment

INFORMATION CONTACT: (919)

Perdita Holtz, Orange County Planning, 245-2578
Craig Benedict, Orange County Planning, 245-2592
J.B. Culpepper, Town of Chapel Hill Planning, 968-2728
Trish McGuire, Town of Carrboro Planning, 918-7324

PURPOSE: To receive public comment on a proposal to amend the Joint Planning Land Use Plan and Agreement to allow for the possibility of locating appropriate agricultural support enterprises in the Rural Buffer land use classification.

Please note: The Orange County Unified Development Ordinance (UDO) text amendments that would implement the concept of allowing appropriate agricultural support enterprises in the Rural Buffer are not the focus of this public hearing. The UDO text amendments were heard at the County's February 24, 2014 quarterly public hearing and the process prescribed in the Joint Planning Agreement for UDO text amendments affecting the Rural Buffer was followed. The UDO amendments cannot be adopted by Orange County unless the Joint Planning Land Use Plan and Agreement are amended to allow these types of uses in the Rural Buffer. The draft UDO text amendments are part of the quarterly public hearing materials available at: http://orangecountync.gov/occlerks/140224.pdf.

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. Other geographic areas, such as Transition Areas, are also covered in the plan. The full plan and agreement is available at: http://orangecountync.gov/planning/Documents.asp.

Orange County has been working on a zoning program known as "Agricultural Support Enterprises" (ASE) intermittently since 2001. The concept and necessary UDO text amendments were discussed at the November 21, 2013 Assembly of Governments (AOG) meeting (agenda materials are at: http://orangecountync.gov/occlerks/131121.pdf) and, as a result of discussion at the AOG meeting, a determination was made that text changes to the Joint Planning Land Use Plan and Agreement would be necessary in order for the County to adopt Unified Development Ordinance text changes that would allow appropriate agricultural support uses in the Rural Buffer.

The purpose of the ASE program is to augment allowable agricultural-related uses farmers throughout Orange County's planning jurisdiction, which includes the Rural Buffer, can pursue in order to generate additional farm-related income and to potentially allow farming support/related uses in rural areas. The program seeks to minimize any adverse impacts on adjoining property by applying special standards for specific uses and the development standards in the County's UDO required for all projects. One of the main ideas behind the program is that by better enabling farmers to stay in the business of farming, the rural, farming heritage of Orange County will continue to be preserved and pressure to sell farmland for conversion to residential uses may be lessened.

Completion of the ASE project is identified in the County's adopted Agricultural Development and Farmland Protection Plan (available at: http://orangecountync.gov/ercd/documents/farmland%20protection/Orange%20County%20ADFPP%20Adopted%2011-17-09.pdf) as an important step in continuing the economic viability of farming in Orange County.

As noted above, the actual UDO text amendments that would allow appropriate agricultural support uses in the Rural Buffer are not the topic of this public hearing. However, it is pertinent to note that the UDO text amendments propose very few additional uses as "permitted outright" in the Rural Buffer and these uses are of a small scale, low impact nature and must conform to use-specific standards in addition to the development standards Orange County requires for all development projects. Larger ASE uses or those with a greater possibility of adverse impacts would be permitted only through a Special Use Permit or Conditional Zoning process. These processes allow consideration of uses on a site-specific, case-by-case basis after a public hearing conducted by the County with the Board of County Commissioners making the final approval or denial decision. These County processes are similar to the conditional use permit processes the Towns of Chapel Hill and Carrboro use when reviewing development applications. As per the Joint Planning Agreement, all projects within the Rural Buffer are sent to Town planning staffs for review and comment. The Rural Buffer is divided into either Carrboro or Chapel Hill review areas with a small geographic area being reviewed by the staffs of both Towns (see map at: http://orangecountync.gov/planning/documents/JPAReviewAreas.pdf).

The pages in the attachment contain the necessary amendments to the Joint Planning Land Use Plan and Agreement to allow for the possibility of locating appropriate ASE uses in the Rural Buffer. **The ASE-related changes are shown in** blue text. In instances where there is overlap between the ASE-related changes and the changes proposed in a separate item on the Joint Public Hearing agenda, the changes proposed in the separate item are shown in red text. This differentiation was done in order to be clearer in sentences of the plan/agreement where overlap occurs.

FINANCIAL IMPACT: Costs to hold a public hearing on this item have been paid from FY 2013-14 funds budgeted for this purpose. Necessary work has been accomplished using existing staff. Enactment of the amendments is not expected to have a direct financial impact on the local governments.

RECOMMENDATION: The Planning Staffs recommend that the governing boards:

1. Hear public comment on the proposed amendments to the Joint Planning Land Use Plan and 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 – May 7, 2014
       Board of County Commissioners for possible action – June 3, 2014
    b. Chapel Hill
       Chapel Hill Planning Board for recommendation – May 6, 2014
       Town Council for possible action – June 9, 2014
    c. Carrboro
       Carrboro Planning Board for recommendation – May 1, 2014
       Board of Aldermen for possible action – June 3, 2014

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The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural~~, contain low-density residential uses,~~ and not require urban services (public utilities and other Town services). The Rural Buffer is expected to contain low density residential uses, ~~as well as~~ agricultural uses, and agricultural support uses[1]. ~~The Rural Buffer~~ and consists of the following Joint Planning Area Land Use Plan categories: Rural Residential and Agricultural; ~~Agricultural;~~ Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater~~ with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained. In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as steam beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

[1] Red text is related to a separate amendment that is proposing to amend the same paragraph. The amendment necessary for Agricultural Support uses is shown in blue text.

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Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural**[1]

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in~~

[1] Red text is related to a separate amendment that is proposing to amend the same section. The amendment necessary for Agricultural Support uses is shown in blue text.

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~~size or greater~~. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained. The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses, ~~and~~ agricultural uses, and agricultural support uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgefield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

Text below the section proposed for amendment has been removed.

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

A. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

B. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential and Agricultural, ~~Agricultural~~, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, ~~and~~ agricultural uses, and agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

Red text is related to a separate amendment that is proposing to amend the same section. The amendment necessary for Agricultural Support uses is shown in blue text.

C. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in