

**ORANGE COUNTY  
PLANNING BOARD  
ACTION AGENDA ITEM ABSTRACT**  
Meeting Date: May 7, 2014

Action Agenda  
Item No. 8

**SUBJECT:** Joint Planning Land Use Plan and Agreement Amendments – Revisions to Existing Language Ensuring Agricultural Activities are Allowed Throughout the Rural Buffer as well as Density and Minimum Lot Size Clarification(s)

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**DEPARTMENT:** Planning and Inspections

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

No

**ATTACHMENTS:**

1. Joint Public Hearing Materials
2. Excerpt of Draft Minutes from April 2, 2014 Planning Board Meeting

**INFORMATION CONTACT:**

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Craig Benedict, Director, (919) 245-2592

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**PURPOSE:** To make a recommendation to the BOCC on proposed amendments to the Joint Planning Land Use Plan (Plan) and Joint Planning Agreement (JPA) 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 the mid-1980s Orange County and the Towns of Chapel Hill and Carrboro adopted a Joint Planning Land Use Plan that provided land use planning for the area of the county commonly referred to as the Rural Buffer. In 1987 the participating entities adopted the JPA establishing parameters for the review and approval of development projects within the area.

The full Plan and JPA is available at: <http://orangecountync.gov/planning/Documents.asp>.

A Joint Planning Area Public Hearing was held on March 27, 2014 to review proposed modifications to the Plan and JPA to address issues associated with the use of property for agricultural purposes as well as to clarify allowable density and lot sizes throughout the area covered by the Plan. Attachment 1 is the agenda materials for the joint public hearing and includes the proposed text amendments.

This item was previewed at the April 2, 2014 Planning Board meeting to familiarize Planning Board members with the Plan and JPA. As detailed at the April 2, 2014 Planning Board meeting, staff is proposing to amend the Plan and JPA 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.

Draft minutes from this meeting are contained in Attachment 2.

**FINANCIAL IMPACT:** Consideration and approval will not create the need for additional funding for the provision of County services. Costs for the required legal advertisement were paid from FY2013-14 Departmental funds budgeted for this purpose. Existing Planning staff included in the Departmental staffing budget has accomplished the work required to process this amendment.

**RECOMMENDATION:** The Planning Director recommends the Board:

1. Deliberate as necessary on the proposed amendments to the Plan and JPA,
2. Make a recommendation to the BOCC on the proposed amendments in time for the **June 3, 2014** BOCC meeting.

**PAGE 60-a – JPA LAND USE PLAN**

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~~; <sup>2</sup> 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.~~ <sup>3</sup> 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.~~ <sup>4</sup>

**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 stream 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

**PAGE 60-b – JPA LAND USE PLAN**

**\*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.~~ <sup>5</sup>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.~~ <sup>6</sup>Additional lots shall be allowed consistent with the 1 unit per 5 acre density as detailed herein.

<sup>5</sup> 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.

<sup>6</sup> 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.