

AGENDA ITEM ABSTRACT**MEETING DATE: Tuesday, September 17, 2002****TITLE: Report on Joint Planning Agreement**

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
ATTACHMENTS: A. Resolution B. Orange County Zoning Ordinance provisions C. Map of Joint Planning Area D. Detail of Carrboro Transition Areas E. July 9 memorandum from Town Attorney	FOR INFORMATION CONTACT: Patricia McGuire - 918-7327

PURPOSE

On September 22, 1987, three of Orange County's local governments endorsed a Joint Planning Agreement that established the methods for implementing coordinated and comprehensive planning in the southeastern portion of the county. The Joint Planning Land Use Plan, on which the agreement is based, has been updated and modified by joint action since that time. A resolution that receives this report is recommended for the Board's adoption.

INFORMATIONOverview: Establishment of Joint Planning in Orange County

The Joint Planning Agreement adopted in 1987 was the second of two agreements jointly adopted by local governments in southern Orange County. Discussions of joint planning began in the late 1970s when the Town of Chapel Hill sought approval from Orange County for the expansion of its extraterritorial jurisdiction (ETJ). Orange County approval was needed as the County had, since 1967, exercised zoning authority in the Chapel Hill Township. The County refused Chapel Hill's request and in exploring alternatives the two local governments agreed to work together. The County's 1981 Comprehensive Plan recognized the potential growth of the urban areas of both Chapel Hill and Carrboro and included the designations "Transition Areas" and "Rural Buffer" that were later included in joint planning documents.

The first Joint Planning Agreement was adopted in 1984 by Orange County and Chapel Hill. In that agreement, the two parties agreed to prepare a land use plan for areas outside the town limits and ETJs of Chapel Hill and Carrboro and established procedures for joint approval of land development projects in the Transition Areas. A Joint Planning Land Use Plan was prepared through the efforts of staff, citizens, and elected officials and adopted in October 1986. The joint approval process was operationalized as well, but proved to be administratively awkward and preparation of a revised agreement that streamlined the approval process was initiated.

The Town of Carrboro had been involved in joint planning efforts for several years and in 1987 officially entered into negotiations to become a party to the agreement. All three parties adopted a revised agreement in November 1987. The agreement did not take effect until the following steps were taken.

- 1) The County Zoning Ordinance and Subdivision Regulations were amended to include
 - a. A Zoning Map for the Chapel Hill Joint Development Area, prepared by the Town of Chapel Hill.
 - b. The addition of text making the provisions of the Chapel Hill Land Development Ordinance applicable in the portions of the Transition Area located in the Chapel Hill Joint Development Area.
 - c. A Zoning map for the Carrboro Joint Development Area, prepared by the Town of Carrboro.
 - d. The addition of text making the provisions of the Town of Carrboro Land Use Ordinance applicable in the portions of the Transition Area located in the Carrboro Joint Development Area.

- 2) The Joint Planning Land Use Plan text and map were amended to reflect the existence and show the location of Transition Areas I and II.

Public hearings on these matters were held in June 1998, followed by the adoption by Chapel Hill, Orange County and Carrboro amendments to the JPLUP, per item 2 above. Amendments to the Orange County ordinance and subdivision regulations, per item 1 above, were also adopted in September of that year (*Attachment B*).

Joint Planning Elements

The Joint Planning Area is defined in Orange County's Joint Planning Land Use Plan (JPLUP) and Map in three sections: Carrboro's Joint Planning Area, Chapel Hill's Joint Planning Area and the Rural Buffer. Carrboro's Joint Planning Area is located generally between the northern extraterritorial planning area limits boundary and Duke Forest. Carrboro's Joint Planning Area is divided into two sections: Joint Planning Transition Area I and Transition Area II. The map illustrating the joint planning area that is included as an exhibit of the Joint Planning Agreement is attached, as is a more detailed map of Carrboro's jurisdiction that was included in the *Facilitated Small Area Plan for Carrboro's Northern Study Area (Attachments C and D)*. Questions and responses further elaborating the purpose and process associated with Joint Planning are presented below.

- 1) *What is the purpose of the joint planning document?* The purpose of the land use plan and agreement is to establish a method of coordinated and comprehensive planning in the specified joint planning area.

- 2) *Why did the elected officials of Chapel Hill, Carrboro, and Orange County think this was important?* In the late 1970s, the Town of Chapel Hill sought to expand its territorial jurisdiction. The County's development standards in the areas outside the Town's jurisdiction were so different from the Town's that it was clear that significant retrofitting would be needed when new areas were annexed. By establishing a general land use plan that addressed the timing of development and expected land use patterns, current and future residents were informed of the

expected growth of the urban area. The cooperative approach provided for the approval of changes to the plan by elected representatives of in-town and out-of-town residents so that citizens would not feel they were unrepresented in this process.

- 3) *What goals were they trying to accomplish? What problems were they trying to solve?* Short of the joint planning process, without approval of expanded planning areas, both towns might have considered seeking authority to expand their jurisdictions without County approval. Those who participated in the development of joint planning were trying to limit the development of the urban areas and to maximize the urban development that occurred within the Town limits. Participants also sought to designate and maintain an edge to the urban area and, with the designation of the T-I and T-II in Carrboro's case, to control the timing of development. Urban sprawl was the principle problem that all were seeking to prevent.
- 4) *What is the rural buffer? Why was it established?* Orange County's 1981 Comprehensive plan included a Rural Buffer that was somewhat smaller than that created by the JPLUP. The JPLUP's Rural Buffer combines two categories from the OC 1981 plan – Rural Buffer and Conservation and established a density of one dwelling unit per two acres. The JPLUP's Rural Buffer is defined, in part, as

“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). “

- 5) *What is a transition zone and why was it established?* Transition areas are described in the JPLUP as follows:

“Transition areas are located adjacent to the urban areas of Chapel Hill and Carrboro. They are in the process of changing from rural to urban uses or are already urban in use; are developed at or suitable for urban-type densities; and are now provided or are projected to be provided with urban services. Transition Areas are denoted as a subclass or overlay-type of land use classification, providing a link with the basic land use categories of the Orange County Land Use Plan but permitting the development of a more detailed series of underlying land use plan development.”

Anticipated patterns of future land development were outlined in the JPLUP with the majority of the land in Carrboro's Joint Planning Area initially designated for “Suburban Residential” land uses and housing densities of between one and five units per acre.

The division of Carrboro's transition areas into two parts was included to manage the timing of development by allowing the rezoning of Transition Area II areas only after 75 percent of the gross land area of Transition Area I had been developed at a density of greater than one housing unit per gross acre. The Facilitated Small Area Plan for Carrboro's Northern Study Area supersedes the JPLUP for Transition Areas I and II. The density limitations do not apply to Village Mixed Use or Office/Assembly districts.

- 6) *In what ways are the roles of the county commissioners and the towns different?*
The table below illustrates the different roles for County and Town officials.

Action	Review	Joint Public Hearing	Joint Adoption	Final Approval
<i>JPLUP Amendment</i>	All three parties	Yes	Yes	OC (usually last to vote)
<i>Zoning Map Amendment</i>				
a) <i>Transition Areas</i>	Town/OC	Yes	Yes	“ “
b) <i>Rural Buffer</i>	Town/OC	No	Courtesy Review for Towns	OC
<i>Text Amendment</i>	OC	No	No	Adopted if no objection – usually no formal action
<i>JPA Amendment</i>	All three parties	Yes	Yes	See JPLUP Amendment

- 7) *Why are the towns allowed to annex into the transition areas and not into the rural buffer? What is the county’s role with regard to annexation?* Both by definition and by an annexation boundary agreement between Carrboro and Chapel Hill, the Transition Areas are intended to be part of the Town’s urban areas and the rural buffer is intended to remain rural. The County does not have a role in annexation because this is solely a municipal function.

Since 1987, the JPA has been amended seven times, most recently to incorporate the provisions of the Water and Sewer Boundary Agreement. The annexation provisions of the JPA are valid for 20 years, but may thereafter be renewed. Discussions of plans to renew the agreement were initiated at the Joint Planning meeting in April 2002 and this item is scheduled for further discussion on October 9, 2002. A copy of the JPALUP and JPA were distributed on September 6 and are not included with this agenda item.

Questions to the Orange County Board of County Commissioners of the affect of annexation on the Joint Planning process have been raised in recent months by neighbors of the proposed Winmore development. County Attorney, Geoff Gledhill, reviewed these questions and prepared a letter in response for the commissioners. A memorandum from Mike Brough, Town Attorney that summarizes the questions and concurs with Mr. Gledhill’s findings was distributed to the Board of Aldermen in July. A copy of Mr. Brough’s letter and its attachments are included here (*Attachment E*). A copy of the Joint Planning Agreement, which was also included as an attachment to Mr. Gledhill’s letter, is not included in this attachment as it has been transmitted under separate cover.

ADMINISTRATION’S RECOMMENDATION

The Administration recommends that the Board adopt the resolution accepting this report (*Attachment A*).