

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: October 1, 2003

Action Agenda
Item No. 8-k

SUBJECT: Joint Planning Area Land Use Plan Amendments to Correspond with the Town of Chapel Hill's Comprehensive Plan

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

NO

ATTACHMENT(S):

- Resolution of Adoption
- Map of Amendment Area
- Materials from 4-29-02 Assembly of Governments Meeting

INFORMATION CONTACT:

Craig Benedict, Planning Director, ext 258
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TELEPHONE NUMBERS:

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PURPOSE: To consider adoption of amendments to the Joint Planning Area Land Use Plan resulting from the Chapel Hill Comprehensive Plan adopted by the Town in May 2000.

BACKGROUND: At the Joint Planning Area Public Hearing on April 11, 2001, a series of amendments in Chapel Hill's Northwest Transition Area were presented. The purpose of the amendments was to promote consistency with the Joint Planning Area Land Use Plan and Chapel Hill's new Comprehensive Plan adopted on May 8, 2000. The amendments were:

1. Changing the designation of the Greene Tract from "Landfill Pending Further Study" to "Housing/Open Space."
2. Changing the designation of land south of Eubanks Road from "Open Space" to "Low Residential."
3. Changing the designation of land north of Eubanks Road, between the existing landfill and Millhouse Road, from "Mixed Use, Office Emphasis" to "Open Space."
4. Changing the designation of parcels between Millhouse Road and Interstate 40 from "Mixed Use, Office Emphasis" to "Rural Residential."
5. Changing the designation of the parcel northwest of the Greene Tract and southeast of the existing landfill (parcel known as the "Neville Tract") from "Open Space" to "Landfill Activities."

Chapel Hill and Carrboro subsequently approved the changes. The designations that each Town used to describe the Greene and Neville tracts were slightly different, although there was no substantive difference.

Orange County delayed voting on the amendments, stating an interest in waiting until the multi-jurisdictional Greene Tract Work Group concluded its discussions. Now that the work group

has completed its task, the Joint Planning Staffs propose that the following land use designations be applied to the Greene and Neville Tracts:

- Greene Tract: "Housing/Recreation/Open Space/County Use"
- Neville Tract: "Non-landfill County Use"

The Board of County Commissioners are asked to consider adoption of the revised designations for the Greene and Neville Tracts along with amendments 2, 3, and 4 detailed above. Since they have already adopted amendments 2, 3, and 4, the Carrboro Board of Aldermen and Chapel Hill Town Council will be asked to consider adoption of the revised designations for the Greene and Neville Tracts on October 7 and 8, 2003, respectively.

Action on these amendments is time-critical. At the October 15 JPA Public Hearing, there are proposed zoning amendments that cannot be considered until these plan amendments are approved.

SOUTHERN TRANSITION AREA NOTE:

As a postscript, at the Assembly of Governments meeting on April 29, 2002, the proposed plan amendments referenced above were discussed along with other potential amendments generated by the Chapel Hill 2000 Comprehensive Plan. This other issue refers to Chapel Hill's southern transition area where the "urbanizing" land use designation was affected by the retraction of the urban service line. Chapel Hill planning staff has said that they will bring forth a resolution of this issue in April, 2004. Minutes and agenda materials from that meeting are attached. Page 7 (top right corner of this agenda), Item b. notes Chapel Hill's intent to take the initiative on this issue.

FINANCIAL IMPACT: There is no financial impact associated with this decision.

RECOMMENDATION(S): The Administration recommends that the BOCC adopt the following Joint Planning Area Land Use Plan amendments to correspond with the Town of Chapel Hill's Comprehensive Plan:

1. Changing the designation of the Greene Tract from "Landfill Pending Further Study" to "Housing/Recreation/Open Space/County Use."
2. Changing the designation of land south of Eubanks Road from "Open Space" to "Low Residential."
3. Changing the designation of land north of Eubanks Road, between the existing landfill and Millhouse Road, from "Mixed Use, Office Emphasis" to "Open Space."
4. Changing the designation of parcels between Millhouse Road and Interstate 40 from "Mixed Use, Office Emphasis" to "Rural Residential."
5. Changing the designation of the parcel northwest of the Greene Tract and southeast of the existing landfill (parcel known as the "Neville Tract") from "Open Space" to "Non-landfill County Use."

A RESOLUTION AMENDING THE JOINT PLANNING AREA LAND USE PLAN AND MAP

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended April 2, 1990; and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Area Land Use Plan and Map were adopted on October 13, 1986, by all parties to the Joint Planning Agreement, and have since been amended on several occasions; and

WHEREAS, the Town of Chapel Hill's Comprehensive Plan, which provides a framework for the future use of land within the Chapel Hill Joint Planning Transition Area (Northwest Area), was adopted by the Chapel Hill Town Council on May 8, 2000; and

WHEREAS, the Comprehensive Plan was the product of a two year planning process that involved numerous public officials, planners, and residents of the affected area and the Town; and

WHEREAS, the geographic area covered by the revised Comprehensive Plan Land Use Plan includes the Chapel Hill Joint Planning Transition Area as identified in the Joint Planning Agreement, which area is also covered by the Joint Planning Area Land Use Plan and Map; and

WHEREAS, implementation of revisions to the Chapel Hill Comprehensive Plan and Land Use Plan requires amendment to the Joint Planning Area Land Use Plan and Map;

NOW, THEREFORE, THE ORANGE COUNTY BOARD OF COMMISSIONERS, CHAPEL HILL TOWN COUNCIL, AND CARRBORO BOARD OF ALDERMEN HEREBY RESOLVE that the Joint Planning Area Land Use Plan and Map be amended according to the attached map dated _____, 2003, with Area 1, the Greene Tract designated as "Housing/Recreation/Open Space/County Use," and Area 5, the Neville Tract designated as "Non-landfill County Use."

This resolution shall become effective upon adoption by the governing boards of Orange County, Chapel Hill, and Carrboro.

Upon motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution was adopted this the _____ day of _____, 2003.

I, Donna Baker, Clerk to the Board of Commissioners for the County of Orange, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a meeting held on October 1, 2003 as relates in any way to the adoption of the foregoing and that said proceedings are recorded in the minutes of said Board.

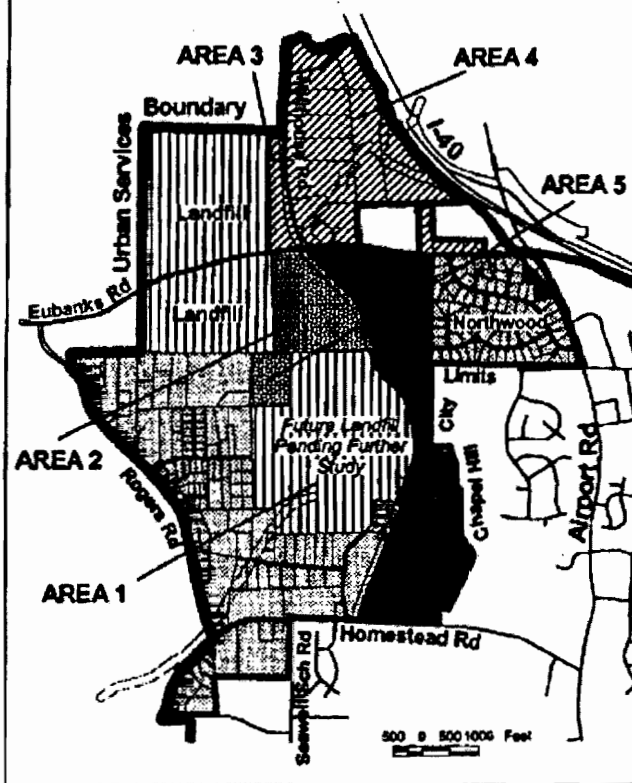
WITNESS my hand and the seal of said County, this _____ day of _____, 2003.

Clerk to the Board of Commissioners

**Joint Planning Transition Area
Chapel Hill Northwest Area
Existing and Proposed Land Use Designations
Revised May 7, 2001 (Resolution # 2001-05-07/R-b)**

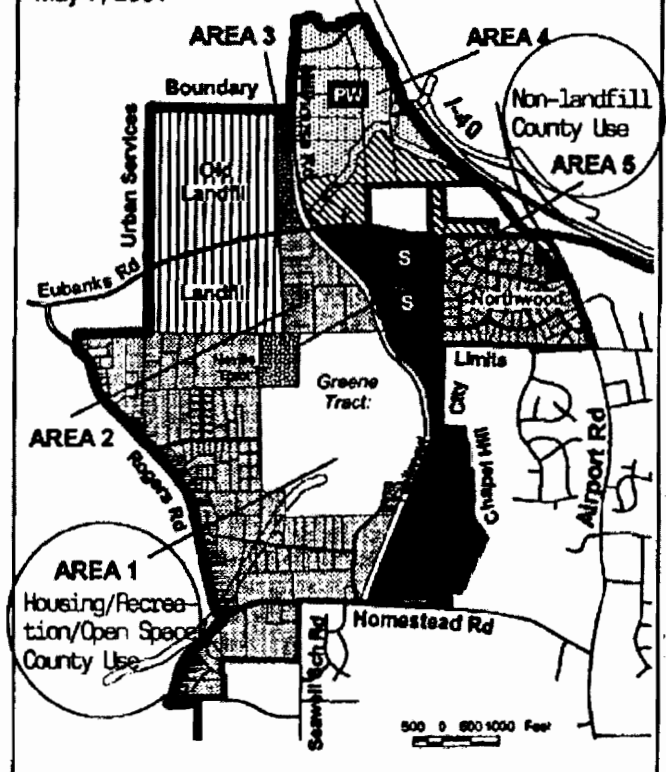
Map 1

Existing Land Use Plan (1986)
Within the Transition Area



Map 2 Revised

Proposed Joint Planning Transition Area Land Use Plan
as approved by Chapel Hill Town Council,
May 7, 2001



Legend

Land Use Categories		Special Areas	
	Rural Residential, 1 unit /2 to 5 ac.		Floodplain with RCD
	Low Residential, 1-4 units /ac.		Potential School Site
	Medium Residential, 4-8 units /ac.		Potential Public Works Facility Site
	Mixed Use, Office/Com. Emphasis	Boundaries	
	Mixed Use, Office Emphasis		Urban Service Boundary
	Institutional		Chapel Hill City Limits
	Open Space		
	Landfill Activities		



GIS Maps Prepared by
Chapel Hill Planning

APPROVED 6/18/02

**MINUTES
ORANGE COUNTY BOARD OF COMMISSIONERS
ASSEMBLY OF GOVERNMENTS
APRIL 29, 2002**

The Orange County Board of Commissioners met in regular session for an Assembly of Governments meeting at 7:30 p.m. on April 29, 2002 at the Southern Human Services Center in Chapel Hill, North Carolina.

COUNTY COMMISSIONERS PRESENT: Chair Barry Jacobs and Commissioners Margaret W. Brown, Moses Carey, Jr., Alice M. Gordon and Stephen Halkiotis

COUNTY ATTORNEYS PRESENT: Geoffrey Gledhill and S. Sean Borhanian

COUNTY STAFF PRESENT: County Manager John M. Link, Jr., Assistant County Manager Rod Visser and Clerk to the Board Beverly A. Blythe (All other staff members will be identified appropriately below)

CHAPEL HILL TOWN COUNCIL MEMBERS PRESENT: Mayor Kevin C. Foy and members Flicka Bateman, Pat Evans, Ed Harrison, Mark Kleinschmidt, Jim Ward and Edith Wiggins

CHAPEL HILL TOWN COUNCIL MEMBERS ABSENT: Bill Strom, Dorothy Verkerk

CARRBORO BOARD OF ALDERMEN MEMBERS PRESENT: Mayor Michael R. Nelson and members Jacquelyn Gist, John Herrera (arrived late), Diana McDuffee, Alex Zaffron and Joal Hall Broun

CARRBORO BOARD OF ALDERMEN MEMBERS ABSENT: Mark Dorosin

HILLSBOROUGH TOWN COMMISSIONERS PRESENT: Mayor Joe Phelps and members Frances L. Dancy, Michael Gering, and Mark Sheridan

HILLSBOROUGH TOWN COMMISSIONERS ABSENT: Kenneth Chavious and Evelyn Lloyd

STATE LEGISLATORS PRESENT: State Senator Ellie Kinnaird and State Representative Verla Insko

NOTE: All other participants are listed in the text as appropriate.

NOTE: ALL DOCUMENTS REFERRED TO IN THESE MINUTES ARE IN THE PERMANENT AGENDA FILE IN THE CLERK'S OFFICE.

OPENING REMARKS – CHAIR AND MAYORS

Chair Jacobs said that Representative Hackney expressed his regret for not being in attendance tonight.

1. FY 2002 AND FY 2003 LOCAL GOVERNMENT BUDGETARY CONCERNS

Orange County

John Link made reference to a handout which gave a summary of major revenue and expenditure changes for fiscal year 2002-03. He gave potential ways to offset possible loss of state revenues for FY 2002-03. This document is hereby incorporated into these minutes by reference.

Jackie Gist clarified that the 4.5-cent property tax increase was the projection following the recommendations and not what could happen if there is a loss of revenue. John Link said that if we were not able to address some of the reimbursement shortfall from the state, then the increase is inevitable. The 4.5-cent increase is the worst case scenario in terms of the tax increase.

Pat Evans asked how much fund balance would be projected and John Link said \$12 million. She made reference to the in-range salary adjustments and John Link said that he is not sure if these will be

lunch, it would have a devastating impact. He asked what moron would come up with a suggestion like this. Today on NPR he heard that there is going to be a discussion in the legislature reference the Highway Trust Fund, which has almost \$1 billion in it. By the year 2007, that same fund will have close to \$6 billion accumulated in it. He said that maybe the "good road state" needs to become the "good people state" and put roads on the back burner for a short period of time and take care of the needs of those least able to stand up and defend themselves.

Mayor Foy said that he feels the municipalities need to focus on what might be achievable. He said that what might be achievable for next year with the legislature and the Governor is an agreement not to take the utilities franchise fees. Further, it would be helpful to understand that we need to set the tax rate by July 1st. This gives a short window of opportunity to try to take into account any action that the legislature can take this year to secure those funds for us next year.

Joal Hall Broun said that what the municipalities are doing now is dipping into their fund balances. Next year, they will not be able to do that. Even if the money the State has taken is returned, it will take the Town of Carrboro three to five years to recover. She asked that the local delegation look at what cutting funds in mental health will do to the jails and the increase in prisoners. She said that it would be worse long-term and these short-term solutions do nothing for the State.

Representative Insko agreed with Jackie Gist that at the State level they are raising taxes by withholding money from the local jurisdictions. She thinks that this is a strong argument.

Senator Kinnaird made reference to an article she wrote to the News and Observer. She said that today she got a fax from someone in Holly Springs who accused her of leaving the democratic party advocating for taxes. She made reference to the comment about where all the money went and said that there have been three hurricanes and one flood. She said that the tax revenue that is supposed to be coming in is actually increasingly going down, so that each year we have less revenue. The State has sent out pledges to each legislator saying, "I will not raise your taxes." She said that it is so frustrating because even though the statewide poll showed that 87% of the people are in favor of raising taxes on tobacco, they said they could not do it because it was an election year. She is to the point of despair and frustration.

Chair Jacobs said that if the people in the legislature do not have the guts to do it, then they should give the municipalities the authority to levy revenues and the freedom to meet the responsibilities. He said that Orange County is not going to let elderly people starve because the State is cutting funds. Orange County will not turn its back on anyone, but we do not have the tools or the opportunities to help us meet those responsibilities.

Pat Evans said that what is allowed for one municipality or county needs to be given to all municipalities or counties.

John Herrera said that we need to go and sit with the Governor and have a negotiating team to get what we want. We need to put pressure on the elected officials.

Senator Kinnaird said that on May 28th, which is the opening day of the Legislature, a rally starts at the Clarion Hotel at 9:00 a.m. and it marches to the Governor's office and the Legislature. It is called a Rally for Justice and includes almost all of the non-profits.

2. CHAPEL HILL COMPREHENSIVE PLAN AMENDMENTS

a. Chapel Hill Comprehensive Plan Amendments for the Northwest Area

Chris Berndt made this presentation. At the Joint Planning Area Public Hearing on April 11, 2001, a series of amendments in Chapel Hill's Northwest Area were presented. The amendments were:

- 1) Changing the designation of land south of Eubanks Road from "Open Space to "Low Residential";
- 2) Changing the designation of land north of Eubanks Road between the existing landfill and Millhouse Road, from "Mixed Use, Office Emphasis" to "Open Space";
- 3) Changing the designation of parcels between Millhouse Road and Interstate 40 from "Mixed Use, Office Emphasis" to "Rural Residential"; and
- 4) Changing the designation of the Greene Tract from "Landfill Pending Further Study" to "Housing/Open Space."

The Planning staffs of Chapel Hill, Carrboro, and Orange County note the following options for proceeding toward adoption of the proposed amendments to the Joint Planning Land Use Plan and map:

- 1) Adopt the proposed amendments to the Joint Planning Land Use Plan and Map as adopted by the Chapel Hill Town Council on May 7, 2001; or
- 2) Adopt the proposed amendments to the Joint Planning Land Use Plan and Map as adopted by the Chapel Hill Town Council on May 7, 2001, but leave the designation of the Greene Tract unchanged from its 1986 Land Use Plan designation ("Future Landfill, Pending Future Study") until a final use is determined for the Greene Tract; or
- 3) Adopt the proposed amendments to the Joint Planning Land Use Plan and Map as adopted by the Chapel Hill Town Council on May 7, 2001, but designate three uses (housing, open space, and recreation) for the Greene Tract, as adopted by the three governing bodies in November and December of 2001; or
- 4) Postpone adoption of the proposed amendments to the Joint Planning Land use Plan and Map until the Greene Tract Work Group finalizes recommendations for a concept plan on the Greene Tract.

Chair Jacobs asked if the staff is looking for direction as to which of the four approaches to take at this time. Chris Berndt said that they were laying out the approaches at this time.

Chair Jacobs said that one way to approach it would be to wait and incorporate the Greene Tract which is option #4. Everyone agreed to this approach.

b. Southern Portion of Chapel Hill Transition Area Within Joint Planning Area

Orange County Planning Director Craig Benedict made this presentation. He said that adoption of the new Chapel Hill Comprehensive Plan in May 2000 resulted in a northward shift of the Urban Service Boundary away from the Southern Triangle Transition Area. No change to the Joint Planning Area Land Use Plan has yet been proposed for this area.

Mayor Nelson left the meeting at this point at 8:57 p.m.

Commissioner Brown asked Craig Benedict why we would not want to do this and he said that it would be consistent to an amendment to the plan. That area would be similar to the other rural buffer areas that are not being serviced with urban services. It would take a formal public hearing and a formal amendment process. There are areas within the extraterritorial jurisdiction of Chapel Hill that would not be serviced by urban services, but that could stay within the planning jurisdiction.

Mayor Foy said that his board has not really discussed this, and he does not think they would be comfortable taking an action to move it forward without having given it consideration. He would like more time.

Commissioner Gordon concurs with the Chapel Hill Town Council taking the initiative.

Commissioner Brown asked and Mayor Foy said that they could put it on the next Assembly of Governments meeting agenda.

Commissioner Brown said that it was her understanding that it already has been adopted into the water and sewer boundary agreement. Craig Benedict said that the water and sewer boundary agreement was a separate document. The agreement reflects the change in the map.

Ed Harrison clarified that all areas in the rural buffer are in the Joint Planning Area, but only Orange County has zoning jurisdiction in them. He asked if areas have been added to the rural buffer over time and the County Attorney said that no change has been made.

3. REFRESHER ON SOLID WASTE INTERLOCAL AGREEMENT

a. Greene Tract Disposition/Reimbursement

Commissioner Carey made reference to the work that has been done by the Greene Tract Work Group. He said that a 60-day extension has been given by Orange County and Carrboro. Chapel Hill will be considering it on their agenda soon. He commended the work group for the six meetings and the hard work. There is a little more work to do and the staff has to pursue a survey of the area around the Greene Tract to learn the best (most appropriate) route to get public sewer to the site. This will help in deciding where affordable housing can go on the site.

Pat Evans said that the Chapel Hill Council has worked to try to integrate types of housing rather than having a single range of housing types. In the resolution that the Council passed in regard to the Greene Tract, they included moderately priced housing as well as affordable housing because of their policy of not locating public housing all in one neighborhood. They would prefer to have mixtures of housing types.

Commissioner Carey said that he believes that most people in the work group want to maximize the amount of affordable housing that can be built on the site because there are so few opportunities available for affordable housing.

Flicka Bateman asked if the Greene Tract Work Group has talked about the number of units that may be allowed on the rest of the tract because that would better tell how many people would be served as opposed to talking about the acreage. Commissioner Carey said that they started out talking about the number of units but gravitated toward talking about acres. The work group will talk about this further after the survey is finished.

Jackie Gist said that the work group needs to further discuss the future of the 11-acre tract. She asked that this 11 acres be put in a trust to be used in 25 years to provide affordable housing.

Kevin Foy made reference to the map of the Greene Tract. He noted that the blue on the map is the location of the eleven (11) acres in question. He made reference to the pink and brown areas located to the north and adjacent to the eleven acres and said that water and sewer could probably be provided to this area most economically. This is the area where the survey will take place. A lot of money will be invested for some housing on the pink and brown part. He feels that the neighborhood needs to be involved in the decision for this entire area. He urged all of the boards to also put the 11 acres in a trust for affordable housing use at a later time.

Jim Ward said that it seems that this is going to be a very close dense affordable housing project. The transportation issues concern him. He wants the County to take the next step to decide on the acreage that is solely owned by Orange County.