

BOARD OF ALDERMEN

ITEM NO. (3)

AGENDA ITEM ABSTRACT

MEETING DATE: April 25, 2006

TITLE: Public Hearing to consider a LUO Text Amendment to Modify the Membership Requirements for the Planning Board

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. Draft Ordinance B. Memo from Town Attorney C. LUO Article III, Part I, Planning Board D. Planning Board Recommendation E. Denial template for plan/policy consistency findings F. Approval template for plan/policy consistency findings	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Board of Aldermen expressed an interest in modifying the membership requirements for the Planning Board and a raft ordinance that would, if adopted, modify the membership requirements of the Planning Board has been prepared. It is necessary for the Board of Aldermen to receive public comment prior to taking any action on the draft ordinance.

INFORMATION

The existing ordinance provides for a planning Board that includes eleven members. Residency requirements are as follows: in-town and appointed by the Board of Aldermen (seven); extra-territorial jurisdiction and appointed by the Board of County Commissioners (two); joint planning transition area and appointed by the Board of County Commissioners (two).

Due to the recent annexation of neighborhoods in the northeast portion of Carrboro's planning jurisdiction, the Board of Aldermen has discussed modifying the membership requirements to increase the opportunities for in-town residents to serve on the Planning Board. Town Attorney, Mike Brough, has researched the applicable state laws and has prepared a memorandum presenting his findings. The applicable Land Use Ordinance provisions pertaining to the Planning Board are attached (*Attachments B - C*). The draft ordinance that would modify the structure of the Planning Board membership proposes to reduce out-of-town representation to two members (*Attachments A*), consistent with the Joint Planning Agreement and with the statutory requirements. The following table presents information on population, number of households and Planning Board representation under the existing and proposed membership structure.

Population	Households	Percent	Current/Proposed	Current/Proposed
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				PBoard Representation	# Households per PB Member
Carrboro	18,098	8,867	94.25%	7/9	1,266/985
ETJ	651	268	3.39%	2/1	134/268
Transition Areas	452	186	2.35%	2/1	93/196

A reduction in the out-of town representation on the Planning Board seems appropriate. The change slightly shifts the balance and increases the representation and possibilities for participation by members of in-town households. The town has had some difficulty finding citizens to serve, particularly as representatives of the extra-territorial area, and this has prevented the Board from reaching its full complement. And, there continue to be opportunities for out-of-town residents to serve on advisory boards and committees and participate in policy making and development review.

In addition to the Planning Board and Board of Adjustment statutory requirements for out-of-town representation, the Town of Carrboro has also voluntarily provided for citizen participation on other advisory boards. In particular, the Town Code provisions establishing the Transportation Advisory Board provide for an extra-territorial jurisdiction representative. The five-member, Northern Transition Area Advisory Committee's membership consists entirely of residents of Carrboro's transition areas. Three of the committee's members are appointed by the Board of county Commissioners and two by the Mayor and Board of Aldermen.

The draft ordinance has been referred to the Planning Board and Orange County staff for review (*Attachment D*).

Procedural notes

The General Assembly recently updated a number of the zoning and subdivision statutes, effective January 2006. The Town Attorney has been working on the changes that will be needed to the town's LUO to make it comply with the new statutes. Two of these changes address the text and map amendment process. While changes to the LUO are pending, it will be necessary for the Board's actions to comply with the new statutory provisions. The relevant changes are summarized here and italicized text indicates how the Board could demonstrate compliance.

1. Members of advisory and governing boards shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. *In order to create a clear record of compliance with this provision, it is recommended that the standard procedure for the adoption of text and map amendments include a statement of the Board members' direct, substantial and readily identifiable financial impact, or lack thereof.*
2. The Planning Board and Board of Aldermen must make formal findings that the proposed text and map change is consistent with adopted plans. Since Carrboro relies heavily on adopted policy, such consistency should be noted. The Planning Board recommendation (*Attachment I*) on the proposed changes also includes this finding. *Templates for the Board of Aldermen to use in recording its findings of consistency or inconsistency when an amendment is adopted or rejected (Attachments E) are provided).*

FISCAL IMPACT

Since the total membership remains the same, no changes in cost of administering the Planning Board are anticipated.

RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the draft ordinance (*Attachment A*), clearly document the presence or absence of any direct, substantial, or readily identifiable financial impact of any members, and complete the consistency finding associated with the adoption of a text amendment (*Attachment F*).