

# BOARD OF ALDERMEN

ITEM NO. E(4)

## AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, September 18, 2007

**TITLE: Request for continuation of development moratorium in Carrboro's Northern Study Area**

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: YES ___ NO <u>X</u>
ATTACHMENTS: A. <b>Resolution</b> B. <b>Ordinance establishing development moratorium</b> C. <b>BOCC resolution approving development moratorium</b> D. <b>Progress Update of NSAPIRC activities</b> E. <b>NSAPIRC request re: moratorium</b>	FOR INFORMATION CONTACT: Patricia McGuire – <b>918-7327</b>

### PURPOSE

The Board of Aldermen initiated a process to review implementation of the Facilitated Small Area Plan for Carrboro's Northern Study Area in February of this year. A six-month development moratorium was also initiated, subject to the approval of the Board of County Commissioners. The Northern Study Area Plan Implementation Review Committee (NSAPIRC) has adopted a resolution requesting that the Board of Aldermen pursue continuation of the development moratorium for Carrboro's Northern Study Area.

### INFORMATION

The NSA includes land within the Town's limits, its Extraterritorial jurisdiction and the Carrboro portion of the Joint Planning Area. The Board of Aldermen could have enacted the moratorium for all but the Transitions Areas, pending BOCC approval of its applicability in the Transition Areas. To minimize confusion, the Board of Aldermen decided, on March 27<sup>th</sup>, to adopt the ordinance establishing a six-month moratorium for the entirety of the NSA, subject to the approval of the Board of County Commissioners (*Attachment B*). An expected date of BOCC action of April 26, 2007 was specified in the ordinance.

Orange County decided to seek public input at the April 26 Joint Planning Public Hearing before taking action. Following the hearing the item was referred to the Orange County Planning Board. On June 26 the BOCC received recommendations from the staff and the Planning Board supporting approval of a moratorium through December 26, 2007. That evening, the BOCC enacted a moratorium through October 26, 2007 (*Attachment C*). If the ordinance had been effective from the date expected by the Board of Aldermen, this would have marked the end of six months. Since the BOCC did not act until June 27<sup>th</sup>, the effective length of the moratorium has been instead four months.

The original work schedule of the NSAPIRC anticipated completion of the review and recommendations in August. Though the committee has made considerable progress through its schedule of activities, (*Attachment D – Progress Update*), it has not yet completed its

recommendations. On August 30, 2007, the NSAPIRC decided to request that the Board of Aldermen pursue continuation of the moratorium to allow time for completion of these recommendations (*Attachment E*).

Options for follow-up actions related to the NSAPIRC request have been identified:

1. Request that the BOCC approve completion of the six-month moratorium.
2. Pursue renewal/extension of the moratorium for additional time. *Per the Joint Planning Agreement, one six-month extension may be enacted. It must be noted that the statutory authority related to development moratoria provides for the renewal and extension of moratoria only if the government has taken all reasonable and feasible steps to address the problem leading to the moratorium and if new facts and conditions warrant an extension.*
3. Request that the NSAPIRC complete its review and provide recommendations regarding implementation of the NSA Plan.

A resolution that provides an opportunity for the Board of Aldermen to specify follow-up action has been prepared (*Attachment A*).

#### Background

Some background information on this request may be found on the Town's website at [http://www.townofcarrboro.org/BoA/Agendas/2007/02\\_06\\_2007\\_D2.pdf](http://www.townofcarrboro.org/BoA/Agendas/2007/02_06_2007_D2.pdf). Additional materials may be found within the agendas for February 27<sup>th</sup> and March 27<sup>th</sup>. Information on the work of the NSAPIRC may be found at <http://www.townofcarrboro.org/NSAPLAN/>.

On February 27, 2007 the Board of Aldermen decided upon a process to the recommendation from several advisory boards regarding development in the Northern Study Area (NSA) since adoption of the small area plan in 1998. The process involved setting a public hearing on a six-month development moratorium for the Northern Study Area and establishing a review committee to evaluate implementation of the Facilitated Small Area Plan for Carrboro's Northern Study Area. Initial appointments to a review committee (NSAPIRC) were made, and a schedule of project activities put in place. The committee began work on March 15<sup>th</sup>.

#### **FISCAL IMPACT**

The total cash cost of the implementation review process to date is approximately \$6,200. Approximately 800 hours (650 citizens/150 staff) has been spent in meetings on this project. Time spent outside of meetings has not been estimated. Public notice and administrative costs are associated with public hearings on development moratoria.

#### **STAFF RECOMMENDATION**

The staff recommends that the Board of Aldermen consider the attached resolution provides an opportunity for follow-up to the NSAPIRC request (*Attachment A*).