ATTACHMENT A

### A RESOLUTION REGARDING A PETITION RELATED TO THE TOWN'S EXTRA-TERRITORIAL JURISDICTION Resolution No. 137/2009-10

WHEREAS, the Board of Aldermen received a petition dated October 27, 2009 from landowners requesting that the Town "relinquish control over ETJ [extraterritorial jurisdiction] land and return development jurisdiction for it to Orange County government as soon as possible; and

WHEREAS, several residents of Carrboro's ETJ appeared before the Orange County Board of County Commissioners (OCBOCC) and requested that the County Commissioners unilaterally remove regulatory authority over farms within Carrboro's ETJ based on North Carolina General Statute 160A-360(g); and

WHEREAS, in follow-up communication with Town Attorney, Michael B. Brough, Roberts has indicated that the OCBOCC wish to know whether the Town would be interested in relingquishing contol over those properties in the ETJ used for farming, rather than the entire ETJ; and

WHEREAS, 11 of the 36 petitioners, reside on and/or own eight properties located in Carrboro's ETJ; five of those properties are in agricultural use value for tax purposes; and

WHEREAS, Orange County's attorney, John L.Roberts, has requested information on the Mayor and Board of Aldermen's position on relinquishing control and land use regulatory authority of farms within Carrboro's ETJ and the Town's position statement regarding the applicability of NCGS 160A-360 (g), 160A-360(h) or some other statutory or case law; and

WHEREAS, since Carrboro's ETJ was created by special legislation (Chapters 122 and 636 of Session Laws of 1963) and not pursuant to NCGS 160A, while Carrboro and Orange County could mutually agree to change the ETJboundary, the County could not act unilaterally do so; and

WHEREAS, the Carrboro Board of Aldermen has considered the County's request.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1.

Section 2. This resolution shall become effective upon adoption.

Office of the County Attorney

## ORANGE COUNTY P.O. BOX 8181 200 S. CAMERON STREET HILLSBOROUGH, NC 27278



February 22, 2010

Mr. Steve Stewart Town Manager 301 W. Main St. Carrboro, NC 27510

#### VIA EMAIL and U.S. MAIL

Dear Mr. Stewart:

I am writing to request information regarding the position of the Mayor and Board of Aldermen on relinquishing control and land use regulatory authority of farms within Carrboro's Extra Territorial Jurisdiction ("ETJ") to Orange County.

The reason for this inquiry is the recent appearance at an Orange County Board of Commissioners meeting of several residents of Carrboro's ETJ who requested the County Commissioners unilaterally remove regulatory authority over farms within Carrboro's ETJ and restore that authority to Orange County. These residents based their request on North Carolina General Statute 160A-360(g), which allows a government that granted another government ETJ authority to withdraw that authority upon two years' notice. Therefore, I would also request a position statement from the Town on whether 160A-360(g) applies to Carrboro and its ETJ or whether 160A-360(h) is the more applicable section. If some other statutory or case law applies to Carrboro in this situation please direct me to that law.

This inquiry should not be interpreted as a formal request that Carrboro relinquish regulatory control and authority to Orange County. It simply reflects an interest in knowing the official position of the Town and its elected officials.

Please let me know if you have any questions.

Yours Truly, L Rolect

John L. Roberts Orange County Attorney

cc Michael Brough, Town Attorney

## Petition To Remand Carrboro's Extra-Territorial Jurisdiction Over Rural Properties to Orange County

#### To: The Town of Carrboro, North Carolina

- Att: Carrboro Mayor Mark Chilton and Board of Aldermen
  - Carrboro Town Manager Steve Stewart
- Chairman Valerie Foushee and Orange County Board of Commissioners
- From: The undersigned farm and land owners of Carrboro's Extraterritorial Jurisdiction (ETJ)

Date: October 27, 2009

#### Dear Sirs and Madams,

We, the undersigned rural farm and land owners who reside within and about Carrboro's ETJ, and particularly those of us who reside within Carrboro's ETJ and its Watershed Residential zone, hereby require and respectfully request that the town of Carrboro relinquish control over ETJ land and return development jurisdiction for it to Orange County government as soon as is possible for so long as we do not seek to urbanize our real property, or as defined by procedures set forth in Section 160A-360 of the North Carolina General Statutes.

We further request that this matter be placed on the respective agendas for discussion at the next possible scheduled public hearings of both the Carrboro Board of Aldermen and the Orange County Board of Commissioners, with an advance notice of at least two weeks. The basis for our request is as follows:

Whereas Carrboro's leadership repeatedly has claimed that it has no interest in annexing our land; and, Whereas Carrboro has no expertise in managing farms or rural land; and,

Whereas we believe that ETJ land should be governed by those who have experience with governing farms and rural land, and not by an urban management principles and urban land-use ordinances; and,

Whereas the application of Carrboro's land use ordinances to farms and rural land is inappropriate and threatens our existence, our livelihood, our culture, our family life and, overall, our survival; and,

Whereas we believe that town policies foster continuing development of Carrboro's urban area and, thus, increasingly pose threats to our land, livestock and livelihood; and,

Whereas there exists no statutory mandate that requires Carrboro to govern the region known as its ETJ; and, Whereas we receive no benefits and do not seek benefits from Carrboro's urban management; and,

Whereas we believe in the democratic process and inalienable rights guaranteed by the U.S. Constitution and, as such, require the opportunity to elect those who govern our land and the opportunity to serve on those

elected governing bodies; and,

Whereas there is precedent for remanding development jurisdiction to counties from municipalities; and, Whereas North Carolina has adopted a Farm Protection Plan administered by the NCDA; and, Whereas Orange County's pending version has been described as "farmer friendly" and is expected by year-end;

We hereby request that Carrboro's leadership agree to relinquish development jurisdiction, as above, and make a concerted effort to seek support for and approval of the above from the Commissioners of Orange County at this time; that this effort be initiated in good faith by all parties hereto by no later than November 15, 2009; and that an amendment reflecting this change of jurisdiction be formally adopted and acknowledged in the Joint Planning Agreement, and any and all other relevant legal resources or mechanisms as deemed necessary to ensure acknowledgement and complete compliance by the governments of Orange County, Carrboro and Chapel Hill.

In the interim, we require that Carrboro cease to apply its urban land use ordinances to ETJ land and farms for so long as we do not seek to urbanize our real property; and proceed henceforth as if our land is presently governed by Orange County's ordinances from this day forward, and not by Carrboro's LUO.

2009 Respectfully submitted this  $\frac{79}{2}$  day of \_\_\_\_\_ by the undersigned: es Wample. Madeline, & OR Signature(s) Print Name(s) Name [Owner of Record] 27516 11 G. 178 TMBL m Name [Owner of Record] Zip Code

(ETJ land owner)

29 Oct, 2005

#### Page 2 of 2 – DEMAND TO REMAND JURISDICTION TO Orange County, NC

U. Womble 3. Numa H. Womble WOMPLE nama <u>NUMAG</u> Name [Owner of Record] Print Name(s) Signature(s) 7.119.9 TMBL 1122 Smith Level Rd., Chapel HillAL 27516 7.19.11 Tax/Pin No. Zip Code Name [Owner of Record] Address - W. Cultur Steven W. Crabtree 4 James W. Crebtree 10/22/09 Diet James W. Print Name(s) Signature(s Swc-1607 Smith Level Rd, Chapel Hill, NC Signature(s) Name [Owner of Record] Steven W. Crabtree 7-35-2210 JWC-1521 Smith Level Roy. (č Name [Owner of Record] Address ax/Pin No. Jusith & Joh NON h lorth . 5. Johnson Signature(s) Name [Owner of Record] Print Name(s) <u>275//3\_9117-32-588</u>7 Zip Code Tax/Pin No. HRB Johnson 1015 CLARENCE PR WA Address Name [Owner of Record] P <u>B=</u> 6. Sur hasol Name [Owner of Record] Signature(s 1576 Zip Code Tax/Pin No. Name [Owner of Record] Address ble 2916 Darnas cus Ch Rd 275169 4-37% Print Name(s) Signature(s) Name (Owner of Record) Name [Owner of Record] Zin Code Address Il Al. Jonkle よん Name [Owner of Print Name(s) R Ger Ho 2916 Domagicas osell Bloom 97734-0748 Name [Owner of Record] w Nomble Zip Code Tax/Pin No. Address Marthe Wilson To 9. Martha Wilson Womble Signature(s) Name [Owner of Record] Print Name(s) Martha Wison Wondle 2916 Bamasau Cha Z75/69767-94 Zip Code Tax/Pin No. -0113 Name [Owner of Record] Address ME Mar ٨٤ 10. Name [Owner, of Record] Print Name(s) Signature(s) View LAM <u>9767-94</u>-7/6 | Leren 2402 27516 15/12 Sci Name [Owner of Record] Zip Code Tax/Pin No. Address

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	Signature(s)
	Zip Code Tax/Pin No.
Address	ZIP Code Tax/Pin No.
Drint Mary (1)	
Print Name(s)	Signature(s)
Address	Zip Code Tax/Pin No.
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Address	Zip Code Tax/Pin No.
Print Name(s)	Signature(s)
Address	Zip Code Tax/Pin No.
	Address   Print Name(s)   Address   Print Name(s)



# Petition To Remard Carrboro's Extra-Territorial Jurisdiction Over Rural Properties to Orange County

To: The Town of Carrboro, North Carolina Att: Carrboro Mayor Mark Chilton and Board of Aldermen

Carrboro Town Manager Steve Stewart

Chairman Valerie Foushee and Orange County Board of Commissioners

From: The undersigned farm and land owners of Carrboro's Extraterritorial Jurisdiction (ETJ)

Date: October 27, 2009

Dear Sirs and Madams,

We, the undersigned rural farm and land owners who reside within and about Carrboro's ETJ, and particularly those of us who reside within Carrboro's ETJ and its Watershed Residential zone, hereby require and respectfully request that the town of Carrboro relinquish control over ETJ land and return development jurisdiction for it to Orange County government as soon as is possible for so long as we do not seek to urbanize our real property, or as defined by procedures set forth in Section 160A-360 of the North Carolina General Statutes.

We further request that this matter be placed on the respective agendas for discussion at the next possible scheduled public hearings of both the Carrboro Board of Aldermen and the Orange County Board of Commissioners, with an advance notice of at least two weeks. The basis for our request is as follows:

Whereas Carrboro's leadership repeatedly has claimed that it has no interest in annexing our land; and, Whereas Carrboro has no expertise in managing farms or rural land; and,

Whereas we believe that ETJ land should be governed by those who have experience with governing farms and rural land, and not by an urban management principles and urban land-use ordinances; and,

Whereas the application of Carrboro's land use ordinances to farms and rural land is inappropriate and threatens our existence, our livelihood, our culture, our family life and, overall, our survival; and,

Whereas we believe that town policies foster continuing development of Carrboro's urban area and, thus, increasingly pose threats to our land, livestock and livelihood; and,

Whereas there exists no statutory mandate that requires Carrboro to govern the region known as its ETJ; and, Whereas we receive no benefits and do not seek benefits from Carrboro's urban management; and,

Whereas we believe in the democratic process and inalienable rights guaranteed by the U.S. Constitution and, as such, require the opportunity to elect those who govern our land and the opportunity to serve on those

elected governing bodies; and,

Whereas there is precedent for remanding development jurisdiction to counties from municipalities; and, Whereas North Carolina has adopted a Farm Protection Plan administered by the NCDA; and, Whereas Orange County's pending version has been described as "farmer friendly" and is expected by year-end;

We hereby request that Carrboro's leadership agree to relinquish development jurisdiction, as above, and make a concerted effort to seek support for and approval of the above from the Commissioners of Orange County at this time; that this effort be initiated in good faith by all parties hereto by no later than November 15, 2009; and that an amendment reflecting this change of jurisdiction be formally adopted and acknowledged in the Joint Planning Agreement, and any and all other relevant legal resources or mechanisms as deemed necessary to ensure acknowledgement and complete compliance by the governments of Orange County, Carrboro and Chapel Hill.

In the interim, we require that Carrboro cease to apply its urban land use ordinances to ETJ land and farms for so long as we do not seek to urbanize our real property; and proceed henceforth as if our land is presently governed by Orange County's ordinances from this day forward, and not by Carrboro's LUO.

Respectfully submitted this $\underline{28}$ day of	October 2009 by the undersigned	
1. David Erlien	David Erlich Christing Erlin DA	C Christine M Erlen
Name [Owner of Record]	Print Name(s) Signature	s) 27516 9767-92-6255
Name [Owner of Record]	Address	Zip Code Tax/Pin No.

(ETJ land owner)

2-5 28 Oct, 2008 - '; Derek Jan Galvin Seen Galvin Derek Print Name(s) 2117 Damasevs Name [Owner of Record] Signature(s Rd 7923419 hich Name [Owner of Record] Zip Code Tax/Pin No. Address (ETJ land owner) Lynda H Wow 3. Warren GWon WarrenGWo Name [Owner of Record] Print Name(s Signature(s) HHK. 3015 (ka <u>911134</u>541 2251 Name [Owner of Record] Doris C Terry Address DOIISC. Terry Zip Code Tax/Pin No. Doris C. Lerry (ETJ land owner) BillyO, TANY Dilly G. TUrry NOI Print Name(s) Name [Owner of Record] Signature(s) 7516 9767-93. 23/6 8770 Ch. Rd Name [Owner of Record] Zip Code Tax/Pin No. Address (ETJ land owner) mac ( im 5 Kenneth W. Cash )onnal est Name [Owner of Record] Print Name(s) Signature(s) 20869 Donna C. Cus) Name [Owner of Record] 2204 Zip Code Tax/Pin No. Address (ETJ land owner) JoDorek C Harris soul s 7017676K2 6 on K Name [Owner of Record] Print Name(s) Signatur birs Charle Hill 2K16 9119037630 Name [Owner of Record] Zip Code Address Tax/Pin No. (ETJ land owner) Kristie Cas 7. Kenneth M. Cas Name [Owner of Record] Signature(s Print Name(s cistie 2708 91679320J Cash <u>775</u>16 Name [Owner of Record] Address Zip Code Tax/Pin No. (ETJ land owner) 8 Name [Owner of Record] Signature(s 7819334 abtr Zip Code Tax/Pin No. Name [Owner of Record] Address 9 Name [Owner of Record] Print Name(s) Signature(s) Name [Owner of Record] Address Zip Code Tax/Pin No. 10. Name [Owner of Record] Print Name(s) Signature(s) Name [Owner of Record] Address Zip Code Tax/Pin No.

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To: The Town of Carrboro, North Carolina

Att: Carrboro Mayor Mark Chilton and Board of Aldermen Carrboro Town Manager Steve Stewart

Chairman Valerie Foushee and Orange County Board of Commissioners

From: The undersigned farm and land owners of Carrboro's Extraterritorial Jurisdiction (ETJ)

Date: October 26, 2009

Dear Sirs and Madams,

We, the undersigned farm and land owners who reside within Carrboro's ETJ, and particularly those of us who reside within its Watershed Residential zone, hereby require and respectfully request that Carrboro relinquish control over our land and return development jurisdiction for it to Orange County at this time and by no later than year-end, or as defined by procedures set forth in Section 160A-360 of the North Carolina General Statutes.

We further request that this matter be addressed at the next scheduled public hearings of both the Carrboro Board of Aldermen and the Orange County Board of Commissioners. The basis for our request is as follows:

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Whereas the application of Carrboro's land use ordinances to farms and rural land is inappropriate and threatens our existence, our livelihood, our culture, our family life and, overall, our survival; and,

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Respectfully submitted this <u>29</u> day of <u>DTabER</u> <u>2009</u> by the undersigned:

Pockwell Reperts nda Brackweel Rol Print Name(s) Name (Owner of Record) 821 016 NC 86 ( Name (Owner of Record Print Name(s) Name (Owner of Record Address Name [Owner of Record] Tax/Pin No.

C-7 Oct 29, 2009

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Print Name(s)	Signature(s)	
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# Petition To Remand Carrboro's Extra-Territorial Jurisdiction Over Rural Properties to Orange County

## To: The Town of Carrboro, North Carolina

- Att: Carrboro Mayor Mark Chilton and Board of Aldermen Carrboro Town Manager Steve Stewart Chairman Valerie Foushee and Orange County Board of Commissioners
- From: The undersigned farm and land owners of Carrboro's Extraterritorial Jurisdiction (ETJ)

Date: October 27, 2009

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Whereas the application of Carrboro's land use ordinances to farms and rural land is inappropriate and threatens our existence, our livelihood, our culture, our family life and, overall, our survival; and,

Whereas we believe that town policies foster continuing development of Carrboro's urban area and, thus, increasingly pose threats to our land, livestock and livelihood; and,

Whereas there exists no statutory mandate that requires Carrboro to govern the region known as its ETJ; and, Whereas we receive no benefits and do not seek benefits from Carrboro's urban management; and,

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Whereas there is precedent for remanding development jurisdiction to counties from municipalities; and, Whereas North Carolina has adopted a Farm Protection Plan administered by the NCDA; and,

Whereas Orange County's pending version has been described as "farmer friendly" and is expected by year-end;

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Respectfully submitted this6day o	1 Pct, 2009	by the undersigned:
Name [Owner of Record]	Tacob C HArder	Soubl Harles
Name [Owner of Record]	Print Name(s)	Signature(s)
JACOB C. HANLOS	204 Homestead Rd	Charles His hc 27.516
Name [Owner of Record]	Address	Zip Code Tax/Pin No.

(ETJ land owner)

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Steve D. HArdee	STeve D. HArden	Signature(s)	10000
Name [Owner of Record]	Print Name(s) 318 Homester & Rd Ch	Signature(s)	
STeve 9. HAnder lame [Owner of Record]	Address	Žip Code	Tax/Pin No.
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Name [Owner of Record]	Address		Tax/Pin No.

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To: The Town of Carrboro, North Carolina

Att: Carrboro Mayor Mark Chilton and Board of Aldermen Carrboro Town Manager Steve Stewart

Chairman Valerie Foushee and Orange County Board of Commissioners

- From: The undersigned farm and land owners of Carrboro's Extraterritorial Jurisdiction (ETJ)
- Date: October 26, 2009

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Respectfully submitted this $\underline{\cancel{27}}$ day of	ucrober	by the undersigne	d:
1. Carolyn Miller Name [Owner of Record]		Car	off they
Name [Owner of Record]	Print Name(s)	Signature	
	400 Stony Hill	Rd CH	27516
Name [Owner of Record]	Address		Zip Code Tax/Pin No.
2. alan Finker		G	
Name [Owner of Record]	Print Name(s)	Signature	e(s)
<b>-</b>	400 Stony Hil	i Rd CI	H 27516
Name [Owner of Record]	Address		Zip Code Tax/Pin No.

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3. SAMVEL MILLERFINKEL		51	$1 \wedge$	5-
Name [Owner of Record]	Print Name(s)	Signature		
	400 STONY HILL RI	o ch	27516	
Name [Owner of Record]	Address	• •••• • • • • • • • • • • • • • • • •	Zip Code	Tax/Pin No.
DANID LANGE		R	In A.	Anne
Name Owner of Record]	Print Name(s)	Signature		10
Juri ma	<u>413 STONY HAL RD</u> Address	CH.	275	Tax/Pin No.
Name [Owner of Record]		-/-	Zip Code	Tax/Pin No.
Midual Rocentera	AIT Smuly Huck	Mich	Lefox	melly
Name [Owner of Record]	Print Name(s)	Signature	(\$)	$\mathcal{O}$
Name [Owner of Record]	Address		Zip Code	Tax/Pin No.
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Name [Owner of Record]	Address	······	Zip Code	Tax/Pin No.

## Page 2 of 2 – DEMAND TO REMAND JURISDICTION TO Orange County, NC

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Page 2 of 2 - DEMAND TO REMA	ND JURISDICTION TO Orange Cour	nty, NC
3. Wendy Dascomb Name [Owner of Record]	Bryan Wendy	Winty haven the
Name [Owner of Record]	Print Name(s)	Signature(s)
·	8033 DLD NC BC	- 27576
Name [Owner of Record]	Address	Zip Code Tax/Pin No.
4. Othera Indicata	Olivia Ludinche	Signature(s) 11 27576 Zip Code Tax/Pin No.
Name [Owner of Record]	Print Name(s)	Signature(s)
	502 Ray Rd C	17 27576
Name [Owner of Record]	Address	Zip Code Tax/Pin No.
5 Name [Owner of Record]		
Name [Owner of Record]	Print Name(s)	Signature(s)
Name [Owner of Record]	Address	Zip Code Tax/Pin No.
		•
6 Name [Owner of Record]		Signature(s)
Name [Owner of Record]	Print Name(s)	Signature(s)
		The Oracle - Text/Dis No.
Name [Owner of Record]	Address	Zip Code Tax/Pin No.
7 Name [Owner of Record]	Print Name(s)	Signature(s)
Name (owner of Necoluj	Fint Name(S)	Signature(s)
Nome (Ourses of Decord)		The Operator Transfer No.
Name [Owner of Record]	Address	Zip Code Tax/Pin No.
8 Name [Owner of Record]	Print Name(s)	Signature(s)
	This Name(3)	Olghallic(5)
Name [Owner of Record]	Address	Zip Code Tax/Pin No.
Marine [Owner of Necolu]	Address	Zip Code Taxifin No.
0		
9 Name [Owner of Record]	Print Name(s)	Signature(s)
•		0.3
Name [Owner of Record]	Address	Zip Code Tax/Pin No.
		LIP COUL TANFITTMY.
10.		
Name [Owner of Record]	Print Name(s)	Signature(s)
Name [Owner of Record]		
Manie (Chanel of Mecold)	Address	Zip Code Tax/Pin No.

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ATTACHMENT D



