

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Slade, that this resolution be approved.

RESOLUTION AMENDING THE JOINT PLANNING LAND USE PLAN AND JOINT
PLANNING AGREEMENT TO ALLOW FOR THE POSSIBILITY OF LOCATING
APPROPRIATE LOW INTENSITY AGRICULTURAL SUPPORT ENTERPRISES IN THE
RURAL BUFFER LAND USE CLASSIFICATION

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement originally dated September 22, 1987 and amended from time to time, and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions, and

WHEREAS, Orange County initiated amendments to the Orange County Comprehensive Plan and Unified Development Ordinance in order to adopt a regulatory program referred to as “Agricultural Support Enterprises Within the Rural Buffer Land Use Classification,” a program the County has been working on since 2001, and

WHEREAS, amendments to the Joint Planning Land Use Plan and Agreement are necessary prior to Orange County adopting the aforementioned Comprehensive Plan and Unified Development Ordinance amendments, and

WHEREAS, a joint public hearing regarding the proposed Joint Planning Land Use Plan and Agreement amendments was held on March 27, 2014, in accordance with the requirements of the Joint Planning Agreement.

NOW THEREFORE, the Carrboro Board of Aldermen hereby resolves that the Joint Planning Land Use Plan and Agreement be amended as shown on the attached pages.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends approval of all but four (i.e. Agricultural Processing Facility, Microbrewery w/Major Events, Winery w/Major Events, and Assembly Facility Greater than 300 Occupants) of the proposed agricultural support uses contained in the draft ordinance modifying the Orange County Unified Development Ordinance that may only be enacted after the amendments to the Joint Planning Land Use Plan and Joint Planning Agreement have been approved.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that the Agricultural Preservation Board, the County’s appointed agricultural advisory board be given the opportunity to comment on rezoning and land use permits related to ASE in the Rural Buffer.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen recommends that reuse of existing farm buildings, especially those 50 years or older, into new agricultural support enterprises, be encouraged by including in the draft ordinance provisions a mechanism for reducing or waiving the 100-foot property line setback requirements that would otherwise apply to such new enterprises.

BE IT FURTHER RESOLVED that the Carrboro Board of Aldermen requests that an update on Agricultural Support Enterprises be provided annually at a joint public meeting of the parties to the Joint Planning Agreement.

BE IT FURTHER RESOLVED that the Joint Planning Agreement shall also be amended to include a new subsection 1.3 (D) Effective Date and Duration, to read as follows:

The Agricultural Support Enterprises amendments to the Joint Planning Land use Plan and Joint Planning Agreement approved on _____, shall expire by their own terms six years from their effective date and shall be deleted from the Joint Planning Area Land Use Plan and Joint Planning Agreement, respectively, on that date; provided that, these amendments shall not expire or be deleted from the JPALUP if the governing bodies of Orange County, Chapel Hill, and Carrboro each adopts a resolution expressing that governing body's desire that these amendments remain a part of the specified documents. Such resolutions may be adopted not sooner than five and one-half years and not later than six years following the effective date of the subject amendments.

BE IT FURTHER RESOLVED that the amendments to the Joint Planning Land use Plan and the Joint Planning Agreement described above and indicated on the attached pages shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

BE IT FURTHER RESOLVED that any amendments to the County's Unified Development Ordinance that rely upon the attached amendments to the Joint Planning Area Land Use Plan or the Joint Planning Agreement in order to achieve the consistency with the Joint Planning Area Land Use Plan that the County requires, shall include provisions establishing that (i) such amendments to the County's UDO shall expire by their own terms if and on the date that the amendments to the JPALUP and the JPA expire as provided herein; and (ii) if the amendments to the UDO so expire, then any development or use for which a building permit was issued or that otherwise obtained a vested right during the period when those amendment

were in effect (and that could not have been approved but for those amendments) shall be treated as a permissible use, rather than a nonconforming use.

This the 14th of October, 2014

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Haven-O'Donnell, Alderman Chaney, Alderman Seils, Alderman Gist, Alderman Slade and Alderman Johnson

Absent: Alderman Seils