

**ORANGE COUNTY BOARD OF COMMISSIONERS
TOWN OF CHAPEL HILL COUNCIL
TOWN OF CARRBORO BOARD OF ALDERMEN
JOINT PLANNING AREA (JPA) JOINT PUBLIC HEARING
ACTION AGENDA ITEM ABSTRACT
Meeting Date: March 27, 2014**

**Action Agenda
Item No. C.2**

SUBJECT: Text Amendments to the Joint Planning Land Use Plan and Agreement –
Revise Existing Language to Allow for the Possibility of Locating Appropriate Agricultural
Support Enterprises in the Rural Buffer Land Use Classification.

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N)

Yes

ATTACHMENT(S):

Pages of Joint Planning Land Use Plan and
Agreement Proposed for Amendment

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PURPOSE: To receive public comment on a proposal to amend the Joint Planning Land Use Plan and Agreement to allow for the possibility of locating appropriate agricultural support enterprises in the Rural Buffer land use classification.

Please note: The Orange County Unified Development Ordinance (UDO) text amendments that would implement the concept of allowing appropriate agricultural support enterprises in the Rural Buffer are not the focus of this public hearing. The UDO text amendments were heard at the County's February 24, 2014 quarterly public hearing and the process prescribed in the Joint Planning Agreement for UDO text amendments affecting the Rural Buffer was followed. The UDO amendments cannot be adopted by Orange County unless the Joint Planning Land Use Plan and Agreement are amended to allow these types of uses in the Rural Buffer. The draft UDO text amendments are part of the quarterly public hearing materials available at: <http://orangecountync.gov/occlerks/140224.pdf>.

BACKGROUND: In the mid-1980s Orange County and the Towns of Chapel Hill and Carrboro adopted a Joint Planning Land Use Plan and accompanying Agreement that provided land use planning for the area of the county commonly referred to as the Rural Buffer. Other geographic areas, such as Transition Areas, are also covered in the plan. The full plan and agreement is available at: <http://orangecountync.gov/planning/Documents.asp>.

Orange County has been working on a zoning program known as “Agricultural Support Enterprises” (ASE) intermittently since 2001. The concept and necessary UDO text amendments were discussed at the November 21, 2013 Assembly of Governments (AOG) meeting (agenda materials are at: <http://orangecountync.gov/occlerks/131121.pdf>) and, as a result of discussion at the AOG meeting, a determination was made that text changes to the Joint Planning Land Use Plan and Agreement would be necessary in order for the County to adopt Unified Development Ordinance text changes that would allow appropriate agricultural support uses in the Rural Buffer.

The purpose of the ASE program is to augment allowable agricultural-related uses farmers throughout Orange County’s planning jurisdiction, which includes the Rural Buffer, can pursue in order to generate additional farm-related income and to potentially allow farming support/related uses in rural areas. The program seeks to minimize any adverse impacts on adjoining property by applying special standards for specific uses and the development standards in the County’s UDO required for all projects. One of the main ideas behind the program is that by better enabling farmers to stay in the business of farming, the rural, farming heritage of Orange County will continue to be preserved and pressure to sell farmland for conversion to residential uses may be lessened.

Completion of the ASE project is identified in the County’s adopted Agricultural Development and Farmland Protection Plan (available at: <http://orangecountync.gov/ercd/documents/farmland%20protection/Orange%20County%20ADFP%20Adopted%2011-17-09.pdf>) as an important step in continuing the economic viability of farming in Orange County.

As noted above, the actual UDO text amendments that would allow appropriate agricultural support uses in the Rural Buffer are not the topic of this public hearing. However, it is pertinent to note that the UDO text amendments propose very few additional uses as “permitted outright” in the Rural Buffer and these uses are of a small scale, low impact nature and must conform to use-specific standards in addition to the development standards Orange County requires for all development projects. Larger ASE uses or those with a greater possibility of adverse impacts would be permitted only through a Special Use Permit or Conditional Zoning process. These processes allow consideration of uses on a site-specific, case-by-case basis after a public hearing conducted by the County with the Board of County Commissioners making the final approval or denial decision. These County processes are similar to the conditional use permit processes the Towns of Chapel Hill and Carrboro use when reviewing development applications. As per the Joint Planning Agreement, all projects within the Rural Buffer are sent to Town planning staffs for review and comment. The Rural Buffer is divided into either Carrboro or Chapel Hill review areas with a small geographic area being reviewed by the staffs of both Towns (see map at: <http://orangecountync.gov/planning/documents/JPAReviewAreas.pdf>).

The pages in the attachment contain the necessary amendments to the Joint Planning Land Use Plan and Agreement to allow for the possibility of locating appropriate ASE uses in the Rural Buffer. **The ASE-related changes are shown in blue text.** In instances where there is overlap between the ASE-related changes and the changes proposed in a separate item on the Joint Public Hearing agenda, the changes proposed in the separate item are shown in **red text**. This differentiation was done in order to be clearer in sentences of the plan/agreement where overlap occurs.

FINANCIAL IMPACT: Costs to hold a public hearing on this item have been paid from FY 2013-14 funds budgeted for this purpose. Necessary work has been accomplished using existing staff. Enactment of the amendments is not expected to have a direct financial impact on the local governments.

RECOMMENDATION: The Planning Staffs recommend that the governing boards:

1. Hear public comment on the proposed amendments to the Joint Planning Land Use Plan and Agreement.
2. Close the public hearing.
3. Refer the matter to the local governments for decision in accordance with the following schedule:
 - a. Orange County
Orange County Planning Board for recommendation – May 7, 2014
Board of County Commissioners for possible action – June 3, 2014
 - b. Chapel Hill
Chapel Hill Planning Board for recommendation – May 6, 2014
Town Council for possible action – June 9, 2014
 - c. Carrboro
Carrboro Planning Board for recommendation – May 1, 2014
Board of Aldermen for possible action – June 3, 2014

The Rural Buffer is defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition Area, is rural in character and which will remain rural, ~~contain low-density residential uses,~~ and not require urban services (public utilities and other Town services). ~~The Rural Buffer is expected to contain low density residential uses, as well as agricultural uses, and agricultural support uses¹.~~ ~~The Rural Buffer and~~ consists of the following Joint Planning Area Land Use Plan categories: Rural Residential ~~and Agricultural;~~ ~~Agricultural;~~ Public-Private Open Space; Resource Conservation; New Hope Creek Corridor Open Space; Extractive Use; and the overlay category designated University Lake Watershed Area.

Rural Residential and Agricultural Areas are low-density areas consisting of single-family homes situated on large lots ~~two acres in size or greater with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed so long as density limits for the entire subdivision are maintained.~~ In that respect, Rural Residential Areas are identical to the definition of the Rural Buffer. ~~The area includes property supporting farming operations, including forestry activities, established in accordance with the provisions of the North Carolina General Statutes.~~

~~**Agricultural Areas** include land areas currently in use for farming and forestry operations and which qualify for, or are listed for, use value taxation purposes.~~

Public-Private Open Space Areas include major land areas owned or controlled by public and private interests in the Rural Buffer. Such holdings as Duke Forest, Camp New Hope, U.S. Government lands associated with Jordan Lake, the 100-foot buffer along I-40, and Orange Water and Sewer Authority lands adjacent to University Lake and the quarry site on N.C. Highway 54 provide open space through research, educational, forest management, and recreational functions.

Resource Conservation Areas in the Rural Buffer are identical to those in the Transition Areas; i.e., floodplains, wetlands along drainage tributaries, and steep slope areas (15% or greater). The areas form the basis for a parks and open space system (see Strategy Map) which provided the framework within which other land uses are situated.

New Hope Creek Corridor Open Space Areas include some of the Resource Protection Areas and a portion of the Public/Private Open Space Areas which were designated as significant and worthy of protection according to the New Hope Corridor Open Space Master Plan completed in April of 1991. (See Master Plan Map following Strategy Maps). The areas are part of a system of open space in Durham and Orange Counties along New Hope Creek and its tributaries between Eno River State Park and U.S. Army Corps of Engineers land north and south of Jordan Lake. This category is made up of critical environmental areas such as stream beds, floodplains, steep slopes, and larger tracts of historic, educational, or recreational value.

Extractive Use Areas encompass mining and quarry operations. Only one such site exists in the Rural Buffer, the American Stone Company quarry on N.C. Highway 54 west of Carrboro.

Retail Trade Areas in the Rural Buffer include low intensity neighborhood centers which serve the immediate area and generate low traffic volumes. Only one such area is designated in the Rural Buffer – Blackwood station on N.C. Highway 86.

¹ Red text is related to a separate amendment that is proposing to amend the same paragraph. The amendment necessary for Agricultural Support uses is shown in blue text.

Text above the section proposed for amendment has been removed.

***Rural Residential and Agricultural¹**

*Amended
4/2/90

The Rural Residential category is a low-density area consisting of single-family homes situated on large lots with a minimum lot size of two acres, except when part of a cluster subdivision and then adhering to a density limit of 1 unit for every 2 acres of property. ~~two acres in~~

¹ Red text is related to a separate amendment that is proposing to amend the same section. The amendment necessary for Agricultural Support uses is shown in blue text.

~~size or greater. Cluster subdivisions, reducing parcels to at least 1 acre in area, are allowed to as long as density limits for the entire subdivision are maintained.~~ The Rural Residential designation is identical to the Rural Buffer category contained in the current Orange County Land Use Plan. The Rural Buffer category is described in the Plan as land adjacent to an Urban or Transition area which is rural in character and which should remain rural; contain very low-density residential uses, and agricultural uses, and agricultural support uses; and not require urban services (water and sewer) during the Plan period.

Agricultural areas existing within Transition Areas are expected to change from rural to urban uses as Chapel Hill and Carrboro continue to grow and as public water and sewer services are expanded. Agricultural areas are located principally in University Lake Watershed but are also prominent along the northern perimeter of the Planning Area boundary. As development occurs in these areas, it will be of very low-density in nature and will generally consist of farm dwelling and outbuildings in support of agricultural operations.

To the north of Chapel Hill and Carrboro in the New Hope Creek drainage basin, low-density residential development has taken place along Whitfield Road, Sunrise Road and Erwin Road. Residential developments similar to Sedgfield, Stoneridge, Oak Hills, Birchwood Lake Estates and Falls of the New Hope are expected to continue, relying on wells and septic tanks for water supply and sewer disposal.

To the west of Carrboro, Rural Residential development is also expected in University Lake Watershed. However, only low-density residential and agricultural uses are anticipated. ~~For this reason, residential~~ Development will continue to rely on wells and septic tanks for water supply and sewage disposal.

The remaining area designated for Rural Residential and Agricultural development is the Southern Triangle area in the extreme southeastern portion of the County. The area drains to the southeast toward Jordan Lake and is beyond the ridge line of the Morgan Creek basin, an area which can be served by gravity sewer lines. The Southern Triangle is also characterized by environmental constraints such as steep slopes, flood plains and soils with poor stability, so low-density development is projected.

There are approximately 9,260 acres of land designated for Rural Residential and Agricultural purposes in the Land Use Plan. If developed at an average density of one dwelling unit per two acres with 15% of the area subtracted out for streets and roads, the holding capacity of the area in terms of dwellings is 3,935. If multiplied by the 1980 Census figure for population per household (2.6), the estimated population would be 10,231.

Text below the section proposed for amendment has been removed.

agreement. However, it will only be changed as the Joint Planning Area Land Use Map is amended if the Map amendments change the location of either the CJDA or the CHJDA.

A. Joint Courtesy Review Area. A portion of the northern Rural Buffer Area bounded on the east by I-40 and shown as such on Exhibit A.

B. Rural Buffer. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential ~~and Agricultural~~, ~~Agricultural~~, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres, unless the cluster subdivision option is used and density limits are maintained. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses, ~~and agricultural uses~~, and agricultural support uses and not require urban services (public utilities and other town services). Agricultural support uses are those designated in the County's Unified Development ordinance as allowable in the RB (Rural Buffer) general use zoning district or those permitted through the ASE-CZ conditional zoning district.

C. Transition Area. That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such. This area is further defined as being in

Red text is related to a separate amendment that is proposing to amend the same section. The amendment necessary for Agricultural Support uses is shown in blue text.

Agricultural Support Enterprises

Basic Zoning Program

(highlighting added on 4/22/14 for JPA Information Item)

Notes:

1. Some uses listed below already exist within the UDO; of these, some are proposed for changes (predominantly addition of use-specific standards) while others are not proposed for changes (see footnote below for key). This table is intended to show the full range of uses that have been considered "Agricultural Support Enterprises" through the years and are subject to zoning regulations. Uses that are **highlighted in yellow** are either currently allowed in the Rural Buffer or are proposed to be added as potentially allowable uses in the Rural Buffer through one of the review/approval methods (primarily through the conditional zoning process as an ASE-CZ).
2. All uses are subject to the development standards contained in Article 6 of the UDO (Landscaping, Buffers, Parking, Loading, Signage, Lighting, etc.) and any other applicable section.
3. All uses are subject to any applicable Environmental Health (well, septic, food service, etc.) and Building Code regulations. These types of regulations are adopted at the State level and the local government cannot change them.
4. There may be other State or Federal requirements applicable to specific uses (e.g., meat processing for public consumption). DEAPR or Cooperative Extension staff can assist people with understanding other types of requirements.
5. A pre-development meeting is available free of charge to all persons proposing projects. All relevant County staff members (from all involved departments, depending on project proposed) are in attendance at the meeting to assist potential applicants in understanding all requirements for the potential project and the relevant processes. Prospective applicants are highly encouraged to take advantage of this service.

Type of Use ¹	General Use Zoning Districts in which Allowed ²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Agricultural Processing Facility	AS, I1, I2, I3	ASE-CZ, MPD-CZ	5.13.2

¹ What is it? Check the **definition section** of the amendment packet to see how it's defined.

² Check Article 3 of UDO for explanation of zoning districts: <http://orangecountync.gov/planning/Ordinances.asp>

*: Use type currently exists in the UDO and is not proposed for modification.

^: Use type currently exists in the UDO and is proposed for modification.

Type of Use ¹	General Use Zoning Districts in which Allowed ²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Agricultural Processing Facility, Community	RB, AR, LC1, NC2, AS, I1	ASE-CZ, CUD	5.13.3
Agricultural Services Uses*	AS	ASE-CZ, MPD-CZ, CUD	None
Botanical Gardens/Arboretum*	All districts except EC5 and EI	ASE-CZ	None
Cold Storage Facility	AS (w/ SUP-A), I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.13.4
Community Farmers' Market	RB, AR, LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.13.5
Composting Operation, no grinding	AS (w/ SUP-A)	ASE-CZ, CUD	5.13.6
Composting Operation, with grinding	AS (w/ SUP-A)	ASE-CZ	5.13.6
Cooperative Farm Stand	RB, AR, LC1, NC2, AS	ASE-CZ, MPD-CZ, CUD	5.13.7
Country Store	LC1, NC2, AS	ASE-CZ, MPD-CZ, CUD	5.6.15
Equestrian Center	AR (w/ SUP-A)	ASE-CZ, CUD	5.13.8
Farm Equipment Rental, Sales and Service [^]	GC4, EC5, AS, I2, I3	ASE-CZ	5.13.9
Farm Supply Store	LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.13.10
Feed Mill [^]	AS, I2, I3	ASE-CZ, MPD-CZ	5.13.11
Garden Center*	LC1, NC2, CC3, GC4, AS	ASE-CZ, MPD-CZ, CUD	5.6.3
Greenhouses with On Premises Sales [^]	AR, NC2, CC3, GC4, EC5, AS	ASE-CZ, MPD-CZ, CUD	5.13.12
Guest Ranch	none	ASE-CZ	5.7.6
Kennels, Class I*	RB, AR, R1, CC3, GC4, AS	ASE-CZ	None
Kennels, Class II*	w/ SUP-B only: RB, AR, R1, CC3, GC4, AS	ASE-CZ	5.6.5
Meat Processing Facility, Community	RB, AR	ASE-CZ, CUD	5.13.13
Meat Processing Facility, Regional	AS (w/ SUP-A)	ASE-CZ	5.13.14
Metal Fabrication Shop	Not explicit (would fall under one of the Industrial classifications)	ASE-CZ	5.14.1
Microbrewery, production only	I1, I2, I3 w/ SUP-B only: RB, AR	ASE-CZ, MPD-CZ, CUD	5.14.2
Microbrewery with Minor Events	w/ SUP-B only: RB, AR, I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.6.10

Type of Use ¹	General Use Zoning Districts in which Allowed ²	Conditional Zoning Districts in which Allowed	Standards Section for Specific Use
Microbrewery with Major Events	none	ASE-CZ, MPD-CZ	5.6.11
Non-Farm Use of Farm Equipment	RB, AR, AS	ASE-CZ, CUD	5.13.15
Rural Guest Establishment: Bed & Breakfast*	RB, AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.7
Rural Guest Establishment: Bed & Breakfast Inn*	w/ SUP-B only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.8
Rural Guest Establishment: Country Inn*	w/ SUP-A only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.6.9
Rural Heritage Museum	w/ SUP-B only: RB, AR, LC1, NC2, AS	ASE-CZ, CUD	5.17.7
Rural Special Events	RB, AR, AS	ASE-CZ, MPD-CZ, CUD	5.17.8
Sawmill^	AS	ASE-CZ	5.14.3
Stables, Commercial^	w/ SUP-B only: RB, AR, R1, CC3, GC4, AS	ASE-CZ, MPD-CZ	5.13.16
Stockyards / Livestock Markets^	AS	ASE-CZ	5.13.17
Studio (Art)*	LC1, NC2, CC3, GC4, OI, I1, I2, I3	MPD-CZ, REDA-CZ-1, CUD	None
Taxidermy	LC1, NC2, CC3, GC4, I1 w/ SUP-B only: AR	ASE-CZ, CUD	5.6.12
Veterinary Clinic	LC1, NC2, CC3, GC4, EC5, OI, AS, I1, I2, I3 w/ SUP-B only: AR	ASE-CZ, MPD-CZ, CUD	5.16.1
Veterinary Clinic, mobile	LC1, NC2, CC3, GC4, EC5, OI, AS, I1, I2, I3 w/ SUP-B only: AR, R1	ASE-CZ, MPD-CZ, CUD	5.16.2
Veterinary Hospitals^	CC3, GC4, EC5, OI, AS, I2, I3	ASE-CZ, MPD-CZ, CUD	5.16.3
Winery, production only	I1, I2, I3 w/ SUP-B only: RB, AR	ASE-CZ, MPD-CZ, CUD	5.14.4
Winery with Minor Events	w/ SUP-B only: RB, AR, I1, I2, I3	ASE-CZ, MPD-CZ, CUD	5.6.13
Winery with Major Events	none	ASE-CZ, MPD-CZ	5.6.14

Bona Fide Farming Activities

Bona fide farming activities are exempt from local zoning regulations, but may be subject to environmental health and building codes and regulations in the UDO that are not considered “zoning”. Examples of bona fide farming activities are:

- Production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock (including horses), and poultry. Includes the use of greenhouses.
- Planting and production of trees and timber
- Aquaculture
- Marketing and selling of agricultural products produced on-site (e.g., can have a farm stand or store building on the bona fide farm and farm products can include raw and value added products).
- On-site agritourism
- Storage and use of products and materials for on-site agricultural purposes
- Packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural products produced on-site
- Production of nonfarm product that the Department of Agriculture and Consumer Services recognizes as a “Goodness Grows in North Carolina” product, if produced on a farm subject to a conservation agreement in an enhanced voluntary agriculture district
- Sawmill for timber produced on-site
- Farm employee housing
- Teaching classes related to agriculture on the farm
- Winery (using predominantly grapes produced on-site)
- Microbrewery (using predominantly crops produced on-site)