



Legislation Details (With Text)

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**Title:** Joint Planning Area Land Use Plan and Joint Planning Agreement Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer  
**PURPOSE:** The purpose of this item is to consider amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement which will make agricultural support enterprises allowable within the Rural Buffer portion of the Joint Planning Area. These changes are necessary in order for Orange County to approve proposed text amendments to its Unified Development Ordinance that will allow the new uses to occur within the Rural Buffer.

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A - Resolution for ASE.pdf, 2. Attachment B - Map of Joint Planning Area, 3. Attachment C - Overview of JPA Amendment Processes.pdf, 4. Attachment D - JPA ASE agenda materials.pdf, 5. Attachment E - Minutes of March 27, 2014 Joint Public Hearing, 6. Attachment F - Orange County UDO/Comp Plan Amendments, 7. Attachment G - Map showing Present-Use Value Properties in Joint Planning Area, 8. Attachment H - Currently Allowable and Proposed New Land Uses in the Rural Buffer and ASE-CZ Districts, 9. Attachment I - Rural Buffer Memo-Agric Support Enterprise, 10. Attachment J - Planning Board JPA Recommendation ASE, 11. Attachment K - ESC Recommendation JPA ASE 2014

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Planning

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**INFORMATION:** On March 27, 2014, the three parties to the Joint Orange County Planning Agreement (Agreement) held a public hearing on amendments to the Agreement and the Joint Planning Area Land Use Plan (Plan) that would apply within the Rural Buffer. These amendments follow from the County’s efforts to support farmers and farming, and have been in the works for some time.

The Town of Carrboro has been a party, with the Town of Chapel Hill and Orange County, to a Joint Planning Agreement since 1987. The agreement was established to create a method for coordinated and comprehensive planning in the southeastern portion of Orange County, described for this purpose as the Orange County-Chapel Hill-Carrboro Joint Planning Area (see map Attachment B). A Joint Planning Area Land Use Plan (Plan) was prepared and adopted; the Joint Planning Agreement (Agreement) specifies the method for implementing and revising the plan. Definitions, effective dates, and linkages with other adopted plans are spelled out in the Agreement. Amendments to the Plan and Agreement require unanimous approval of all three parties following a joint public hearing. The Plan and Agreement can be found at <http://www.townofcarrboro.org/PZI/commplanning.htm>. An overview of the actions and approvals, and the associated roles of each party to the Agreement is included as Attachment C.

A description of the changes to the Joint Plan and Agreement is provided in the agenda materials from the public hearing (Attachment D). An overview of the changes to Orange County's Comprehensive Plan and Unified Development Ordinance is included with the agenda materials under the title of "Basic Zoning Program." Minutes from the public hearing are provided as Attachment E. The full text of proposed amendments to the Unified Development Ordinance (UDO) and Comprehensive Plan is included as Attachment F. These changes apply within the Rural Buffer portion of the Joint Planning Area only - there are no changes proposed to uses allowed within the Transition Areas.

At the conclusion of the hearing, the Board of Aldermen referred the proposed Plan and Agreement amendments to Town advisory boards. At the suggestion of County Commissioner Alice Gordon, the Board of Aldermen also referred the proposed text amendments to the UDO and Comprehensive Plan to Carrboro advisory boards for review. These materials have been included as reference information for this agenda item as well. Amendments to the Plan and Agreement require unanimous approval of all three parties following a joint public hearing. Amendments to Orange County's UDO and Comprehensive Plan do not require formal action by Chapel Hill and Carrboro, but the opportunity for comment is provided prior to a public hearing.

Members of the Board of Aldermen requested information on the locations of farms in the Rural Buffer, a chart illustrating existing allowable uses in comparison to the uses that would be allowable with the proposed changes, and clarification of whether the intent is for Agricultural Support Enterprises to be operated by farmers/property owners or others. Board members have also expressed concerns that the proposal includes some uses which, though related to agriculture, may have a more commercial or industrial character than what is usually considered as farming/agriculture.

A map depicting parcels in the Present-Use value taxation program is provided (Attachment G) in response to the question of farm locations. Present-use value is a voluntary program enacted by the General Assembly in 1974 and administered by counties that allows certain lands in agricultural, horticultural, and forest uses to be assessed property taxes based on these uses. The assessed value is lower than would result if the land were assessed otherwise. The map highlights the 345 parcels, comprising approximately 27 percent of the land in the Rural Buffer, that are in the use value.

Orange County staff prepared Attachment H in response to the question regarding newly proposed and existing land uses that was posed at the May 15<sup>th</sup> meeting of the Planning Board. Attachment H includes four tables that list the allowable uses as follows: 1) currently allowed in the Rural Buffer, 2) proposed to be allowed in the Rural Buffer, 3) proposed to be allowed in ASE- Conditional Zoning (ASE-CZ) Districts, and 4) currently allowed in the Rural Buffer and to be allowed in the ASE-CZ districts.

As envisioned, the ASE program has sought to clarify the definition of agriculture (a goal that was largely addressed by changes to the General Statutes in 2011), add new farm-related uses to the County's zoning

ordinance and provide farmers with opportunities to make supplemental income on their farms within the framework of the Land Use Plan, and allow for uses that would establish farm-related infrastructure in the farming community that was otherwise zoned for residential development. Permitting requirements and performance standards based on size and intensity of the new uses rounded out the proposal. Conditional use zoning, included in updates to the County's development regulations with the 2011 Unified Development Ordinance, was included as a tool in this effort in recognition that some of the agriculture support enterprises were more intensive than others and would likely be viewed as appropriate in some areas but not in others.

The changing face of agriculture nationwide has been an ongoing topic for many years. The most noted factors have been that farmers are aging and commodity prices are dropping. Programs like that established by the Fair and Equitable Tobacco Reform Act of 2004 have accelerated the trend in Orange County, particularly in northern parts of the County. More information on local agricultural trends may be found in the 2009 Agricultural Development and Farmland Protection Plan

<http://www.co.orange.nc.us/ercd/documents/farmland%20protection/Orange%20County%20ADFPP%20Adopted%2011-17-09.pdf>. New farms tend to contain smaller acreage and are often more innovative-including some sort of direct marketing (e.g. farm stands), processing to add value to a raw product or other (e.g. pick-your-own). Statistical information relating to the ownership of individual farms, maintained by the Farm Services Agency, is not available to the public. Pressure for agricultural land to shift to other uses continues to be a significant factor.

However, today's farmers, particularly those owning or tending to smaller acreage are a diverse group. A glance at the recent uptick in the County's voluntary agricultural district program (with eight under consideration at the BOCC's June 3, 2014 meeting, see <http://www.co.orange.nc.us/occlerks/140603.pdf>) document the commitment of local farmers with large and small landholdings to stay in farming. One of the main benefits of the VAD program is identification.

A 2007 memo from then-County Manager to Carrboro and Chapel Hill Town Managers provides helpful context and background on the ASE initiative (Attachment I). Other agenda materials associated with the Joint Planning meeting referenced in the memo may be found at <http://www.co.orange.nc.us/OCCLERKS/040329.htm>.

Town staff has reviewed the proposed amendments to the Plan and Agreement, UDO and Comprehensive Plan and note that the Board of Aldermen may wish to consider forwarding the following comments:

- that the Agricultural Preservation Board, the County's appointed agricultural advisory board comment on rezoning and land use permits relating to ASE in the Rural Buffer.
- that the reuse of existing farm buildings, especially those 50 years or older, into new agricultural enterprises be encouraged by the offer to waive the 100 setback provisions for the use of those building in the new enterprise.

Recommendations and comments from advisory boards are attached (Attachment J and K).

**FISCAL & STAFF IMPACT:** None identified in association with approval of the changes to Plan and Agreement.

**RECOMMENDATION:** The Administration recommends that the Board of Aldermen consider adoption of the resolution (Attachment A) that approves the proposed Joint Orange County Land Use Plan and

Joint Planning Agreement amendments to allow for the possibility of locating agricultural support enterprises in the Rural Buffer, and offers comments related to the Unified Development Ordinance amendments and review process as noted above.