



Legislation Details (With Text)

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Title: Request for Orange County to Agree with Extension of Town's Extraterritorial Jurisdiction

PURPOSE: The purpose of this item is for the Board of Aldermen to consider submitting a request to the Orange County Board of County Commissioners seeking agreement on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.

Indexes:

Code sections:

Attachments: 1. Attachment A - Draft Letter to BOCC Re:ETJ Extension 3-24-2017, 2. Attachment B- NCGS 160A-360

Date	Ver.	Action By	Action	Result
3/28/2017	1	Board of Aldermen	approved	Pass

TITLE:

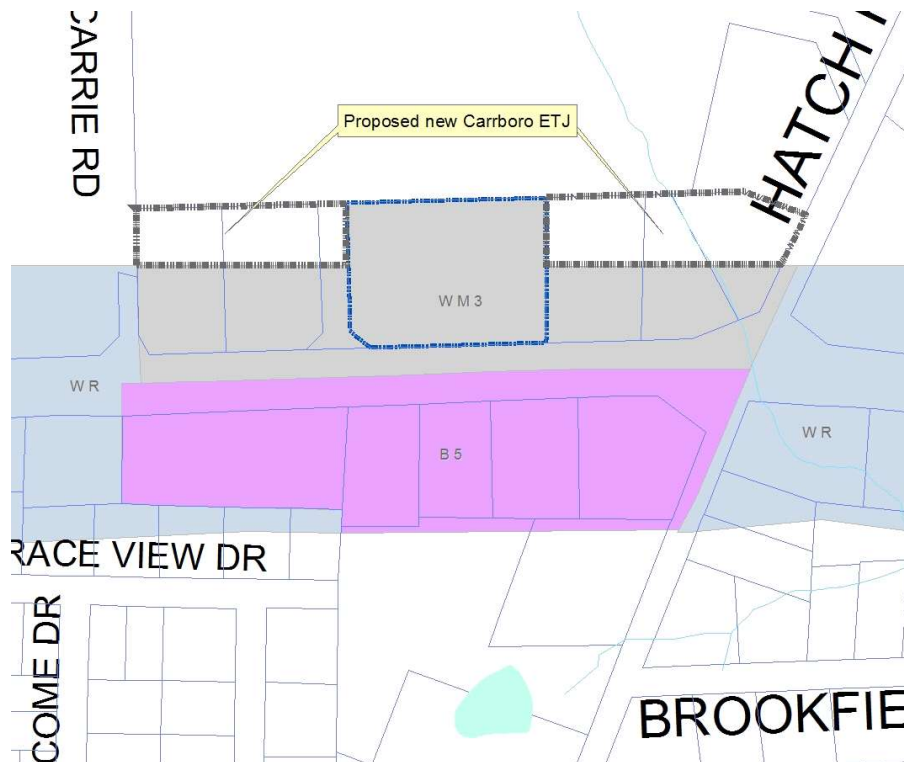
Request for Orange County to Agree with Extension of Town's Extraterritorial Jurisdiction

PURPOSE: The purpose of this item is for the Board of Aldermen to consider submitting a request to the Orange County Board of County Commissioners seeking agreement on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.

DEPARTMENT: Planning

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INFORMATION: The Board of Aldermen has been focused on improving the opportunities for use of the commercial properties along NC Highway 54 West for several years. Extending the Town's extraterritorial jurisdiction (ETJ) in order to allow the town to establish uniform zoning on five commercially zoned parcels that are currently split between ETJ and Rural Buffer has been identified as an important strategy in increasing business development there. The portions of the parcels located immediately adjacent to the highway are currently within Carrboro's ETJ while the northern portion of the parcels is designated as Rural Buffer. The change under consideration would shift the ETJ line slightly further north to capture the entirety of the parcels as shown in the illustration below.



ETJ authority is provided in NCGS 160A-360 (*Attachment B*), and subsection (e) applies in this instance:

No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at that time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Article.

In 2014, Orange County granted an extension of Chapel Hill's ETJ to facilitate community development funding for the Rogers Road sewer project.

In conjunction with or subsequent to the Town of Carrboro reaching an agreement with Orange County on the extension, a public hearing must be held prior to the Board of Aldermen adopting an ordinance that specifies its new boundary. Within 60 days of adopting such an ordinance, Town regulations, including zoning designations, would need to be established over the new area.

The Board may recall that there was some interest expressed at the October 13, 2016 joint meeting with the Orange County Board of County Commissioners of examining the ETJ boundary over a larger area. Staff of Orange County and the Town have discussed this and are working to articulate a process for advancing the examination of the larger area. In the meanwhile, a local business has been actively working to prepare a plan/permit application to allow one of the parcels to be developed as a new site for their business. A shorter timeframe for resolution of the ETJ boundary for the commercial properties in the NC Highway 54 West corridor is highly desirable. Agenda materials for related discussions may be found at the links below:

February 7, 2017:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2950249&GUID=9B6BFE58-D162-4777-95AC-95F3C820E0FD&Options=&Search=>.

October 13, 2016:

[<https://carrboro.legistar.com/MeetingDetail.aspx?ID=456737&GUID=E8053E71-8F10-436B-93A1-F3C92E6573DF&Options=&Search=>](https://carrboro.legistar.com/MeetingDetail.aspx?ID=456737&GUID=E8053E71-8F10-436B-93A1-F3C92E6573DF&Options=&Search=).

Next Steps

- 1) Town submits letter expressing interest in extending the ETJ in this location and on as rapid a timeframe as is possible. A draft letter is provided (*Attachment A*).
- 2) BOCC reviews Town request in a Board meeting and adopts resolution agreeing to extension of the jurisdictional boundary.
- 3) Board sets public hearing and refers change to advisory boards (i.e. rezoning).
- 3) Town holds a public hearing on the proposed extension. Notice to property owners must be distributed at least four weeks prior to the hearing.
- 4) Town holds a public hearing on the rezoning of the area the same evening. Notice to property owners must be distributed at least 10 but not more than 25 days prior to the hearing.

FISCAL & STAFF IMPACT: Advertising and legal costs associated with public hearing notice and ordinance preparation. .

RECOMMENDATION: It is recommended that the Board of Aldermen consider submitting a request to the Orange County Board of County Commissioners seeking agreement on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.