



## Legislation Text

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**File #:** 15-0018, **Version:** 1

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### **TITLE:**

Continued Discussion on Joint Planning Public Hearing Item - Amendments to Allow for the Possibility of Locating Agricultural Support Enterprises in the Rural Buffer

**PURPOSE:** The purpose of this item is to continue the proposed joint planning area amendments in follow-up to the Assembly of Governments meeting held on November 19<sup>th</sup>. Possible modifications to the structure for approving the amendments have been identified and discussed. These amendments 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.

**DEPARTMENT:** Planning

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**INFORMATION:** The Town of Carrboro has been considering Orange County's proposed amendments to the Joint Planning Agreement since the item was presented at the March 27, 2014 joint public hearing. Consideration by Orange County and Chapel Hill has been underway as well. During the most recent discussion, which took place at the Assembly of Governments (AOG) on November 19, 2014, the consensus was that Carrboro would consider the topic again, particularly the concerns and opposition expressed in relation to the sunset clause, and then share the outcome of its efforts with JPA partners in Orange County and Chapel Hill. The agenda abstract from the AOG meeting noted possible alternative timing/intensity measures related to limiting the new agricultural support enterprises. Those measures are provided here:

1. Consider instituting a timing mechanism of some sort, e.g., only "x" number of ASE uses can be established in the Rural Buffer each calendar year (or some other timeframe)
2. Consider instituting an acreage mechanism of some sort, e.g., only "x" number of acres may be used for ASE uses in the Rural Buffer (either annually or absolute).
3. Consider dividing the Rural Buffer into geographic areas and allowing only a specified number of ASE uses (or acres used for ASE operations) in each geographic area.
4. Consider adding only those uses proposed to be permitted by right or with a special use permit in the Rural Buffer (those uses listed in Table 2 of Attachment 3).
  - a. Rezoning property to the ASE-CZ conditional zoning district would not be allowed in the Rural Buffer unless the three local governments decided at a later date to allow this type of zoning in the Rural Buffer.
5. Consider removing additional uses from the ASE-CZ zoning district, as it would be applicable in the Rural Buffer (e.g., remove additional uses from Table 3 of Attachment 3).
6. Some combination of the options above

Currently scheduled next steps for Orange County and Chapel Hill are as follows:

- The public hearing on the Unified Development Ordinance amendments was extended to March 3, 2015. It is apparent that the date will need to be extended again to allow the time for the County to re-adopt the JPA amendments. A new date has not yet been identified; that will follow from the timing of actions taken by the Board of Aldermen and Town Council.
- The Chapel Hill Town Council had continued its discussion to January 26, 2015. Staff understands that a further continuation to February 22<sup>nd</sup> is anticipated in order to allow time for a Carrboro resolution to be included in the agenda materials for the meeting in January.

The summary tables prepared by Perdita Holtz, Orange County Planning, showing land uses that are currently allowed in the Rural Buffer and that are proposed to be added as part of the ASE (Agricultural Support Enterprises), are included as Attachment B. Ms. Holtz's memo related to linkages to bona fide farms and use value taxation provisions, prepared for the Carrboro Planning Board in May 2014, is included as Attachment C. A list of the meetings at which this item has been discussed, actions taken at those meetings, and links to associated materials is provided in the following table. Copies of relevant minutes and resolutions are included as attachments to this agenda item, and also referenced in the table.

Date	Meeting	Summary of Action	Link to materials and/or reference to Attachments (as available)
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11/21/13 Assembly of Governments Report on development of UDO amendments related to Agricultural Support Enterprises  
<http://www.co.orange.nc.us/occlerks/131121.pdf>

(Attachment D)			
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2/24/14 Board of County Commissioners Public Hearing on Agriculture and ASE Amendments to Orange County Unified Development Ordinance  
<http://www.co.orange.nc.us/occlerks/140224.pdf>

(Attachment E)			
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3/27/14 Joint Public Hearing Referral to advisory boards and elected boards for consideration and action  
<http://www.co.orange.nc.us/occlerks/140327JPH.pdf>

(Attachment F)			
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5/1/14	Joint Advisory Board Review	Recommendations and comments. Questions of Orange County staff.	Included in June 3 <sup>rd</sup> agenda materials
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6/3/14 Board of Aldermen Approved JPA changes related to lot size, density, and agricultural uses. Request for additional information related to ASE uses

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=301305&GUID=A020C4B9-EA00-4D86-B803-37A9B334E5A8&Search=>>

(Attachment G)			
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6/3/14	Board of County Commissioners	Approved JPA amendments	(Attachment H)
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6/9/14 Chapel Hill Town Council Discussion of items.

<http://chapelhillpublic.novusagenda.com/Bluesheet.aspx?itemid=2755&meetingid=268>

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9/9/14 Board of Aldermen Proposal to remove some uses, discuss others and direct attorney to explore sunset clause  
<https://carrboro.legistar.com/MeetingDetail.aspx?ID=335854&GUID=6210659A-164F-4DDD-90A1-9C84514DE812&Search=>>

(Attachment I)			
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10/14/14 Board of Aldermen Adopted resolution approving changes to JPA with additional provision related to sunset clause and associated recommendations for UDO

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=335857&GUID=E18FC952-1ACE-4C6B-A75F-9153CC68EE85&Search=>>

(Attachment J)			
11/10/14	Chapel Hill Town Council	Discussed special events, Board of Aldermen resolution, and retaining viability of agriculture in Rural Buffer.	<a href="http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&amp;clip_id=2231">http://chapelhill.granicus.com/MediaPlayer.php?view_id=7&amp;clip_id=2231</a> (see time stamp 2:03 of 2:38 meeting).

11/19/14 Assembly of Governments Discussion. Question about Rural Buffer projections in relation to future development and uses. Referral for Board of Aldermen to consider again. <http://www.co.orange.nc.us/occlerks/141119.pdf>

Orange County staff has prepared a memo in response to questions about Rural Buffer growth projections (Attachments K and L).			
1/13/15	Board of Aldermen	Item postponed/scheduled for consideration on 1/27/15	Alderman Slade shared written comments with other Board members on 1/13/15/ Perdita Holtz has provided some information in response - see Attachment M Alderman Slade has provided suggest edits to the UDO provisions in response to these comments - see Attachment N.

**FISCAL & STAFF IMPACT:** Significant fiscal impact is not anticipated. Staff impact may vary in relation to any requested follow-up action.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached material. A copy of the resolution adopted on October 14<sup>th</sup> is included as Attachment A. Staff anticipates that the Board may wish to revise this resolution in response to recent discussions and ongoing consideration of the matter.