

ORANGE COUNTY-CHAPEL HILL-CARRBORO JOINT PLANNING

Executive Summary

The three-party Joint Planning Agreement grants development authority in certain areas of Orange County jurisdiction to Chapel Hill and Carrboro while maintaining County oversight until the areas are annexed. It also provides for Town and County “courtesy review” of development proposals and text and map amendments to land use ordinances. Two key areas of County jurisdiction defined in the Joint Planning Agreement and Land Use Plan are involved: Transition Areas and the Rural Buffer. Transition Areas are urbanizing areas adjacent to municipal jurisdictions and suitable for development at densities of more than one residential unit per acre. The Joint Planning Land Use Plan defines a range of densities suitable for the Transition Areas and town zoning is applied there consistent with the Plan. A joint public hearing with approval by all three governments is required for any changes to the plan; changes in zoning must be consistent with the Plan, require a public hearing with the applicable town and the County, and an affirmative vote by both governing bodies. Major subdivisions, projects requiring special or conditional use permits, or amendments to land use ordinances applicable in the Transition Areas must be provided to Orange County for courtesy review prior to a town decision. The Rural Buffer, a low-density residential area of 38,000 acres surrounding the towns and their respective Transition Areas, is projected to remain rural and not require urban services. It is composed of the New Hope Creek Basin, University Lake Watershed, and Southern Triangle area. Minimum lot size in the University Lake watershed is five acres with two acres in the remainder of the Rural Buffer. Reciprocal courtesy review privileges are extended to the towns for County projects or ordinance changes in the Rural Buffer.

Background

During the late 1970s and early 1980s, urban growth began to occur outside of Chapel Hill’s and Carrboro’s corporate limits and extraterritorial planning jurisdictions (ETJ). In particular, growth began to occur north of Chapel Hill’s ETJ boundary; and Orange County had begun to approve developments in this area that would eventually be annexed into the Town’s corporate limits.

A philosophy for joint planning emerged as an opportunity to provide Chapel Hill and Carrboro with some planning and zoning control over future growth areas outside of each Town’s ETJ. Joint planning also provided the opportunity for the County to retain some zoning control over these growth areas while also setting a limit for urban sprawl and providing a transition from an urban to a rural environment (the Rural Buffer). In general, the purpose of joint planning is to provide a method of coordinated and comprehensive planning for areas that are of interest to all three jurisdictions.

Joint Planning is best understood when viewed from the standpoint of its three primary components: the Joint Planning Agreement; the Joint Planning Land Use Plan and Map (attached); and Transition Areas and Rural Buffer administration.

Joint Planning Agreement

In 1984, the Town of Chapel Hill and Orange County entered into a Joint Planning Agreement that called for the development of a Land Use Plan for the areas immediately surrounding Chapel Hill and Carrboro, but outside the ETJ boundaries of the two towns. These areas outside of each Town's planning jurisdiction were known as Joint Planning "Transition Areas." Initially, the Town of Carrboro was not a party to the Joint Planning Agreement.

Following efforts to streamline the review process for developments located in transition areas, the Town of Carrboro joined Chapel Hill and Orange County in adopting a new Joint Planning Agreement on November 2, 1987.

A summary of the major provisions of the Agreement follows:

1. Provides for the preparation and adoption of a Joint Planning Area (JPA) Land Use Plan by Chapel Hill, Carrboro, and Orange County.
2. Provides for the application of Chapel Hill and Carrboro development standards within Transition Areas following the adoption of zoning maps and district designations based on the Towns' respective land development ordinances and consistent with JPA Land Use Plan categories.
3. Permits the Towns of Chapel Hill and Carrboro to perform all functions related to the administration of their respective Land Development Ordinances within designated Transition Areas. Such functions may include, but are not limited to, processing applications, issuing permits, approving site/construction plans, and conducting building inspections. Orange County has the right to review and comment on development applications.
4. Provides for Orange County's continued application and administration of its development standards within the Rural Buffer. Chapel Hill and Carrboro have the right to review and comment on development applications there.
5. Provides amendment procedures for the JPA Land Use Plan text and map, including the required approval of all three governing bodies.
6. Provides amendment procedures for the towns' development standards applicable within Transition Areas, including Orange County approval of zoning changes and review of text amendments to land use ordinances.
7. Places limitations on the ability of the towns to annex within the Rural Buffer and within each other's Transition Areas.
8. Provides for representation on the towns' planning boards and boards of adjustment by Transition Area residents.

Joint Planning Area Land Use Plan and Map and Transition Area Zoning

Following adoption of the initial Joint Planning Agreement between Orange County and Chapel Hill in 1984, the staffs and Planning Boards of the two jurisdictions proceeded to develop a Land Use Plan. Background data was collected and analyzed as the starting point for preparation of the Plan. Hundreds of pages of text and tables along with dozens of maps were assembled. Though not a party to the

Joint Planning Agreement at that time, Carrboro was also updating its Land Use Plan and began to participate in the Joint Planning process.

In an effort to promote public review of the background information and stimulate discussion of the issues, a public information meeting was held in November of 1985. The results of this meeting plus comments from public hearings in January and April of 1986 on the first and second drafts of the Plan were merged to produce the Joint Planning Area Land Use Plan. The Chapel Hill Town Council and Orange County Board of Commissioners adopted the Plan on October 13, 1986.

On June 30, 1988, a public hearing was held to receive citizen comments on additional amendments to the Plan (designation of Transition Areas I and II), the Chapel Hill and Carrboro Transition Area zoning plans, and incorporation, by reference, of the land development ordinances of the two municipalities into the Orange County Zoning Ordinance. Chapel Hill and Carrboro adopted the Plan amendments on July 11 and July 12, 1988, respectively. Orange County subsequently adopted the Plan amendments and Transition Area zoning on September 6, 1988.

Transition Areas and Rural Buffer Administration

For almost 20 years, the towns have been responsible for day-to-day administration of land development activities in the Transition Areas including, but not limited to, processing applications, issuing permits, approving site/construction plans, and conducting building inspections. As long as proposed development is consistent with adopted zoning, Orange County has no involvement except for courtesy review. Transition Area rezoning proposals that are consistent with the adopted Plan are presented at a joint Town and County public hearing and must be approved by the Town and County to be effective. As previously noted, the County has courtesy review of major subdivisions and developments involving special or conditional use permits. Courtesy review also extends to proposed amendments to town land use ordinances applicable in the Transition Areas. Chapel Hill and Carrboro have annexed substantial portions of the Transition Areas in the ensuing years. Effective January 31, 2006 an extensive area west of Rogers Road comprised of The Highlands, Highland Meadows, and Highlands North in Carrboro Transition Area I, and Fox Meadow and Meadow Run in Carrboro Transition Area II was incorporated into the Town.

Chapel Hill and Carrboro have courtesy review of the same types of activities in the Rural Buffer as the County has in the Transition Areas. The Rural Buffer is divided into a Carrboro Joint Development Review Area (CJDA) and a Chapel Hill Joint Development Review Area (CHJDA). The CJDA lies generally west of I-40 and contains the University Lake Watershed. The CHJDA lies north and east of I-40 and also contains the "Southern Triangle" in the southeastern tip of Orange County. In addition, there is a linear strip immediately west of I-40 in the northern portion of the Rural called the Joint Courtesy Review Area wherein both towns have courtesy review of County projects. Recent development activity in the Rural Buffer has been

primarily minor subdivisions (less than five lots) that are not covered by courtesy review. The last major subdivision approved in the Rural Buffer was Tuscany Ridge (22 lots) in the CJDA in 2003.

Amendment Procedures

As long as proposed development in the Transition Areas is consistent with adopted zoning, Orange County has no involvement except for courtesy review. Rezoning proposals that are consistent with the adopted Plan are presented at a joint public hearing attended by Orange County and the relevant Town. The approval of both governing bodies is required for the rezoning to be effective. From time-to-time amendments to the Plan are requested, generally by one of the Joint Planning participants, but sometimes by an individual or other entity. Amendments of this type require a public hearing attended by all three governments and an affirmative vote of each board to be effective. Plan amendments from the towns include the *Chapel Hill Southern Small Area Plan* and the *Facilitated Small Area Plan for Carrboro's Northern Study Area*.

As with Plan amendments, amendments to the Joint Planning Agreement require presentation at a joint public hearing and approval by all three governing bodies. One of the most significant amendments is the addition of the *Water and Sewer Management, Planning and Boundary Agreement* in August 2002. The Agreement and map delineate primary service areas (existing town jurisdictions and Transition Areas) and identify OWASA as the provider of water and sewer. In addition, the Agreement identifies the Rural Buffer as an OWASA long-term interest area. Water and sewer is not anticipated there, but if it is extended for reasons delineated in the Agreement, OWASA will be the responsible entity.

Conclusion

Joint Planning has served for over 20 years as an effective technique for cooperative land use planning at the rural/urban interface. It recognizes areas of County jurisdiction that are urbanizing and grants authority, prior to annexation, to the municipalities the areas will ultimately become a part of. This ensures that development from the outset will be to town standards and "retrofitting" after annexation will not be necessary. The County maintains a role in land use decisions until annexation occurs, ensuring that residents of the areas are represented on advisory boards and can express concerns to elected officials for whom they are able to vote. Finally, the Rural Buffer zoning district coupled with prohibitions on annexation and water and sewer extension in the Joint Planning Agreement has proven to be an effective strategy at containing sprawl at the urban fringe.