



TOWN OF CHAPEL HILL NORTH CAROLINA

MEMORANDUM

Meeting Date:
[MO/DA/YEAR]
AGENDA #[##]

TO: Chapel Hill Planning Commission

FROM: Mary Jane Nirdlinger, Planning and Sustainability
Gene Poveromo, Development Manager

SUBJECT: Reconsidering an Amendment to the Land Use Management Ordinance and the Joint Planning Area Agreement Regarding the Joint Planning Area (JPA) Membership on the Planning Commission and Board of Adjustment

Recommended Action

- That the Planning Commission reconsider the January 6, 2015 recommendation to the Town Council on the Joint Planning Area (JPA) Membership on the Planning Commission and Board of Adjustment; and
- That the Commission recommend the membership of the Planning Commission retain at least one ETJ seat, as currently mandated by State Statutes and the Land Use Management Ordinance; and
- That the Commission recommend amending the Land Use Management Ordinance and Joint Planning Area Agreement and change the current JPA seat on the Planning Commission and the Board of Adjustment to an ETJ, JPA, or Chapel Hill Resident at-large seat.

Explanation of Recommendation

- The January 6, 2015, recommendation from the Planning Commission does not comply with Extraterritorial representation, as specified by North Carolina State Statute 160A-362.

Context with Key Issues

- State Statute 160A-362 (Extraterritorial representation) requires the membership of the Planning Commission include “...*at least one resident of the entire extraterritorial zoning and subdivision areas...*”
- On January 6, 2015 the Planning Commission recommended that the Council replace 2 membership seats (ETJ and JPA membership) on the Planning Commission with “...*one at-large Chapel Hill Resident; and one resident of either the Joint Planning Transition Area (JPA) or the Extraterritorial Planning Jurisdiction (ETJ)*”
- This recommendation could result in a situation where the Planning Commission would not include a representative from the ETJ and not comply with State Statute 160A-362.

Background

- On [October 15, 2014](#), the Council enacted an ordinance to expand the Town’s ETJ boundary. This expansion was achieved by a reduction in the JPA area.
- Following the expansion of the ETJ, the Town is obligated to provide representation for

the ETJ on the Planning Commission and the Board of Adjustment that is “proportional” and “based on population.”

- The estimated population of the Town of Chapel Hill, as of 2013, is 59,635. This represents population within Chapel Hill’s corporate limits within both Orange and Durham County. While there is no formal population estimate for the planning areas outside the corporate limits (ETJ and JPA), it is possible to extrapolate a population in the ETJ/JPA based on the number of dwelling units in those areas (according to the 2010 Census, there are approximately 2.38 people per household in Chapel Hill).
- The below chart reflect the 2013 corporate limits population as well as the extrapolated population for the new ETJ boundary and reduced JPA area.

Chapel Hill Area	Population Estimate	% of Population
Town Limits	59,635	93.3%
Extraterritorial Jurisdiction	4,020	6.3%
Joint Planning Area	297	0.4%
Total	63,952	100%

- On January 6, 2015 the Planning Commission recommended enactment of an Ordinance that would amend the Planning Commission membership.
- The Planning Commission recommended replacing the ETJ seat with an at-large Chapel Hill resident and replacing the JPA representative with one ETJ or JPA member. Their recommended changers is shown in the below table:

Current Membership	Proposed Membership	Membership Fixed By
Community Design Commission Champion	No Change	Council (Policy Manual)
Environmental Stewardship Champion	No Change	Council (Policy Manual)
Housing Advisory Board Champion	No Change	Council (Policy Manual)
Transportation & Connectivity Board Champion	No Change	Council (Policy Manual)
3Chapel Hill Residents	No Change	Council (Policy Manual)
Extraterritorial Jurisdiction Resident (ETJ)	Change to Chapel Hill resident	State Statutes
Joint Planning Area Resident (JPA)	Change to an ETJ or JPA resident	Joint Planning Agreement

- The Planning Commission based its decision on the fact that the current ETJ/JPA population percentage (6.7%) is less that the representative percentage (22%) of 2 seats on the Planning Commission. The Commission noted that with one ETJ/JPA seat on the Planning Commission, there is still almost double the population representation (11% vs. 6.7%) on the Planning Commission.
- The Planning Commission also amended the membership on the Board of Adjustment; however that change retained at least one ETJ seat and amended the Joint Planning Agreement to include one JPA or ETJ member.
- On [January 21, 2015](#) the Council enacted an ordinance that followed the Planning Commission’s recommendation.

Staff Recommendation

- That the Commission reconsiders its recommendation and endorsed an amendment to the Joint Planning Agreement as shown in the below table:

Current Membership	Proposed Membership
Community Design Commission Champion	No Change
Environmental Stewardship Champion	No Change
Housing Advisory Board Champion	No Change
Transportation & Connectivity Board Champion	No Change
3Chapel Hill Residents	No Change
Extraterritorial Jurisdiction Resident (ETJ)	No Change
Joint Planning Area Resident (JPA)	Change to an JPA, ETJ or Chapel Hill resident

- That the Commission also amends the JPA seat on the Board of Adjustment to a JPA, ETJ or Chapel Hill resident seat.

Fiscal Note

- No fiscal impact determined at this time

Council Goal:

- Create A Place for Everyone
- Facilitate Getting Around
- Develop Good Places New Spaces
- Nurture Our Community
- Support Community Prosperity and Engagement

Attachments

- Proposed Land Use Management Ordinance Text Amendment
- Proposed Resolution Amending the Joint Planning Area Agreement
- North Carolina State Statute 160A-362 Extraterritorial Representation

**AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT
ORDINANCE REGARDING PLANNING COMMISSION MEMBERSHIP AND
BOARD OF ADJUSTMENT MEMBERSHIP**

WHEREAS, on October 15, 2014, the Town Council enacted an Ordinance expanding the Town's Extraterritorial Jurisdiction (ETJ) area by reducing the Joint Planning Area (JPA); and

WHEREAS, the Joint Planning Area Agreement calls for the Planning Commission and Board of Adjustment membership to have representation from the (JPA); and

WHEREAS, the Council of the Town of Chapel Hill has considered a proposed text amendment to the Land Use Management Ordinance regarding changes to the composition of the Planning Commission and Board of Adjustment to change the Joint Planning Area Representative membership to either a Joint Planning Area Representative or a Extraterritorial Jurisdiction Representative membership; and

WHEREAS, the Council finds that the amendment is warranted as conditions have changed regarding the Extraterritorial Jurisdiction and Joint Planning Area population in relation to the Town corporate limit population.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill as

follows: Section 1. Subsection 8.2.1 of the Chapel Hill Land Use Management Ordinance is

hereby
revised to read as follows:

A Planning Commission, consisting of nine members, is hereby established. The charge of the Commission is to assist the council in achieving the town's comprehensive plan for orderly growth and development by analyzing, evaluating and recommending responsible town policies, ordinances and planning standards that manage land use and involving the community in long- range planning. Members shall be appointed in accordance with the council's advisory board membership policy and shall include one (1) Extraterritorial Planning Jurisdiction (ETJ) resident and one (1) resident of either the Joint Planning Transition Area (JPA) resident or the Extraterritorial Planning Jurisdiction (ETJ) appointed by the Orange County Board of Commissioners, or shall be a a Chapel Hill Resident appointed by the Town Council if the Orange County Commissioners do not appoint a member in the timeframe stipulated in Section 2.7 of the Joint Planning Agreement.

Section 2. Subsection 8.3.1 of the Chapel Hill Land Use Management Ordinance is hereby revised to read as follows:

A board of adjustment, consisting of ten (10) members, is hereby established. Eight (8) members, appointed by the council, shall reside within the corporate limits of Chapel Hill. One (1) member, appointed by the Orange County Board of Commissioners, shall reside within the Town's extraterritorial zoning jurisdiction. One (1) member, appointed by the Orange County Board of Commissioners, shall reside either within the extraterritorial zoning

jurisdiction or the Joint Planning Transition Area, or shall be a Chapel Hill resident as appointed by the Town Council if the Orange County Commissioners do not appoint a member in the timeframe stipulated in Section 2.7 of the Joint Planning Agreement.

There shall be three (3) alternate members. Two (2) alternate members appointed by the council, shall reside within the corporate limits of Chapel Hill. One (1) alternate member, appointed by the Orange County Board of Commissioners shall reside within the town's extraterritorial zoning jurisdiction or the Joint Planning Transition Area. Alternate members shall sit as regular members on any matter arising from their respective extraterritorial or transition areas, and may sit as regular members on any matter in the absence of the regular member. The council may provide for the appointment of such additional number of alternate members as it may in its discretion deem appropriate. Members shall serve without compensation.

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council hereby finds the proposed representative changes to be reasonable and consistent with the Town Comprehensive Plan.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council hereby amends the Council's Advisory Board Policy Manual as necessary to reflect the above changes.

This the day of , 2015.

RESOLUTION
(Staff Recommendation)

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A RESOLUTION AMENDING THE JOINT PLANNING AREA AGREEMENT REGARDING PLANNING COMMISSION MEMBERSHIP AND BOARD OF ADJUSTMENT MEMBERSHIP

WHEREAS, on October 15, 2014, the Town Council enacted an Ordinance expanding the Town's Extraterritorial Jurisdiction (ETJ) area by reducing the Joint Planning Area (JPA); and

WHEREAS, the Joint Planning Area Agreement calls for the Planning Commission and Board of Adjustment membership to have representation from the (JPA); and

WHEREAS, the Council of the Town of Chapel Hill has considered a proposed text amendment to the Land Use Management Ordinance regarding changes to the composition of the Planning Commission and Board of Adjustment to change the Joint Planning Area Representative membership to either a Joint Planning Area Representative or a Extraterritorial Jurisdiction Representative membership; and

WHEREAS, the Council finds that the amendment is warranted as conditions have changed regarding the Extraterritorial Jurisdiction and Joint Planning Area population in relation to the Town corporate limit population.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Joint Planning Area Agreement is hereby revised to read as follows:

Section 2.7 Representation of Transition Area Residents

Chapel Hill: Chapel Hill shall revise its Land Use Development Ordinance ~~and Carrboro shall revise its Land Use Ordinance~~ to provide that in addition to one Extraterritorial Jurisdiction representative on the Planning Board and Board of Adjustment that the County Commission appoint one additional representative from the Joint Planning Area or the Extraterritorial Jurisdiction. If an appointment by the County Commission is unable to be secured within 90 days of a vacancy, the Town Council may fill the vacant seat with a Chapel Hill resident. Chapel Hill shall notify Orange County of any vacancies for which Orange County is to make an appointment, within ten days of a vacancy. At the request of the County Commission, the Town Council may extend the 90 day time limit, at least one resident of each town's respective Transition area shall be appointed to each town's respective planning board and board of adjustment, in the same manner as representation of extraterritorial planning area residents is provided for in each Town's ordinance.

~~Carrboro: Carrboro shall revise its Land Use Ordinance to provide that at least one resident of each the Town's respective Transition area shall be appointed to each the Town's respective planning board and board of adjustment, in the same manner as representation of extraterritorial planning area~~

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residents is provided for in ~~each~~ the Town's ordinance.

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