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ORANGE COUNTY BOARD OF COMMISSIONERS
CARRBORO BOARD OF ALDERMEN
CHAPEL HILL TOWN COUNCIL

JOINT PLANNING AREA PUBLIC HEARING AGENDA ITEM ABSTRACT

Meeting Date: October 9, 2002

Action Agenda
Item No. C.2

SUBJECT: Proposal to Extend Annexation Time Limits in the Joint Planning Agreement

DEPARTMENT: Planning and Inspections

PUBLIC HEARING: (Y/N) Yes

ATTACHMENT(S):
Joint Staff Memorandum

INFORMATION CONTACT:
Roger Waldon
Roy Williford
Craig Benedict

TELEPHONE NUMBERS:
Hillsborough 732-8181
Chapel Hill 968-2700
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Mebane (336)227-2031

PURPOSE: To receive public comment on a proposal to extend for 20 years the annexation time limits specified in the Joint Planning Agreement.

BACKGROUND: On November 2, 1987, the Orange County Board of Commissioners, the Carrboro Board of Aldermen, and the Chapel Hill Town Council executed a landmark Joint Planning Agreement. The execution of this Agreement followed a decade of discussions about how to best plan for and manage growth in the areas immediately outside the municipal boundaries of Chapel Hill and Carrboro. Authority to execute the agreement was achieved through passage of special enabling legislation by the North Carolina General Assembly. The Agreement has been amended four times.

The Joint Planning Agreement established a Rural Buffer as well as Transition Areas. As noted in Article 3 of the Joint Planning Agreement, two key components to the Agreement are that neither Chapel Hill nor Carrboro may annex into the Rural Buffer, and that neither Chapel Hill nor Carrboro may annex into the other's Transition area. Since the Agreement was adopted in September 1987, Chapel Hill and Carrboro have adhered to these annexation provisions.

Outside of the annexation provisions of the Joint Planning Agreement, Chapel Hill and Carrboro entered into an annexation boundary agreement in June, 1995. This agreement adjusted the division line between the extraterritorial jurisdiction between Chapel Hill and Carrboro and established areas into which neither Town may annex. The agreement incorporates the Joint Planning Agreement provisions related to annexation as well. Both towns have adhered to this agreement since its adoption in 1995.

The second sentence in Section 1.3.B of the Joint Planning Agreement states: "Subject to termination provisions of this Agreement, annexation provisions of this Agreement shall be valid for not more than 20 years and may be thereafter renewed." These provisions will expire in July 2006 if they are not renewed. The Joint Planning Agreement itself, however, is not time-limited. According to Section 1.3.B, the Joint Planning Agreement itself "shall remain in effect until terminated by mutual agreement or by withdrawal of any party."

The proposed amendment to the Joint Planning Agreement would extend the annexation provisions of the Agreement 20 years beyond the initial expiration date of these provisions of 2006. A draft resolution authorizing the signing of an addendum to the Joint Planning Agreement is attached to this memorandum.

FINANCIAL IMPACT: None.

RECOMMENDATION(S): We recommend approval of the proposed addendum to the Joint Planning Agreement. Following conclusion of the public hearing, the matter should be referred to the Planning Boards of the towns of Chapel Hill and Carrboro for a recommendation to the Chapel Hill Town Council and Carrboro Board of Aldermen, respectively. Actions by the Chapel Hill Town Council and Carrboro Board of Aldermen should then be referred to the Orange County Planning Board for a recommendation to the Orange County Board of Commissioners. A proposed schedule follows:

Chapel Hill

November 19, 2002 – Planning Board Recommendation
December 9, 2002 – Town Council Decision

Carrboro

November 21, 2002 - Planning Board Recommendation
January 21, 2003 - Board of Aldermen Decision

Orange County

February 5, 2003 - Planning Board Recommendation
February 18, 2003 - County Commissioners Decision

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MEMORANDUM

**TO: Orange County Board of Commissioners
Chapel Hill Town Council
Carrboro Board of Aldermen
John Link, Orange County Manager
W. Calvin Horton, Chapel Hill Town Manager
Robert Morgan, Carrboro Town Manager**

**FROM: Orange County Planning Staff
Chapel Hill Planning Staff
Carrboro Planning Staff**

DATE: October 9, 2002

**SUBJECT: Public Hearing on Extension of Joint Planning Agreement Provisions
Related to Annexation**

The purpose of this public hearing is to receive public comment on a proposal to extend for 20 years the annexation time limits specified in the Joint Planning Agreement.

Background

On November 2, 1987, the Orange County Board of Commissioners, the Carrboro Board of Aldermen, and the Chapel Hill Town Council executed a landmark Joint Planning Agreement. The execution of this Agreement followed a decade of discussions about how to best plan for and manage growth in the areas immediately outside the municipal boundaries of Chapel Hill and Carrboro. Authority to execute the agreement was achieved through passage of special enabling legislation by the North Carolina General Assembly. The Agreement has been amended four times.

Discussion

The Joint Planning Agreement established a Rural Buffer, as well as Transition Areas. As noted in Article 3 of the Joint Planning Agreement, two key components to the Agreement are that neither Chapel Hill nor Carrboro may annex into the Rural Buffer, and that neither Chapel Hill nor Carrboro may annex into the other's Transition area. Since the Agreement was adopted in September 1987, Chapel Hill and Carrboro have adhered to these annexation provisions.

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The proposed amendment to the Joint Planning Agreement would extend the annexation provisions of the Agreement 20 years beyond the initial expiration date of these provisions of 2006. A draft resolution authorizing the signing of an addendum to the Joint Planning Agreement is attached to this memorandum (see Attachment 1).

This Joint Planning Agreement amendment requires a joint public hearing of Orange County, Chapel Hill, and Carrboro followed by separate action of each governing board approving the addendum to the Joint Planning Amendment.

We believe that the Joint Planning Agreement has served the citizens of Carrboro, Chapel Hill, and Orange County well, and is a model for how cooperative planning can be achieved among neighboring jurisdictions. As we approach the twentieth anniversary of the Agreement, we believe it is reasonable and desirable to extend the annexation provisions of the Agreement for another 20 years.

Recommendation

We recommend approval of the proposed addendum to the Joint Planning Agreement. Following conclusion of the public hearing, the matter should be referred to the Planning Boards of the towns of Chapel Hill and Carrboro for a recommendation to the Chapel Hill Town Council and Carrboro Board of Aldermen, respectively. Actions by the Chapel Hill Town Council and Carrboro Board of Aldermen should then be referred to the Orange County Planning Board for a recommendation to the Orange County Board of Commissioners. A proposed schedule follows:

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February 18, 2002 – County Commissioners Decision

Attachment:

Resolution and Addendum to Joint Planning Agreement

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***** SAMPLE DRAFT RESOLUTION *****

A RESOLUTION AUTHORIZING AN ADDENDUM TO THE JOINT PLANNING AGREEMENT TO EXTEND THE ANNEXATION PROVISIONS OF THE AGREEMENT AN ADDITIONAL TWENTY YEARS

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended; and

WHEREAS, Carrboro, Chapel Hill, and Orange County have worked cooperatively since the adoption of the Joint Planning Agreement on matters related to annexation, as specified in the Agreement;

NOW THEREFORE, BE IT RESOLVED that the [Board or Council] authorizes the [Chair or Mayor] to execute, on behalf of the [County or Town], the addendum to the Joint Planning Agreement contained in Exhibit A to this resolution, thereby extending the annexation provisions of the Joint Planning Agreement twenty years from the date of the execution of the addendum.

This resolution shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill and Carrboro.

This the __th day of _____, 200_.

(11)

**ADDENDUM #1 TO THE JOINT PLANNING AGREEMENT
AMONG ORANGE COUNTY, CHAPEL HILL AND CARRBORO**

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended; and

WHEREAS, Carrboro, Chapel Hill, and Orange County have worked cooperatively since the adoption of the Joint Planning Agreement on matters related to annexation, as specified in the Agreement;

WHEREAS, Section 1.3.B of the Joint Planning Agreement provides for the renewal of the annexation provisions of the Agreement for a period of not more than 20 years;

NOW Carrboro, Chapel Hill and Orange County hereby mutually agree as follows:

1. Section 3.1 (No Annexation Into Rural Buffer) of the Joint Planning Agreement shall be renewed for a twenty year period from the date of execution of this Addendum.
2. Section 3.2 (No Annexation by One Town Into Another Town's Transition Area) of the Joint Planning Agreement shall be renewed for a twenty year period from the date of execution of this Addendum.

This Addendum entered into this ____ day of _____, 200_.

Chair, Orange County Board of Commissioners

Attest:

Clerk to the Board of Commissioners

Mayor, Town of Chapel Hill

Attest:

Town Clerk

Mayor, Town of Carrboro

Attest:

Town Clerk