

## **DRAFT**

### **Ordinance Establishing a Development Moratorium on High Impact Land Uses**

#### **Article 1. Need for Moratorium.**

A. The NC General Assembly by local act abolished the Town of Boone's Extraterritorial Zoning Jurisdiction (ETJ) effective January 1, 2015. Boone's ETJ was established in large part due to citizen's concerns over various commercial/industrial uses permitted in close proximity to their neighborhoods. Watauga County has no county-wide zoning ordinance ~~requiring separation of incompatible land uses~~, and the existing High Impact Land Use Ordinance does not require separation between residential and commercial/industrial uses. Since Boone's ETJ authority (and thus zoning in that area) has been abolished, **some** citizens in the ETJ have expressed renewed concerns.

B. In response, the Watauga County Board of Commissioners held a public hearing on August 19, 2014 to allow ETJ residents an opportunity to express their concerns. Following the hearing, the Board of Commissioners asked the Watauga County Planning Board to study the issue and make recommendations for action. The Planning Board has subsequently sought additional citizen input through regional meetings held September 29<sup>th</sup>, 30<sup>th</sup> and October 6<sup>th</sup> in the ETJ West, ETJ East, and ETJ South respectively. At each of these meetings, **some** ETJ residents expressed **serious** concerns as to whether county ordinances offer the same level of protection to health, safety and welfare as provided under Boone's ETJ.

C. The Planning Board has considered the following options to address abolishment of Boone's ETJ: 1. Take no action. 2. Amend existing county-wide ordinances, particularly the High Impact Land Use Ordinance. 3. Adopt partial county zoning. 4. Adopt a temporary moratorium to allow additional time for more thorough consideration of all available options.

D. The Planning Board has concluded: 1. This is clearly a complex issue requiring substantial discussion and consideration. 2. Amendment or adoption of county ordinances is a time consuming task requiring public hearings preceded by adequate public notice. 3. ~~Further~~ complicating the Planning Board's shortened review time frame is the onset of the Holiday Season when many residents are on vacation and unable to attend public meetings. 4. The Watauga County Board of Commissioners' election is ~~held~~ **was held** on November 4, 2014 and, ~~depending on the outcome~~, the composition of the Planning Board may be altered considerably.

#### **Article 2. Resolution.**

A. NOW THEREFORE BE IT RESOLVED that the Watauga County Planning Board has recommended, because of these factors, there is inadequate time to thoroughly consider these issues ~~before Boone's ETJ authority is abolished~~.

B. BE IT FURTHER RESOLVED that the Watauga County Planning Board believes it is important to adopt a moratorium on development approvals required for those

land uses listed in the High Impact Land Use Ordinance to further consider the level of protection afforded to the former ETJ residents' health, safety, and welfare.

C. BE IT FURTHER RESOLVED that the Watauga County Planning Board believes the moratorium is necessary and in effect only within the land area of the Town of Boone's former ETJ.

**Article 3. Development Approvals Affected.**

Development approvals subject to the moratorium are those uses listed in and regulated by the High Impact Land Use Ordinance, Article II, Section 1. The moratorium will allow needed further consideration of the adequacy of that ordinance, particularly as it applies to the former ETJ areas.

**Article 4. Effective date and Duration.**

The moratorium shall take effect January 1, 2015 and shall expire April 1, 2015. Due to the complexity of the issues and the uncertainty of the make-up of the Planning Board, as well as the need for adequate time to advertise and conduct public hearing(s), an additional ninety (90) days is needed to thoroughly investigate the issues and alternatives.

**Article 5. Actions During Moratorium.**

The Planning Board will meet as often as necessary and possible to consider the issues, and will seek further citizen input as needed, as well as seek input/advise from professionals as needed. When recommendations are formulated, the Planning Board will present these to the Board of Commissioners for consideration. The goal is to present the recommendations no later than March 1, 2015.

**Article 6. Affected Areas.**

The moratorium shall affect only the land areas of the Town of Boone's ETJ currently shown on Exhibit 1 and labeled ETJ West, ETJ East, and ETJ South, each area being at least 640 acres and containing at least ten (10) separate land parcels under separate ownership.

**Article 7. Authority and Enactment.**

Adopted by the Watauga County Board of Commissioners this the \_\_\_\_ day of December, 2014 following a duly advertised public hearing, and pursuant to the authority and requirements of NC General Statute 153A-340(h) and 153A-342.