



The North Carolina Chapter of the American Planning Association (APA-NC) is an organization of more than 1,500 professional and citizen planners dedicated to preserving and creating great communities throughout North Carolina. Below are APA-NC's state legislative priorities for 2015 as adopted by the APA-NC Executive Committee in December 2014. Initial recommendations were developed by the APA-NC Legislative Committee and are based on anticipated legislation, and included here after a process of issue identification, discussion, and voting.

APA-NC will reach out to state legislators and others to promote these issues and support appropriate state legislation. Primary agenda issues are those in which APA-NC is a logical lead organization. Secondary agenda issues are no less important, but areas where APA-NC's role is one of partnership and support. Additional agenda issues are those the Legislative Committee will be monitoring and considering (in accordance with the Executive Committee) if a response to proposed legislation is or is not warranted.

Finally, there may be additional unforeseen legislation or issues that arise during the legislative session. The Legislative Committee will take these under consideration and make a determination, in accordance with the Executive Committee, if Chapter action is warranted.

If you have questions or comments on this agenda or the work of the Legislative Committee, please contact APA-NC Legislative Chair, Chad Meadows at chad@codewright.info or 919.593.2868. For more information about APA-NC, please visit our website at www.apa-nc.org.

PRIMARY AGENDA

1. Rewrite of planning-related provisions in Chapters 160A and 153A of the North Carolina General Statutes.

In early 2015, the General Assembly is anticipated to consider a legislative proposal drafted by the NC Bar Association that makes changes to the planning statutes in Chapters 160A and 153A of the NCGS. In general, the NC Chapter of the APA supports changes to the state planning statutes that increase predictability, foster procedural efficiency, and reduce inconsistency among the provisions. The Chapter supports changes that are consistent with good governance, equitable representation of all affected interests, and protection of the state's natural, cultural, and economic resources. The Chapter does not support sweeping policy changes or significant alterations to the current planning related provisions absent the opportunity for thoughtful dialogue and interaction between all affected participants. Changes to the current planning-related statutes that rise to the level of policy change or significant alteration without the opportunity for thoughtful dialogue and interaction between all affected participants are not supported by the Chapter.

The Legislative Committee shall participate in the review of draft provisions in advance of the 2015 legislative session and closely follow any subsequent legislation related to the bill, including testimony and advocacy with respect to issues of concern of chapter membership.



2. Limitations on single-family residential design controls.

The previous three legislative sessions have included proposed legislation that limits the ability of local governments to adopt and implement design provisions that address the appearance and some functional aspects of single-family homes (including townhomes) that are located outside of historic districts. The NC Chapter of the APA strongly opposes this legislation (as it has in previous years).

The Legislative Committee shall continue to track any related legislation proposed in the 2015 legislative session and advocate for its revision in the interest of protecting the ability to implement single-family residential design controls in accordance with citizen desires as expressed through local plans and policies.

3. Reductions to planning authority within extra-territorial jurisdiction (ETJ) areas.

Typically, ETJs require development in anticipated city limits to be built to city standards, and are necessary to ensure smooth transitions in infrastructure, protect property values, and protect investment-backed expectations by property owners. Recent legislation has negatively affected the ability of some cities to apply planning regulations within their ETJs, or has mandated actions that are inconsistent with established local policy for development in an ETJ. In general, the NC Chapter of the APA supports the ability of cities to plan for and apply development regulations within their authorized ETJ areas. The Chapter does not support legislation that seeks to limit or repeal the authority of cities to plan for or apply development regulations within their ETJ areas (unless the jurisdiction in question supports a reduction to its ETJ authority).

The Legislative Committee shall monitor any bills related to ETJ authority and advocate for the retention of this authority in cases where a city or local government seeks to keep this authority intact. To the extent of its capacity, the Legislative Committee shall provide data and information on the reasons why ETJ authority makes sense for the protection of a prosperous future for state residents.

4. Modifications to legislation authorizing exactions during the development process.

During 2014, a study committee of the legislature suggested the possibility of new legislation that will “reform” the provisions related to exactions, with an emphasis on further limiting the ability of local governments to apply exaction provisions to new development. Exactions (such as dedication of land, construction of required facilities like streets, trails, water/sewer lines, etc., or payments in-lieu) have allowed many communities of all sizes to obtain the infrastructure required for further growth and development. The NC Chapter of the APA supports the ability of local government to exact necessary infrastructure (or payment in-lieu) as a means of mitigating negative impacts from growth and assuring continued economic prosperity. The chapter does not support legislation that will unduly limit the ability of local



governments to obtain land, physical infrastructure improvements, or payments in-lieu applied in accordance with sound planning practice and local policy.

The Legislative Committee shall monitor any bills related to exaction authority and advocate for the retention of the authority of local governments to decide their own exaction policies. To the extent of its capacity, the Legislative Committee shall provide data and information on the reasons why exactions are a necessary part of growth and development and why they are necessary to mitigate impacts and allow for continued economic prosperity.

SECONDARY AGENDA

1. Historic Tax Credits

The state-sponsored historic tax credits are sunseting on December 31, 2014 and no replacement has been proposed. This is unfortunate since they have helped to rehabilitate many historic structures and provide incentives for employment, brownfield redevelopment, and downtown revitalization. Governor McCrory has shown strong support for the return of some form of monetary compensation (or tax relief), based upon the demonstrated ability of development funded with tax credits to create jobs and have a positive economic impact. The NC Chapter of the APA strongly supports the retention or replacement of North Carolina state-level historic tax credits.

The Legislative Committee will partner with other organizations and agencies to support reinstatement of these credits or the adoption of an appropriate alternative.

2. Utility Extensions

Utility extensions are expensive and dictate that a city must provide support for a location in perpetuity. Water supply and sanitary sewer capacities are already tightly legislated. Provision of extensions should lie solely within the jurisdiction of local governments, who can better allocate their resources and plan for the future, control growth, as well as maintain fiscal responsibility to their taxpayers and rate payers. The NC Chapter of the APA does not support the imposition of state authority or decision-making in general or in specific instances of utility extensions that are contrary to the adopted policy or interest of the local government(s) involved.

The Legislative Committee will partner with other agencies and interested parties to provide information and advocate for continued local control of utility extensions.

3. Transportation Funding



North Carolina is facing severe funding shortfalls in transportation-related revenue in the coming years and is also facing mounting transportation costs (from both new required projects as well as maintenance of existing infrastructure). Transportation facilities are vital to the continued health, safety, general welfare, and economic prosperity of North Carolina communities, and all levels of local government should be working together to identify and implement ways to ensure our transportation network continues to function and is improved. The NC Chapter of the APA supports a well-funded transportation network that provides for economic prosperity and a wide degree of transportation choice for the residents of the state.

The Legislative Committee will partner with other agencies and interested parties to provide information and advocate for adequate transportation funding and the exploration of meaningful transportation choice.

ADDITIONAL AGENDA ITEMS

Annexation statutes are deservedly rigorous; however, further restricting a city's ability to efficiently serve residents through municipal services will hinder a city's ability to equitably distribute costs. It has become increasingly difficult for cities to annex areas involuntarily, which is reducing the ability of cities to properly plan for the future. The Legislative Committee will monitor the 2015 legislative session for proposed legislation that affects the ability of cities to annex land and work with the Executive Committee to formulate an appropriate response.

Billboards restrictions are put in place to maintain safety, protection of viewsheds, and aesthetics. Billboard representatives are anticipated to come before the General Assembly and request a further expansion of their rights or reduction of the regulations placed upon them. The Legislative Committee will monitor the 2015 legislative session for proposed legislation is related to billboards and work with the Executive Committee to formulate an appropriate response.