

**Item Title:** Public Hearing on ZP-899-18 to Extend the Existing Wake County Zoning Districts along the Wake-Harnett County Line

**Specific Action Requested:**

That the Board of Commissioners holds a public hearing to consider rezoning petition ZP-899-18 and:

1. Adopts the drafted statement finding that the requested rezoning to extend the existing Wake County zoning districts to the more accurate representation of the location of the Wake-Harnett County line (as established by the North Carolina Geodetic Survey), the existing and proposed extended zoning districts, and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan, and would be reasonable, and appropriate, for the area

*and by separate motion;*

2. Approves the rezoning petition, ZP-899-18, as presented.

**Item Summary:**

**Purpose:** The North Carolina General Statutes require that the Wake County Board of Commissioners holds a public hearing to rezone property.

**Background:** Historically there has been some uncertainty between Wake County, Harnett County, and Chatham County as to the exact location of the boundary between them, with some discrepancies being as much as several hundred feet. These discrepancies created issues with regards to tax assessment, property value, deed recordation, zoning, building permitting, public safety, board of elections, and the school system.

Over the past year, Wake County has worked collaboratively with Harnett County and Chatham County to resolve the discrepancies and establish the correct location of the line in accordance with state law.

The next step is to extend Wake County zoning on the properties, or portions thereof, that are now in Wake County's jurisdiction in accordance with the agreed upon location of the county line. This will conclude the county line adjustment process.

**Board Goal:** This action supports routine County operations.

Fiscal Impact:            There is no fiscal impact related to this agenda item.

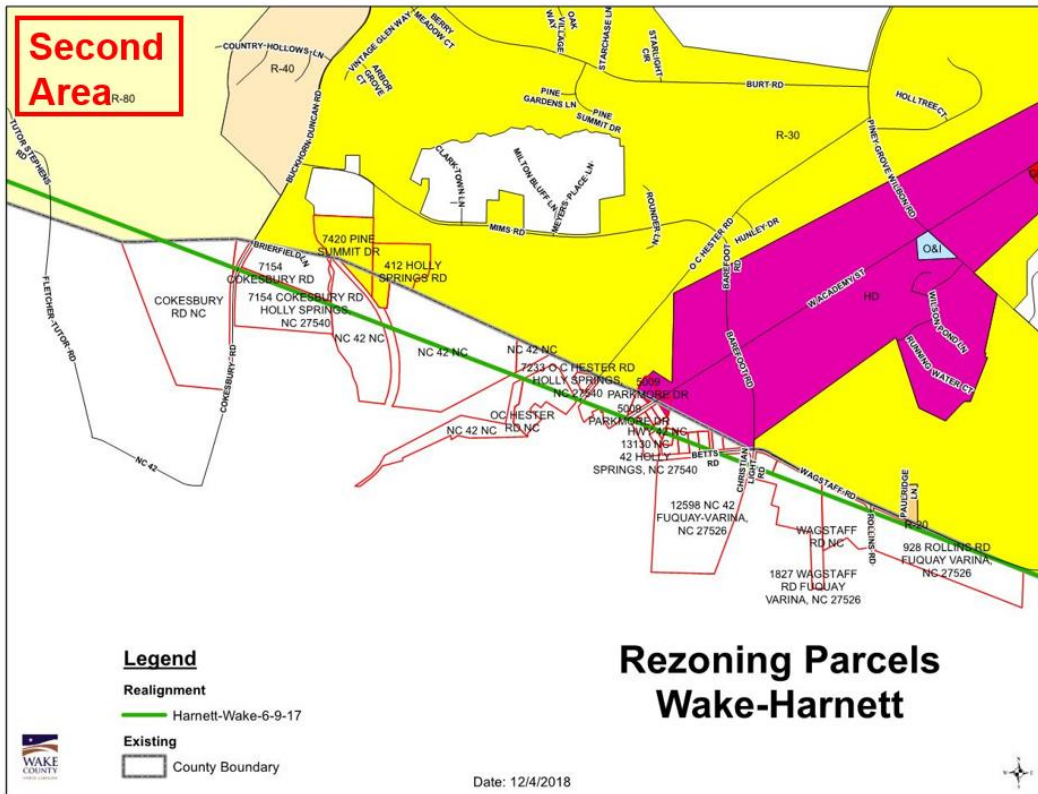
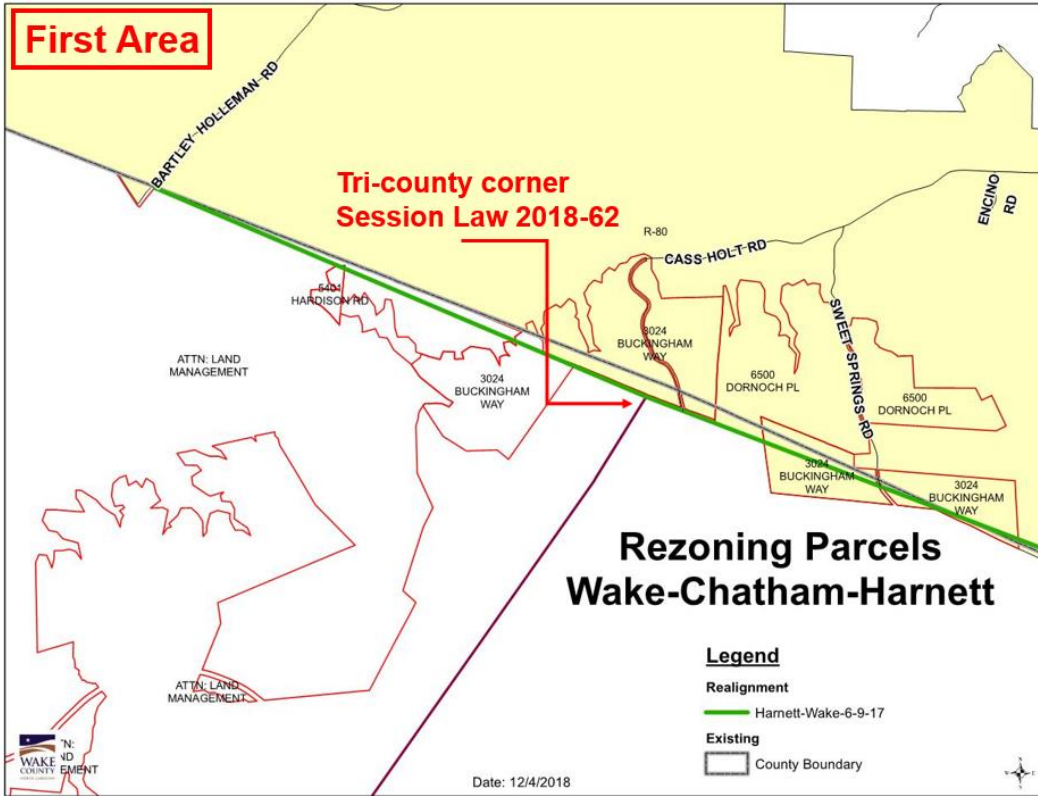
**Additional Information:**

On April 16, 2018, the Wake County Board of Commissioners jointly agreed with the Harnett County and Chatham County Board of Commissioners to resolve discrepancies along the Wake, Harnett and Chatham County line by authorizing legislation to establish the correct location of the common corner shared by all three counties. On June 25, 2018, the North Carolina General Assembly ratified legislation, Session Law 2018-62, that corrects the common corner for Wake, Harnett, and Chatham Counties.

Wake County and Harnett County staffs then worked with the North Carolina Geodetic Survey who prepared a plat showing where the Wake and Harnett County boundary line was actually located. In accordance with North Carolina General Statute 153A-18, both Wake County and Harnett County mutually agreed to establish this as the county boundary line. This agreement was formalized by separate resolutions of the boards on October 15, 2018.

The property owners that are affected by this rezoning were sent letters notifying them of the Planning Board meeting on January 16, 2019 and of this Board of Commissioners hearing. Several public hearing notification signs were posted in each of the rezoning areas for each of these meetings.

Location: The area affected by this mapping refinement is comprised of two separate areas totaling 134.49 acres and will extend the existing Wake County zoning from the old representation of the county line southward to the accurate representation of the county line as established by the North Carolina Geodetic Survey. Please see attached maps.



Current Zoning: Harnett County Residential/Agricultural-30 and Residential/Agricultural-40

Proposed Zoning: The proposed zoning map amendment would apply Wake County zoning to the narrow portions of each parcel in accordance with the zoning that already applies in that area—in effect extending our existing zoning to fill the gap between the old representation of the county line and the more accurate representation of the county line as established by the North Carolina Geodetic Survey, which became effective January 1, 2019. Existing Wake County zoning in this area includes Residential-80 (R-80), Residential-30 (R-30), and Highway District (HD).

Petitioner: Wake County Planning, Development & Inspections

Owner: 31 different property owners

REIDs: 36 different Real Estate Identification Numbers (see attached table)

### **Planning Staff Findings**

1. This request, to rezone the subject areas described above by extending the existing Wake County zoning districts to the more accurate representation of the location of the county line as established by the North Carolina Geodetic Survey, is consistent with the Wake County Land Use Plan.
2. The existing and proposed extended zoning districts and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan's designation, and would be reasonable, and appropriate, for the area.
3. The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.
4. Provisions of the Wake County Unified Development Ordinance will ensure adequate protection of any environmentally sensitive features.
5. There are no traffic issues (e.g.—high traffic volumes, high number of accidents) on the area roadways, although some may need to be improved or upgraded to accommodate new development as it occurs.
6. Any new development in this area will be required to comply with any and all applicable standards of the Wake County Unified Development Ordinance and the county's development review process, which will ensure protection of the public health, safety and general welfare.
7. The Wake County Planning staff has received no objections from the surrounding property owners or the general public.

### **Planning Staff Recommendation**

The Planning staff recommends that the Board of Commissioners:

1. Adopts the drafted statement (see attached) finding that the requested rezoning to extend the existing Wake County zoning districts to the more accurate

representation of the location of the county line (as established by the North Carolina Geodetic Survey), the existing and proposed extended zoning districts, and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan, and would be reasonable, and appropriate, for the area.

*and by separate motion;*

2. Approves the rezoning petition, ZP-899-18, as presented.

#### Planning Board Recommendation

1. The Planning Board, at their Wednesday, January 16, 2019 meeting, recommended, by a vote of 6 to 0, that the Board of Commissioners adopts the following recommended statement of Land Use Plan consistency, reasonableness and public interest and finds that:
  - a. This request, to rezone the subject areas described above by extending the existing Wake County zoning districts to the more accurate representation of the location of the county line as established by the North Carolina Geodetic Survey, is consistent with the Wake County Land Use Plan.
  - b. The existing and proposed extended zoning districts and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan's designation, and would be reasonable, and appropriate, for the area.
  - c. The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.
  - d. Provisions of the Wake County Unified Development Ordinance will ensure adequate protection of any environmentally sensitive features.
  - e. There are no traffic issues (e.g.—high traffic volumes, high number of accidents) on the area roadways, although some may need to be improved or upgraded to accommodate new development as it occurs.
  - f. Any new development in this area will be required to comply with any and all applicable standards of the Wake County Unified Development Ordinance and the county's development review process, which will ensure protection of the public health, safety and general welfare.
  - g. The Wake County Planning staff has received no objections from the surrounding property owners or the general public.

*and by separate motion;*

2. The Planning Board, at their Wednesday, January 16, 2019 meeting, recommended, by a vote of 6 to 0, that the Board of Commissioners approves the rezoning petition, ZP-899-18, as presented.

**Attachments:**

1. Presentation
2. Staff Report
3. Draft Statement for Consideration by the Board of Commissioners
4. Ordinance Regarding Statement of Consistency, Reasonableness, and Public Interest
5. Ordinance Approving Rezoning Petition as Presented
6. Rezoning Areas 1 and 2 Maps
7. ZP-899-18 Rezoning Table
8. Planning Board Minutes Excerpt