

**Item Title:** Public Hearing on Proposed Land Use Plan Amendment 01-18 to Amend the Wake County Land Use Plan to Reclassify 19.67 Acres from Garner ETJ to Wake County Non-Urban Water Supply Watershed

**Specific Action Requested:**

**That the Board of Commissioners holds a public hearing and adopts the attached resolution amending the Wake County Land Use Plan in accordance with Land Use Plan Amendment 01-18.**

**Item Summary:**

Purpose: The Town of Garner relinquished jurisdiction as it has no plans to extend municipal services to the property. The parcel was included within Garner's ETJ before the Swift Creek Land Management was adopted in 1990. The Rural Classification with limits on density and utilities does not encourage development within a municipal jurisdiction.

**Current Classification:** Swift Creek Land Management Plan - Rural Classification & Town of Garner ETJ.

**Proposed Classification:** Swift Creek Land Management Plan - Rural Classification & Wake County Non-Urban Water Supply Watershed.

**Location:** The property is located at the stub connection at the end of Inwood Forest Drive along the Norfolk Southern Railroad line off Lake Wheeler Road.

**Background**

The 19.67 acres were relinquished from the Town of Garner Extra Territorial Jurisdiction (ETJ) on February 20, 2018 by resolution of Town Council. The parcels were part of an ETJ granted by the Board of Commissioners to Garner in 1983 and annexed in 1988.

Since that time in 1990, the Swift Creek Land Management Plan (SCLMP) was adopted, imposing restrictions on development and utilities. The Town of Garner has stated that they have no plans to extend utilities to this area. The town utility extension policies do not allow municipal sewer within a Water Supply Watershed unless a health and safety issue exists.

North Carolina General Assembly Session Law 2017-76 removed the property from the Town of Garner's corporate limit with an effective date of June 30, 2017.

**Wake County Land Use Plan**

The parcel relinquished is classified as **Rural Non-Critical Area within the Swift Creek Land Management Plan**. The Rural Non-Critical Classification within the SCLMP would allow up to one dwelling unit per acre. One dwelling unit per acre is consistent with the low density residential that is used to manage parts of the water supply watershed. The classification is found throughout parts of the SCLMP.

The area to the north is within the City of Raleigh ETJ. The areas to the east of the railroad are within the Town of Garner ETJ and town limits. Areas to the south and west are within Wake County jurisdiction and classified as Rural Non-Critical within the SCLMP as well.

#### **Findings:**

- 1. The parcels were part of an ETJ granted by the Board of Commissioners to Garner in 1983.**
- 2. The Swift Creek Land Management Plan was adopted in 1990, establishing water quality protection measures including restrictions on public utilities.**
- 3. The Town of Garner relinquished jurisdiction of the subject property on February 20, 2018.**
- 4. The Town of Garner has stated that they have no plans to provide town services in this area.**
- 5. The properties are surrounded by Raleigh ETJ, Garner ETJ and Town limits and Wake County jurisdiction.**
- 6. The properties are located within the Rural Non-Critical Area of the Swift Creek Land Management Plan.**
- 7. In accordance with North Carolina General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished property.**

#### **RECOMMENDATIONS**

**STAFF:** Planning Staff recommends that the 19.67 acres located at the end of Inwood Forest along the Norfolk Southern Railroad line be reclassified from Town of Garner ETJ to Wake County's Non-Urban Water Supply Watershed on the Wake County Land Use Plan General Classifications Map.

#### **PLANNING BOARD:**

The Planning Board recommended at their March 7, 2018 meeting, by a unanimous vote, that the Board of Commissioners adopt the Proposed Land Use Plan Amendment to reclassify 19.67 acres from Town of Garner ETJ to Wake County's Non-Urban Water Supply Watershed on the Wake County Land Use Plan General Classifications Map.

**Attachments:**

1. LUPA 01-18 Presentation
2. Town of Garner Relinquishment Resolution
3. LUPA 01-18 Map
4. Planning Staff Report
5. Swift Creek Land Management Plan Map
6. Swift Creek Performance Standards Chart
7. Wake County Planning Board Minutes
8. LUPA 01-18 Resolution