



## Planning, Development & Inspections

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**To:** Wake County Planning Board

**From:** Bryan Coates, Planner III

**Subj:** Land Use Plan Amendment #01-18

**Date:** 3-7-2018

**Case#:** LUPA 01-18

**Applicant:** Wake County Planning, Development, & Inspections

**Property Owner:** Jack Parker Properties NC, LLC

**Request:** Amend the Wake County Land Use Plan General Classifications Map to reclassify **19.67** acres from Garner ETJ to Wake County Non-Urban Water Supply Watershed (Swift Creek).

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

### Background

The property was part of an ETJ request by the Town of Garner in 1983 and was annexed in 1988.

Later in the 1980s and early 1990s, Wake County, Raleigh, Cary, Garner and Apex jointly developed (with the North Carolina Division of Water Quality) and adopted the Swift Creek Land Management Plan as a guide to manage the types of development within the watersheds of Lake Wheeler and Lake Benson, to protect water quality. The Wake County Board of Commissioners adopted the Swift Creek Land Management Plan on April 19, 1990.

Session Law 1998-192, adopted by the North Carolina General Assembly on October 22, 1998, prohibits Wake County (and other parties to the Plan) from adopting any development ordinance or granting any development permit that would be inconsistent with the standards and provisions of the Swift Creek Land Management Plan adopted April 19, 1990.

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.

The Swift Creek Land Use Management Plan Interlocal Agreement was adopted by Wake County and its partners in December of 2017. The ILA addresses changes in jurisdiction amongst the partners as well as many aspects of environmental policies.

The 19.67 acres were relinquished from the Town of Garner ETJ February 20, 2018 by resolution of Town Council as it has no plans to provide municipal services to this area.

### **Analysis:**

#### **Wake County Land Use Plan**

The subject parcels are located within the Swift Creek Watershed and is part of the Swift Creek Land Management Plan. The Swift Creek Land Management Plan identifies the area as non-critical rural area which allows for a maximum density of up to one dwelling unit per acre.

The Rural Non-Critical Classification within the Swift Creek Land Management Plan would allow up to 1 dwelling unit per acre and have a 12% impervious surface limit, however it could rise up to 30% if the first ½" of rainfall runoff is retained. Municipal sewer is prohibited within the Rural Non-Critical Classification.

The Area to the south is within Wake County's Jurisdiction and is classified as Rural Non-Critical and Classified as Non-Urban Water Supply Watershed within the General Classifications Map of the Wake County Land Use Plan. The Area to the north and west are within the City of Raleigh ETJ. The areas to the east of the railroad are within the Town of Garner ETJ and town limits.

**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.

### **Water Supply Watershed Protection Policies**

#### **WATER QUALITY GOAL**

To maintain and enhance the quality of public water resources, allowing no further degradation of water quality, while allowing limited development in water supply watersheds.

Wake County protects water quality in water supply watersheds by applying land use and development regulations that are designed to keep impervious surface coverage low and to provide adequate infiltration of runoff water into the ground. They do so by limiting the density of residential development, limiting the impervious surface coverage of nonresidential development, requiring vegetated buffers along watercourses, limiting nonresidential land uses to those with characteristics less likely to adversely affect water quality, controlling the storage and use of hazardous materials, and applying design standards to minimize adverse water quality impacts. These land use and development

regulations help to maintain water quality and direct more dense growth out of water supply watersheds and into the urbanizing areas.

The Swift Creek watershed, located in southern Wake County, is comprised of approximately 40,174 acres. Lakes Benson and Wheeler are the primary bodies of water within the Wake County Land Use that are classified as a Water Supply Watershed. Roughly 18,000 acres are within Wake County's jurisdiction.

### **Input from the Town of Garner**

Garner Town Council relinquished extraterritorial jurisdiction for the subject property at its meeting February 20, 2018. The Town of Garner has stated that they have no plans to provide town services in the area west of the existing rail line. The property is adjacent to an area that the County rezoned in 2017 that was previously within the Town of Garner and City of Raleigh ETJ's.

The County has a period of 60 days to assign zoning to the relinquished parcels. As part of the assigning zoning the County needs to classify the parcel within its Land Use Plan.

### **Input from Neighboring Property Owners**

Planning staff mailed out letters to the owner of property being reclassified as well as adjacent property owners and posted public meeting notice signs on Inwood Forest Drive. Planning staff has received one phone call in response to those efforts to solicit neighborhood feedback.

### **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. **The Swift Creek Land Use Management Plan Interlocal Agreement was adopted by Wake County and its partners in December 2017.**
8. **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**

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.

**Attachments:**

- Town of Garner ETJ Relinquishment Resolution
- LUPA 01-18 Maps
- Swift Creek Land Management Plan Map
- Swift Creek Performance Standards Chart