

Planning Board Minutes

December 2, 2020

Land Use Plan Amendment LUPA 03-20: Raleigh ETJ Relinquishment

Mr. Barron requested recusal from hearing this case as his firm is working on this case. Mr. Clark approved. Mr. Murphy advised Mr. Barron to discontinue video and audio capability during this item.

Mr. Van Dyk also disclosed that he worked with this group approximately 12 years ago, and confirmed that there was no prior interaction that would prohibit him from being impartial and making an impartial decision. Mr. Murphy saw no conflict and gave Mr. Van Dyk approval to proceed.

Staff lead: Mr. Akul Nishawala

Mr. Nishawala began a presentation on the proposal to amend the General Classifications Map of the Wake County Land Use Plan to reclassify approximately 227 acres (11 parcels) from the City of Raleigh Extraterritorial Jurisdiction (ETJ) to Wake County Non-Urban Water Supply Watershed by showing a powerpoint presentation.

Mr. Nishawala informed the Board that the Raleigh City Council approved a resident request to relinquish approximately 227 acres of its ETJ on October 6, 2020 by resolution, with an effective date of December 1, 2020. Mr. Nishawala explained this ETJ relinquishment is somewhat different than the extension, in that the request was initiated by residents who live in or live around the area, and the ETJ relinquishment was approved by the City of Raleigh. The City of Raleigh has stated that they have no plans to annex this area, and their utility extension policies do not allow municipal sewer and water services within water supply watershed non-urban area. Mr. Nishawala stated that ten parcels are zoned City of Raleigh Residential-1 (R-1) and one Residential-10 (R-10). Wake County has 60 days to secure and rezone the property after amending the Land Use Plan.

Mr. Nishawala stated that owners and adjacent property owners were sent letters notifying them of the public hearing. He stated that no responses were received since this was a resident-initiated request. The decision to relinquish ETJ is the decision of the municipality's elected officials and requires coordination between the municipality and Wake County. The City of Raleigh has relinquished ETJ property three times over the last ten years and all were approved.

Mr. Nishawala explained that as part of the County's zoning process, an amendment to the Wake County Land Use Plan must occur for the zoning change to be consistent. In this case, LUPA 03-20 is proposing that the general classifications be amended to reflect that the subject properties are no longer in Raleigh's planning jurisdiction (ETJ) and now in Wake County's (Non-Urban Water Supply Watershed).

Additionally, the ten parcels designated Rural by the Swift Creek LMP will remain as such, and the eleventh will be reclassified from New Urban to Rural to provide consistency within the county's Non-Urban Water Supply Watershed designation. The parcel can only serve in its current capacity as an access easement and is undevelopable; therefore, it does not require a review by the ILA partners as it would not significantly impact the LMP's intent.

Staff Findings

- 1.The proposed amendments to the Wake County Land Use Plan General Classifications Map are consistent with the policies set forth within the Wake County Land Use Plan.
- 2.The proposed amendments are consistent with the Wake County Land Use Plan's goal of guiding quality growth throughout the County in conjunction with affected local governments.
- 3.The proposed amendment would reflect the relinquishment of approximately 227 acres from the City of Raleigh's Extraterritorial Jurisdiction to the Wake County Non-Urban Water Supply Watershed in accordance with state statutes.

Staff Recommendation

Planning staff recommends that the Wake County General Classifications map be amended to reclassify the approximately 227 acres relinquished from the City of Raleigh Extraterritorial Jurisdiction as Wake County Non-Urban Water Supply Watershed.

Mr. Clark opened the Public Hearing at 2:02 p.m.

Mr. Henry McNair stated that the presentation was very well done.

Mr. Clark closed the Public Hearing at 2:03 p.m. and opened the floor for Board discussion.

Board Discussion

Mr. Jenkins asked for clarification if all property owners were in support of this change. Mr. Nishawala confirmed that all of them were in support. No further discussion was requested.

Motion to Approve

Mr. Jenkins motioned in the matter of LUPA-03-20, that the Wake County General Classifications map be amended to reclassify the approximately 227 acres and be relinquished from the City of Raleigh Extraterritorial Jurisdiction as Wake County Non-Urban Water Supply Watershed.

Motion was seconded by Ms. Crawford and passed unanimously.