

To: Wake County Board of Commissioners

From: Akul Nishawala, Planner III

Subject: Land Use Plan Amendment #03-20

Date: January 19, 2021

Request

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.

Applicant

Wake County Planning, Development & Inspections

Location

The subject properties are located south of Tryon Road and east of Dover Farm Road extending south toward Yates Mill Pond Road.

Background

The Raleigh City Council approved a resident request to relinquish approximately 227 acres of its ETJ on October 6, 2020 by ordinance with an effective date of December 1, 2020.

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 unless a health and safety issue exists, which there does not.

The subject parcels are located in the Swift Creek Watershed and are part of the Swift Creek Land Management Plan (LMP). The LMP designates ten parcels as Rural and one, which is an access easement connecting the subject properties to Tryon Road, as New Urban.

In the late 1980s and early 1990s, Raleigh, Cary, Garner, Apex, and Wake County (with the North Carolina Division of Water Quality) adopted the Swift Creek LMP as a guide to managing development in the watersheds of Lake Wheeler and Lake Benson, so as to protect water quality in those existing or potential water supply reservoirs. The Wake County Board of Commissioners adopted the Swift Creek LMP on April 19, 1990.

The Swift Creek LMP Interlocal Agreement (ILA) was adopted in 2017 and requires that any amendment must be approved by all five participating jurisdictions; however, this proposed change to the ETJ of the subject properties fall outside this requirement as it does not warrant a change to the LMP/ILA itself.

Ten of the subject parcels are currently zoned City of Raleigh R-1 (Residential-1), and the remaining parcel is zoned City of Raleigh R-10 (Residential-10). All are under the Swift Creek Watershed Protection Overlay District.

Analysis

In the case of ETJ relinquishments, the decision to do so falls to each municipality's elected officials. This differs from ETJ expansion where Wake County's Board of Commissioners make the final decision on the expanse and location based on a specific set of criteria. While the county's authorization is not needed to relinquish ETJ, execution of the process relies on open

dialogue and coordination between the two parties to ensure a smooth transition. By state statute, the county is required to apply its zoning to the affected properties within 60 days, otherwise the properties are left unzoned.

The City of Raleigh has recently relinquished ETJ three times, and these three instances underwent the same process that is being brought before you today.

1. In 2008, the city and the Town of Knightdale adjusted their Urban Service Areas, which required ETJ adjustments.
2. In 2015, the owner of a property within the Swift Creek Land Management Plan requested a relinquishment to develop under Wake County standards.
3. In 2017, the owner of a property within the Swift Creek Land Management Plan requested a relinquishment to develop under Wake County standards.

As part of the county's zoning process, an amendment to the Wake County Land Use Plan must occur in order 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 (the access easement mentioned earlier) 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.

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.**

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.