

July 7, 2023

Representative Hall
16 West Jones Street, Rm. 2301
Raleigh, NC 27601-1096

RE: SB675 Land Use Clarification and Changes

Dear Representative Hall,

Senate Bill 675, Land Use Clarification and Changes, is a bill before the Committee on Rules, Calendar, and Operations. We have three basic concerns about the bill in its present form:

- 1) It **undercuts rational investment-backed expectations made by landowners in ETJ areas**, who made these investments in their property with the understanding that their neighbors would be subject to similar land use regulations- removal of ETJ casts that into doubt and removes land use compatibility protections for these landowners.
- 2) It represents a **massive unfunded mandate to counties** (14 of which have no zoning at all) who will be called upon to review, process, and enforce land use rules pertaining to existing development – all with no additional resources. Most counties do not have urban-style development regulations and their current rules are ill-equipped to address land use issues related to more intense development (traffic, noise, density, land use compatibility, stormwater, etc.).
- 3) It calls into question the **vested rights and permit choice protections** for applicants with approved or pending applications at the time of ETJ relinquishment, who will have to explain these approvals to county governments or who may be caught in a situation where their lawful development approval relies upon regulations or infrastructure that is simply not present in the county now responsible for serving these developments. We note the draft bill is especially vague on how the complexities of vesting and permit choice will be handled by counties who may have no zoning at all, or who may have zoning, but it doesn't contemplate the forms and intensities employed by municipalities in their former ETJs.

For these and the other reasons attached to this letter, we urge the General Assembly to slow down this process and have more open discussion with all affected parties (including residents in ETJ areas who have already invested in their properties) about the ramifications of this bill. As planners, we understand the importance of proper representation and recognize that ETJ residents have a right to representation, but pre-emption, abolition, and relinquishment of ETJs throughout the State may cause many more problems than it solves. It removes protections for existing landowners in ETJs, will cause county governments to cope with vast increases in workload with no additional resources, and will cause applicants with valid development approvals additional time and money in completing their already-approved developments.

The North Carolina Chapter of the American Planning Association stands ready to assist the Legislature in whatever capacity would be appropriate, including provision of more detail on anticipated repercussions of the legislation or identification of potential revisions to the bill text to address identified concerns.

We attach a series of 9 basic points about SB675 to this letter along with **18 resolutions of opposition or correspondence of concern about SB675 from local governments across the State**. Please take the time to consider these important issues, and thank you for your consideration.

Sincerely,



Chad Meadows, AICP
Chair, APANC Legislative Committee
chad@codewrightplanners.com

Attachments



July 7, 2023

REVIEW OF SENATE BILL 675, LAND USE CLARIFICATION AND CHANGES

This document provides review of SB 675, Land Use Clarification and Changes, which was filed in the Senate on 4/6/23. The bill text was amended on or before 5/23/23 (despite failing to pass one chamber of the General Assembly prior to May 4, 2023, the so-called “crossover” deadline) and narrowly passed by the Senate (29-14) on 6/8/23. Edition 3 of SB675 calls for the following changes to North Carolina law:

- **ABOLITION OF EXTRATERRITORIAL JURISDICTION (“ETJ”)**

The proposed bill language may be viewed here:

<https://www.ncleg.gov/Sessions/2023/Bills/Senate/PDF/S675v3.pdf>

We note that bill proponents state that changes to the bill after 5/23/23 will allow ETJs to remain in place for municipalities located within counties of 50,000 people or more – however, the bill text continues to abolish NCGS Sections 160D-201 and 160D-202 – the portions of the General Statutes that establish the extraterritorial jurisdiction and authorize municipalities to exercise land use controls there

SB675 LAND USE CLARIFICATIONS AND CHANGES

STILL ABOLISHES EXTRATERRITORIAL JURISDICTION

SB675v3 – p. 2 §160D-201(a) & 160D-202

Removes the authority of municipalities to exercise land use control in ETJ areas. Despite claims that the bill leaves ETJ intact, the enabling sections from the General Statutes are STILL SHOWN AS REMOVED.

Strips land use protections from existing landowners in ETJs

Landowners protected from noxious or incompatible uses in an ETJ may no longer have those protections if a county has no rules preventing these uses (14 counties in NC have no zoning; several more have only partial zoning in some areas)

ETJ RELINQUISHMENT THRESHOLD IS ARBITRARY

SB675v3 – p. 8 Sec. 3.3(a)

Municipalities in counties with populations under 50,000 people required to relinquish ETJ in accordance with a set schedule.

Some municipalities, like Rocky Mount, have ETJ in 2 different counties; one with more than 50,000 people and one with less than 50,000 people

The proposed bill looks backward three years for the ETJ relinquishment population threshold

FREEZES PRIOR ETJ BOUNDARIES

SB675v3 – p.8 Sec. 3.2(a)

Despite removing the authorization for ETJs in bill Sec. 3.1(a), Section 3.2(a) freezes ETJ boundaries for cities as they existed on June 1, 2023.

The bill retroactively freezes ETJ boundaries as they existed prior to a potential effective date if the bill is passed

Several jurisdictions, such as Garner, Clayton, and Archer Lodge have adopted Comprehensive Plans that called for extension of ETJ prior to SB675 being filed

SB675 LAND USE CLARIFICATIONS AND CHANGES (continued)

CONFOUNDS BUILDING INSPECTIONS

SB675v3 – p. 6 §143-138(e)

Constrains application of building and fire codes adopted by a municipality to its corporate limits.

Lawfully constructed development or approved site plans in a former ETJ area may not comply with a county’s adopted building or fire code, and would be unlawful

The ability to complete approved development may rely on municipal infrastructure that is not present in a county

PROCEDURAL VAGUENESS REGARDING PRIOR APPROVALS

SB675v3 – p. 9 Sec. 3.3(c)

Landowners with lawful approvals from a municipality may “exercise those rights as if no change of jurisdiction has occurred.”

Unclear how development approved contingent upon extension of municipal services will be able to proceed when those municipal services do not exist in a county or can not be extended by a municipality due to limitations in satellite annexation law

INABILITY OF COUNTIES TO ACT ON PRIOR APPROVALS

SB675v3 – p. 9 Sec 3.3(c)

Requires counties to review and enforce development approved by a municipality when land was within an ETJ.

Forces counties to either change their development regulations to address these approvals or permit these approved developments to proceed with no review or enforcement

Establishment of new zoning districts or development regulations solely for isolated lands subject to a prior approval is illegal spot zoning

FREEZES EXTENSION OF POTABLE WATER AND SEWER SYSTEMS OUTSIDE OF CORPORATE LIMITS

SB675v2 – p. 6 §130A-317(d) & §143-215.1(f)

Interferes with extension of municipal water and sewer systems beyond corporate limits and the area within an ETJ as it once existed.

Lands outside a former ETJ that do not meet annexation requirements may not receive municipal water or sewer service

INTERFERES WITH STREET & SIDEWALK OWNERSHIP/ MAINTENANCE

SB675v2 – p. 7 §135-55.1(b) & §136-63(b)

Limits municipal maintenance of streets to those within one mile of the corporate limits.

Requires NCDOT or private landowners to assume maintenance responsibility of former municipal streets located farther than one mile from the corporate boundary (since counties may not own streets)

NCDOT does not maintain sidewalks outside NCDOT rights-of-way, and most counties do not maintain sidewalks

FEDERAL RULIPA LAW REQUIREMENTS

SB675v2 – p. 1 §160D-917

Requires public schools to be permitted in commercial zoning districts.

Fails to address private schools

Federal Religious Land Use and Institutionalized Persons Act requires churches, schools, and fraternal organizations to be treated similarly regarding allowable districts and procedure for establishment; thus these uses must also be permitted in commercial districts

The North Carolina Chapter of the American Planning Association stands ready to assist and engage the Legislature and other groups in whatever capacity would be appropriate, including providing more detail on anticipated repercussions of the legislation or working to develop collaborative solutions to perceived challenges. Thank you for your consideration and your hard work towards making North Carolina a better place to live.

Resolution # 24

RESOLUTION BY THE BURLINGTON CITY COUNCIL TO OPPOSE SENATE BILL 675, INCLUDING THE ELIMINATION OF EXTRATERRITORIAL JURISDICTION AND PROHIBITION OF MINIMUM LOT SIZES

WHEREAS, the North Carolina General Assembly first established statewide authority for municipalities to exercise extraterritorial jurisdictional (“ETJ”) authority over zoning in 1959; and

WHEREAS, the Municipal Government Study Commission convened by the North Carolina General Assembly in 1958 to explore the issue of extraterritorial zoning determined that “...municipalities have a special interest in the areas immediately adjacent to their limits. These areas, in the normal course of events, will at some time be annexed to the city, bringing with them any problems growing out of chaotic and disorganized development. Even prior to that time they affect the city. Health and safety problems arising outside the city do not always respect city limits as they spread...”; and

WHEREAS, the CITY OF BURLINGTON has a population of over 57,000 people, occupies over 30 square miles of land area across two different counties, and maintains an extra territorial jurisdiction beyond its corporate limits within Alamance County; and

WHEREAS, the City is located in a primary growth corridor adjacent to Interstate 40 between the Triad and Triangle regions of the State that continues to be subject to significant growth pressure; and

WHEREAS, the CITY OF BURLINGTON provides a wide variety of municipal services to landowners within its ETJ, including land use planning via its unified development ordinance (“UDO”); and

WHEREAS, the CITY OF BURLINGTON has already extended municipal water and sewer services into the ETJ but has not been able to annex some lands due to satellite annexation limitations in State law; and

WHEREAS, lands served by water and sewer services in the ETJ have a higher development potential than lands not served by these utilities; and

WHEREAS, land within the City’s ETJ is also located within Alamance County, a unit of county governance that does not exercise zoning control; and

WHEREAS, the lack of zoning in Alamance County means that lands with higher development potential (from water and sewer) will be unable to realize this potential if ETJ is abolished; and

WHEREAS, the abolition of ETJ authority will also remove existing land use compatibility protections from already-developed lands within the ETJ; and

WHEREAS, a loss of land use compatibility protection could undermine land values and the legitimate investment-backed expectations of landowners within ETJ areas; and

WHEREAS, the loss of development potential in areas served by water and sewer within the ETJ can prevent the City from recovering the costs of utility extension; and

WHEREAS, losses accruing to the City and to ETJ landowners from abolition of ETJ creates a net economic loss for the region; and

WHEREAS, the City of Burlington maintains the Glencoe local historic district as part of its unified development ordinance within its ETJ but outside its corporate limits, while Alamance County maintains no corresponding historic district designation; and

WHEREAS, the abolition of ETJ creates a situation where the Glencoe Historic District can no longer maintain its historic district status unless Alamance County adopts a new corresponding historic district; and

WHEREAS, the North Carolina State Office of Historic Preservation is unsure about the impacts to the Glencoe Historic District if Senate Bill 675 is passed and Alamance County does not adopt a corresponding historic district; and

WHEREAS, Senate Bill 675 seeks to recognize all stormwater control measures as open space despite the fact that some stormwater control measures may be configured as tanks under parking lots or as riprap-lined retention ponds with steep slopes surrounded by tall fences; and

WHEREAS, the City's UDO already has incentives for crediting stormwater control facilities towards open space requirements when configured as "site amenities" that include access for pedestrians, gentle slopes, landscaping, and no fencing; and

WHEREAS, Senate Bill 675 seeks to pre-empt local zoning dimensional requirements by abolishing minimum lot sizes (or establishing an 8,700-square-foot maximum lot size as an alternative) for all lots that permit single-family detached dwellings, single-family attached dwellings, and two-family dwellings; and

WHEREAS, Senate Bill 675 seeks to pre-empt local zoning district maximum densities by establishing a state-mandated minimum residential density requirement of five dwelling units per acre in any zoning district that permits single-family detached dwellings, single-family attached dwellings, and two-family dwellings; and

WHEREAS, the City's UDO and Zoning Map already provides at least two zoning districts where single-family detached, attached, and two-family dwellings may be established on lots smaller than 8,700 feet or at densities greater than five units an acre; and

WHEREAS, the City's UDO and Zoning Map includes four zoning districts that require lots sizes larger than 8,700 square feet or residential densities lower than 5 units an acre for single-family detached, attached, and two-family dwelling; and

WHEREAS, the pre-emption of local zoning rules further undercuts community character by allowing additional subdivision of lots larger than 8,700 square feet within established residential neighborhoods; and

WHEREAS, prior changes to the General Statutes that bar local governments from applying design controls or community character protections to single-family detached, single-family attached, and two-family dwellings will exacerbate the negative impacts resulting from further subdivision of lots within established residential since the City may not address land use compatibility with design controls; and


WHEREAS, the CITY OF BURLINGTON adopted its UDO and Zoning Map in accordance with the will of the community, sound planning practice, and in accordance with its comprehensive plan, as mandated by NCGS§ 160D-501; and

WHEREAS, the City Council believes that Senate Bill 675 fails to recognize the City's infrastructure expenditures within its ETJ, results in a loss of land use compatibility protections for landowners in the ETJ, creates confusion regarding historic districts located within ETJ areas, credits underground stormwater facilities as open space; creates opportunities for establishment of unchecked incompatible development within established residential neighborhoods, and results in a net economic loss to the region.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON:

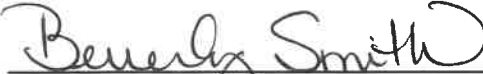
1. That the Burlington City Council is opposed to Senate Bill 675 in its entirety; and
2. That the Burlington City Council urges North Carolina legislators to vote against Senate Bill 675; and
3. That the North Carolina General Assembly strive to seek greater input from the public, State officials, and local elected officials across the State about proposed legislation that restricts local governments' ability to manage growth at their edges, or that applies uniform land use requirements to all local governments regardless of their lawfully established local regulations or development conditions.

Adopted this the 6th day of June 2023.



Jim Butler, Mayor

Attest



Beverly Smith, City Clerk





CITY OF BOILING SPRING LAKES

**RESOLUTION IN OPPOSITION TO NC SENATE BILL 675
“Land Use Clarification and Changes”**

WHEREAS, the City of Boiling Spring Lakes strives to offer exceptional quality of life and opportunities for prosperity to its residents, property owners, and businesses; and

WHEREAS, NC Senate Bill 675 is inconsistent with the City’s comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City because it will not advance the public health, safety, and/or general welfare of the City of Boiling Spring Lakes; and

WHEREAS, NC Senate Bill 675, which was filed in the Senate on April 6, 2023 abolishes extra-territorial jurisdiction (ETJ) and preempts local governments from establishing minimum lot sizes in excess of 8,700 square feet and density of not less than 5 units per acre for single-family and two-family development; and

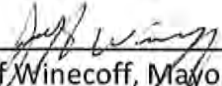
WHEREAS, Senate Bill 675 directly impacts the City of Boiling Spring Lakes in regards to §160D-702 and §160D-804, by removing important compatibility protections in established residential areas by allowing haphazard lotting patterns, increased density and allowing further by-right subdivision inside established neighborhoods, and

WHEREAS, Senate Bill 675, which will pre-empt any minimum lot size requirements the City has in place and will allow subdivisions of land for residential uses (single-family and two-family homes) to create lot sizes without regard to the planning and zoning efforts of counties and municipalities in North Carolina; and

WHEREAS, the City of Boiling Spring Lakes’ zoning and subdivision regulations reflect a strong commitment to individual property rights while seeking to retain the unique rural character our residents love and expect, and

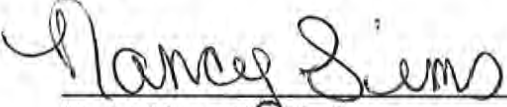
NOW THEREFORE, BE IT RESOLVED THAT the City of Boiling Spring Lakes’ Board of Commissioners hereby adopts this Resolution, Opposing Senate Bill 675, Land Use Clarification and Changes, which includes restrictions on zoning and subdivision regulations and disregards the desires of Boiling Spring Lakes’ citizens.

Approved this 6th day of June, 2023



Jeff Winecoff, Mayor

ATTEST:



Nancy Sims, City Clerk





WARREN COUNTY BOARD OF COMMISSIONERS

602 WEST RIDGEWAY STREET
POST OFFICE BOX 619
WARRENTON, NORTH CAROLINA 27589

RESOLUTION

OPPOSITION TO SB 675 "LAND USE CLARIFICATION AND CHANGES"

WHEREAS, the use of Extra-Territorial Planning and Zoning serves to protect communities by regulating the types of uses than can be constructed in areas that are transcending from rural to urban in nature; and

WHEREAS, Warren County is a rural community with a population below 50,000 with limited Planning staffing and would have to immediately develop a zoning strategy in these areas, as the County has adopted countywide zoning; and

WHEREAS, the elimination of Extra-Territorial areas in Warren County will result in residents of the Extra-Territorial areas having no voice in the development of properties immediately adjacent to their residences in incorporated towns; and

WHEREAS, the sponsor of SB 675 has not consulted with local elected Boards of Warren County's municipalities to determine the impact of the elimination of Extra-Territorial Jurisdictions in Warren County; and

WHEREAS, one of the guiding principles of North Carolina government is that local elected officials are the elected bodies closest to the people and know best the needs of their communities; and

NOW THEREFORE BE IT RESOLVED by the Warren County Board of Commissioners respectfully requests that this bill be withdrawn from the Senate docket and referred to the appropriate Senate committee for a thorough discussion of the impact that the elimination of Extra-Territorial Jurisdictions would have on the residents of such districts in North Carolina and more specifically the impact of the proposed revisions to effectively and efficiently manage development within NC communities.

CERTIFICATION

This resolution was duly passed on June 5, 2023, by the Warren County Board of Commissioners

A handwritten signature in black ink that reads "Bertadean W. Baker".
Bertadean Baker, Chairperson

A handwritten signature in black ink that reads "Paula Pulley".
Paula Pulley, Clerk to the Board

Phone: (252) 257-3115
Fax: (252) 257-5971
www.warrencountync.com

RESOLUTION 2023.10

OPPOSING SENATE BILL 675 ADDRESSING LAND USE CLARIFICATION AND CHANGES

WHEREAS, NC Senate Bill 675, which was filed in the Senate on April 6, 2023 and failed to meet the cross-over deadline was amended to abolish extra-territorial jurisdiction (ETJ) and also to include preemption of minimum lot sizes for single-family and two-family development set by local governments. This legislation will allow subdivisions of land for residential uses to create lot sizes without regard to the planning and zoning efforts of counties and municipalities in North Carolina; and

WHEREAS, Roanoke Rapids has worked diligently to craft local zoning that is responsive to the needs of residents, builders, and developers, as well as local businesses; to this end, members of our Planning and Zoning Board, as well as periodic ad hoc resident committees tasked with recommending updates to the city's Future Land Use Plan, have worked with residents and our City Council to periodically update local zoning; and

WHEREAS, Senate Bill 675 prohibits local governments from establishing minimum lot sizes for lots containing single-family detached, single-family attached, and two-family dwellings above the proposed State standard of 8,700 square feet and below five units per acre for residential density; and

WHEREAS, Senate Bill 675, will pre-empt any minimum lot size requirements the city has in place; and

WHEREAS, the Roanoke Rapids' minimum lot size was adopted to ensure that residential lots have adequate space to accommodate on-site septic systems where dependent, maintain rural, neighborhood character; limit impervious surface coverage, control stormwater runoff, and mitigate traffic volumes within an area; and

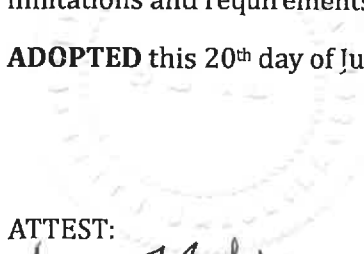
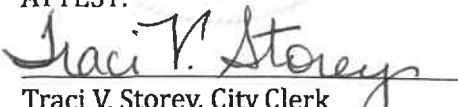
WHEREAS, the residents of ETJ areas are represented on the City's Planning and Zoning Board of Adjustment by members appointed by the Halifax County Board of Commissioners, thereby providing a voice in the future development of the ETJ areas; and


WHEREAS, we acknowledge the State of North Carolina's oversight over all state municipalities, respect the limitations and requirements established by current state statutes, and are grateful to state legislators for their dedication, and recognize their desire to address state-wide housing issues. At the same time, we believe that one-size-fits-all efforts that mandate significant changes to local zoning authority are misguided. Planning and zoning options in all communities vary greatly based on the desires of each community's residents and elected officials; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Roanoke Rapids urges the state legislature to work with local leaders and the North Carolina League of Municipalities to craft incentives and targeted approaches appropriate to housing issues in specific areas. We ask our state legislators to balance their oversight with respect for the critical role local zoning plays in maintaining the civic health of our state and balancing the needs of residents with those of builders and developers. Finally, we strenuously object to state bills seeking to homogenize, significantly weaken, or otherwise interfere in local zoning authority, on the basis that such interference threatens a city's ability to determine its unique identity and future within the limitations and requirements established by state statute.

ADOPTED this 20th day of June, 2023.

ATTEST:



Traci V. Storey, City Clerk


Emery G. Doughtie, Mayor



J. CAREY O'CAIN, Mayor
A. PAUL HANSEN Commissioner
and Mayor Pro Tem
GEORGE W. BANTA, Commissioner
KRISTIN DUNN, Commissioner
DEBRA BRIDGES, Commissioner

441 White Pine Drive
Laurel Park, NC 28739 – 0910
(828) 693-4840
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ALEX CARMICHAEL, Town Manager
TAMARA M. AMIN, CMC, NCCMC, Town Clerk
ED MCGOWAN, Interim Finance Officer
BRANDON JOHNSON, Public Works Director
BOBBIE K. TROTTER, Chief of Police
SHARON B. ALEXANDER, Town Attorney

June 9, 2023

Chad Meadows
CodeWright

Dear Mr. Chad Meadows,

I am writing to voice my concerns regarding SB675 and HB409. These two pieces of legislation, if passed, will certainly have a very detrimental impact on the Town of Laurel Park.

Most succinctly, both bills will almost completely reverse the progress our town has made in the past few years regarding its 2022 Unified Development Ordinance (UDO) and the engineering expertise and scientific data contributing to its solid authority in our small mountain community.

Laurel Park has a unique topographical profile with major characteristics of steep and very steep slopes requiring extreme measures to control stormwater and sedimentation/erosion damage. This is an ongoing challenge in regulating development because setbacks and lot sizes must first and foremost accommodate adequate stormwater control. In addition to stormwater issues and an increased need for continual infrastructure expansion and maintenance, erosion and sedimentation problems threaten the stability of the land and the natural resources that directly contribute to the character of the town as well as the quality of life enjoyed by its citizens. Laurel Park's UDO specifically addresses these concerns proactively and aggressively because they are critical matters of preservation and upholding the standards supporting a healthy and safe community.

Abolishing extraterritorial jurisdictions (ETJs) is another great concern of Laurel Park residents for much the same reason. ETJ areas offer citizens a certain degree of security in trusting that their properties will be protected from nonconforming neighbors and other situations that potentially compromise the integrity of their neighborhoods and the natural environment that surrounds their daily lives. Also, for Laurel Park to relinquish its ETJs would certainly diminish those areas, neighborhoods, and business establishments that are, indeed, considered a significant part of the town and that residents patronize and truly appreciate.

Lastly, Senate Bill 675 and House Bill 409 injures the authority of a local government to take care of its own citizens according to their specific needs. While Laurel Park's governing body, administration, staff, and residents very much appreciate the role of state legislation in maintaining order and consistency in the function and quality of community life, diminishing the authority closest to home poses a reasonable feeling of doubt and discouragement.

I ask you as our representative to please consider Laurel Park's position concerning this legislation and its impact on the town and residents. If both bills pass, I also ask you to please recommend and enable Laurel Park an exemption from the legislation that would limit the authority of

our UDO and ETJ governance and that will allow these two critical areas of regulation to stand in place, as is, and remain enforceable in the future.

Many thanks for representing our community and serving the citizens of Laurel Park and Henderson County. We deeply appreciate your sincere dedication to and steadfast commitment in serving the good people of Western North Carolina.

Best Regards,

A handwritten signature in black ink, appearing to read "J. Carey O'Cain". The signature is fluid and cursive, with a long horizontal stroke at the end.

J. Carey O'Cain
Mayor



BOARD OF COMMISSIONERS
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COUNTY ATTORNEY
MEGAN H. GILBERT

CLERK TO THE BOARD
MELISSA ELMORE

June 1, 2023

North Carolina General Assembly
Legislative Building
16 West Jones Street
Raleigh, NC 27601

With a Copy to:

Representative Jason Saine
Senator W. Ted Alexander

RE: Opposition to Portions of Senate Bill 675 – Land Use Clarifications and Changes

Representative Saine, Senator Alexander and Esteemed Legislators:

On behalf of the Lincoln County Board of Commissioners, this letter is being sent in response to the most recent changes made to Senate Bill 675 which is entitled “Land Use Clarification and Changes.” When this legislation was initially introduced, it seemed to focus around the abolishment of ETJ jurisdictions of municipalities within the State. This was a change that would not drastically affect Lincoln County, being a county with only one municipality, and based on that, the Board of Commissioners did not actively oppose Senate Bill 675 upon its introduction.

However, upon the release of the most recent versions of this legislation, the Board of Commissioners collectively has grave concern about the implications of the proposed changes to N.C.G.S. §160D-702. More specifically, those changes related to minimum lot sizes and density. The language that was added restricts any local governments from creating a minimum lot size which is greater than 8,700 square feet, which is approximately one-fifth (1/5) of an acre. The density limitation follows the same principal as the minimum lot size limitation by restricting a local government from requiring a density of less than five (5) structures per acre.

Lincoln County has a population of approximately 93,000 people, with only about 13% of those citizens residing within the boundaries of its one (1) municipality, the City of Lincolnton. Also, the City of Lincolnton retains zoning regulation authority over less than 10% of all land within Lincoln County, including the City of Lincolnton’s ETJ. Further, if the ETJ is abolished, the City’s zoning regulation authority would cover less than 5% of all land within Lincoln County. The purpose of this information is to further illustrate why the Board of Commissioners has such a strong opinion in regards to land use and development regulation in North Carolina. Lincoln



o. 704-736-8473
f. 704-736-8820



lincolncounty.org



P.O. Box 738 | LINCOLNTON NC 28093
353 N. GENERALS BLVD | LINCOLNTON NC 28092

County is one of only a few counties that has zoning jurisdiction over more than 90% of its land, and desires to be able to retain that authority for the benefit of its citizens.

Lincoln County recently, as of August 15, 2022, made significant changes to its Unified Development Ordinance to require that all newly subdivided properties meet a minimum lot size of one (1) acre. This was a decision that was made by the Board of Commissioners to better manage growth throughout the County and to allow for the County, and its citizens, to retain the rural way of life. Lincoln County has experienced years of exponential growth in its eastern community of Denver, which is in close proximity, and borders, Lake Norman. This growth has put significant burden on infrastructure throughout the County, including, but not limited to: water and sewer infrastructure and roads.

The continued erosion of local government control over their own land use decisions by the General Assembly is troubling. Our State is made up of so many unique and diverse communities. These attributes not only speak to the people of this great State but also to the land on which we build our communities. This and other broad eliminations of local land use controls through amendments to Chapter 160D of the General Statutes unfairly apply ill-conceived standards across all jurisdictions in this State without regard to the unique tapestry of land use and the availability of infrastructure to support development. The State the we call home has abundant resources and natural beauty that continues to draw new residents within our borders. However, without even a modest level of growth management and protection for our natural resources those same resources and the natural beauty that we all love will be all but unseen by future generations.

If you, as Legislators, would move forward and approve this proposed legislation in Senate Bill 675, this could and will cause much undue burden on Lincoln County, the City of Lincolnton, and all local governments throughout the State of North Carolina. Therefore, we urge you to take this information and the concerns of all local governments into consideration when reviewing this legislation. This is not the path forward that is best for the citizens of Lincoln County, and the citizens of North Carolina.

Respectfully,



Carrol Mitchem, Chairman
Lincoln County Board of Commissioners

RESOLUTION NO.23-06

**OPPOSITION TO SB 675
"LAND USE CLARIFICATION AND CHANGES"**

WHEREAS, the use of Extra-Territorial Planning and Zoning serves to protect the property values of communities by regulating the types of uses that can be constructed in areas that transcending from rural to urban in nature; and

WHEREAS, it is vital to protect residents of such jurisdictions by regulating the establishment of incompatible uses adjacent to their residential neighborhoods; and

WHEREAS, the residents of Extra-Territorial areas are represented on the Town's Planning and Zoning Board of Adjustment by members appointed by the Haywood County Board of Commissioners, thereby providing a voice in the future development of the Extra-Territorial Areas; and

WHEREAS, the elimination of Extra-Territorial areas in Haywood County will result in residents of the Extra-Territorial areas having no voice in the development of properties immediately adjacent to their residences; and

WHEREAS, the sponsor of SB 675 has not consulted with local elected Boards of Haywood County's municipalities to determine the impact of the elimination of Extra-Territorial Jurisdictions in Haywood County and

WHEREAS, one of the guiding principles of North Carolina government is that local elected officials are the elected bodies closest to the people and know best the needs of their communities; and

WHEREAS, as presented Senate Bill 675 prevents the Maggie Valley Board of Aldermen from having the ability to react to the needs of our community's residents, business owners and taxpayers in future land use and zoning decisions; and

NOW THEREFORE BE IT RESOLVED by the Maggie Valley Board of Aldermen that it opposes SB675 in the strongest language possible; and

BE IT FURTHER RESOVED, that the Maggie Valley Board of Aldermen respectfully requests that this bill be withdrawn from the Senate docket and referred to the appropriate Senate committee for a thorough discussion of the impact the elimination of Extra-Territorial Jurisdictions would have on the residents of such districts in North Carolina and more specifically the impact of the proposed revisions to effectively and efficiently manage growth within NC municipalities.

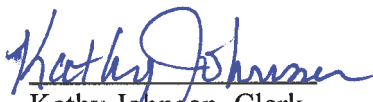
CERTIFICATION

This resolution was duly passed on May 9th, 2023, by the Town of Maggie Valley Board of Aldermen


Mike Eveland, Mayor

SEAL:

Attest:


Kathy Johnson, Clerk





THE CITY OF
Reidsville
NORTH CAROLINA

230 W. Morehead Street • Reidsville, North Carolina 27320 • (336) 349-1030 • Fax (336) 342-3649

Office of the Mayor

May 25, 2023

The Honorable Phil Berger
President Pro Tempore
North Carolina Senate
16 West Jones Street, Rm 2007
Raleigh, NC 27601

Dear Senator Berger:

My earlier letter this week opposing Senate Bill 675, Land Use Clarification and Changes, centered on the elimination of municipal extraterritorial jurisdiction. We understand that the latest revision of this bill, Edition 3, currently includes the following, in addition to eliminating municipal ETJ:

1. Minimum lot sizes for single-family detached, single-family attached, and duplexes may not exceed 8,700 square feet.
2. Requires a minimum density of 5 units per acre in any zoning district where single-family detached, single-family attached, and duplexes are allowed.

In talking to our City Manager and Planning staff, we are increasingly concerned that these changes are forcing all zoning districts to be higher density. We believe that any requirements regarding density should reside with the local government and not erode any local planning discretion. Members of the Reidsville City Council have the best interests of our citizens at heart. Among the decisions we feel that our constituents place with us is how to best plan for how our City – where they work, live and play – develops. Such decisions are better decided on the local, rather than the State, level. What works for one City may not work for another, and we can better determine what our residents need here in Reidsville. Within the current bill, it is also unclear what effects there may be on wastewater uptake capacity, water-supply watershed density limitations, floodplains, comprehensive plans and the like if this bill is approved. We realize that this bill is continuing to evolve, but we have found little in this proposed legislation that we believe will help the citizens of Reidsville. Again, we ask that you oppose SB 675.

Sincerely,

Donald L. Gorham
Mayor
City of Reidsville

“Live Simply. Think Big.”



1003 N. Arendell Avenue
Zebulon, NC 27597
919.823.1800

www.townofzebulon.org

June 1, 2023

Representative James Roberson
300 N. Salisbury Street, Rm 511
Raleigh, NC 27603-5925

RE: Planning and Zoning Regulations Under Attack

Dear Representative Roberson;

The North Carolina General Statutes allows for towns and cities to govern themselves. Those elected to office by the citizens of those communities are elected in the same manner as our state legislators with the same duties and responsibilities. Part of the beauty of the great state of North Carolina are the vast differences that can be seen from the coast to the mountains. Those beautiful differences are possible because the planning and zoning regulations for each city and town were designed by those elected officials who know the needs and listen to the residents of that community.

The Town of Zebulon and other municipalities have worked tirelessly to develop Land Use, Transportation, Park Plans and Unified Development Ordinances that guide the appearance, growth and development of the corporate limits and extraterritorial jurisdiction (ETJ) in their areas. The zoning and development ordinances of Zebulon reflect a strong commitment to individual property rights while seeking to preserve the Town's rural history and historic character. The Town staff, Board of Commissioners, Planning Board and Board of Adjustment have put in countless hours of time and dedication, since incorporation in 1907, to the constant development and updating of plans and ordinances that meet the needs of the community and developers. This dedication has made the Town of Zebulon the fastest growing community in the State of North Carolina. The Town of Zebulon staff and elected officials understand there has to be a balance between the needs of the community and the desires of the developers.

The many proposed amendments to state statutes dealing with planning, zoning, inspections, parking, accessory structures, setbacks, abolishing the ETJ and others infringe upon the duties to which the elected officials of the Town of Zebulon were elected to do. One good example is SB675 that would abolish extraterritorial jurisdiction oversight by municipalities and eliminate minimum lot sizes for most residential dwellings. Extraterritorial jurisdiction oversight by the Town of Zebulon ensures that development is done in an organized and predictable manner, provides for

the construction of quality roads and the installation of sidewalks for the safety of pedestrians. Unfortunately, it would also allow for an abundance of well and septic systems in eastern Wake County that has a plume of radon in the aquifer. Another example is HB 409 that would prohibit the regulation of accessory dwelling units on lots with single-family detached dwellings. While the Town of Zebulon allows for accessory dwelling units by right within residential and mixed-use districts, our Unified Development Ordinance establishes standards to make them clearly accessory to the principal dwelling unit and situated on a lot to minimize potential negative impacts to surrounding properties.

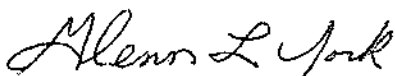
These are just two of the many bills proposed that would undercut the local authority to manage the growth, development and quality of life in municipalities and the surrounding ETJ. The Town of Zebulon seeks to uphold the rights of all municipalities in North Carolina to self-determination within the parameters established by state statute and in collaboration with residents, as well as state and county leaders.

We recognize that the state legislature is dedicated to serving all of North Carolina but there is not a one-size-fits-all. Each city and town in North Carolina has to be allowed to develop the regulations and ordinances that best fit their community.

We respectfully request that any proposed amendments to state statutes that would take away the ability of each municipality to enact and enforce the appropriate planning and zoning regulations and ordinances be voted against. We also ask that you advocate the same stance to your fellow legislators.

Thank you for standing with the citizens of the Town of Zebulon and the other cities and towns across the great State of North Carolina.

Kindest Regards,



Glenn L. York, Mayor
Town of Zebulon

Cc: Rep. Alison Dahale
Rep. Ya Liu
Rep. Rosa Gill
Rep. Tim Longest
Rep. Terence Everitt
Rep. Julie von Haefen
Rep. Erin Paré
Rep. Abe Jones
Rep. Joe John
Rep. Maria Cervania
Rep. Cynthia Ball
Rep. Sarah Crawford

RESOLUTION NO. 23-12

**OPPOSITION TO SB 675
"LAND USE CLARIFICATION AND CHANGES"**

WHEREAS, the use of Extra-Territorial Planning and Zoning serves to protect the property values of communities by regulating the types of uses that can be constructed in areas that transcend from rural to urban in nature; and

WHEREAS, it is vital to protect residents of such jurisdictions by regulating the establishment of incompatible uses adjacent to their residential neighborhoods; and

WHEREAS, the residents of Extra-Territorial areas are represented on the Town's Planning and Zoning Board of Adjustment by members appointed by the Rowan County Board of Commissioners, thereby providing a voice in the future development of the Extra-Territorial Areas; and

WHEREAS, the elimination of Extra-Territorial areas in Rowan County will result in residents of the Extra-Territorial areas having no voice in the development of properties immediately adjacent to their residences; and

WHEREAS, the sponsor of SB 675 has not consulted with local elected Boards of Rowan County's municipalities to determine the impact of the elimination of Extra-Territorial Jurisdictions in Rowan County and

WHEREAS, one of the guiding principles of North Carolina government is that local elected officials are the elected bodies closest to the people and know best the needs of their communities; and

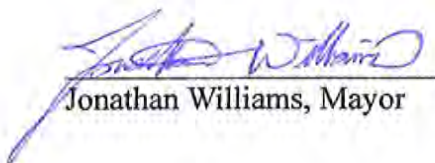
WHEREAS, as presented Senate Bill 675 prevents the Town of Spencer Board of Aldermen from having the ability to react to the needs of our community's residents, business owners and taxpayers in future land use and zoning decisions; and

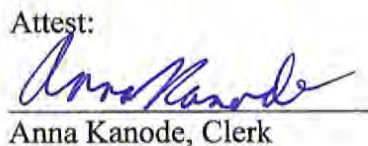
NOW THEREFORE BE IT RESOLVED by the Town of Spencer Board of Aldermen that it opposes SB675 in the strongest language possible; and

BE IT FURTHER RESOLVED, that the Town of Spencer Board of Aldermen respectfully requests that this bill be withdrawn from the Senate docket and referred to the appropriate Senate committee for a thorough discussion of the impact the elimination of Extra-Territorial Jurisdictions would have on the residents of such districts in North Carolina and more specifically the impact of the proposed revisions to effectively and efficiently manage growth within NC municipalities.

CERTIFICATION

This resolution was duly passed on June 13, 2023 by the Town of Spencer Board of Aldermen,


Jonathan Williams, Mayor

Attest:

Anna Kanode, Clerk





A RESOLUTION IN OPPOSITION TO SENATE BILL 675 ADDRESSING LAND USE CHANGES AND ELIMINATING EXTRATERRITORIAL JURISDICTION

WHEREAS, the North Carolina General Assembly will be considering Senate Bill 675, which would eliminate municipal extraterritorial jurisdiction in counties with a population under 50,000 residents; and

WHEREAS, the Town of Franklin has been using the extraterritorial zoning jurisdiction for decades to safeguard the integrity and natural beauty of our Town for harmonious growth; and

WHEREAS, the Town of Franklin applies certain ordinances, including zoning, subdivision, sign ordinances, and flood hazard prevention to the extraterritorial jurisdiction while Macon County has no comprehensive zoning ordinances; and

WHEREAS, the natural beauty, and the tourism industry are all threatened by the elimination of the extraterritorial zoning jurisdiction and the unfettered and unregulated promotion of signage, unrestricted commercial land uses, and unharmonious subdivisions adjacent to the Town of Franklin; and

WHEREAS, the Town Council of the Town of Franklin believes that any State legislation eliminating extraterritorial jurisdictions will damage the local tourism economy, threaten our rural mountain character, hamper economic development, and lower our residents' quality of life; and

WHEREAS, the use of extraterritorial planning and zoning serves to protect the property values of communities by regulating the types of uses that can be constructed in areas that transcend from rural to urban in nature; and

WHEREAS, it is vital to protect residents of such jurisdictions by regulating the establishment of incompatible uses adjacent to their residential neighborhoods; and

WHEREAS, the sponsor of SB 675 has not consulted with local elected officials of Macon County's municipalities to determine the impact of the elimination of Extraterritorial Jurisdiction in Macon County; and

WHEREAS, the residents of extraterritorial areas are represented on the Town of Franklin Planning Board and Board of Adjustment by members appointed by the Macon County Board of Commissioners, thereby providing a voice in the future development of the extraterritorial areas; and

WHEREAS, the elimination of extraterritorial areas in Macon County will result in residents of the extraterritorial areas having no voice in the development of properties immediately adjacent to their residences; and

WHEREAS, as the presented Senate Bill 675 prevents the Town Council of the Town of Franklin from having the ability to react to the needs of our community' s residents, business owners and taxpayers in future land use and zoning decisions; and

WHEREAS, the Town of Franklin has a longstanding policy of allowing property in the extraterritorial jurisdiction to become customers of the Town of Franklin Municipal Water system, which allowance would likely be ended in the event there is no longer an extraterritorial jurisdiction regulating the uses of the areas served by municipal water; and

WHEREAS, the enactment of this bill would cause great hardship and detriment to residents and property owners within the Town of Franklin and its extraterritorial jurisdiction; and

WHEREAS, the long-term effect of this bill would be that the special, unique and pleasing character of residential areas within the Town of Franklin and its extraterritorial jurisdiction would be severely damaged or completely lost; and

WHEREAS, the attractiveness of Franklin to tourists and to prospective new residents would be detrimentally affected by the passage of this bill; and

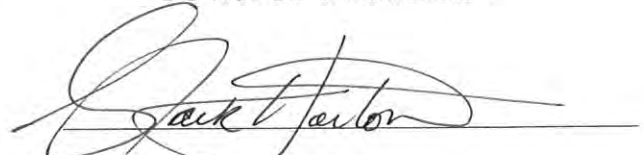
WHEREAS, many of Franklin's key industries including tourism and real estate development would be devastated by a lack of zoning over a period of years as well-planned neighborhoods would begin to decline without proper development plans, zoning guidelines or restrictions.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FRANKLIN, NORTH CAROLINA, THAT: The Franklin Town Council, acting for and on behalf of the residents of the Town of Franklin, opposes Senate Bill 675 in the strongest language possible; and

Requests that this bill be withdrawn from the House docket and referred to the appropriate committee for thorough discussion of the impact the elimination of Extraterritorial Jurisdictions would have on the residents of such districts in North Carolina and more specifically the impact of the proposed revisions to effectively and efficiently manage growth in North Carolina municipalities.

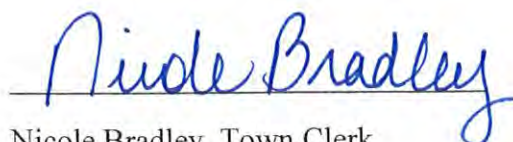
Adopted and approved this 3rd day of July, 2023

TOWN OF FRANKLIN



C. Jack Horton, Mayor

ATTEST:



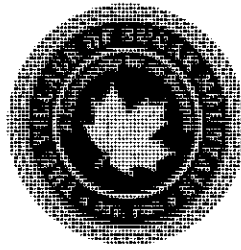
Nicole Bradley, Town Clerk



Susan S. Phillips
Village Manager

Stacy C. Eggers IV
Village Attorney

(828) 898-9292
www.seesugar.com



Gunther Jochl
Mayor

Scott J. Brown
Mayor Pro Tem

Council Members
David Ammann
Wade Wittman
Dick Casey

THE VILLAGE OF SUGAR MOUNTAIN
251 Dick Trundy Lane
Sugar Mountain, NC 28604

**RESOLUTION BY THE VILLAGE OF SUGAR MOUNTAIN OPPOSING ACT TO
ELIMINATE MUNICIPAL EXTRATERRITORIAL ZONING**

WHEREAS, The N.C. General Assembly will be considering SB 675, which would eliminate municipal extraterritorial jurisdiction; and

WHEREAS, The Village of Sugar Mountain has been using the Extraterritorial Zoning jurisdiction since 2006 to safeguard the integrity and natural beauty of our village; and

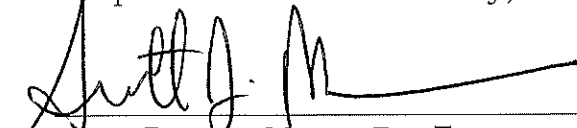
WHEREAS, The Village of Sugar Mountain applies certain ordinances, including zoning, subdivision, sign ordinances, and abandoned and junked car ordinances to the Extraterritorial Jurisdiction; and

WHEREAS, The natural beauty, and the tourism industry are all threatened by the elimination of the Extraterritorial Zoning Jurisdiction and the unfettered and unregulated promotion of signage, junked and abandoned cars, and unregulated subdivisions; and

WHEREAS, The Village Council of the Village of Sugar Mountain believes that any State legislation eliminating Extraterritorial Jurisdictions will damage the local tourism economy, threaten our rural mountain character, hamper economic development, and lower residents' quality of life.

NOW, THEREFORE, BE IT RESOLVED that the Village Council of The Village of Sugar Mountain, North Carolina is opposed to SB 675 in its entirety and urges our legislators to vote against this bill.

Adopted this the 16th of May, 2023.


Scott Brown, Mayor Pro Tem

ATTEST: 
Tammy Floyd, Clerk

COMMISSIONERS
Charles Jordan, Chairman
Barry Overman, Vice-Chairman
Lloyd E. Griffin, III
Sean Lavin
Jonathan Meads
Sam Davis, III
Clifford Shaw



COUNTY MANAGER
Sparty Hammett
ASSISTANT COUNTY MANAGER
John Shannon
COUNTY ATTORNEY
R. Michael Cox
CLERK TO THE BOARD
Lynn B. Scott

**Opposition to SB675
"LAND USE CHARACTERIZATION AND CHANGES"**

WHEREAS, the use of minimum lot sizes serves to protect the public health and safety, property values, and general character within a community; and

WHEREAS, the Pasquotank County 2023 Land Use Plan's public survey results indicated that preserving rural character, farmland, and managing growth were among the top priorities of Pasquotank County's residents; and

WHEREAS, community goals established within the Pasquotank County 2023 Land Use Plan include the preservation of the community's quiet, rural, agricultural character and focusing urban and suburban growth towards Elizabeth City and other key locations within the county; and

WHEREAS, centralized sewer service is not available within Pasquotank County and residential development is dependent upon on-site septic systems; and

WHEREAS, Pasquotank County has significant soil limitations for septic tank drain fields due to the high clay content of the soil and the high water table; and

WHEREAS, Pasquotank County's minimum lot size was adopted to ensure that residential lots have adequate space to accommodate on-site septic systems; and

WHEREAS, NC Session Law 2008-211 "An Act to Provide for Improvements in the Management of Stormwater in the Coastal Counties in Order to Protect Water Quality" establishes a twenty-four percent (24%) maximum built upon area or less for low-density residential development; and

WHEREAS, smaller lot sizes increase impervious surface coverage, stormwater run-off, and traffic volumes within an area; and

WHEREAS, Senate Bill 675 would prohibit local governments from establishing a minimum lot size larger than 8,700 square feet for single-family and two-family dwellings and would prohibit communities from having a residential density below five units per acre; and

WHEREAS, Senate Bill 675, will pre-empt minimum lot size requirements Pasquotank County has in place and will allow subdivisions of land for residential uses to create lot sizes without regard to the planning and zoning efforts of Pasquotank County; and

WHEREAS, the Pasquotank County Zoning and Subdivision regulations reflect a strong commitment to individual property rights while seeking to retain the unique rural character that our residents love and expect; and

NOW THEREFORE BE IT RESOLVED the Pasquotank County Board of Commissioners hereby adopts this Resolution Opposing Senate Bill 67, which includes restrictions on minimum lot sizes for single-family and two-family dwellings and disregards the desires of Pasquotank County's citizens.

Adopted this the 5th day of June, 2023.



ATTEST:

A handwritten signature in black ink that reads "Charles Jordan".

Charles Jordan
Chairman

A handwritten signature in blue ink that reads "Lynn Scott".

Lynn Scott
Clerk

RESOLUTION

OPPOSITION TO SB 675

“LAND USE CLARIFICATION AND CHANGES”

WHEREAS, the use of Extra-Territorial Planning and Zoning serves to protect communities by regulating uses in areas that are transcending from rural to urban in nature; and

WHEREAS, Edgecombe County is a rural community with a population below 50,000 and would have to immediately develop a zoning strategy in these areas with limited Planning staff; and

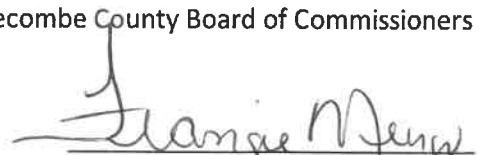
WHEREAS, the elimination of Extra-Territorial areas in Edgecombe County will result in residents of the Extra-Territorial areas having no voice in the development of properties immediately adjacent to their residences in incorporated towns; and

NOW THEREFORE BE IT RESOLVED by the Edgecombe County Board of Commissioners respectfully requests that this bill be withdrawn from the House docket due to the impact that the elimination of Extra-Territorial Jurisdictions would have on the residents of such districts in North Carolina and more specifically the impact of the proposed revisions to effectively and efficiently manage development within North Carolina communities.

CERTIFICATION

This resolution was duly passed on July 3, 2023 by the Edgecombe County Board of Commissioners


Leonard Wiggins, Chair


Frangie Mungo, Clerk to the Board





**RESOLUTION NO 23-02
OPPOSITION TO SB 675**

"LAND USE CLARIFICATION AND CHANGES"

WHEREAS, the use of Extra-Territorial Planning and Zoning serves to protect the property values of communities by regulating the types of uses that can be constructed in areas that transcending from rural to urban in nature; and

WHEREAS, it is vital to protect residents of such jurisdictions by regulating the establishment of incompatible uses adjacent to their residential neighborhoods; and

WHEREAS, the residents of Extra-Territorial areas are represented on the Town's Planning and Zoning Board of Adjustment by members appointed by the Wilson County Board of Commissioners, thereby providing a voice in the future development of the Extra-Territorial Areas; and

WHEREAS, the elimination of Extra-Territorial areas in Wilson County will result in residents of the Extra-Territorial areas having no voice in the development of properties immediately adjacent to their residences; and

WHEREAS, the sponsor of SB 675 has not consulted with local elected Boards of Wilson County's municipalities to determine the impact of the elimination of Extra-Territorial Jurisdictions in Wilson County and

WHEREAS, one of the guiding principles of North Carolina government is that local elected officials are the elected bodies closest to the people and know best the needs of their communities; and

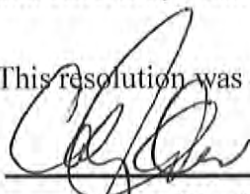
WHEREAS, as presented Senate Bill 675 prevents the Stantonsburg Town Council from having the ability to react to the needs of our community's residents, business owners and taxpayers in future land use and zoning decisions; and

NOW THEREFORE BE IT RESOLVED by the Stantonsburg Town Council that it opposes SB675 in the strongest language possible; and

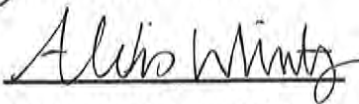
BE IT FURTHER RESOVED, that the Stantonsburg Town Council respectfully requests that this bill be withdrawn from the Senate docket and referred to the appropriate Senate committee for a thorough discussion of the impact the elimination of Extra-Territorial Jurisdictions would have on the residents of such districts in North Carolina and more specifically the impact of the proposed revisions to effectively and efficiently manage growth within NC municipalities.

CERTIFICATION

This resolution was duly passed on June 12, 2023, by the Stantonsburg Town Council.



Coley Rhodes-Mayor

Attest: 

Alexis Whitley, Clerk





**RESOLUTION TO OPPOSE SENATE BILL 675
ADDRESSING LAND USE CLARIFICATION AND CHANGES**

WHEREAS, the Town of Mills River strives to offer exceptional quality of life and opportunities for prosperity to its residents, property owners, and businesses; and

WHEREAS, the Making Mills River 2040 Comprehensive Land Use Plan survey results, which was adopted by Town Council May 27, 2021, resulting from two years of public input, shows Mills River residents are very much in favor of preserving land and keeping housing density low; and

WHEREAS, goals of the Making Mills River 2040 Comprehensive Land Use Plan include protecting and enhancing the rural small-town character of Mills River, promoting preservation of agricultural and natural land while respecting property rights, managing growth and investing in Mills River to promote land stewardship, community development and fiscal responsibility, and encouraging housing choices for persons of all ages and different income levels; and

WHEREAS, NC Senate Bill 675, which was filed in the Senate on April 6, 2023 and failed to meet the cross-over deadline was amended to abolish extra-territorial jurisdiction (ETJ) and also to include a pre-emption of minimum lot sizes for single-family and two-family development set by local governments, and

WHEREAS, this legislation prohibits local governments from establishing minimum lot sizes for lots containing single-family detached, single-family attached, and two-family dwellings above the proposed State standard of 8,700 square feet and below five units per acre for residential density, and

WHEREAS, Senate Bill 675 directly impacts Mills River in regards to §160D-702 and §160D-804, by removing important compatibility protections in established residential areas by allowing haphazard lotting patterns, increased density and allowing further by-right subdivision inside established neighborhoods, and

WHEREAS, Senate Bill 675, which will pre-empt any minimum lot size requirements the Town has in place and will allow subdivisions of land for residential uses (single-family and two-family homes) to create lot sizes without regard to the planning and zoning efforts of counties and municipalities in North Carolina; and

WHEREAS, the Town of Mills River Zoning and subdivision regulations reflect a strong commitment to individual property rights while seeking to retain the unique rural character our residents love and expect, and

NOW THEREFORE, BE IT RESOLVED the Mills River Town Council hereby adopts Resolution 2023-09, Opposing Senate Bill 675, which includes restrictions on minimum lot sizes for single-family dwellings and disregards the desires of Mills River citizens.

Adopted this the 25th day of May, 2023

Shanon Gonce, Mayor
Mayor

ATTEST:

Susan L. Powell, Town Clerk



From: Rob Hites <rhites@waynesvillenc.gov>
Sent: Wednesday, May 24, 2023 4:55 PM
To: Elizabeth Teague
Subject: FW: Waynesville Town Council Opposition to SB 675 "Land Use Clarification and Changes"

I sent this email to Senators Corbin and Hise last night after the meeting. I copied Erin Wynia of the NCLM. I also forwarded the email to Mayor Eveland, Joy Garland, Vicki Best and Nick Scheuer. Erin responded but I haven't heard from anyone else. Your comments to Senator Corbin were nicely stated. Please feel free to respond to the AICP, the legislators or the media in any way you feel best. I will be out of the office the rest of the week. Tomorrow I'll be getting a colonoscopy and endoscopy so I'll be out of touch. Feel free to call me on Friday if you need to.

From: Rob Hites
Sent: Tuesday, May 23, 2023 8:39 PM
To: Sen. Kevin Corbin <kevin.corbin@ncleg.gov>
Subject: Waynesville Town Council Opposition to SB 675 "Land Use Clarification and Changes"

The Town Council was alarmed to learn that SB 675 was favorably reported out of the Senate Judiciary Committee this afternoon. At its meeting tonight, the Council unanimously moved to oppose the adoption of SB 675. It is critical to understand that in Haywood, the County Government does NOT practice traditional landuse planning and zoning as do most of the counties in the State. Without the protection that our ETJ provides, landowners in residential subdivisions within a mile of the Town will have no protection against developments that will serve to diminish their property values. A new landowner may built anything he wishes regardless of the growth around them. Developers may place animal feeding operations, data mining facilities, or any other use directly adjacent to single family subdivisions. We recognize that in counties with zoning, citizens will receive the protection of the county's landuse regulations but in Haywood County they will have no such protection. Please remember that the Haywood County Commissioners appoint two members of the Waynesville Planning Board to represent residents of the ETJ. They are represented. Please take into account the special circumstances that passage of SB 675 would pose to the residents of the ETJ of Waynesville, Clyde, Canton and Maggie Valley. They will have NO protection. Please contact me at 828-550-5238 should I be able to provide you with further information.

Rob Hites | Town Manager
Town of Waynesville, NC
16 S. Main Street | PO Box 100 | Waynesville, NC 28786
(o) 828.452-2491 | (f) 828.456.2000
rhites@waynesvillenc.gov | www.waynesvillenc.gov



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) sent in response to it, may be considered public record and as such are subject to request and review by anyone at any time.





**TOWN OF ARCHER LODGE
RESOLUTION OPPOSING EFFORTS TO WEAKEN
LOCAL ZONING REGULATIONS**

WHEREAS, North Carolina has more than 532 towns and cities, the vast majority of which are small or mid-sized, and each of which has a unique identity, history, and governance; and

WHEREAS, planning and zoning options in all communities must adhere to state statute, they vary greatly, based on the desires of each community's residents and elected officials; and

WHEREAS, threats to the state's cities and towns can arise when developers try to convince legislators to strip local zoning requirements to meet their needs or allow them to opt out of local zoning altogether. Threats can also arise when advocates for increased housing demand that legislators support homogenization in zoning, arguing that all types of housing should be allowed everywhere; and

WHEREAS, hundreds of other small- to medium-sized towns in our state, including neighboring towns here in Johnston County, our town has worked diligently since our incorporation in 2009 to craft local zoning that is responsive to the needs of residents, builders, and developers, as well as local businesses; to this end, members of our Planning and Zoning Board, as well as periodic ad hoc resident committees tasked with recommending updates to the town's Future Land Use Plan, have worked with residents and our Town Council to periodically update local zoning; and

WHEREAS, Archer Lodge's Future Land Use Plan continues to evolve, incorporating new zoning options and revising others, consistent with the needs of our community. Our zoning reflects a strong commitment to individual property rights while seeking to retain the unique rural and historic character that has attracted so many residents to our beautiful town and has continued to strengthen property values; and

WHEREAS, we acknowledge the State of North Carolina's oversight over all state municipalities, respect the limitations and requirements established by current state statutes, and are grateful to state legislators for their dedication, and recognize their desire to address state-wide housing issues. At the same time, we believe that one-size-fits-all efforts that mandate significant changes to local zoning authority are misguided.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Archer Lodge urges the state legislature to work with local leaders and the North Carolina League of Municipalities to craft incentives and targeted approaches appropriate to housing issues in specific areas. We ask our state legislators to balance their oversight with respect for the critical role local zoning plays in maintaining the civic health of our state and balancing the needs of residents with those of builders and developers. Finally, we strenuously object to state bills seeking to homogenize, significantly weaken, or otherwise interfere in local zoning authority, on the basis that such interference threatens a town's ability to determine its unique identity and future within the limitations and requirements established by state statute. More specifically, the Town objects to the following:

- A potential bill that would overturn local zoning to authorize the removal of

approximately 1,000 acres of land from the center of the Town of Summerfield, commonly referred to as “de-annexation,” despite being a constituent area within the Summerfield’s original boundaries, as chartered by the General Assembly, and despite the proximity of some of this property to the Greensboro watershed;

- Senate Bill 317, which would allow developers to skirt all local zoning under the guise of providing affordable housing, a requirement that would expire within a year’s time;
- House Bill 332/Senate Bill 275, which would impose a 21-day shot clock on local building inspections;
- House Bill 474, which would mandate that all residential and mixed-use zoning allow small housing such as tiny homes, cottage homes, and accessory dwelling units;
- Senate Bill 675, which would eliminate municipal extraterritorial jurisdiction (ETJ) which has been a tool that has been used to maintain balance between urban centers and rural centers of the state for nearly 75 years; and
- All other similar bills that seek to override local zoning authority without the active collaboration and consent of local communities.

In this way, the Town of Archer Lodge also seeks to uphold the rights of all municipalities in North Carolina to self-determination within the parameters established by state statute and in collaboration with residents as well as state and county leaders.

DULY ADOPTED ON THIS 1st DAY OF MAY 2023, WHILE IN REGULAR SESSION.

_____(SEAL)
Matthew B. Mulhollem
Mayor

ATTEST:

_____(SEAL)
Jenny Martin
Town Clerk