MEMO TO: Mayor and City Council

FROM: Planning Staff

SUBJECT: R-07-2025, A Resolution Of The Lincolnton City Council Assigning Exclusive Planning And Development Regulation Jurisdiction To Lincoln County For Parcel ID 27960.

DATE: September 4, 2025

Background

A subdivision plat was submitted to the City. The parcel has split jurisdiction with a portion in the County and a portion in the ETJ. The parcel is served only by a private easement and does not abut a dedicated public street, and thus does not meet the requirements of the City of Lincolnton Unified Development Ordinance (UDO) Section § 153.050, which requires at least 35 feet of dedicated street right-of-way frontage for the creation of a new lot or development.





Statutory Requirements:

§ 160D-203. Split jurisdiction. If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, for the purposes of this Chapter, **the local governments may, by mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction under this Chapter for the entire parcel to any one of those local governments**. Such a mutual agreement shall only be applicable to development regulations and shall not affect taxation or other nonregulatory matters. **The mutual agreement shall be evidenced by a resolution formally adopted by each governing board and recorded with the register of deeds** in the county where the property is located within 14 days of the adoption of the last required resolution. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d).)

Written Consent of Landowner:

Pursuant to Article 20 of Chapter 160A of the General Statutes James Marshall Huss and wife, Jo Anne Huss, the landowners, assign exclusive planning and development regulation jurisdiction under this Chapter for Parcel 27960, to Lincoln County.

James M. Huss
Owner/ Date

Joanne Huss AKA power Att Terry Huss
Owner/ Date

I, Crystal H. Huss, a Notary Public in and for the State of North Carolina & Lincoln County do hereby certify that James M. Huss personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 27 day of July, 2025

Crystal H Huss
Notary Public

My commission expires 4/24/26.

CRYSTAL H HUSS NOTARY PUBLIC LINCOLN COUNTY, NC

I, Crystal H. Huss, a Notary Public in and for the State of North Carolina & County do hereby certify that Joanne Huss AKA Power of Att Terry Huss personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 27 day of July, 2025.

Crystal H Huss
Notary Public

My commission expires 4/24/26.

CRYSTAL H HUSS NOTARY PUBLIC LINCOLN COUNTY, NC

R-07-2025

A Resolution Of The Lincolnton City Council Assigning Exclusive Planning And Development Regulation Jurisdiction To Lincoln County For Parcel ID 27960.

WHEREAS, pursuant to North Carolina General Statutes § 160D-203, if a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, those local governments may, by mutual agreement and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction of the entire parcel to one of the involved local governments; and

WHEREAS, Parcel ID 27960 (the "Parcel") lies partially within the extraterritorial jurisdiction (ETJ) of the City of Lincolnton and partially within the unincorporated jurisdiction of Lincoln County; and

WHEREAS, the majority of the acreage of Parcel ID 27960 is located within the jurisdiction of Lincoln County, and the remaining portion lies within the City of Lincolnton's ETJ; and

WHEREAS, the Parcel is served only by a private easement and does not abut a dedicated public street, and thus does not meet the requirements of the City of Lincolnton Unified Development Ordinance (UDO) Section § 153.050, which requires at least 35 feet of dedicated street right-of-way frontage for the creation of a new lot or development; and

WHEREAS, it is in the public interest and in the interest of effective and consistent land use planning that exclusive planning and development regulation jurisdiction over the entire Parcel be assigned to Lincoln County; and

WHEREAS, the City of Lincolnton City Council agrees to such an assignment of jurisdiction and the landowner has provided written consent; and

WHEREAS, this mutual agreement shall only apply to planning and development regulations and shall not affect taxation, emergency services, or other nonregulatory matters; and

WHEREAS, this resolution shall be recorded with the Lincoln County Register of Deeds within fourteen (14) days of adoption by both governing boards, as required by NCGS § 160D-203.

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

1. Jurisdiction Assignment. The City of Lincolnton hereby assigns exclusive planning and development regulation jurisdiction over Parcel ID 27960 to Lincoln County, in accordance with NCGS § 160D-203.

2. Landowner Consent. This assignment is made with the written consent of the landowner of Parcel ID 27960.
3. No Effect on Taxation. This assignment shall apply only to development regulations and shall not affect taxation, provision of public services, or other nonregulatory matters.
4. Recordation. This resolution shall be recorded with the Lincoln County Register of Deeds within fourteen (14) days of its adoption and the adoption of a reciprocal resolution by the Lincoln County Board of Commissioners.
5. Effective Date. This resolution shall become effective upon adoption.

Adopted this the ___ day of _____, 2025.

CITY OF LINCOLNTON

By: _____

Mayor

ATTEST:

_____

City Clerk

Staff Recommendation:

Approve R-7-2025 to assign exclusive planning and development regulation jurisdiction to Lincoln County for Parcel ID 27960.

Motion:

Motion to approve