R-25-06

RESOLUTION CONCERNING GENERAL ASSEMBLY
LEGISLATION DESIGNED TO REMOVE LOCAL AUTHORITY ON LAND USE MATTERS

Whereas, the Town of Fletcher, North Carolina, has noted with concern those continuing and constant legislative proposals of the North Carolina General Assembly which aim to wrest land-use decisions from the duly elected local officials;

Whereas, the basic statutory framework for N.C. city government was established in 1917, when land-use decision-making authority was designated to the municipal level. Legislative history reveals that alterations to State requirements since 1917 and until recent years, were based on appropriate study, review, and public input. Throughout this century of updates, the control of local land-use decisions and development continued to reside with locally elected officials;

Whereas, the most recent update to land-use regulation (G.S. Chapter 160D) supplied regulations that were updated, reorganized and edited for clarity. Chapter 160D, which included new requirements, was passed in 2019 after four years of extensive review, vetting, public discussion, and draft alterations. After the bill passed, guidance was provided to all N.C. land use professionals and elected officials. These elements of professional policy development and implementation were important, allowing consideration of the varying priorities across North Carolina. They also reduced the harsh consequences of land management without prior planning;

Whereas, recent legislation House Bill 765 Local Government Development Regulations Omnibus proposes that local governments be stripped of their authority over the use and development of land located within their legal boundaries, thus overturning 100 years of established State policy and procedures; negating the well-established notion that voters should have a say through elections in the governing of their communities;

Whereas, HB 765 further seeks to negate and remove established zoning, without providing due process for input by local officials or citizens, to include dictating density requirements based on population. These measures effectively remove any workable land policy development by localities;

Whereas, Senate Bill 493 is intended to eliminate or freeze use of municipal extraterritorial jurisdiction authority, which authority has been accepted since the end of the 19th century. Such action will again affect the ability of localities to follow their state-mandated Land Use Plans, will greatly impact planning for future infrastructure, and erode community compatibility;

Whereas, similar bills were introduced in the Senate within the last month, with more proposals to strip authority from locally-elected officials: SB 495, allowing accessory dwelling

units be permitted in all single-family residential zones; SB 497, requiring that "middle housing," including six-plexes, be allowed in all residential zones; SB 499, which permits residential development "by right" in all areas zoned for commercial use; and SB 688, which prohibits local government from planning, zoning or development regulation authority and further requires that cities allow at least four or five residential units per acre, depending on the size of the municipality.

Now therefore be it resolved, that the Town of Fletcher opposes all legislative efforts to remove the established authority of North Carolina municipalities to control the development of property within its legal boundaries and further petitions the North Carolina General Assembly to use policy development procedures that include the needs and desires of current citizens, and further to provide protective measures for those communities of historic importance.

Adopted this the 12th day of May 2025.

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Mayor Preston Blakely

ATTEST:

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Christine Thompson, MMC, NCCMC
Town Clerk