

Item Title: Reconsideration of the Town of Morrisville Extra Territorial Jurisdiction (ETJ) Request

Specific Action Requested:

That the Board of Commissioners adopts the attached resolution granting the Town of Morrisville ETJ extension.

Item Summary:

Purpose: The Board of Commissioners must agree to grant any extension of a municipalities' ETJ.

Background: On April 24, 2018, the Morrisville Town Board adopted a resolution requesting that the Wake County Board of Commissioners consider granting extension of the town's Extraterritorial Jurisdiction (ETJ) by 96 acres. The Board of Commissioners heard the request at the August 20, 2018 and September 17, 2018 meetings. During the August meeting, a citizen raised concerns about the ETJ request and other commitments made by the Town of Morrisville. During a follow-up discussion in September, the Board of Commissioners reconsidered this item, deciding to table the decision until the Town staff could further research prior Town commitments. Specifically, the Town is researching its ability to provide sewer service pledged to an individual resident. The Town has expressed its commitment to complete this sewer connection as quickly as possible.

Board Goal: Action is in accordance with Board responsibilities.

Fiscal Impact: If approved, the County will not receive building permit revenue related to the future development of the land.

Additional Information:

November 19 Status: The request includes two parcels owned by two separate owners. Ms. Esther Dunnegan, the representative of the owners of Area A, located on Kitts Creek Road, spoke at the August public hearing and voiced opposition to the ETJ request. The concerns of her and her family included the ability to continue farming and the extension of sewer service to another family-owned property that had been promised service by the Town. Town of Morrisville staff researched the sewer extension issue and stated that the Town did previously commit to complete the sewer connection. At the September 17 Board meeting, Town staff shared an update on this issue and expressed their commitment to completing the sewer connection as quickly as possible. Since that meeting, Town staff have provided additional updates on their progress and have reiterated their commitment.

Initial ETJ Extension Request: ETJ allows a municipality to have its development policies, procedures and standards in place in advance of development. This provision proactively influences the character of development in an area that is expected to urbanize and be serviced by municipal utilities in the near future. This enables the municipality to plan for

timely, efficient provision of development and associated infrastructure and urban services, and address code enforcement issues that might impair their development. The Wake County Land Use Plan uses seven criteria to review ETJ expansion requests:

- 1) Classification as Urban Services Area
- 2) Commitment to Comprehensive Planning
- 3) Adoption of Special Regulations
- 4) Municipal Water and Sewer Service
- 5) Evidence of Feasibility for Urban Density Development
- 6) Annexation within Ten (10) Years
- 7) Existing ETJ

The two tracts of land in the request are owned by two separate entities and the Town of Morrisville Planning Department spoke directly with both affected property owners. One property owner was concerned about the ability to continue agricultural use on her property and planning staff explained that her land use can continue because it is a bona fide farm and therefore exempt from municipal zoning and building regulations. The other property owner had no concerns. There are currently no plans to develop either property.

The Town of Morrisville Council adopted a resolution requesting an extension of the Town's extraterritorial planning jurisdiction (ETJ) on April 24, 2018. This item was also on the April 10th Council agenda for discussion and public comment. The Town posted signs at the two properties advertising the two meetings and purpose of the request.

Staff Findings

1. The Town of Morrisville request for 96-acre ETJ extension is in accordance with North Carolina State law 160A-360 Article 19.
2. The Town of Morrisville request of 96-acre ETJ extension complies with Wake County Land Use Plan's seven criteria for ETJ expansion.

Recommendations

PLANNING STAFF: Recommends that the Board of Commissioners approve the Town of Morrisville ETJ request of 96 acres.

PLANNING BOARD: Recommended at the July 18, 2018 meeting, by a unanimous vote, that the Board of Commissioners adopt the Town of Morrisville ETJ request of 96 acres.

Attachments:

1. Presentation
2. Town Letter to Manager Ellis
3. Wake County Board of Commissioners Staff Report
4. Morrisville ETJ Extension Request Map
5. Morrisville Future Land Use Map
6. Morrisville Utilities Area A Map
7. Morrisville Utilities Area B Map
8. Planning Board Minutes July 18, 2018
9. Morrisville Resolution Requesting ETJ Extension
10. Wake County Resolution