



Planning, Development & Inspections

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TO: Planning Board
FROM: Bryan Coates, Planner III
SUBJ: Town of Fuquay-Varina ETJ Request
DATE: May 4, 2016

REQUEST: Extend Town of Fuquay-Varina ETJ by approximately 22 acres

PETITIONER: Town of Fuquay-Varina

The Towns of Holly Springs and Fuquay-Varina amended their annexation boundary agreement on January 4, 2016. Parcel (PIN 0658304164) was split between the Town of Fuquay-Varina ETJ and Holly Springs Short Range Urban Services Area. Both Towns agreed to have the entire parcel ultimately placed within the Town of Fuquay-Varina Planning Jurisdiction. The property is 44.5 acres and is located along Wade Nash Road near NC 55.

On April 19, 2016, the Fuquay-Varina Town Council adopted a resolution requesting that the Wake County Board of Commissioners consider granting extension of the town's Extra-Territorial Jurisdiction by approximately **22 acres**. The proposed expansion is surrounded on three sides by Fuquay-Varina town limits and ETJ. The landowner is in support of the request.

State Law

By State law, a municipality of more than 10,000 but less than 25,000 in population may exercise ETJ over an area not more than two miles beyond its corporate limits. The area beyond the corporate limits is defined as extraterritorial jurisdiction (ETJ). In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration. The State Demographer released her most current certified municipal population estimates October 2015: **July 1, 2014 population estimate for the Town of Fuquay-Varina – 21,796.**

Purpose

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. Seven criteria have been developed for review in 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

ANALYSIS:

Staff has reviewed the Town of Fuquay-Varina ETJ expansion request. The review is based on the County's criteria for evaluating ETJ requests. Each of the seven (7) criteria is addressed in this report.

ETJ CRITERIA

(1) Classification as Urban Services Area:

The area proposed for ETJ expansion should be classified as Urban Services Area associated with the municipality.

The requested ETJ expansion area is currently designated as Holly Springs Short Range Urban Services Area and Fuquay-Varina ETJ, however the amended annexation agreement places the entire parcel within Fuquay-Varina's Urban Service Area. The entire parcel needs to be designated Fuquay-Varina ETJ as the landowner would like the entire parcel under one jurisdiction.

The request complies with this criterion.

(2) Commitment to Comprehensive Planning:

The municipality should demonstrate a commitment to comprehensive planning, preferably including adopted land use, public facilities and transportation plans, engineering studies, and a capital improvements program (CIP) including funding to implement the CIP. This commitment must be demonstrated through official actions by the governing body.

The Town of Fuquay-Varina adopted a Land Use Plan in 2005 and Community Transportation Plan in 2006 that address the future land use of the Town and its urban service area as well as transportation.

In 2013, the Town of Fuquay-Varina, in partnership with the North Carolina Department of Transportation Division of Bicycle and Pedestrian Transportation (NCDOT DBPT) initiated the Community Pedestrian Master Plan to determine the existing and future pedestrian environment in Fuquay-Varina.

The Town of Fuquay-Varina has a 5 year Capital Improvement Plan that is updated annually and contains municipal water, sewer, fire, recreation, parks, and personnel.

The Town Planning staff is in the process of creating a Land Development Ordinance (LDO). The LDO is a comprehensive document that will contain the town's regulations for development in one publication. Having the regulations in one document will make it easier for residents, businesses, and other community members to understand the requirements for land development in Fuquay-Varina.

The request complies with this criterion.

(3) Adoption of Special Regulations:

Where the municipality proposed ETJ expansions along major transportation corridors designated by the County as Special Transportation Corridors, the municipality should have adopted and be willing to apply regulations comparable to those for Special Transportation Corridors.

The proposed ETJ extension is near NC Highway 55 which does not contain a special transportation corridor; however the Town of Fuquay-Varina did participate in the CAMPO- Southwest Study with neighboring towns. NC Highway 55 does serve local commuters into the region from points south of Wake County. The Town is working on local and regional improvements throughout the Town.

Where the municipality proposed ETJ expansions within a water supply watershed, the municipality should have adopted, and be willing to apply, water supply watershed protection policies and provisions that meet or exceed the applicable State water supply watershed regulations or an adopted Plan for the water supply watershed.

Fuquay-Varina does not have any water supply watersheds within its jurisdiction; however, the Town does have both FEMA floodplain and NCDWG Phase II stormwater regulations.

For evaluating an ETJ expansion request, the municipality's application of such special regulations to its existing ETJ should be considered as evidence of its willingness to apply these special regulations.

Fuquay-Varina will continue to apply its land development regulations, along with regulations on historic preservation in the expanding ETJ area as it has within its existing corporate limits and existing ETJ. The Town of Fuquay-Varina has approved many Wake County Landmark designations within its jurisdiction.

The request complies with this criterion.

(4) Municipal Water and Sewer Service:

The municipality should show how the area proposed for ETJ expansion would be served by water and sewer service within five (5) years of the effective date of ETJ extension. The systems should be designed with adequate treatment capacity and adequately sized major trunk line extensions to service the area proposed for ETJ extension. The municipality should include needed improvements in its capital improvements program (CIP).

Water Service

The Town of Fuquay-Varina can currently supply 4.25 million gallons per day (MGD) of potable water to its residents.

- 1) The Town purchases water from the City of Raleigh, Harnett County and Johnston County.
- 2) The Town currently maintains approximately 170 miles of water lines, three water tanks, and a water distribution pump station. Water supplied by Harnett County is obtained from the Cape Fear River and is purified at a water treatment plant in Lillington. The water is conveyed to a booster pumping station south of Town via a shared 36-inch transmission line with Holly Springs.
- 3) Town public utility staff replaced more than 8,000 residential and commercial water meters with an automatic meter reading system in 2011.

Wastewater Service

- 1) The Town of Fuquay-Varina owns and operates its wastewater collection and treatment system, which includes approximately 141 miles of sewer lines and 21 sewer pump stations that convey flows to Terrible Creek Wastewater Treatment Plan (WWTP) and the Brighton Forest WWTP which currently discharge to the Neuse River Basin. The Town also discharges wastewater in the Cape Fear Basin to the North Harnett Regional WWTP which discharges to the Cape Fear River.
- 2) The cumulative sewage treatment capacity of the Town is 3.77 million gallons daily.

The Town of Fuquay-Varina has utilities along Wade Nash Road within 200 feet from the proposed ETJ expansion request.

The request complies with this criterion.

(5) Evidence of Feasibility for Urban Density Development:

Areas proposed for ETJ extension by a municipality should be capable of being developed to an average density feasible for municipal annexation. This criterion is closely related to the ability of a municipality to serve the area with water and sewer service in accordance with its plan for development.

The State of North Carolina requires a minimum density of 2.3 persons per acre necessary to comply with statutory requirements specifying the urban density for

annexation. The Comprehensive Land Use Plan shows residential and commercial uses nearby.

Low Density Residential- suggest densities range from 1 unit per acre up to 3.9 units per acre. In the 2010 Census, the median household size for the Town of Fuquay-Varina was 2.67.

Fuquay-Varina has experienced rapid growth since 2000. In 2000, the town's population was 7,937 residents, while the 2010 Census showed a population of 17,937. The town's 2014 US Census Estimate is 22,644. The Town has grown roughly by 4,700 residents since 2010.

Town of Fuquay-Varina New Residential Permits	
Year	Residential
2012	397
2013	523
2014	497
2015	728
2016	185*

The request complies with this criterion.

(6) Annexation within Ten Years

ETJ extensions should only be granted for areas anticipated to be substantially developed and annexed within ten (10) years. The ten-year period projection should be used as a guideline, and is adopted with the understanding that actual progress in development and annexation of a given ETJ area may vary from that originally projected at the time of ETJ extension. To determine the potential for annexation within ten (10) years the following should be considered: relevant County and Municipal plans and policies, past development experiences, and previous projections.

1. Since 1996, the Town has annexed a total of 4,914 acres.
2. Since 2005, the Town has annexed a total of 2,582 acres.
3. It is the Town of Fuquay-Varina's policy to require voluntary annexation as a condition of the provision of municipal water and/or sewer service.
4. The parcel is surrounded by ETJ and municipal corporate limits and near the NC 55 corridor that has experienced substantial commercial and residential development.

The request complies with this criterion.

(7) Existing ETJ:

When a municipality requests additional ETJ, the municipality must demonstrate its progress in annexing and supplying municipal services, especially water and sewer, through the entirety of its existing ETJ. For all areas of ETJ granted after May 2, 1988, the municipality must specifically address its progress in complying with the criteria under which that ETJ was originally granted. An ETJ expansion may be granted to a municipality only when it demonstrates substantial progress in meeting this criterion.

1. **ETJ Extensions & Annexations.** The Town of Fuquay-Varina's ETJ was extended three times since 1988: 1996, 2001, and 2013.
2. The 1996 extension of 190 acres, of which 162 acres have been annexed.
3. The 2001 extension of 3,400 acres, of which 532 acres have been annexed.
4. The 2013 extension of 48.9 acres, of which 37.81 have been annexed.

The request complies with this criterion.

STAFF RECOMMENDATION:

Staff recommends that the Planning Board recommend that the Board of Commissioners approve the Town of Fuquay-Varina proposed ETJ expansion request for approximately 22 acres.

ATTACHMENTS:

- 1) Fuquay-Varina ETJ Request Resolution
- 2) Fuquay-Varina ETJ Request Map
- 3) Wake County Land Use Plan ETJ Criteria
- 4) Community Pedestrian Master Plan Maps
- 5) Community Transportation Plan Maps
- 6) Comprehensive Land Use Plan Map