

Item Title: Proposed Town of Morrisville Extra Territorial Jurisdiction (ETJ) Request of 96 Acres

Specific Action Requested:

That the Board of Commissioners holds a public hearing and 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 on August 20, 2018, then tabled the item until the September 17, 2018 meeting.

Board Goal: Growth and Sustainability: This action supports the Board's objective to plan for continued growth in the county.

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

Additional Information:

At the August 20, 2018 Board of Commissioners meeting, Wake County staff gave a presentation outlining how the Town's request meets the Wake County Land Use Plan's seven criteria to review ETJ expansion requests.

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 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. The Town of Morrisville has made good faith efforts to address these concerns, as outlined in the letter from Town Manager Martha Paige to County Manager David Ellis, which is included in the agenda packet.

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 of the properties. Both property owners have been notified of today's public hearing.

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 Maps
7. Planning Board Minutes July 18, 2018
8. Morrisville Resolution Requesting ETJ Extension
9. Resolution

