

IV. Expansion of Municipal Planning Jurisdictions

A. INTRODUCTION

A municipality's planning jurisdiction is the land that lies within its corporate limits plus its extraterritorial jurisdiction (ETJ). Since development occurring in municipal planning jurisdictions greatly affects what occurs in the County's planning jurisdiction, and vice versa, the Land Use Plan should be coordinated with municipal plans, goals, and objectives.

State law authorizes municipalities to have ETJ so they can control development in areas that are expected to come within their corporate limits in the near future. This enables municipalities to better ensure that development patterns and associated infrastructure will allow the efficient provision of urban services. In Wake County, the Board of Commissioners must agree to grant any extension of a municipality's ETJ, and may rescind the approval of an ETJ extension.

B. CRITERIA FOR REVIEWING MUNICIPAL ETJ EXPANSION PROPOSALS

Although State law provides a framework for evaluating ETJ and deciding whether or not the County should agree to municipal requests for ETJ extensions, it does not provide detailed criteria. For this reason, the Board of Commissioners has adopted criteria to evaluate the potential for an area's development, the municipality's ability to provide services, and its capability and commitment to good planning and managing of development.

In addition to conformance with the criteria, the Board of Commissioners will also consider the opinions of residents and property owners in the area requested for ETJ, and shall include those opinions in its consideration.

Conformity with the criteria does not automatically guarantee that an ETJ request will be granted. The criteria for evaluating requests for extension of ETJ, as well as proposals to rescind previous ETJ extensions, are as follows:

(1) **Classification as Urban Services Area:**

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

(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.

(3) **Adoption of Special Regulations:**

(a) Where the municipality proposes 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.

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

(c) 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.

(4) **Municipal Water and Sewer Service:**

The municipality should show how the area proposed for ETJ expansion will 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 expansion. The municipality should include needed improvements in its capital improvements program.

(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.

(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.

(7) Existing ETJs:

When a municipality requests additional ETJ, the municipality must demonstrate its progress in annexing and supplying municipal services, especially water and sewer, throughout 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 criteria.

