

Item Title: Town of Fuquay-Varina Extra Territorial Jurisdiction Extension Request

Specific Action Requested:

That the Board of Commissioners considers extending the Town of Fuquay-Varina's Extra Territorial Jurisdiction.

Item Summary:

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

Background: On August 6, 2018, 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 22,049 acres. The request has been modified by the Town and now totals 22,038 acres.

The Planning Board recommended, by unanimous vote, that the Board of Commissioners grant the Town a reduced ETJ area totaling 11,870 acres. County staff concurs with this recommendation.

On September 3, 2019, the Board of Commissioners held a duly noticed public hearing on this request in which residents were given the opportunity to speak on this matter.

Board Goal: Extension of municipal planning areas complements the Board's goals for addressing growth in the county.

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

Additional Information:

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. The attached staff report provides a detailed analysis of the Town's request in accordance with the following criteria.

- 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

Process

Late last year, the Town of Fuquay-Varina notified all property owners within the requested ETJ area. To address resident's concerns, the Town hosted a series of five community meetings.

The Land Use Committee of the Wake County Planning Board held three meetings earlier this year to review the Town's request and allow for public input. The Committee reviewed the request in accordance with the County's seven evaluation criteria for ETJ extension. The committee concluded that portions of the town's request met the criteria for extension.

On May 1, 2019, the Wake County Planning Board conducted a public hearing on this matter and voted unanimously to recommend that the Board of Commissioners grant a portion of the requested area to the Town.

On June 10, 2019 and August 12, 2019, the Town's request was presented at the Wake County Board of Commissioner's work session. This allowed for more explanation and discussion about the purpose of ETJ in Wake County, what it means for residents living in an ETJ, and a review of the Town's request in accordance the County's seven evaluation criteria.

On September 3, 2019, the Board of Commissioners held a duly noticed public hearing on this request. Residents in the request area had the opportunity to address the Board with any concerns or questions. In response to residents who addressed the Board, and submitted recent inquiries, staff has prepared a map indicating the location of where those residents reside (see attached Public Feedback Map).

Staff Findings

1. The Town of Fuquay-Varina's request for 22,038 acres ETJ extension is in accordance with North Carolina State law 160A-360 Article 19.
2. Portions of the Town's requested ETJ area meet the County's seven criteria for evaluating ETJ extension requests.
3. Staff and the Planning Board recommend reducing the Town's requested area to only those areas that meet the County's seven criteria for evaluating ETJ extension requests.
4. The Town of Fuquay-Varina Community Improvement Program (CIP) provides a 5-year plan for water & sewer infrastructure, street improvements, and community services.

5. The Town's CIP shows the areas within the ETJ request that will have municipal and water sewer service nearby within the 5-year timeframe.
7. The Town of Fuquay-Varina is experiencing growth pressure within its Urban Services Area shown by recent annexations and municipal utility extensions

Recommendations

PLANNING STAFF: Recommends that the Board of Commissioners approve the Town of Fuquay-Varina ETJ request by granting a reduced area totaling 11,240 acres.

PLANNING BOARD: Recommended at the May 1, 2019 meeting, by a unanimous vote, that the Board of Commissioners adopt the Town of Fuquay-Varina ETJ request by granting a reduced area totaling 11,870 acres.

Attachments:

1. Presentation
2. Staff Report
3. Wake County Resolution
4. Fuquay-Varina ETJ Expansion Request
5. Fuquay-Varina Request Area Maps
6. ETJ Evaluation Criteria
7. Fuquay-Varina 5-Yr Utility CIP Map
8. Planning Board Recommendation Map
9. Public Feedback Materials
10. Public Feedback Map
11. Agricultural Parcels Map
12. Wake County / Fuquay-Varina Code Comparison Table
13. Wake Tech Community College Letter