

Frequently Asked Questions (October 2003)

Will I have to pay Cary property taxes?

No one in Cary's extra-territorial jurisdiction pays Town property taxes.

Will I have to pay for water and sewer extensions?

Water and sewer lines are *not* extended to existing subdivisions or other properties when they are included in the Town's ETJ.

Typically, only if existing neighborhoods are annexed may utilities be provided, and even then, only if requested by a majority of property owners in the area where service is desired and in accordance with Town of Cary [Policy Statement 23](#), Water and Wastewater System Extension and Connection Policy. However, when requested, the Town of Cary has provided utilities to existing neighborhoods and properties outside the Town limits where private wells or septic systems have failed.

County policy for granting additional ETJ requires that an area be able to be served, but *does not require all areas to have services and be annexed*:

"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."

Will Cary charge us impact fees if this area becomes part of its ETJ?

Impact fees for water, sewer, and transportation improvements are paid by the builder of a new home or nonresidential building when a building permit is secured. These fees are required of new development within the Town limits to recover major capital costs of such facilities.

Since the land in the ETJ is not in Cary's corporate limits and homes are still on individual wells and septic systems, not connected to the Town utility system, *no impact fees will be paid* by either 1) the owner of an occupied house in an existing county subdivision or 2) the owner of a vacant lot in an existing county subdivision who applies for a building permit after the subdivision is included in Cary's ETJ. The impact fee for water and/or sewer is only paid when the owner chooses to connect to Town utilities, usually when private utilities have failed.

Will I be able to subdivide my land?

Yes. After land is added to the Town's ETJ, the owner of a tract formerly in Wake County will need to abide by the Town's zoning, subdivision, and building permit requirements. To subdivide a tract, they will need to submit subdivision plans to Cary for review.

Further, except as allowed by Town Council in special circumstances, Town zoning and policy require that this new development be connected to the Town's water and sewer system. Thus, when land is going to be developed, it has to be annexed first and is no longer in the ETJ, but in the actual Town limits as it develops.

What if I don't want to follow zoning or development regulations?

Property owners are already subject to Wake County's zoning and subdivision regulations that limit how property owners may use their land.

After land is added to Cary's ETJ, the Town will have to go through a process to translate current county zoning to Town zoning for all affected properties. This will include a public involvement process and hearings conducted by the Town Council and Planning & Zoning Board. As required by the Town's [Land Development Ordinance](#) (see LDO Section 4.1.3), this zoning translation takes the following into account:

- the property's designation on the Cary Land Use Plan
- the property's current land use
- the existence of a previously-approved site or subdivision plan
- the character of adjacent properties
- current zoning designations
- property owner requests
- other factors considered relevant at the time

Once the new zoning is in place, landowners would have to follow all Town requirements regarding land uses, structures, signs, development requirements, land division, etc.

What if I don't want to be annexed?

The extension of ETJ does not annex your property. Annexation is an entirely different process from being included in the Town's ETJ and is guided by state law and Town policy.

Two annexation approaches exist. Either a landowner voluntarily requests to be annexed or a town may involuntarily annex an area. Both are covered by extensive guidelines spelled out in North Carolina law.

Why should I have to follow Cary's restrictive covenants?

Cary doesn't have anything to do with restrictive covenants. Covenants (or deed restrictions) are entirely private and are put in place by the developer of a subdivision to govern such items as house colors, house sizes, parking on streets, changes or additions to homes, etc. Many of these are far more restrictive than any public ordinances. We do not, for instance, regulate the color of the roofs of homes in Cary.

When homeowners purchase lots in a subdivision, they voluntarily agree to follow such requirements. The Town of Cary is not involved in developing such restrictions, is not a party to them, and does not enforce them. Individual property owners and/or homeowner associations are responsible for enforcing their own subdivision covenants.

What if I don't want to be included in any municipal planning area?

You already are. The [Wake County Land Use Plan](#), adopted by the Wake County Board of Commissioners in 1997, identifies this ETJ area for urban development in the near future. The plan places areas adjacent to all municipalities in Wake County in either "short-range" or "long-range" urban service areas. These areas are expected to become urban, be provided with urban services, and typically annexed in the next 20 years. Much of this southeastern area is already within the Town limits or in the 10-year short-range urban service area.

Will I have an opportunity to present my comments?

Opportunities to comment on the ETJ request will be provided by Wake County since the Wake County Board of Commissioners must approve Cary's request to extend the extraterritorial jurisdiction to cover more area. The Wake County Planning Board will review the request and make a recommendation to county commissioners. Their meetings will be open to the public. Additionally, the commissioners must conduct a public hearing before they make any decision to

approve additional ETJ. Before any county hearings, legal advertisements will be placed in newspapers, signs will be posted, and mailed notice will be sent to every property owner in the affected area.

Won't extending the ETJ cause sprawl?

Sprawled development already exists in this portion of Wake County. A review of the pattern of existing subdivisions in the Middle Creek area clearly illustrates that this area is not an extensive rural area of large farm tracts but instead mostly subdivided into 1-acre lots. Extension of Cary development regulations will not cause additional sprawl. In fact, it's just the opposite: property that is urbanizing will actually have to meet urban (Cary) standards. The Town's Comprehensive Plan and corresponding development regulations are designed to manage growth and discourage sprawl.

Isn't this "taxation without representation"?

As previously noted, no one in the ETJ is annexed or pays city taxes. Regardless, at least two residents of the Town's ETJ must be appointed to the Town's Planning & Zoning Board. This board advises the Town Council on all planning, zoning, and related development matters.

Furthermore, after the ETJ is zoned by Cary, residents of the area will have *more* opportunity to influence future rezoning cases on vacant land than they do now. Presently, when a property is annexed and zoned by Cary for the first time, state law does not allow adjacent landowners to file a "protest petition." A valid protest petition gives landowners more capability to negotiate with developers to mitigate development impacts, and requires a three-fourths vote of the council (in our case, six of seven members) to approve a rezoning. This process cannot be used today when a property outside the current ETJ is annexed and zoned by Cary for the first time.

Does the Town have enough water?

The new Town of Cary [water treatment facility](#) has the capacity to provide 40 million gallons of water per day. The maximum daily amount used by existing residents and businesses served by the plant in 2003 was 19.9 million gallons of water per day. Adequate water supply is available for future development.

Does the Town have sufficient sewage treatment capacity?

The Town's two [sewage treatment plants](#) combined can effectively process some 23 million gallons per day, and the North plant is being expanded to boost that total to 25 million gallons daily. On average, these facilities have treated a total of 12.7 million gallons a day in 2003. Sufficient capacity to treat wastewater exists to support future development.

Why isn't the Swift Creek watershed included?

As partners in the [Swift Creek Land Management Plan](#) with Wake County, Apex, Raleigh, and Garner, the Town of Cary has honored the plan's intent for over a decade. The Swift Creek area east of Holly Springs and north of Ten Ten Road is designated to be "rural" and planned to remain primarily low-density residential. Hence, it is not supposed to be included in any municipal area, but is to remain in the unincorporated county.

Doesn't this encroach into the protected watershed?

No. We already have jurisdiction over portions of the Swift Creek watershed west of Holly Springs Road and must enforce watershed protection regulations in that area. As noted above, we do not

intend to provide extensive urban services or annex land east of Holly Springs Road in the rural portion of this protected watershed.