

Town of Cary Southeast ETJ Extension Request October 2003

Report on Request for Expansion of Southeast Extraterritorial Jurisdiction

Introduction

The Town of Cary has experienced rapid growth over the past 25-30 years. During this time, Cary has adopted a number of plans and ordinances that make it one of the best-planned communities in the North Carolina. These ordinances have enabled Cary to effectively manage and plan for its growth. Part of this planning includes long-range planning for Cary's future expansion. This includes the study of geographical areas around Cary to determine future locations of urban development that will have an impact on the Town. Types of impacts include expansion of water and sewer facilities, proposed thoroughfare improvements, provision of emergency services, and development of parks and greenway facilities. Cary can effectively plan for and manage its future growth due to our current planning regulations and policies.

The Town of Cary is requesting an expansion of its present ETJ to the southeast to include areas shown on the attached map entitled Cary ETJ Extension Request. Section 160A-360 of Article 19 of the North Carolina Statutes addresses extraterritorial jurisdiction for Cities and Towns. The criteria for determining jurisdiction location is based upon existing or projected urban development and areas of critical concern to the City, as evidenced by officially adopted plans for its development. The General Statutes also state that a city of 25,000 or more may exercise powers over an area extending not more than 3 miles.

This request includes justification for expanding Cary's jurisdictional boundaries to the southeast. The major indicators of concern will include utility services, thoroughfare improvements, and the extent of existing and proposed development. Adopted and proposed plans in all of these areas present an overall system designed to accommodate future growth in Cary.

Methodology for ETJ Extension Request

The area included in this ETJ jurisdiction proposal was selected using several techniques. First, areas of critical concern were identified. Factors involved in identifying these areas included extent of development, utility serviceability, and thoroughfare improvements. Second, areas of projected urban development were included in the request. It is assumed that areas proposed for inclusion in the ETJ boundary will reach urban densities within the next ten years. For the purposes of this report, urban density is defined as areas which have a population density of 2.3 persons per acre. Property shown within the new boundary lines is anticipated to achieve urban density based on a number of factors including:

1. Cary's commitment to continued growth as projected in the Town's adopted Comprehensive Plan;
2. The likely development and widening of roads within the ETJ area;
3. Cary's close proximity to existing major employment centers;
4. Cary's high standards of living and commitment to sound planning practices;
5. Availability of utility services within this ETJ extension area;
6. Access to greenways and other recreational amenities.
7. Development and expansion of the South Cary Wastewater Treatment Facility.
8. Investment in the Westlake Park and Community Center.

Third, the southwest boundary of this ETJ extension request was developed in accordance with an annexation agreement with Holly Springs that establishes a boundary that both sides agree to adhere to in regards to annexation and jurisdictional matters. This annexation agreement is expected to be approved by both of the Towns in late October. This agreed upon area is understood as being a water and sewer (urban) service area of the Town of Cary.

Justification for ETJ Extension

For nearly 3 decades, the Town of Cary has demonstrated a rapid growth rate, increasing from a 1960 population of 3,356 to 21,763 by 1980 and to 94,536 by the end of 2000. The current estimated population of Cary as of July 1, 2003 is 106,715. It is assumed that this interest in Cary will continue in the upcoming years. Continued urbanization around Cary's existing boundaries will be fostered by a number of factors including: 1) continued commitment by the Town of Cary to a high quality of life through sound planning and development principles; 2) the Town's location in relation to research Triangle Park and its growing job market; 3) expansion of Raleigh-Durham Airport and its increasing air volume; 4) Cary's proximity to the capital as a major employer; and 5) expansion of Cary as an employment and education center. Charts illustrating this growth are included in the appendix.

The impact of the surrounding growth on Cary is evident when viewing a map of the existing ETJ boundaries. Large tracts of land outside Cary's existing ETJ have requested annexation into the Town. The current southeast ETJ area granted prior to 1988 is 92 % annexed. The areas located in the proposed southeast ETJ area will become developed to urban standards well within the next 10 years.

In light of this rapid development, the Town of Cary wishes to retain a greater degree of control over its surroundings so that future development will be compatible with development currently occurring with the Town's current boundaries. Cary is proud of its previous planning efforts that have resulted in balanced growth. Despite an overwhelming increase in population, Cary has been able to retain a high quality of life through sound planning and development practices. The commitment of the Town Council and its citizens they represent to maintaining municipal systems that can handle the new development has been one of Cary's major accomplishments. Continuation of this policy of preparation for the impacts of growth is the essential core of this request for ETJ expansion.

The ETJ request will be in compliance with the following criteria established by the Wake County Board of Commissioners:

1. Classification as Urban Services Area

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

The proposed ETJ extension area as shown on the attached map is within the Town of Cary's urban service area on the Wake County Land Use Plan. The Town expects to serve this area with utilities and annex it within the next ten years.

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 Cary has demonstrated over 30 years of commitment to comprehensive planning. The Town has adopted land use, public facilities and transportation plans, engineering studies and a capital improvement plan (CIP) including funding to implement certain projects within the CIP. A copy of these documents is attached in the appendix.

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.

- (a) The Town of Cary will require a 100-foot thoroughfare corridor buffer along the southern portion of the proposed Interstate 540 to be constructed in the proposed ETJ extension area. This buffer will preserve the scenic beauty of the area while promoting the safe and efficient movement of traffic.
- (b) The Town of Cary has adopted water supply protection policies that exceed State watershed regulations. The Town of Cary has demonstrated sound environmental planning and adopted regulations that typically exceed the existing standards adopted by Wake County.
- (c) The Town of Cary applies development regulations equally within the ETJ and the Town's corporate limits.

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.

The Town of Cary has plans to allow the extension of water and sewer into the ETJ expansion area as development is proposed. The Town's CIP has several projects that are funded to allow the construction of water and sewer lines as well as expansions and improvements to the water reclamation facility. A copy of the water and sewer map and CIP for this area is attached.

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 density of development allowed by the Town's Land use plan will provide for densities exceeding the 2.3 persons per acre density requirement for annexation. The Town will annex these properties as development occurs and will involuntarily annex any doughnut holes as general statutes allow. A copy of the Town's most recent annexation report that shows a commitment to annexing such areas is attached.

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.

With the amount of development anticipated, and the past trends demonstrated for this area, it is fairly certain that this area will be annexed within the required ten-year time frame. The Town will involuntarily annex any doughnut holes as general statutes allow. The Town has sufficient utilities in the area to accommodate growth in this area.

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 these criteria.

The Town of Cary has annexed 92 percent of the previous southeast ETJ area that was granted prior to 1988. It is assumed that this proposed ETJ area will be annexed at a similar rate as the existing ETJ area. The Town will extend utilities into this area as the development trends warrant and development occurs. The Town has numerous road projects and water and sewer projects as detailed in the attached maps and Capital Improvements Plan. The Town has made substantial progress in complying with the criteria as established by the County.

The Town has ETJ area to the west and north that has not developed and been annexed as quickly as areas to the Southeast have been annexed. The Town has demonstrated a commitment to this western and northern areas by developing plans for new pump stations and other sewer improvements, updating the current Southwest Area Land Use Plan that is currently in progress, the American Tobacco Trail, development and expansion of a regional park for the western areas of Cary (Thomas Brooks Park) and the Rural Landscape Project. These projects demonstrate Cary's commitment to these existing ETJ areas.

The total area included within the ETJ request is 6,995 acres (10.93 square miles). About 1,657 acres (2.59 square miles) are already within the Town limits or are scheduled to be annexed into the Town's corporate limits with an effective date of July 1, 2003. Another 120 acres have annexation agreements with the Town that will be annexed once the contiguous corporate limits reach these properties. There will be approximately 160 acres consumed by the southern Wake Expressway, which leaves a net total of about 5,058 acres (7.9 square miles) included in this extraterritorial expansion.

ETJ Summary

As western Wake County continues its rapid growth, the pressure to provide for orderly development at Cary's boundaries increases. Existing neighborhood and industrial parks create a demand for additional development. This development cycle places a burden on roads, sewer systems, parks and other public services. Some of the vacant land also has development limitations. These limitations include: soil conditions unfavorable for septic tanks, flood hazards and water quality concerns.

To protect existing development from the adverse impacts of incompatible land uses, to protect the environment, to preserve the existing appeal and high quality of life of the area, and to conserve costs in future construction of public facilities, it is recommended that the Cary zoning jurisdiction be extended to the areas of critical concern defined in this report. The request will permit the placement of infrastructure in advance of or in conjunction with new growth and will allow the Town of Cary to continue to provide its current and future citizens with a high quality of

life through sound planning and development principles.