



Legislation Details (With Text)

File #:	23-334	Version:	1	Name:	
Type:	Agendas	Status:		Agenda Ready	
File created:	11/10/2023	In control:		Town Council	
On agenda:	1/9/2024	Final action:			
Title:	Introduction to Possible Amendment to WASMPBA - Changes to Service Areas in Chapel Hill Jurisdiction				

PURPOSE: Introduce the Town Council to amendments the Town of Chapel Hill has proposed to expand the water and sewer services boundary in the southern part of Chapel Hill along the US 15-501 corridor to the Chatham County line.

Indexes:

Code sections:

Attachments: 1. A- Chamber Petition to TOCH, 2. B - Additional info - TOCH 11-15 agenda, 3. C - TOCH Email 11-17-23, 4. D - OWASA Evaluation of Expansion, 5. E- Pocket Questions

Date	Ver.	Action By	Action	Result
1/9/2024	1	Town Council		

Introduction to Possible Amendment to WASMPBA - Changes to Service Areas in Chapel Hill Jurisdiction

PURPOSE: Introduce the Town Council to amendments the Town of Chapel Hill has proposed to expand the water and sewer services boundary in the southern part of Chapel Hill along the US 15-501 corridor to the Chatham County line.

DEPARTMENT: Planning

CONTACT INFORMATION: Trish McGuire, Planning Director, 919-918-7327, pmcguire@carrboronc.gov

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

Building on the establishment of Orange Water and Sewer Authority in 1977, the Town of Carrboro worked with its local county, state, and local partners to develop cooperative planning and management agreements that establish areas where sanitary sewer and treated potable water supply services will be provided (available at the link below). Racial Equity pocket questions have been completed (*Attachment E*).

INFORMATION: On June 14, 2023, Aaron Nelson, President of the Chamber for a Greater Chapel Hill Carrboro submitted a petition requesting that the Town of Chapel Hill "...evaluate a limited extension of the current water and sewer boundaries by extending the 2001 boundary one mile south of the current line to include the US 15-501 corridor to the Chatham County line at a width ranging between one half mile on either side of US 15-501 at the northern portion and narrowing as it approaches the Chatham County line, designed to exclude Smith Level Road" (*see Attachment A*).

The Town of Chapel Hill Council considered this topic initially on September 20, 2023, ([TOWN OF CHAPEL](#)

HILL - File #: [23-0671] (legistar.com) <<https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6354153&GUID=FF973AC6-76A4-432D-8318-372E86D4EEAE&Options=&Search=>> and in an agenda item on November 15, 2023, which includes a staff memo and other materials at TOWN OF CHAPEL HILL - File #: [23-0795] (legistar.com) <<https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6414722&GUID=5B798FC2-BED6-47A5-BB9F-24D77186A447&Options=&Search=>>. Questions asked of Chapel Hill staff in advance of the November 15th meeting and associated responses are provided as *Attachment B*. Email communication from Mayor Pam Hemminger and Chapel Hill Town Manager Chris Blue on November 17 reporting on the matter and Council action is attached (*Attachment C*). The area where this change is proposed is located within the Town of Chapel Hill's Extra-territorial jurisdiction. The change is being proposed in conjunction with Chapel Hill's recent [Complete Community Strategy](https://www.townofchapelhill.org/businesses/complete-community) <<https://www.townofchapelhill.org/businesses/complete-community>>, <<https://www.townofchapelhill.org/businesses/complete-community>> an initiative to identify shared interests around a new approach to housing that clarifies where and how to build to be inclusive, sustainable, and an economically-competitive community. The water and sewer service change are considered a means of providing for affordable housing, increasing residential development potential along the NSBRT alignment, and allowing affordable housing development on a Town of Chapel Hill-owned parcel in the area. The area is currently zoned for low-density residential development, and should the boundary change be approved by all the parties, the Town of Chapel Hill would work on amendments and expects to entitle projects consistent with the Complete Community Strategy.

Service and Capacity Evaluation. Orange Water And Sewer Authority (OWASA) has completed an evaluation of the capacity and infrastructure changes that would result from adding this area to the service boundary. A copy of the evaluation is included (*Attachment D*). Vishnu Gangadharan, PE, OWASA Director of Engineering and Planning will attend the meeting to respond to questions about the evaluation.

Background. The referenced water and sewer boundaries are included within the Water and Sewer, Management, Planning, and Boundary Agreement (WASMPBA [Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF \(orangecountync.gov\)](https://www.orangecountync.gov/DocumentCenter/View/13804/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF) <<https://www.orangecountync.gov/DocumentCenter/View/13804/Water-and-Sewer-Management-Planning-and-Boundary-Agreement-PDF>>), an agreement enacted in 2001 by Orange County, and the Towns of Carrboro, Chapel Hill, and Hillsborough, and the Orange Water and Sewer Authority (OWASA) for the following purposes:

1. To provide a comprehensive, county-wide system of service areas for future utility development and interest areas for dealing with private water and wastewater system problems in areas without public water and sewer service.
2. To complement growth management objectives, land use plans and annexation plans in existing agreements, such as the Orange County-Chapel Hill-Carrboro Joint Planning Agreement and Joint Planning Area Land Use Plan
3. To resolve in advance and preclude future conflicts about future service areas and annexation areas.
4. To provide for predictable long-range water and sewer capital improvement planning and financing.
5. To provide for limitations on water and sewer service in certain areas, as defined.

Amendments to the WASMPBA require the approval of all the parties to the agreement; three amendments have been approved since 2001:

1. October 5, 2010- Changes to Long-Term Interest Areas and Service Areas Efland-Mebane (see Item E.2

at [Town of Carrboro, NC :: 919-942-8541](http://www01.townofcarrboro.org/BoA/Agendas/2010/09_07_2010.htm)

[<http://www01.townofcarrboro.org/BoA/Agendas/2010/09_07_2010.htm>](http://www01.townofcarrboro.org/BoA/Agendas/2010/09_07_2010.htm)).

2. June 26, 2017-Changes to Long-Term Interest Areas and Service Areas Efland-Mebane. Correction to Primary Service Area designation in Carrboro (see [Town of Carrboro - File #: 17-159 \(legistar.com\)](http://carrboro.legistar.com/LegislationDetail.aspx?ID=3046325&GUID=088DF567-BEEB-4468-) [<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3046325&GUID=088DF567-BEEB-4468-](http://carrboro.legistar.com/LegislationDetail.aspx?ID=3046325&GUID=088DF567-BEEB-4468-)
3. October 6, 2020-.Change to map, Appendix A
4. November 17, 2020- Change to Primary Service Area to include five residential lots off Bayberry Drive in Chapel Hill (see [Town of Carrboro - File #: 20-408 \(legistar.com\)](http://carrboro.legistar.com/LegislationDetail.aspx?ID=4688921&GUID=3B6E01B7-3FBB-4764-) [<https://carrboro.legistar.com/LegislationDetail.aspx?ID=4688921&GUID=3B6E01B7-3FBB-4764-](http://carrboro.legistar.com/LegislationDetail.aspx?ID=4688921&GUID=3B6E01B7-3FBB-4764-) and [Town of Carrboro - File #: 20-415 \(legistar.com\)](http://carrboro.legistar.com/LegislationDetail.aspx?ID=4688922&GUID=BD69A5B6-97B9-4728-) [<https://carrboro.legistar.com/LegislationDetail.aspx?ID=4688922&GUID=BD69A5B6-97B9-4728-](http://carrboro.legistar.com/LegislationDetail.aspx?ID=4688922&GUID=BD69A5B6-97B9-4728-)

Should the council proceed, the staff will draft a resolution to implement the change, for an early 2024 meeting.

FISCAL IMPACT: Staff impacts are minimal with action on this agenda item.

RECOMMENDATION: Staff recommends Council members receive the attached information packet to facilitate their review and feedback on the potential development of a resolution to amend the WASMPBA for consideration in early 2024.