

## BOARD OF ALDERMEN

ITEM NO. D(1)

### AGENDA ITEM ABSTRACT MEETING DATE: September 06, 2005

**TITLE: Orange County Solid Waste Operations Center-Sewer Extension**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING:</b> YES __ NO <u>X</u>
<b>ATTACHMENTS:</b> A. Resolution B. August 10, 2005 Request from Orange County C. Joint Planning Agreement D. Water and Sewer boundary Agreement	<b>FOR INFORMATION CONTACT:</b> Roy Williford, 918-7325

#### PURPOSE

The purpose of this item is for the Carrboro Board of Aldermen to review a request from Orange County for OWASA to extend both water and sewer into the rural buffer to service the new Solid Waste Management Operations Center. Orange County is formally requesting feedback from the Board of Aldermen on their plans to extend water and sewer into the rural buffer to service an “essential public facility”.

#### INFORMATION

According to an August 10, 2005 letter (Attachment-B) from Moses Carey, chair of the Orange County Board of Commissioners, the existing Solid Waste Management Department’s administrative offices must be relocated from the Horace Williams tract to a new location by the end of 2006. The new location chosen by Orange County is on county owned property next to and west of the active mixed solid waste landfill on the south side of Eubanks Road (see map provided with Attachment B). According to a resolution attached to the county’s request, the new operations center will need both water and sewer service from OWASA since the center will include a community meeting room/educational facility that may generate up to 75 visitors/occupants at any one time creating a waste water treatment demand beyond the capacity of the septic system approved by the Health Division for a typical 6,000 square foot office use. The new sewer line alignment shown on the accompanying map proposes a connection to an existing sewer line north of Eubanks Road and east of Mill House Road in Chapel Hill’s transition area. The proposed sewer line then extends west under Mill House Road and the railroad for about 400 feet, then south to the south side of Eubanks Road. The sewer then extends west approximately 2,900 feet along the south side of Eubanks Road and along the landfill’s road frontage to the proposed solid waste operations center site located adjacent to Chapel Hill’s Transition Area but within the Rural Buffer. Another sewer alternative may be possible that connects the proposed operations center site from the south going under Rogers Road to connect with the Bolin Creek sewer outfall. This

alternative should operate with gravity flow verses the proposed connection which relies on the use of a pump station. An evaluation of this alternative may be worthwhile from an overall benefit-cost and customer service perspective, and should assist in the decision-making process.

Orange County is seeking feedback from parties to the Joint Planning Agreement and the Water and Sewer Management Planning and Boundary Agreement (water and sewer agreement) since the site for the new Solid Waste Management Operations Center is located within the rural buffer as defined by the joint planning agreement and within OWASA's Long Term Interest Area as defined by the water and sewer agreement. Orange County is referring to the Solid Waste Operations Center as an "essential public facility" and is asking for comments on their request to OWASA for an extension of public sewer to serve an essential public facility as provided for by the water and sewer boundary agreement. Relevant sections of both agreements are provided as follows and the agreements are provided as attachments "C" and "D" respectively.

### **Relevant Sections from the Joint Planning Agreement**

Section 1.2(G) of the Joint Planning Agreement defines the Rural Buffer as follows:

#### **Rural Buffer.**

That portion of the Joint Planning Area designated on the Joint Planning Area Land Use Map as such and designated in the Joint Planning Area Land Use Plan as Rural Residential, Agricultural, Public/Private Open Space, Resource Conservation, Extractive/Disposal Use and the overlay district designated University Lake Watershed Area. This area is further defined as being a low-density area consisting of single-family homes situated on large lots having a minimum size of two (2) acres. The Rural Buffer is further defined as land which, although adjacent to an Urban or Transition area, is rural in character and which will remain rural, contain low-density residential uses and not require urban services (public utilities and other town services).

Section 1.4 of Joint Planning Agreement incorporates the water and sewer agreement as follows:

#### **Linkage with the Water and Sewer Management, Planning and Boundary Agreement**

The Water and Sewer Management, Planning and Boundary Agreement (hereinafter WSMPPA) is incorporated into this agreement by reference. A copy of the WSMPPA is Exhibit B to this agreement. Termination of the WSMPPA does not terminate this agreement. The withdrawal by a party from the WSMPPA does not constitute withdrawal from this agreement. Termination of this agreement or withdrawal from this agreement can only be accomplished as provided in this agreement.

### **Relevant Sections from the Water and Sewer Agreement**

Section III of the Water and Sewer Agreement defines OWASA Long-Term Interest Area as:

An area (as shown on the Water and Sewer Service Boundary Map, which is Appendix A) within which public water and/or sewer service is not anticipated to be made, but if

such services are to be provided, OWASA will be the responsible utility service provider. Long-Term Interest Areas are not service areas, and do not include areas outside of Orange County. OWASA's Long-Term Interest Area is hereinafter referred to as OWASA's "interest area."

Section III of the Water and Sewer Agreement defines **Essential Public Facility** as:

A publicly-owned facility, or a facility wholly financed by Federal, State or local government (or a combination thereof) that provides a service for the health, safety and general welfare of County residents (for example, a school, fire station, public safety substation or solid waste convenience center).

Section V. Procedures for Providing Services

**B. Procedures for the provision of service within the Service Areas and Interest Areas**

1. When water and sewer service provision is required to address an adverse public health condition, or to provide service to an essential public facility, the designated provider for the service area or interest area shall have the right of first refusal to provide such service.

Section VI Limitations on Service

**B. Adverse Public Health Conditions**

2. The final decision to use any particular means or tool for rectifying any particular adverse public health condition remains, through zoning regulations or other land use ordinances, with the governmental entity or entities having zoning or planning jurisdiction over the area where the adverse public health condition exists. In the Orange County-Chapel Hill-Carrboro Joint Planning Area, the Joint Development Review Areas shall be used to determine which of the JPA parties shall jointly decide on the appropriate means or tool for rectifying an adverse public health condition. Public water or public sewer lines extended to provide service to an adverse public health condition or essential public facility cannot be used for other purposes or other parties, except as provided in Section VI.D.

**D. Controlling Access to Lines In Interest Areas**

Public water or public sewer lines extended to provide service to an adverse public health condition or essential public facility cannot be used for other purposes or other parties, except to remedy another adverse public health condition.

**E. Siting of Essential Public Facilities Within Interest Areas**

The location of some essential public facilities, particularly schools, requires special consideration for access to public water and sewer lines. Where possible, schools shall be sited in a manner that promotes the efficient use of existing water and sewer service. Preferably, a set of criteria governing such situations would be developed based on consultations between the appropriate school boards and the elected officials of affected jurisdictions, and applied as necessary. Publicly-owned facilities other than a public school shall be located in a manner that promotes the orderly provision of water and sewer service. The preferred method

of connection is to lines that already exist, or in a manner that would minimize the need to extend existing lines.

FINANCIAL IMPACT

This request for comments has no financial impact.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution transmitting their comments as requested by the Orange County Board of Commissioners

