

Staff Report



Overview: In June of 2018, community members requested the expansion of the Future Land Use Map Refinement Project to include additional areas of Town. Consideration of this expansion is currently before the Town Council. Inclusion of these areas will require additional resources, including additional funds for consulting services as well as potentially diverting some staff resources from the existing portions of the Charting Our Future Project.

Background:

- On [April 5, 2017](#)¹, the Town Council initiated a project to rewrite the Town’s Land Use Management Ordinance (LUMO). The Town Council requested that the ordinance rewrite process begin with an effort to refine the Future Land Use Map (called the Land Use Plan in *Chapel Hill 2020*).
- In [June of 2018](#), the Town Council considered community feedback requesting that additional focus areas (ETJ Study Areas), which are located outside of the Town’s corporate limits, be included in the Future Land Use Map Refinement Project. (Please see the attached map entitled “ETJ Study Areas.”) Specifically, the community feedback requested consideration of increased residential densities in these areas as well as limited commercial usage. At that time, Council asked staff to work with the affected governmental partners and to return to Council with options for incorporation of one or both of these Study Areas into the Charting Our Future Project.
- On [October 3, 2018](#), the Council met with the Orange County Commissioners to discuss the possibility of reconsidering the future land uses for these ETJ Study Areas.
- On [January 4, 2019](#), the Council Committee on Economic Sustainability (CCES) discussed inclusion of the ETJ Study Areas in the refinement of the Future Land Use Map.

Extraterritorial Jurisdiction (ETJ) Study Areas:

At the joint meeting with the Orange County Commissioners, the County considered alternative land uses for the following areas:

- From the Southern Village Park and Ride on South 15-501 to the border with Chatham County; and,
- The Extraterritorial Jurisdictional (ETJ) area north of I-40.

These areas are:

- Outside of the Town’s corporate limits, but are in the Town’s Extraterritorial Jurisdiction area with one small exception, which is labelled as “Chapel Hill Transition” on the map entitled “Southern Orange County Planning Jurisdictions.” This transition area is adjacent to Old Lystra Road. (Within the Transition Area, development approvals have to be coordinated with Orange County);

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=3077&meta_id=156700



Staff Report



- Subject to the Water and Sewer Management, Planning and Boundary Agreement (WASMPBA) between Orange County, the Town of Chapel Hill, the Town of Hillsborough, the Town of Carrboro, and the Orange Water and Sewer Authority; and
- Outside of the Urban Services Boundary set by WASMPBA.

The Urban Services Boundary prohibits public water and sewer into these ETJ Study Areas, unless all signatories to the WASMPBA agree to its amendment. The WASMPBA says as follows:

“The development of land [outside of the Urban Services Boundary] ... is not projected to occur at urban densities, and therefore, public water and sewer service shall be prohibited in these areas....”

Considering increased residential densities and some commercial uses in the ETJ Study Areas is a departure from the established vision for these areas. Consequently, an amendment to the WASMPBA is required, and designing and executing a visioning process to determine the future of these areas is recommended.

Past Planning Efforts in the ETJ Study Areas:

ETJ Area North of I-40

For the ETJ area north of I-40, staff has not found any previous planning efforts with the exception of the efforts undertaken as part of the Joint Planning Agreement and the WASMPBA. However, there were some preliminary conversations at the staff level, prompted by an inquiry from a property owner, proposing that the City of Durham provide utilities to this area.

ETJ and Transitional Area along South 15-501 to the border with Chatham County

The area along South 15-501 has been the subject of the following past planning efforts.

1. *The Southern Small Area Plan*, which was adopted in 1992, laid the foundation for Southern Village. This small area plan was a component of the 2000 Comprehensive Plan, and *Chapel Hill 2020* replaced the 2000 Comprehensive Plan;
2. *Chapel Hill 2020* included a portion of this area, but only to the Urban Services Boundary;
3. From 2013 - 2015, several planning activities occurred in the southern portion of Town including:
 - The Obey Creek Compass Committee Report to the Town Council. This Report included a vision for the Obey Creek area as well as recommendations for uses and impacts; design; connectivity and mobility; traffic and environmental considerations. Attached is the Executive Summary from the Obey Creek Compass Committee



Staff Report



Report. See also [the full report](#)²

- Southern Village Park and Ride Redevelopment Scenarios. These scenarios provided an opportunity for Council to connect their ideas for the Town-owned property and the southern area with the conversations regarding the Obey Creek development; and,
- The Obey Creek Development Agreement. This Agreement entitled the development of a forty-four acre parcel on the east side of 15-501 across from Southern Village and included the creation of the Wilson Creek Preserve, which is an 85 acre park.

Considerations for Determining a Vision for the ETJ Study Areas:

At the CCES meeting on January 4, 2019, the Committee discussed the appropriateness of integrating the ETJ Study Areas into the existing FLUM Refinement Project. Those discussions included resource constraints, including staff resources. As a result, consideration was given to bifurcating the ETJ Study Areas and only working to determine a vision for the area on South 15-501 to the Chatham County line.

Regardless of the decision to include one or both of the ETJ Study Areas, the path forward requires continued conversations with the affected governmental partners. Assuming these partners are willing to entertain a different vision of the ETJ Study Areas, the path forward includes:

1. Working with our government partners to agree on the new location for the Urban Services Boundary, doing preliminary engineering studies to support that new location, and creating a document that memorializes the change to the Urban Services Boundary; and,
2. Formally amending the WASMPBA, which requires approval from Orange County, the Town of Chapel Hill, the Town of Hillsborough, the Town of Carrboro, and the Orange Water and Sewer Authority.

While the amendment process is ongoing, staff can plan the visioning effort and execute the necessary contracts; however, staff recommends waiting to begin the visioning effort until all parties have agreed to an amendment to WASMPBA.

Resource Considerations:

The estimated resource needs are as follows:

1. The visioning exercise, if accomplished with our existing FLUM Refinement consultant, which is Kimley-Horn, would cost approximately \$65,000. This estimate is preliminary and could change after the visioning exercise is more fully developed;

² <https://www.townofchapelhill.org/home/showdocument?id=21723>



Staff Report



2. Existing staff could complete this exercise, but attention would be diverted from the Charting Our Future Project, which could result in a delay and less attention given in the final stages of the FLUM Refinement effort and the initial phase of the Rewrite effort. Staff is exploring the possibility of employing an intern to assist with the Charting Our Future Project, but even if funds are available for such an intern in this fiscal year, hiring may not be possible until the summer due to intern availability. We anticipate intern costs to be approximately \$10,000 per year; and,
3. Funds may also be required for any necessary engineering studies. Determining the cost of these studies is difficult at this time until we know more about the scope of the studies. If the Council directs, staff will work with OWASA to determine such an estimate.

Conclusion:

The refinement of the Future Land Use Map can continue as currently designed while pursuing, in parallel, a process for amending the WASMPBA to move the Urban Services Boundary.

