

CITY OF HIGH POINT

AGENDA ITEM



Title: Amendment to the Water & Sewer Utility Extension Policy

From: Lee Burnette, Planning and Development
Director

Meeting Date: August 20, 2018

Advertising Date: N/A

Public Hearing: No

Advertised By: N/A

Attachments: Amended Water & Sewer Utility Extension Policy

PURPOSE:

To update the City's existing Water & Sewer Utility Extension Policy by (1) streamlining the exception process and (2) clarifying the policy's jurisdiction.

BACKGROUND:

In the mid-to-late 1980's the City Council began a policy that required annexation of property into the corporate limits before City water and sewer service were extended. Exceptions were allowed for single lots where it was not feasible to annex the property. In 2001, the policy transformed into a written policy and was officially adopted by the City Council. Exceptions to the policy are allowed upon approval by TRC. Service can be extended after notice of the TRC decision is given to the City Council in the agenda packet of the next available regular meeting.

This amendment would remove the step of City Council notice of the TRC decision so that property owners could connect to services sooner, which is particularly important when an existing well or septic tank has failed. Also, the amendment clarifies that the policy only applies to the City's planning area and that it does not apply to service extensions to government property or extensions outside the planning area.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends *approval* of this policy amendment.

City of High Point Water and Sewer Utility Extension Policy

I. Authority

Sections 8-2-26 and 8-2-69 of the High Point City Code authorize the provision of water and sewer utility services outside the City of High Point corporate limits under specified circumstances and with the approval of the City Council. This policy establishes the process by which such provision for services may be approved.

II. Purpose

This water and sewer utility extension policy is established to ensure a utility infrastructure that is efficient and operates in the best interests of the City and its residents.

III. General Policy

It is the general policy of the City of High Point to provide water and sewer utility services only to properties within the City's corporate limits and to allow the extension of such lines to serve properties only within the corporate limits. **For water or sewer service to be provided to a property outside the corporate limits and within the City's planning area, as defined by the City's adopted Land Use Plan, the owner(s) of the property shall petition for voluntary annexation. An exception to this policy may be approved as provided herein.** ~~No water or sewer service shall be provided to any property outside the corporate limits unless the owner(s) of the property petitions for voluntary annexation and the City Council approves the annexation prior to the receipt of water and sewer services, or an exception to this policy is approved as provided herein. Those exceptions are provided for in Section IV, Exception to the General Policy, which follow.~~

IV. Exception to the General Policy

A property that is located outside the corporate limits **and within the City's planning area** may be connected to City water and sewer lines for service **without annexation** when the owner(s) apply for an exception to the general policy and it is approved as follows.

A. Conditions for Approval

The City's Technical Review Committee (TRC) determines that the property meets one of the following conditions:

1. Annexation of the property is prohibited due to statutory or legal constraints; or
2. The City is unable to effectively deliver all services **(other than water and sewer)** to the property; or
3. The location of the property, relative to the location of the primary corporate limits and City services, makes the delivery of City services to the property impractical due to costs or physical constraints.

B. Requirements

All the following requirements are met:

1. All plumbing fixtures and facilities shall comply with the appropriate building codes and/or County Health Department regulations.
2. The use of the property is limited to one dwelling unit or nonresidential establishment located on a property that is three acres or less in size. However, upon a written request by the owner(s), the City Council may approve service to a larger property or for more than one dwelling unit on a property if the City Council determines that such actions are not in conflict with City interests.
3. The owner(s) execute a written agreement with the City, in accordance with Section IV C., Written Agreement, committing to submit a voluntary annexation petition **and the Planning & Development Department records the agreement in the respective office of the county register of deeds.**

C. Written Agreement

The owner(s) must execute a written agreement with the City prior to a property receiving services that states while the property remains outside the corporate limits:

1. The property shall be subject to the City's outside rate schedule for water and sewer service;
2. The property shall not be further divided to create more lots or principal building sites;
3. The owner(s), or their successors or assigns, upon sufficient notice by the City, shall execute all documents required to accomplish voluntary annexation;
4. If following notice, the owner(s) fail to execute action to accomplish voluntary annexation, then the City shall terminate service to the property; and
5. The owner(s) shall not oppose or support opposition to an annexation initiated by the City that includes the property to which City water and sewer service was provided pursuant to this policy.

D. Service Connection

Connections to City water or sewer lines shall not be authorized ~~until the City Council has received notice of the Technical Review Committee's decision and such decision shall not be effective until the day after the next regular meeting of the City Council~~ **until the Technical Review Committee approves the requested exception in**

accordance with this policy and the written agreement is executed and properly recorded.

E. Notification

The Planning & Development Department shall provide written notification of the Technical Review Committee's decision to the property owner(s), City Manager's Office, and the Public Services Department.

F. Appeal

If a request for an exception to the is denied by the Technical Review Committee, the owner(s) may appeal the decision to City Council for review and consideration in accordance with this policy, provided the appeal is submitted in writing to the City Clerk within 30 days of the decision.

V. ~~City-County Agreement~~

~~Under the terms of the "City-County Consolidated Water & Sewer Line Extension Agreement," the City Council may approve the extension of High Point utility lines into unincorporated areas of Guilford County. However, to receive water and/or sewer services, the property must be annexed into the corporate limits of High Point or be approved as an exception in accordance with this policy. A request for service under the City-County Agreement will not be approved if it conflicts with Section III, General Policy, Section IV, Exceptions to the General Policy, or with Section V, Randleman Lake Water Supply Watershed.~~

VI. Randleman Lake Water Supply Watershed

High density or intensive development is prohibited in most of the Randleman Lake Watershed Critical Area through the adoption of the "Deep River I Watershed Assessment and Stormwater Plan" and the NC Environmental Management Commission's approval of the City's alternative high-density option regulations, which is part of the City's watershed protection standards. As required by the State approved plan, the City cannot allow the extension of water and sewer lines for new development in the Randleman Lake Watershed Critical Area except in portions of the Richland Creek and Business 85/Riverdale Road sub-basins, as provided for in Section 6.2., Watershed Protection, of the High Point Development Ordinance. And, where such utility lines are present in the Randleman Lake Watershed Critical Area, service for new development is not allowed. However, a connection to the City's water and sewer lines for an existing dwelling or nonresidential establishment may be approved in accordance with Section III, General Policy or Section IV, Exception to the General Policy.

VII. Service to **Government Property** and Other Jurisdictions

Nothing in Section III, General Policy, shall preclude the City Council from approving the provision of water and sewer utility services to serve ~~other jurisdictions or government entities~~ **governmental property or to serve areas outside the City's planning area.**

Approved this 4th day of October 2001
High Point City Council

Amended December 19, 2002
Amended _____, 2018