

31

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: March 17, 2009

TO: Board of Supervisors

FROM: Anthony Romanello, ICMA-CM
County Administrator 

ISSUE: Discuss Water Hookups Outside of USA

STAFF RECOMMENDATION: **Deferral**

BUDGET IMPACT: N/A

ATTACHMENTS: (2)

[1] Background Report [] **Reso/Ord/Proc #**
[2] Utilities Commission Action Item [] **Reso/Ord/Proc #**
[] [] **Reso/Ord/Proc #**

REVIEW: [] County Administrator's Office _____

[] Legal _____

[] Consent Agenda [] Other Business [] Public Hearing
[] Discussion Item [] Presentation [] Unfinished Business
[X] New Business

PRESENTATION BY: Harry Critzer
Director of Utilities

ELECTION DISTRICT: N/A

BACKGROUND REPORT

At the Board's March 3, 2009 meeting, proposed Ordinance O09-20 which would amend Section 25-71 of the County Code by deleting paragraph (c) was referred to the Utilities Commission. Paragraph (c) requires development outside the Urban Services Area (USA) to connect to public water if the developer's construction costs for the off-site water line do not exceed \$2,000 per household equivalent unit or if the equivalent units cannot be readily determined and the use of the public water system is in accordance with good engineering practice. Staff advised the Commission that there are already dead-end water lines outside the USA that need to be looped to better maintain water quality and fire flows. The staff recommended that, in addition to considering recommending approval or denial of the proposed changes, the Commission also consider recommending tabling of the issue until the new Comprehensive Plan is adopted. (See attached Utilities Commission Action Item)

On a 5-2 vote, the Commission recommended denial of the proposed changes in Ordinance O09-20.

Staff believes changes to Utilities-related ordinances that might be impacted by changes to the Comprehensive Plan should be deferred for now. Since the Board is currently considering the new Comprehensive Plan, changing portions of ordinances prior to adoption of the final language in the Comprehensive Plan may lead to unintended consequences. Staff believes any proposed changes to these ordinances should be considered in the context of the final adopted Comprehensive Plan including the USA boundary as well as designated land use. In addition, staff would like to provide adequate opportunity for the Fire and Rescue Department to evaluate fire protection impacts.

10

ACTION ITEM
STAFFORD COUNTY UTILITIES COMMISSION

DATE: March 10, 2009

TO: Utilities Commission

FROM: Harry Critzer
Director of Utilities

ISSUE: **Amendments to Section 25-71 of the County Code**

RECOMMENDATION: **Denial**

BUDGET IMPACT: **N/A**

ATTACHMENTS: **(2)**

[1] Background Report [2] Proposed Ordinance O09-20

[] []

[] []

[] **Unfinished Business** [] **Public Hearing** [] **Consent Agenda**
[X] **New Business** [] **Presentation** [] **Discussion Item**

PRESENTATION BY: Dale H. Allen **EST. TIME: 15 MINS.**
Assistant Director of Engineering

ELECTION DISTRICT: **N/A**

BACKGROUND REPORT

On November 20, 2007, the Board approved O07-44, which added paragraph C to section 25-71 of the County Code. This paragraph requires the use of the public water system outside of the urban services area (USA) if the following conditions are met:

- 1) The developer's off-site construction cost does not exceed \$2,000 per equivalent dwelling unit or \$1,150 per acre.
- 2) The use of the public water system is in accordance with good engineering practice.

Between November 20, 2007 and December 13, 2005, there was no requirement for mandatory use of the public water system outside of the USA.

Prior to December 13, 2005, there was a mandatory requirement to utilize the public water system anywhere in the County based upon a similar off-site cost formula. This resulted in extensions of water outside of the USA (then known as the Growth Area) that consisted of large unlooped lines with relatively little flow. The amendments of December 13, 2005, which eliminated all mandatory use of the public water system outside the USA, left the County without a mechanism to add subdivisions at appropriate locations in the system and to loop the system through new subdivisions. The amendments of November 20, 2007 reinstated the mandatory requirements for water, but also added a provision that the extensions be in accordance with good engineering practice.

On March 3, 2009, the Board discussed deleting this requirement. The Board approved a motion to refer the question of deleting paragraph C to the Utilities Commission. The Board requested either a recommendation by their March 17th meeting or a request for additional time for the commission to consider the matter.

Staff recommends that the paragraph not be deleted. The mandatory requirement serves an important purpose in ensuring that the mandatory extensions previously constructed are adequately completed and looped and that sufficient water demand occurs to ensure adequate chlorine residuals.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the day of , 2009:

MEMBERS:

George H. Swartz, Chairman
Harry E. Crisp II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 17 OF THE
STAFFORD COUNTY CODE 25-71 "GENERAL PROVISIONS"

WHEREAS, the Board desires to amend Section 25-71 of the County Code; and

WHEREAS, the Board has carefully considered the recommendations of the Utilities Commission and staff and the testimony at the public hearing; and

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the day of , 2009, that Chapter 25, Section 25-71 of the Stafford County Code entitled "General Provisions" be and it hereby is amended and reordained as follows;

SEC. 25-71. General provisions.

(a) The developer or owner of any property who is required to submit a preliminary subdivision plan, a subdivision construction plan, a minor subdivision plan, or a major site plan shall construct, when required, sanitary sewers and domestic fresh water distribution lines within the subdivision or development at the developer's expense. Immediately upon completion and

final acceptance of the construction work, the sanitary sewer and water facilities, with necessary easement, shall become the property of the County.

(b) The developer or owner of any property who is required to submit a preliminary subdivision plan, a subdivision construction plan, a minor subdivision plan, or a major site plan for property located inside the urban service area as defined in the County's Comprehensive Plan shall utilize the public water system and the public sewer system

~~(e) The developer or owner of any property who is required to submit a preliminary subdivision plan, a subdivision construction plan, a minor subdivision plan, or a major site plan located outside of the urban service area as defined in the county's comprehensive plan shall utilize the public water system if the developer's construction costs for the off site water line, as determined by the director of utilities, does not exceed two thousand dollars per household equivalent unit, or one thousand one hundred fifty dollars (\$1,150.00) per acre when the number of household equivalents cannot be readily determined and if the use of the public water system is in accordance with good engineering practice, as determined by the director of utilities. The above dollar limits are based on an ENR Construction Cost Index of 7938.~~

~~(c) (d)~~ Notwithstanding subsections (a) and (b), above, a developer or owner submitting a new Subdivision or site plan for property located inside the urban service area, as defined in the county's comprehensive plan, who has submitted to the county a complete application for plan approval on or before May 3, 2007, and whose plan meets all other zoning and subdivision requirements in order to be served by onsite well and/or septic, may request a waiver from the requirements of this section if it is sufficiently demonstrated to the board of supervisors that:

- i. Water and/or sewer is not presently available to the property; and
- ii. The cost to the developer to connect the proposed subdivision or site to existing county water and/or sewer, based on physical and geographical constraints, is unreasonably prohibitive when such cost is compared with the overall scope and size of the development project; and
- iii. The county has no identified plans to extend public water and/or sewer service to within a reasonable distance of the property within the next three (3) years from the date the waiver is requested; and
- iv. The developer or owner clearly demonstrates that each proposed subdivision lot contains sufficient area to support both primary and reserve areas for on-site wastewater disposal and water supply.