

# County of Spotsylvania

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*Service, Integrity, Pride*

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### MEMORANDUM

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Date: August 14, 2019

To: B. Leon Hughes, AICP, Assistant Director, Planning

From: Benjamin L. Loveday, P.E., Director, Utilities/Public Works

Re: Rezoning Application R15-0006

The Spotsylvania County Department of Utilities has reviewed Rezoning Application R15-0006, Towns at Pointe Sienna. The subject parcel(s) are located outside of the Primary Settlement Area and are not designated within the Water/Sewer Master Plan for public utilities. The private water and sewer utilities associated with this rezoning are therefore regulated by the Commonwealth of Virginia and not the Spotsylvania County Department of Utilities.

Working with the Spotsylvania County Planning office, the Department has acted in an advisory capacity as it relates to the potential private utility system proposed as part of this case. The applicant has agreed to construct private utilities to the most recent version of the Spotsylvania County Utility Design and Construction Standards Manual, which exceeds the minimum state standard. In addition, the applicant has also agreed that any future system extension meet the Spotsylvania County Utility Design and Construction Standards Manual at the time of said extension. Any extension would also be subject to the Code of Virginia and approval by the Spotsylvania County Board of Supervisors.

The Department has also identified several long range concerns that the Spotsylvania County Planning Commission and Board of Supervisors may want to consider as it relates to the approval of any private utility systems in the County.

1. **Private Utility System Precedent:** The proposed private utility system (including treatment and conveyance) would be one of the first systems allowed in the County in recent history for subdivided residential use. Allowing this type of system would potentially open the door to additional systems throughout the County, increasing overall development potential and density in unserved areas.
2. **Future County Ownership:** While the financial and regulatory requirements have improved for private utility systems, the potential still exists for the County to be asked to take over said system by either the operator or the customers of the system. This is usually triggered by financial insolvency on the part of the operator, high customer billing, environmental impacts, and/or water quality. Typically, if the County is asked to consider taking over the system, then the system operator has deemed it financially unviable to operate or repair. This means the County would be required to invest funds to bring the facility into compliance through taxation subsidization or direct billing of the existing system customers. The Department recommends the County request and review all applicable permits and documentation as it relates to the proposed private system, including requirements of the State Corporation Commission, Home Owners Association Documentation, and associated easements.

The Department will have staff available at future meetings regarding R15-0006 to provide additional information as required.