



Date of Council Meeting: July 8, 2013

TOWN OF LEESBURG
TOWN COUNCIL WORK SESSION

SUBJECT: County Referral – Zoning Ordinance Amendment regarding JLMA Utility Requirements (ZOAM 2013-0006)

STAFF CONTACT: Susan Berry Hill, Director, Department of Planning and Zoning

RECOMMENDATION: I recommend that Town Council endorse the staff referral and forward to Loudoun County staff.

ISSUES: Should Town Council endorse the staff referral to Loudoun County?

BACKGROUND: The Loudoun County Board of Supervisors initiated a zoning ordinance amendment on May 1, 2013 to consider the process between the Towns and the County regarding utility service to public facilities that are located within Joint Land Management Areas's (JLMA). Specifically, the amendment is to clarify the process between the County and Towns with JLMAs to ascertain whether municipal water and sewer service can be provided for public uses that are to be located in JLMAs. The amendment also proposes to allow private well and septic utilities to serve public uses in the JLMA. The amendment applies to JLMA-1, JLMA-2, and JLMA-3. The attached map shows the Leesburg JLMA and properties which would be affected by the proposed change. Note that these changes do not apply to JLMA-20. The County government services property and Bolen Park are zoned JLMA-20. This amendment was initiated to address an issue arising from the location of the Western Loudoun Sheriff Substation in the Round Hill JLMA.

The proposed amendment will:

- 1) Authorize the County Zoning Administrator to determine the availability of municipal utilities in coordination with the Towns;
- 2) Retain the requirement for Town approval for connecting to municipal facilities;
- 3) Require the use of municipal facilities for public uses only if the utility lines are located within 300 feet of the public use development site, and if the Town approves the connection; and
- 4) Clarify that for existing lots that were established prior to January 7, 2003 (the date that the current JLMA utilities requirement was established), development that does not require any type of subdivision or site plan approval may also use an on-site well and/or sewerage disposal system.

The amendment ~~and~~ is scheduled for a County Planning Commission public hearing on July 16, 2013. A Planning Commission briefing was held on July 1 at which the Commission stated an intent to forward the amendment to a Commission subcommittee after the public hearing. The amendment and staff report are located at:

<http://www.loudoun.gov/index.aspx?NID=2969>.

Analysis: The proposed amendment expands the County's options for utility service to public facilities by allowing the use of on-site well and septic systems. The proposed language also states that the County Zoning Administrator will "determine" the availability of municipal utilities *in coordination with the Towns*. It is unclear how this will be different from the process now. Currently when a public facility is proposed in the JLMA, the County will seek confirmation from the Town that the facility can be served with public utilities. For such requests, Towns typically consider master utility service plans which address factors including plant and line capacity, current and planned location of utility distribution systems, and interim versus ultimate service delivery considerations. Coordination between properties in the JLMA must also be considered.

Therefore, *capacity* is one part of the consideration, but Towns also have to consider *availability* which involves answering *how and when* delivery can be most effectively and efficiently provided. In the past, and currently, the Leesburg Department of Utilities has worked effectively with the County on service to the County government facilities by answering these questions as plans are developed. Staff deduces that the intent of this amendment is to clarify that during a land development application process for a public facility, the County desires Towns to clearly provide the County with information on: 1) whether capacity exists; 2) whether availability exists; and 3) conclusively whether service will indeed be provided and in what timeframe. If this information is not provided, the County Zoning Administrator can make a determination as such, and the County can pursue on-site well and septic systems.

The JLMA-1, JLMA-2, and JLMA-3 properties in the Leesburg JLMA, as shown on Attachment 1, will likely not be the locations for future County government public facilities since these are planned to be concentrated at the County complex on Sycolin Road. It is unknown whether any of these properties would be suitable for schools. However, even if new public facilities were proposed on these properties, Leesburg staff, with guidance from Town Council, would work with the County on answering utility service questions. The Town's Utility Master Plan anticipates service to all areas in the JLMA including consideration of capacity and availability of utilities.

In conclusion, staff does not see that this amendment is problematic for the Town. However, staff does suggest that the County clarify the process - administrative or codified through the zoning ordinance - by which the Zoning Administrator will "determine" the availability of municipal utilities with Towns.

Staff also notes that the requirement for public use buildings or structures to connect to public utilities if within 300 feet of existing utilities is not consistent with the Leesburg Town Code which requires 200 feet. Staff recommends that the amendment be revised to require connection if the building or structure is within 200 feet of existing utilities.

Attachments:

1. Map of Leesburg JLMA zoning
2. Draft referral comment letter

County of Loudoun
Department of Building and Development
Attn: Mr. Mark Stultz, Deputy Zoning Administrator
1 Harrison Street
Leesburg, Virginia 20175

July 10, 2013

RE: ZOAM 2013-0006, JLMA Utilities Requirements

Dear Mr. Stultz:

Thank you for your referral request on the captioned zoning ordinance amendment. Please find below the comments from the Town of Leesburg. These referral comments were reviewed by the Town Council on July 8 and a motion to endorse the comments was approved on July 9, 2013.

1. The Leesburg Town Code section 34-19 requires connection to public utilities for "Any new building constructed on an existing lot of record, unless a private water lateral of 200 feet or greater would be required. This requirement does not apply to a building addition of 1,800 square feet or less".
2. Please clarify the process by which the County Zoning Administrator will work with the Towns to determine the availability of municipal utilities. The Town notes that the ordinance amendment still requires town approval to connect to public utilities for public facilities. As such, what is the purpose of the Zoning Administrator determination?

If you should have any questions or wish to discuss these comments, please do not hesitate to contact me.

Regards,

Susan Berry Hill, AICP
Director of the Department of Planning and Zoning

Attachment:
Staff memo to Town Council dated July 8, 2013

