



Date of Council Work Session: April 7, 2014

**TOWN OF LEESBURG
TOWN COUNCIL WORK SESSION**

Subject: Utility Service to Morven Park

Staff Contact: Amy Wyks, Director of Utilities

Recommendation: Project update only. No action is required by Council at this time.

Fiscal Impact: Not evaluated.

The current adopted Town Plan does not include Morven Park in the Town's utility service area since growth to the north was removed from the Town Plan several years ago. The current Town Plan identifies the Joint Land Management Area (JMLA) to the south and east of the corporate limits as the Town's utility service area, but not to areas north and west including Morven Park.

Should Morven Park request an extension of utilities, and if approved by Council, Morven Park would be responsible for the cost and construction of any extension of utilities (on site or off site) while complying with all Town design and construction standards. As part of the utility system design, an engineering feasibility study including a water and sanitary sewer model would be required to ensure the parcels have adequate water pressure while maintaining adequate fire flow in addition to sanitary sewer capacity.

Considering the higher ground elevation to the north and the potential for adjacent property owners requesting utility service, Town staff recommends consideration of development of a Master Plan for utility service to ensure compliance of the Town's operation permits with the Virginia Department of Health (VDH) and Department of Environmental Quality (DEQ).

Pursuant to Town Code Section § 34-19 (and similarly § 34-120 for sanitary sewer), Morven Park would not be required to connect to the Town's water system if a boundary line adjustment caused the parcel to be within the Town's corporate limits.

§ 34-19 Adequate supply required for buildings.

- (a) *It shall be unlawful for the owner of any house or other building when human begins congregate or are employed to use or lease such house or building for human occupancy unless and until the premises have been connected to an adequate water supply.*
- (b) *For the purpose of this section, a water supply shall be deemed adequate when provided:*

- (1) *By connection to a public water supply system; or*
- (2) *By connection to a private water supply as approved by health department, when the parcel of property on which the building is located does not abut a street or easement containing a water main or water supply system owned by the town.*

(c) *Connection to the town water supply is required in the following instances:*

- (1) *Any time an existing private water supply system fails health department or fire marshal requirements and the town water system abuts the parcel of property;*
- (2) *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; and*
- (3) *Any new residences constructed within subdivisions created after February 1, 1987, with lot sizes of less than five acres.*

Pursuant to Town Code Section § 34-25 (and similarly § 34-123 for sanitary sewer), Town Council has the final authority to allow extension of the town's water system (inside or outside the Town limits).

§ 34-25 Approval of extensions.

- (a) *No extension of the town waterworks shall be made for the purpose of serving users located within or without the town, except upon the approval of such extension by the town council. Any person desiring such an extension shall make application to the town council for the approval thereof. Such application for approval shall be filed with the town manager and shall be accompanied by plans and specifications which meet the standards of the town.*
- (b) *The approval of an extension of the town waterworks shall be conditioned as follows:*
 - (1) *The waterworks shall be installed in accordance with plans and specifications approved by the town council, and in accordance with the officially adopted sewer and water extension and connection charge policy.*
 - (2) *The applicant has secured such easements or fee simple title, free of defects, as are necessary, prior to construction, and upon completion, will convey, by appropriate instrument, the completed system, easements and fee simple title to the town free of costs.*
 - (3) *Water service connections to lots served by the extension shall be available only when not restricted by the state health department.*
 - (4) *The extension shall be completed in accordance with town subdivision and land development regulations or within five years, whichever is greater.*