

Issue Analysis Form



Date: March 18, 2019

Item: Public Hearing for proposed amendments to Chapter 82 of the County Ordinance – Pro Rata Policy

Lead Department: Engineering & Utilities

Contact Persons: Frank Haltom, Director

Description and Current Status

A public hearing to amend Chapter 82 requiring new subdivisions and developments within the defined planning area to construct water and sewer infrastructure improvements in accordance with the adopted Water and Sewer Master Plan and other County approved improvement plans and requiring to pay their pro rata share for such improvements. The amendments to ordinance include the following:

Sec. 82-71 & 82-391. - Applicability of certain provisions.

Revises the provisions of sections 82-72 through 82-76, inclusive, and sections 82-392 through 82-396, inclusive, to apply to all development within the Prince George County Planning area only, instead of only residential development.

Sec. 82-75 and Sec. 82-395. - Development within the Prince George Planning Area.

Adds the requirement that new developments shall have no appreciable detrimental effect upon the functioning of the existing system of water and sewerage facilities.

It further requires as a condition of subdivision or development approval, where the County's Water and Sewer Master Plan, or otherwise approved improvement plan, has established an improvement within the planning area and improvements are constructed to serve the demands generated by subdivisions and developments within that area, each developer whose project will be served by such improvements may be required to pay its pro rata share of the cost of providing such improvement.

The pro rata share shall be based upon the impact that a development has upon the total rate of flow of water and/or sewerage to such improvements. Once an improvement plan has been established for an area, approval of all subdivisions and developments within the area shall be subject to the compatibility of the plan, including construction and utilization of water and/or sewer improvements by such subdivisions or developments in accordance with the terms of the plan.

Where a developer constructs improvements designed to service other developments as provided for in an established water and/or sewer improvement plan and the cost of constructing such improvements exceeds the value of the developer's pro rata obligations as determined by the county, any subsequent developer utilizing those improvements shall reimburse the party constructing such improvements for the cost of such construction in accordance with the degree to which such developer utilizes such improvements as determined by the county.

The draft amendment is attached.

Government Path

Does this require IDA action?

Yes No

Does this require BZA action?

Yes No

Does this require Planning Commission action?

Yes No

Does this require Board of Supervisors action?

Yes No

A public hearing must be held prior to amending the ordinance.

Fiscal Impact Statement

None.

Prince George County Impact

None.

Notes

None.

ORDINANCE TO AMEND “THE CODE OF THE COUNTY OF PRINCE GEORGE, VIRGINIA”, 2005, AS AMENDED, BY AMENDING § 82-71, 82-75, 82-391, AND 82-395 REQUIRING NEW SUBDIVISIONS AND DEVELOPMENT WITHIN THE PLANNING AREA TO CONSTRUCT WATER AND SEWER IMPROVEMENTS IN ACCORDANCE WITH COUNTY APPROVED PLANS AND TO PAY THEIR PRO RATA SHARE FOR SUCH IMPROVEMENTS.

BE IT ORDAINED by the Board of Supervisors of Prince George County:

- (1) *That The Code of The County of Prince George, Virginia, 2005, as amended, is amended by amending § 82-71, 82-75, 82-391, and 82-395 as follows:*

Sec. 82-71. - Applicability of certain provisions.

The provisions of sections 82-72 through 82-76, inclusive, shall apply to ~~residential~~ development within the Prince George County Planning area only.

Sec. 82-75. - Development within the Prince George Planning Area.

- (d) A proposed subdivision or development shall be so designed as to have no appreciable detrimental effect upon the functioning of the existing system of water and sewerage facilities and improvements in the area. A subdivider shall provide all those improvements necessary to ensure that the water and wastewater demands created by the subdivision or development are properly serviced.
- (e) Where the County has established a water and sewer improvement plan for an area having related and common water and sewer conditions, and improvements are constructed to serve the demands generated by subdivisions and developments within that area, each subdivider or developer whose project will be served by such improvements may be required as a condition of subdivision or development approval to pay its pro rata share of the cost of providing such improvement. Such share shall be based upon the impact which a subdivision or development has upon the rate of flow of water and/or sewerage through such improvements, with such impact expressed as a percentage of the total rate of flow such improvements are intended to service. That percentage shall then be applied to the total cost of designing and installing such improvements to determine the value of the pro rata share required.
- (f) Once an improvement plan has been established for an area, approval of all subdivisions and developments within the area shall be subject to the compatibility of the subdivisions or developments with such plan, including construction and utilization of water and/or sewer improvements by such subdivisions or developments in accordance with the terms of the plan.
- (g) Where a subdivider or developer constructs such improvements designed to service other subdivisions or developments as provided for in an established water and/or sewer improvement plan and the cost of constructing such improvements exceeds the value of the subdivider's or developer's pro rata obligations as determined by the County pursuant to this section, any subsequent subdivider or developer utilizing such improvements, in accordance with such plan shall reimburse the subdivider or developer constructing such improvements for the cost of such construction in accordance with the degree to which such subdivider or developer utilizes such improvements as determined by the county. However, a subdivider or developer constructing such improvements may transfer to the county its right to such reimbursement in regard to water and sewer improvements in exchange for being given entitlement to the connection fees imposed upon the lots within its subdivision or development pursuant to section 82-261. Such entitlement

shall not exceed the value of the pro rata payment to which such subdivider or developer would otherwise be entitled as determined by the County.

Sec. 82-391. - Applicability of certain sections.

The provisions of sections 82-392 through 82-396, inclusive, shall apply to residential development within the Prince George County Planning area only.

Sec. 82-395. - Development within the Prince George Planning Area.

- (d) A proposed subdivision or development shall be so designed as to have no appreciable detrimental effect upon the functioning of the existing system of water and sewerage facilities and improvements in the area. A subdivider shall provide all those improvements necessary to ensure that the water and wastewater demands created by the subdivision or development are properly serviced.
- (e) Where the County has established a water and sewer improvement plan for an area having related and common water and sewer conditions, and improvements are constructed to serve the demands generated by subdivisions and developments within that area, each subdivider or developer whose project will be served by such improvements may be required as a condition of subdivision or development approval to pay its pro rata share of the cost of providing such improvement. Such share shall be based upon the impact which a subdivision or development has upon the rate of flow of water and/or sewerage through such improvements, with such impact expressed as a percentage of the total rate of flow such improvements are intended to service. That percentage shall then be applied to the total cost of designing and installing such improvements to determine the value of the pro rata share required.
- (f) Once an improvement plan has been established for an area, approval of all subdivisions and developments within the area shall be subject to the compatibility of the subdivisions or developments with such plan, including construction and utilization of water and/or sewer improvements by such subdivisions or developments in accordance with the terms of the plan.
- (g) Where a subdivider or developer constructs such improvements designed to service other subdivisions or developments as provided for in an established water and/or sewer improvement plan and the cost of constructing such improvements exceeds the value of the subdivider's or developer's pro rata obligations as determined by the County pursuant to this section, any subsequent subdivider or developer utilizing such improvements, in accordance with such plan shall reimburse the subdivider or developer constructing such improvements for the cost of such construction in accordance with the degree to which such subdivider or developer utilizes such improvements as determined by the county. However, a subdivider or developer constructing such improvements may transfer to the county its right to such reimbursement in regard to water and sewer improvements in exchange for being given entitlement to the connection fees imposed upon the lots within its subdivision or development pursuant to section 82-536. Such entitlement shall not exceed the value of the pro rata payment to which such subdivider or developer would otherwise be entitled as determined by the County.

(2) *That this Ordinance shall be effective immediately upon adoption.*