



Fuquay-Varina Board of Commissioners

November 16, 2021

A RESOLUTION ADOPTED BY THE BOARD OF COMMISSIONERS
OF THE TOWN OF FUQUAY-VARINA, NC
ESTABLISHING A PUBLIC UTILITIES - WATER AND WASTEWATER
UTILITY ALLOCATION POLICY

WHEREAS, the Town of Fuquay-Varina Board of Commissioners desires to establish a policy for the management of both water and wastewater capacity resources to support a growing and healthy community in accordance with the Town's adopted strategic plan, land use plan, and development standards.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Fuquay-Varina the following:

1. Purpose

The Town of Fuquay-Varina has contributed to the infrastructure essential to support a growing and healthy community. Water and wastewater capacities are among the most important elements of this infrastructure. This Policy intends to provide for the judicious allocation of water and wastewater resources in conformity with adopted development goals and priorities consistent with the visions of the Town's Strategic Plan. In addition, this Policy is intended to manage the Town's water and wastewater capacities as the Town expands its utility infrastructure.

Recognizing that the capacity of water and wastewater facilities, distribution, and collections infrastructure is permitted and adding capacity is expensive, this Policy has been established as a framework for tracking the Town's finite water and wastewater resources. By way of this Policy, the Town shall effectively allocate available water and wastewater capacity to new developments as a means of maintaining a reasonable balance of land-uses.

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2. Policy

All utility allocation requests, unless specified herein, must be approved by the Fuquay-Varina Town Board of Commissioners. The Town Board will only consider utility allocation requests that are completed and contain the necessary project-related information.

The approval of the Town utility allocation request shall be contingent on an approved preliminary plat (residential developments) or site plans (non-residential) and in conjunction with pending state water/wastewater permits. All utility allocation requests shall be considered on a prioritized basis. Utility Allocation requests will be submitted for residential, commercial, institutional, or industrial use with the first preliminary subdivision development or site plan submittal. Developments given priority for allocation shall consist of the following elements:

- A. Developments located within the Town's corporate limits.
- B. Developments approved before the effective date of this Policy.
- C. Residential, commercial, industrial, and infill development projects consistent with the Town's Land Use Plan and consistent with the Town's Land Development Ordinances and land use planning policies.
- D. All water allocation requests shall be based on the use capacities identified in North Carolina Administrative Code 18C regulations governing public water distribution systems in conjunction with the Town's Local Water Supply Plan. Residential developments identified in Section 3 of this Policy shall use 90 gpd per bedroom.
- E. All wastewater allocation requests shall be based on flow rates as determined in Section 15A of the North Carolina Administrative Code 02T.0114 - Wastewater Design Flow Rates. Single Family Developments identified in Section 3 shall use 75 gpd per bedroom.
- F. An allocation request shall only be granted if conveyance and treatment capacity is available or plans for upgrading capacity relative to the project have been approved.

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- G. Capacity for water treatment, water distribution, wastewater collection, wastewater treatment, and fire flows shall be evaluated and planned before a utility allocation request for Town Board or Public Utilities Director approval.

3. Residential Development - Criteria for Allocation Requests

Residential allocations shall be allocated over two categories. These categories are Single Family Developments and Multi-Family Developments. In addition, amenities such as but not limited to clubhouses, pools, and bathhouses must be included in the allocation request.

- A. Single Family Development. Single-family, townhome, and duplex developments consisting of 75 lots or less shall be considered for utility allocation. Developments consisting of more than 75 lots shall be subject to a phased utility allocation approach. Each phased approach in a single-family development shall not exceed 75 lots per utility allocation request. Subsequent utility allocation requests may only be submitted for approval once development has attained Certificate of Occupancies on 60 lots for each phase of 75 lots approved for utility allocation.
- B. Multi-Family Development. Developments consisting of triplex, quadplex, and multi-level apartment developments shall be eligible for a maximum capacity allocation based on the following criteria:
 - i. Triplex developments consisting of 18 units or less shall initially be considered for utility allocation. Developments consisting of more than 18 units shall be subject to a phased utility allocation approach. Each phased approach in a triplex development shall not exceed 18 units per utility allocation request. Subsequent utility allocation requests may only be submitted for approval once development has attained Certificate of Occupancies on 12 units for each phase of 18 units approved for utility allocation.
 - ii. Quadplex developments consisting of 24 units or less shall initially be considered for utility allocation. Developments consisting of more than 24 units shall be subject to a phased utility allocation approach. Each phased approach in a quadplex development shall not exceed 24 units per utility allocation request. Subsequent utility allocation requests may only be submitted for approval once development

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has attained Certificate of Occupancies on 16 units for each phase of 24 units approved for utility allocation.

- iii. Multi-Level Apartment developments consisting of 48 units or less shall initially be considered for utility allocation. Apartment developments with more than 48 units shall be subject to a phased allocation plan recommended by the Public Utilities Director.
- iv. Mixed-Use Developments. Horizontal developments (separated buildings with different principal uses) consisting of multiple residential and non-residential uses within a single development, each principal use shall be reviewed as individual uses for the consideration of utility allocation requests.

Multi-level (vertical) mixed-use developments consisting of vertically mixed retail, office, and residential uses in a multi-story building shall have each building's principal uses reviewed as combined uses to consider utility allocation requests.

- C. The residential allocation shall be considered allocated when the utility improvements serving the development (or development phase) have been completed and a Certificate of Occupancy has been issued for the development. Approval of allocation for a subsequent development phase will not occur until the prior phase allocation has been used or a phased milestone achieved as described in Section 3 of this Policy.

4. Non-Residential - Criteria for Allocation Requests

- A. Commercial Developments shall include all developments that are commercial or industrial in nature. The maximum allocation per development phase for commercial projects will be granted by the Public Utilities Director for projects less than 5,000 gpd, without prior approval of the Town Board, and by Town Board approval for developments requesting allocation capacity greater than 5,000 gpd.
- B. Commercial Development allocation requests shall be considered allocated when the water meter is installed for the structure to which the allocation was committed, and a Certificate of Occupancy has been attained.

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5. Process for Requesting Utility Allocation Capacity

- A. All utility allocation requests shall be made in writing on the Town's Utility Allocation Request Form and submitted to the Town's Public Utilities Department. All requests must be completed, signed, and shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project (e.g., single-family, townhome, multi-family apartment, commercial), and project schedule with the specified demand of utility allocation capacity.
- B. Utility Allocation requests shall be submitted with the first preliminary subdivision development or site plan submittal. Once submitted, the Public Utilities Staff will evaluate allocation capacity requests and notify the utility allocation request applicant of the Town's recommendation for allocation capacity.
- C. All applicants requesting water and/or sewer service outside Town limits shall file a petition for annexation with the Town. Utility allocation requests shall be approved for a proposed development only after the project site has been annexed.
- D. The Town's Public Utilities Director shall have the authority to grant allocations of no more than 5,000 gpd to non-residential developments.

6. Expiration

Utility allocations granted to development shall be allocated (used for development), as defined herein, within 24 months of approval. In cases where there have been no new building starts (actual construction) in residential development for a period of 24 consecutive months, allocations may revert to the Town. Allocations shall be considered valid if development is under construction and demonstrating substantial progress.

7. Extensions

- A. The Public Utilities Director may grant a 12-month extension to a development unable to use the initial allocation within 24 months. The request for such extension must be accompanied by

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documentation demonstrating that allocation use before the expiration date is unavoidable due to factors beyond the applicant's control.

- B. Any development requesting an extension greater than 12 months shall need the approval of the Town Board.

8. Appeal Process

Staff decisions for utility capacity allocations may be appealed to Town Board. Appeal requests must be in writing and include a detailed description of the proposed development, allocation requested, and reason for the appeal. All decisions rendered by Board shall be final.

9. Reversion and Revocation

- A. Utility allocations are granted to a specific development located on a specific parcel or parcels of land and based on the approved development that received an allocation. Upon completion of the development or permit expiration, the unused allocation will automatically revert to the Town. Further, allocation granted to a development may be revoked and forfeited if Town staff has determined the allocation was granted based on false or misleading information.
- B. The Town reserves the right to revoke allocation, if deemed necessary, on projects (or portions thereof) with excess capacity or where system development fees have not been paid within 12 months of the original allocation.
- C. Any allocation granted outside the provisions of this Policy from the effective date forward shall be null and void unless granted by Town Board according to Section 3, Policy Review.

10. Transferability

The allocation may only be used for the specific development or the parcel(s) for which it was originally granted. Unused allocation for development may only be transferred from the individual, firm, partnership, company, association, corporation, governmental entity, or other legal entity

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owning the development to another only after receiving written authorization from the Town. Under no circumstances shall allocation be used for any other development

11. Policy Review

Town Board reserves all rights to review, modify, or deviate from this Policy at the Board's sole discretion.

12. Severability

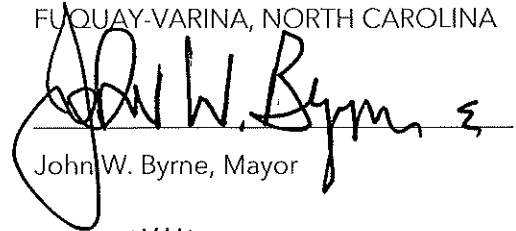
If any portion of this Policy and any amendments made hereto is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Policy and any amendments made hereto shall not be affected and shall remain in full force and effect.

13. Effective Date

This Policy became effective upon adoption by the Town of Fuquay-Varina Board of Commissioners on November 16, 2021. This Policy does not supersede or nullify any agreement concerning allocations existing at the time of adoption of this Policy.

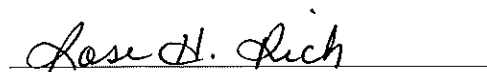
This Resolution of the Town of Fuquay-Varina Board of Commissioners is hereby adopted this 16th day of November in the year 2021 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA


John W. Byrne, Mayor

ATTEST

(TOWN SEAL)



Rose H. Rich, Town Clerk



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the Town of Fuquay-Varina does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the establishment of a Water and Wastewater Utility Allocation Policy, as regularly adopted at a legally convened meeting of the Town Board of Commissioners duly held on the 16th day of November, 2021; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of November 2021.

Rose H. Rich

(Signature of Recording Officer)

Town Clerk

(Title of Recording Officer)

