

To: Planning Commission
From: Niles Anderegg
CC: Wade Yost, John Strong
Date: 2/10/2022
Re: Water and Wastewater Allocation Plan

Background

Every three years, the Town of Poolesville Planning Commission reviews and recommends a plan for allocating available water and wastewater capacity to the Commissioners of Poolesville. The current plan was adopted in July 2020 and has expired (see attached). Under the current plan, the allocation is as follows:

- a) 60% Downtown Target Investment Zone & special uses as identified in the Poolesville Master Plan. (TIZ)
- b) 30% Town use/set aside buffer.
- c) 10% Other residential (lots outside TIZ).

In 2020 when the allocation plan was approved, the discussion only looked at wastewater capacity, not water capacity. Based on the January Planning Commission meeting, this allocation discussion will examine water and wastewater.

Current Capacity:

The town has about 20% of its wastewater capacity and about 12% of its water capacity unallocated¹. To put these numbers in perspective, we will look at the different use categories in terms of gallons per day and Equivalent Dwelling Units² (Table 1). The unallocated water and wastewater total is 75,272 GPD of water and 147,272 GPD wastewater, or 232 EDUs of water and 453 EDUs of wastewater. As we allocate water and wastewater together, we will use water allocation as the basis for the rest of our discussion.

Table 1

Use Category	% Of Unallocated	Water and Wastewater Allocation
TIZ	60%	45,163 GPD or 138 EDUs
Town use/set aside buffer	30%	22,582 GPD or 70 EDUs
Other Residential	10%	7,527 GPD or 23 EDUs

¹ Based on the 2023 Water Capacity and Wastewater Capacity Reports

² Equivalent Dwelling Unit (EDU). A unit of measure used to equate flow demand to an equivalent of one single family home. An equivalent living unit is assumed to be equal to 325 gallons each per day of water use and sanitary sewage production.

Breakdown of Uses

The current allocation reflects the 2011 Master Plan focus on the target investment zone in downtown Poolesville. This area has commercial and residential uses. To give an idea of some of the uses that the unallocated water and wastewater could go to in the TIZ, I have provided some non-residential examples below:

- A 15,000 SQ FT Community Center is 5,250 GPD or 16 EDUs³
- A 5,000 SQ FT Medical Office is 3,065 GPD or 9 EDUs⁴
- A typical Poolesville Restaurant is approximately 1,000 GPD or 3 EDUs

The town use/set aside buffer protects town resources in the event of adverse water and sewer conditions, such as higher than expected I&I or well contamination issues, such as with PFAS. The additional residential is for smaller developments outside of the TIZ.

Next Steps

Staff is looking for feedback on the current plan and any changes that the Planning Commission might have to either the plan or the allocation. The updated allocation plan will also inform the Comprehensive Plan, such as the plan's Water Resources and Land Use elements.

³ Figures based on WSSC Use Chart and Fair Access Committee

⁴ Based on WSSC Use Chart

Town of Poolesville
Allocations for Sanitary Sewer and Public Water Capacity
Policies and Procedures

1. Purpose:

The purpose of this document is to provide guidance for the allocation of water and sewer capacity, recognizing that it is in the Town's best interest to establish procedures for requesting allocations that are well known and reasonably understood and to establish policies that are equitable and serve the economic development and growth management goals established by the Town.

2. Definitions:

For purposes of this document, the following definitions shall be understood.

Allocation. A reservation for a particular building or project to draw a prescribed amount of water from the Town's water system and/or to discharge a prescribed amount of flow to the Town's sewer system.

Connection Fee. A fee paid to the Town, normally when applying for a Building Permit, to help offset the capital costs of new treatment facilities, major water distribution lines, elevated storage tanks, sanitary sewer capacity expansion improvements, etc. The Connection Fee is charged on an Equivalent Dwelling Unit basis projected for the project and equivalent to, but is in lieu of, the existing Impact Fee Schedule.

The Connection Fee is separate from any costs the applicant may have with private contractors for the actual connection to the water or sewer lines and other associated development fees. All new or expanded users connecting or connected to the Town's water or sewer systems must pay a Connection Fee.

Equivalent Dwelling Unit (EDU). A unit of measure used to equate flow demand to an equivalent of one single family home. An equivalent living unit is assumed to be equal to 325 gallons each per day of water use and sanitary sewage production.

Gallons per Day (gpd). A unit of measure of the demand for water or sewer. Also, million gallons per day (mgd).

Preliminary Plan/Plat. As defined by the Poolesville Code, Zoning Ordinance and/or Subdivision Regulations.

Site Plan. As defined by the Poolesville Code, Zoning Ordinance and/or Subdivision Regulations.

TIZ. Downtown Target Investment Zone & special uses as identified in the Poolesville Master Plan

3. Allocation Capacity Calculation

- A. Every January, the Town determines, in accordance with the MDE, available wastewater capacity utilizing a three-year rolling flow average minus previously allocated, unused taps.
- B. Beginning in 2016 and every three (3) years thereafter, the Poolesville Planning Commission will review and recommend to the Commissioners of Poolesville potential gallons per day allocatable capacity for that period as follows:
 - a) 60% Downtown Target Investment Zone & special uses as identified in the Poolesville Master Plan.
 - b) 30% Town use/set aside buffer.
 - c) 10% Other residential (lots outside TIZ).
- C. During each review period, the Planning Commission will ensure that the percentage allocations are in conformance with current growth and economic goals of the Town.
- D. The Commissioners of Poolesville will review, revise and approve the recommendations by resolution.
- E. In the event of unforeseen circumstances which limit or reduce the capacity, the Commissioners of Poolesville may reduce, limit or cease granting of allocation.

4. Allocation Request Eligibility

- A. An applicant must meet several eligibility criteria before an allocation request can be considered:
 - a) For a proposed commercial or institutional facility, a Site Plan must be approved by the Planning Commission, except where a site plan is not required by the Zoning Ordinance.
 - b) Where a site plan is not required by the Zoning Ordinance, a Building Permit application must be approved by the Town.
 - c) For a proposed residential Subdivision, as defined by the Subdivision Regulations, a Preliminary Plan must be approved by the Planning Commission.
 - d) For an existing lot of record, allocation is hereby granted by right with the approval of a building permit and is an administrative process.
- B. A written request should include the following information (where applicable). Fully detailed and supported allocation requests are required for consideration.
 - a) Name and address of the current property owner.
 - b) Name and address of any future or transitional owners in process.

- c) Name and address of the applicant, if different.
 - d) Name and address of the developer, if different.
 - e) Name, address, telephone, fax, and email address for designated contact.
 - f) Project site's physical address with location map.
 - g) Project site's tax map number, parcel number(s), and (if applicable) lot number(s).
 - h) Copy of approved site plan, approved Preliminary Plat, or similar plan applicable to the project.
 - i) Project description; level of detail should be commensurate with the complexity of the project.
 - j) For commercial uses, detail square footage, number of employees at full capacity, number of transient employees or guests, seats (as with restaurants), and meals prepared daily (restaurants, banquet halls, etc.) as appropriate to the facility and any additional information the Town may request to aid in the decision to accurately account for and/or reconcile Town water and sewer capacity.
 - k) Requested allocation amount in gallons per day (gpd).
 - l) Projected timeframe for first occupancy and for completion of build-out.
 - m) Proposed phasing of the project, if applicable.
 - n) Detailed description of how the project meets the Town's priorities set forth in the current Comprehensive Master Plan such as downtown development projects, special uses and architectural aesthetics.
- C. The Town will provide timely insight, information and assistance to applicants, as appropriate, during this process. Applicants shall recognize that an allocation is not implied or granted by any such preliminary information that may be provided.

5. Flow Projection Guidance

- A. The allocation request must include a properly estimated design flow for the project, including the detailed basis for the estimates. In many instances, this is best developed by the project engineer. The Town reserves the ability to require that the estimate for a project be prepared by a Professional Engineer or Architect licensed in the State of Maryland.

Many projects are straight forward and the Washington Sanitary Suburban Commission's Design Flow Estimation Tables can serve as sufficient guidance for flow projections.

- B. Any allocation granted by the Town will be based on conservative estimates of the flow and the Town may use any and all data sources in its evaluation of the projected flow.
- C. Unreasonable, unsupported or overly conservative estimates may unnecessarily consume treatment capacity and elevate Connection Fees for the applicant.

6. Expanded Flow Demand

- A. A facility may not exceed its allocation without written authority from the Town.
- B. Users who plan to expand or change their operation in a manner that will increase their flow must request an expanded allocation in the same manner as a new allocation request.
- C. Allocations for a revision or change of use for an existing building may be credited for recent historic flow for the previous use. The historic flow shall be determined by examination of actual consumption reflected on utility bills from the facility and other information available from the Town. Typically, the previous two-year period will be examined to determine trends of the use; the Town maintains its rights and prerogatives to gather, assess and make such determinations it deems necessary to render appropriate judgments on all applications for consideration.

7. Authority to Allocate Water and Sewer Capacity

- A. The Poolesville Planning Commission will make recommendations to the Town Commissioners who are authorized to allocate capacity for the Town in accordance with the MDE and Poolesville Code.
- B. No allocations are valid except those made in writing, constrained by the terms therein, and subject to all relevant local and state regulations.

8. Allocation of Connections

- A. It has been determined that due to the scarcity of the resource, and as not to create unnecessary development pressure with "use or lose" deadlines, the general policy will be to allocate connections on a "first-come, first-serve" basis, subject to the ratio contained in Allocation Capacity Calculation section above.
- B. Allocations are issued only for projects that have initial approval status, as detailed above, that are deemed "scheduled for completion" timely and in accordance with all planning estimates and projections.
- C. Allocations are issued as capacity is available and only to projects that meet the priorities of the Town.
- D. Generally, allocations will expire with plan expiration, prior to recordation, unless renewed for cause, in writing, by the Town. If an applicant loses eligibility (e.g., the Plan expires), any issued allocations for the project will automatically expire and a new application must be submitted.

- E. The Town is not likely to extend expiry for projects that are not being diligently pursued.
- F. An expired allocation can be re-issued at the Town's discretion, upon request in writing, but the allocation shall be considered a new application as it pertains to any required documentation. When an allocation expires, any unused balance not in substantial use shall expire and can only be re-established with a new allocation request. Unused balances may not be retained or transferred to another project. Projects resubmitted are subject to re-order priority (first-come, first serve) basis.

9. Connection Fees

- A. Connection Fees are charged on an Equivalent Dwelling Unit basis projected for the project and equivalent to, but in lieu of the existing Impact Fee Schedule.
- B. Except as provided herein, connection charges are due and payable upon the lot recordation approval or issuance of a Town Zoning Compliance Permit for pre-recorded lots. These fees are non-refundable.
- C. For multiple lots or large projects that would create a hardship for the total connection fees to be collected upon recordation approval, the Commissioners of Poolesville may enter into agreements with a landowner and request an irrevocable letter of credit or bond for at least fifty percent (50%) of the requested connection fees. For these applicants, the connection fee will be due upon the issuance of each Zoning Code Compliance Permit.