

## M E M O R A N D U M

DATE: September 25, 2001

TO: The Board of Supervisors

FROM: Sanford B. Wanner, County Administrator

SUBJECT: Water Policy Options - James City Service Authority Central H<sub>2</sub>O System

---

The Board of Supervisors ("Board") was briefed on September 12, 2001, by Larry Foster, General Manager of the James City Service Authority (JCSA), about current and projected water demands and supply. In conjunction with that briefing, the Board requested staff to prepare water policy options for it to consider in deliberating current and future rezoning and special use permits (SUPs) applications ("applications") until such time as a draft permit is issued by the State Department of Environmental Quality (DEQ) for groundwater withdrawal to support a brackish groundwater treatment facility ("facility"). Once that draft permit is issued, it would be appropriate to review any previous policy.

Staff offers the following options which apply only to pending or future rezoning on SUP applications:

1. Adopt a formal policy tying issuance of building permits to issuance of a draft permit from DEQ to support the facility. There would, in addition, be the added expectation of a proffer addressing future water supply costs. Any application would be processed through the Planning Commission.
2. Continue, in lieu of adopting a formal policy, the review and processing of applications by staff with the expectation that applicants would address these criteria set out in Paragraph 1 or offer, for the Board's consideration, sufficient mitigating factors to offset the need for such criteria. Any application filed would be processed through the Planning Commission.
3. Apply either Paragraph 1 or 2, but grandfather any applications that are currently in process, i.e., those that have a pending application upon which the applicant has relied on existing County policy. (Obviously, the applications would have to gain the normal approvals under our land use policies, regulations, and ordinances.)

Staff recommends the Board endorse Paragraph 3, regarding any pending applications and Paragraph 2, for any applications filed after this date. Staff endorses this approach for the following reasons:

- Grandfathering current applications is consistent with the County's past actions recognizing the reliance by those applicants on existing policy and significant expenditures of funds in reliance thereon.
- It is anticipated that DEQ will issue its draft permit for the withdrawal in the next 12 to 15 months.
- Staff recognizes that there is, from all sources, a current excess of 1.75-million gallons per day in the system. While approval of the existing applications would expedite the time frame in which new water supply sources would need to be identified, this is not atypical, i.e., JCSA is always involved in efforts to expand its water supplies.
- Endorsing the approach set out in Paragraph 2 for future applications gives the Board more flexibility in reviewing cases and would permit the consideration of an application offering significant beneficial impact to the County.

RECOMMENDATION:

I recommend the Board endorse the policy option set forth in Paragraph 3, grandfathering current applications and apply Paragraph 2 to future applications filed prior to DEQ issuing its draft permit for the groundwater withdrawal.

---

Sanford B. Wanner

SBW/adw  
waterpol.mem

Attachment