

## Extension of Municipal Wastewater Treatment and Water Lines

**Introduction.** §15.2-2232 of the Code of Virginia states “whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan.” This includes such public infrastructure as wastewater treatment and/or water. In the event that features such as public infrastructure are not shown on a comprehensive plan a process is provided by which the Comprehensive Plan can be amended. Two requests for amendments have been processed with this version of the Comprehensive Plan.

**Discussion.** The amendment to the comprehensive plan has proven to be a cumbersome, contentious process that can become engulfed in other related issues. Each request for amendment is handled on an individual basis so the battle is or can be fought over and over. What, in many cases, should be a simple decision as to whether or not extension of existing lines makes more sense than alternatives for the situation presented in terms of economics or water quality, gets lost in concerns over whether or not the granting of the request will lead to creation of an entity that cannot be controlled or further development that cannot be controlled. Such was the case with the West application which coincided with discussions as to whether or not the County should be part of a Public Service Authority along with incorporated towns in the County and private providers of wastewater treatment and water as well as discussions over a boundary line adjustment between the County and the Town of Kilmarnock. On a related note, the County’s efforts to provide wastewater treatment for citizens with no other alternative in the Greentown area has been complicated if not confounded by the lack of a vehicle by which it may occur. This is in spite of the fact that the County has been awarded a significant grant to complete the project.

A better alternative to constantly re-fighting the issue and, in the process, losing out on opportunities to provide wastewater treatment in situations where there is no difference of opinion as to need, is to specify an area in this revision of the comprehensive plan to which municipal wastewater and water lines can be extended. That area is the Primary Growth Area (PGA) as previously established in initial drafts of the implementation chapter as the area between the respective town limits of Kilmarnock, Irvington, and White Stone and bounded by Routes 3 and 200. It is also proposed that the PGA include Route 222 from its intersection to its end, east to Carter Creek. While there is likely to be opposition to this proposal in whole or part because it will facilitate development, the following arguments are made:

- 1) Development. This will facilitate development, but in the area that we want it. Just as we created and promoted the rural village overlay as an alternative to commercial development, this will serve as alternative to development pressure in areas that we would not like to see development.

- 2) Approved Projects. New Tides LLC has approved conditional rezoning to place 400 dwelling units at the Golden Eagle off Old Salem Road and 65 condominium units at the current location of the Tides Lodge. By virtue of the amendment to the comprehensive plan created by their rezoning, and the stipulation that both projects must have sewage treatment, New Tides LLC is permitted to effect an agreement for wastewater treatment and/or water with the Town of Kilmarnock in lieu of other alternatives. Should New Tides LLC negotiate an agreement with the Town of Kilmarnock, then lines would be extended without further consideration to a large portion of the described area.
  
- 3) Bad Alternatives. The alternatives to extending existing sewage treatment lines that will likely otherwise be pursued, are poor or poorly received. This is no more apparent than Rappahannock Westminster Canterbury's current request for a new discharge plant. They have clearly articulated the fact that the "do nothing" alternative or status quo cannot be followed. Equally unacceptable are the alternatives of participation in a regional plan or participation in a public service authority, both of which are strongly opposed by large members of the public. They are left then with the alternatives of building the new discharge plant or obtaining services from Kilmarnock. They much prefer the alternative of obtaining the service from Kilmarnock at fairly negotiated rates since wastewater treatment is not part of their core business and would require a very large investment of capital to build a discharge plant. At a recent informational meeting, most, if not all, interested members of the public in attendance were firmly opposed to the discharge plant and expressed preference for the Kilmarnock alternative.

Preliminary plat approval has been granted for a ninety-eight (98) lot by-right subdivision off Route 3 near its intersection with Route 648 and the town of White Stone. Onsite septic systems are the only current alternative for wastewater treatment and will be pursued absent the better alternative of connecting to an existing wastewater treatment facility, the alternative preferred by the developer. While the developer has met and will meet every requirement for placement of drainfields, the fact remains that these represent a significant, new possible source of nonpoint pollution in a sensitive area that could be avoided.

Soils in the Weems area are some of the worst in the County in terms of suitability for septic systems. Existing systems have a propensity for failure often times without other recourse for the property owner other than pump and haul. Where new by-right development would not even be pursued in the past because of unacceptable soils, it is increasingly being allowed with engineered systems. *The experience over the last five years at least is that technology will continue to overcome any prohibitions that would otherwise be driven by natural limitations.*

- 4) Public Service Authority. As a result of discussion and consideration of the first six chapters of the comprehensive plan, the Planning Commission has eliminated any reference to a public service authority in this revision. This approach negates any need for a separate entity such as a public service authority to negotiate agreements for service from existing facilities. It allows private parties to negotiate directly with the town of Kilmarnock or other providers for service in the described area.

**Recommendation.** That this revision to the comprehensive plan clearly state that municipal wastewater treatment and water lines may be extended into the Primary Growth Area as defined above.