

|  |   |                                       |
|--|---|---------------------------------------|
|       | <b>TOWN OF CLAYTON POLICY</b>   |                                       |
|  | <b>Department:</b><br>Public Services   | <b>Effective:</b><br>January 21, 2020 |
| <b>Policy Title:</b><br>Water & Wastewater Allocation Policy<br><br>Version #02 (V.02) | <b>Supersedes:</b> TC Action 2010-026   |                                       |
|  | <b>Prepared By:</b><br>Richard D. Cappola Jr., PE<br>Public Services Director |                                       |
|  | <b>Approved By:</b><br>Town Council<br><b>Date:</b> January 21, 2020          |                                       |

### I. Purpose

The Town of Clayton has invested substantial capital in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacities are among the most important elements of this infrastructure. The intent of this policy is to provide for the judicious allocation of these resources in conformity with adopted goals and priorities in an effort to shape the community consistent with the articulated vision to become the "Premier Community for Active Families." This policy is intended to manage the remaining capacity available until additional capacity is developed through construction of a new Water Reclamation Facility, and should be reviewed periodically to ensure it is achieving the intended purpose.

### II. Scope

The Town Council for the Town of Clayton has adopted the Comprehensive Plan 2040 which is a useful tool to successfully evaluate applications for allocation of public resources so that the character of the community shall be consistent with its vision, values, and plans. In accordance with the "Town of Clayton Strategic Growth Plan", utility allocation reservations should support and maximize the concept of increasing the Town's property tax based revenues by the expansion and improvement of higher valued land use development, emphasizing a balance of Residential, commercial, and industrial uses.

### III. Policy

The Town of Clayton seeks to grant utility allocations such that the existing character of the Town's utility customer base does not become more residential than is practical to achieve the intent of the Strategic Growth Plan, and seeks to increase the diversity of the customer base by increasing the percentage of resources devoted to industrial, commercial, and mixed use development.

The total amount of available capacity and each incremental increase in capacity should generally be allocated based on the following parameters:

- No more than fifty percent (50%) of the total available capacity may be allocated to projects that include solely residential development.
- At least thirty percent (30%) of the total available capacity shall be reserved for allocation to commercial/industrial projects.
- Projects encompassing mixed use (residential and commercial) elements may be considered for allocation even if such an allocation will exceed the limit established above for residential use.  
Note: These percentages may be reviewed and adjusted by the Town Council at their discretion.

Due to weather related factors, the regulatory environment, and the dynamic nature of wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The Town of Clayton shall track allocation reservations granted and the amount of capacity available. Such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.

The following hierarchy shall apply to evaluation of utility allocation requests:

- Commercial properties with quality development projects
- Development projects with a mixed-use element
- Industrial projects and other major employer entities
- Additional phases attached to residential projects with a proven record of quality product and economic success
- Residential projects that include tangible, high quality community amenities
- Residential projects that include diverse products and opportunities
- Residential projects not otherwise described above

Evaluation of projects will be based on the scoring rubric attached hereto as Exhibit A, which is incorporated in this Agreement by reference. A project must meet or exceed 50 points to receive an allocation. Proposed projects can gain BONUS POINTS by the applicant offering to provide items listed on the rubric as part of their development proposal. Examples of these items may include such things as additional amenities (fire pits, community gardens, etc.) or offering to provide “Minimum of 25% of building façades will be made of masonry materials.”

The Town of Clayton may allocate utility service capacity to competing projects based on a demonstrated intent and ability of the applicant to meet adopted Town goals and plans for character and quality of development. The Town of Clayton reserves the right to deny a utility allocation request if the applicant fails to adequately demonstrate that the project meets adopted Town goals or plans, or in the case that the project is deemed to be less supportive of Town goals or plans of a competing project.

#### **IV. Procedure**

The owner or developer of any project requiring water or wastewater utility service from the Town of Clayton shall submit a written application, in the application form provided by Town Staff, for an allocation reservation. The application shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to demand of utility capacity, and other supporting information demonstrating how the project serves the needs and interests of the Town of Clayton. In the case of Industrial flows, additional information associated with the constituents shall be required and may be subject to other ordinances or policies of the Town.

- The Town Council shall review for approval all allocations which require or may require a daily flow allocation of ten thousand gallons or more (> 10,000 GPD)
  - The Town Council shall incorporate the evaluation of utility allocation requests into the decision-making process associated with Subdivisions, Mixed-use Planned Developments, and Special Use Permits. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review processes for the accompanying land use application with regard to conformity with Town of Clayton policies and ordinances, planning practices, and consistency with adopted long-range and strategic plans.
  - For allocations requiring Town Council approval, but which do not require other land use regulatory reviews or approvals, the applicant shall provide a full description of how their project supports the goals and priorities established within this and related policies and plans in their application for allocation reservation.

- The Town Manager or their designee shall review for approval all applications for utility capacity which require a daily flow allocation of less than ten thousand gallons (< 10,000 GPD).
  - In addition to the scoring rubric, the Town Manager or their designee shall consider the goals articulated by this and related Town policies when reviewing applications for utility allocations. If an application is denied, the Town Manager or their designee shall state in writing the reasons for denial of the request.

## **V. General Conditions**

- This policy shall replace any previous policies on water and wastewater allocations adopted by the Town Council.
- An allocation will expire if a project has not progressed in construction plan approval, building permit approval, or on-site construction within 12 months of award of the allocation.
- Upon request by the applicant and at the discretion of the Town Engineer, an allocation may be extended for one twelve (12) month period.
- If a project is unsuccessful in obtaining any required Federal, State, or local government permit or approval the reservation shall be retracted. The Town of Clayton shall bear no liability for any costs incurred by the applicant, nor bare further responsibility in the matter.
- Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by Town Ordinance or policy and does not imply or create any vested right.
- Public water may be utilized for irrigation purposes so long as the Primary Use associated with the site has previously gained a water allocation through the Town.
- This policy shall be reviewed annually and, when appropriate, readjusted by the Town Council. The Town's overall progress on policy goals will be considered and the multipliers and/or point thresholds readjusted accordingly.

## **V. Appeals Process**

- Appeal of any provision of this policy shall be made to the Town Council.
- Appeal of any decision on a utility allocation by the Town Manager or their designee shall be made to the Town Council for final decision. Any such appeal shall be placed on the agenda of a regularly scheduled Town Council meeting.



## WATER & WASTEWATER ALLOCATION CRITERIA

**TOTAL POINTS = 0 MINIMUM 50 POINTS REQUIRED**

|   | Category   | Points  | Calc.   | Notes  |
|---|--|---|---|--|
| <b>DEVELOPMENT TYPE<sup>1</sup></b><br>(Choose 1 from this category)                | Government/Public Admin./Public Safety                                   | 50  |   |  |
|   | Non-residential (Commercial) - Retail & Restaurant                       | 30  |   |  |
|   | Non-residential (Commercial) - Office                                    | 20  |   |  |
|   | Non-residential (Commercial) - Warehouse                                 | 15  |   |  |
|   | Non-residential (Commercial) - Medical                                   | 25  |   |  |
|   | Non-residential (Commercial) - Hotel/Motel                               | 35  |   |  |
|   | Industrial/Manufacturing   | 30  |   |  |
|   | Institutional  | 15  |   |  |
|   | Residential Existing Lot- Single Family Detached                         | 40  |   | Individual Existing Lot construction                                 |
|   | Residential Subdivision - Single Family Detached (> 0.25 Acre Lots)      | 20  |   | Single Family Homes on Individual Lots greater than 0.25 acres       |
|   | Residential Subdivision - Single Family Detached (< 0.25 Acre Lots)      | 15  |   | Single Family Homes on Individual Lots less than 0.25 Acres          |
|   | Residential Subd.- Single Family Attached (> 1,500 SF Heated Space)      | 10  |   | Townhomes with heated square-footage greater than 1,500 SF           |
|   | Residential Subd.- Single Family Attached (< 1,500 SF Heated Space)      | 5   |   | Townhomes with heated square-footage less than 1,500 SF              |
|   | Residential - Multifamily (Apartments)                                   | 10  |   |  |
|   | Mixed-Residential  | 25  |   | Mix of various lot sizes of Single-family, Townhomes, and Apartments |
|   | Mixed-Use Commercial & Residential                                       | 30  |   | Mix of Residential and Non-residential (Commercial) uses             |
|   | Downtown Redevelopment   | 30  |   |  |
| Infill Development  | 25   |   | Utilities already exist within 300 Feet of property |  |
| <b>FUTURE TAX STATUS</b><br>(Choose 1 from this category)                           | Exempt   | 0   |   |  |
|   | Residential  | 5   |   |  |
|   | Non-residential  | 10  |   |  |
|   | Industrial   | 10  |   |  |
| <b>COMMUNITY BENEFIT BONUS POINTS</b><br>(Choose All that apply from this category) | Cultural Arts/Entertainment for Public                                   | 10  |   |  |
|   | Sports/Recreation for Public   | 10  |   |  |
|   | Town Electric Customer   | 20  |   |  |
|   | Expansion of existing non-residential use                                | 10  |   |  |
|   | Re-development of an existing property                                   | 5   |   | Must result in increased property value                              |
|   | Residential Subdivision - Additional amenities included                  | 5 - 15  |   | Pool, Clubhouse, sports courts, etc. - 5 pts per, max 15 pts         |
|   | Job Creation - 10 to 25 new jobs   | 5   |   |  |
|   | Job Creation - 26 to 100 new jobs  | 10  |   |  |
|   | Job Creation - 100+ new jobs   | 15  |   |  |
|   | Job creation - Jobs created will have salaries at or above median income | 5   |   | Must be greater than 50% of jobs added with documentation to confirm |
|   | Residential - Multiple-Car Garages provided                              | 5   |   |  |
|   | Residential - Overflow Parking provided                                  | 5   |   | Subject to Planning and Engineering support                          |
|   | Masonry Elements included in Building Construction                       | 10  |   |  |
|   | Sustainable/High Efficiency Products and appliances used                 | 5 - 15  |   | 5 pts per, max 15 pts  |
| Private trail connection to Public Greenway   | 10   |   |   |  |
| <b>COMMUNITY IMPACT DEDUCT POINTS</b><br>(Choose All that apply from this category) | Pump Station Improvements required <sup>2</sup>                          | -10   |   | Subject to Town policy and standards                                 |
|   | New Pump Station Required <sup>2</sup>                                   | -20   |   | Subject to Town policy and standards                                 |
|   | Out-of Town Status (After construction)                                  | -10   |   |  |
|   | Outside Fire District  | -5  |   |  |
|   | Inconsistent with Comp Plan  | -5  |   |  |
| <b>CLARIFICATIONS</b>   | 1  | Any Development Type Category not listed is subject to Town Council discretion with staff recommendation.   |   |  |
|   | 2  | The Town Engineer may waive these deductions if the improvements are consistent with Future utility service plans, replace/offline an aging station, or are in the best interest of the Town. |   |  |



**TOWN OF CLAYTON**  
 Engineering & Inspections Department  
 111 E. Second Street, Clayton, NC 27520  
 P.O. Box 879, Clayton, NC 27528  
 Phone: 919-553-5002

**WASTEWATER ALLOCATION REQUEST**

The Town of Clayton, in an effort to manage and maintain the sewer and water capacity for the Town, requires that this application be completed and submitted to the Town for consideration of a utility allocation. Review fee is due upon submittal of request.

[www.ClaytonNC.org/Fees](http://www.ClaytonNC.org/Fees), Wastewater Allocation Request Fee

**Application MUST be completed and sealed by a registered engineer unless otherwise approved by staff.**  
 All applications, plans, and supporting documents should be emailed to: PermitSubmittals@TownofClaytonNc.org

**SITE INFORMATION**

Name of Project: \_\_\_\_\_ Acreage of Property: \_\_\_\_\_  
 County Tag Number: \_\_\_\_\_ NC PIN: \_\_\_\_\_  
 Address/Location: \_\_\_\_\_  
 \_\_\_\_\_  
 Zoning District: \_\_\_\_\_  
 Town Limits / ETJ:  Town Limits  ETJ (Extra-Territorial Jurisdiction)

**APPLICANT INFORMATION – Applicant must be a registered engineer unless otherwise approved by Town Engineer**

Applicant: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Contact Person: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ File Number: \_\_\_\_\_ Associated Project Number: \_\_\_\_\_

## PROJECT INFORMATION

Use:  New  Expanded  Change

Use Type:  Residential  Non-Residential

Proposed Use(s): \_\_\_\_\_ Existing Use(s): \_\_\_\_\_

Invoice shall be mailed to the following:

Developer Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

## ALLOCATION REQUEST

The following is required:

- For non-residential construction, submit a floor plan of proposed building.
- Use additional sheets if necessary.
- Provide any documentation supporting/justifying the request as an attachment (using a comparable use is recommended).
- If a phasing / take-down schedule is proposed, include as an attachment.

**Residential:**

Gross Acreage: \_\_\_\_\_

| Single Family     | # of Units | GPD per Unit | Total Requested GPD |
|-------------------|------------|--------------|---------------------|
| 1-2 Bedroom Units |            |              |                     |
| 3 Bedroom Units   |            |              |                     |
| >3 Bedroom Units  |            |              |                     |
| <b>Total</b>      |            | -----        |                     |

| Multi-Family      | # of Units | GPD per Unit | Total Requested GPD |
|-------------------|------------|--------------|---------------------|
| 1-2 Bedroom Units |            |              |                     |
| 3 Bedroom Units   |            |              |                     |
| >3 Bedroom Units  |            |              |                     |
| <b>Total</b>      |            | -----        |                     |

**Non-Residential:** (Design Flow Guideline provided as Appendix A)\*

*\*If design flow deviates from the flow rates presented in Appendix A, provide supporting documentation/justification as an attachment in the form of 12 months of water bills demonstrating gallons per day utilized.*

Gross Acreage: \_\_\_\_\_

| Use          | Measurement Unit | # of Units | GPD per Unit | Total Requested GPD |
|--------------|------------------|------------|--------------|---------------------|
|              |                  |            |              |                     |
|              |                  |            |              |                     |
|              |                  |            |              |                     |
| <b>Total</b> |                  |            | -----        |                     |

**TOTAL REQUESTED GALLONS PER DAY:** \_\_\_\_\_

**NOTE TO APPLICANT:**

**Invoicing:**

Invoices are generated on the following schedule:

Non-Residential:

Generated with the application for a Zoning Compliance Permit.

Residential:

Multi-Family / Apartments:

Generated with the application for a Zoning Compliance Permit.

Subdivision / Subdivided Lots:

Generated at Final Plat submittal.

**Fee Development:**

Development Fees are calculated and invoiced based on the Town of Clayton adopted [Comprehensive List of Fees and Charges](#). Invoiced fees include acreage fees, capacity fees, nutrient offset fees, recreation fees, fees-in-lieu, and electric department lot deposit. Please speak with Town staff with questions.

**Approval:**

Requests over 10,000 GPD are approved by the Town Council, by resolution. All other requests are approved by the Town Manager.

**APPLICANT AFFIDAVIT**

*I/We, the undersigned, do hereby make application and petition to the Town of Clayton to approve the subject Wastewater Allocation. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Planning Department of the Town of Clayton, North Carolina, and will not be returned.*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*

**Engineer Seal:**

**TOWN OF CLAYTON OFFICE USE ONLY:**

Approved by:  Town Manager  
 Town Council (*requests of 10,000 GPD or more require Council approval by resolution*)

The **Town Manager / Town Council (circle one)** has authorized the allocation of \_\_\_\_\_

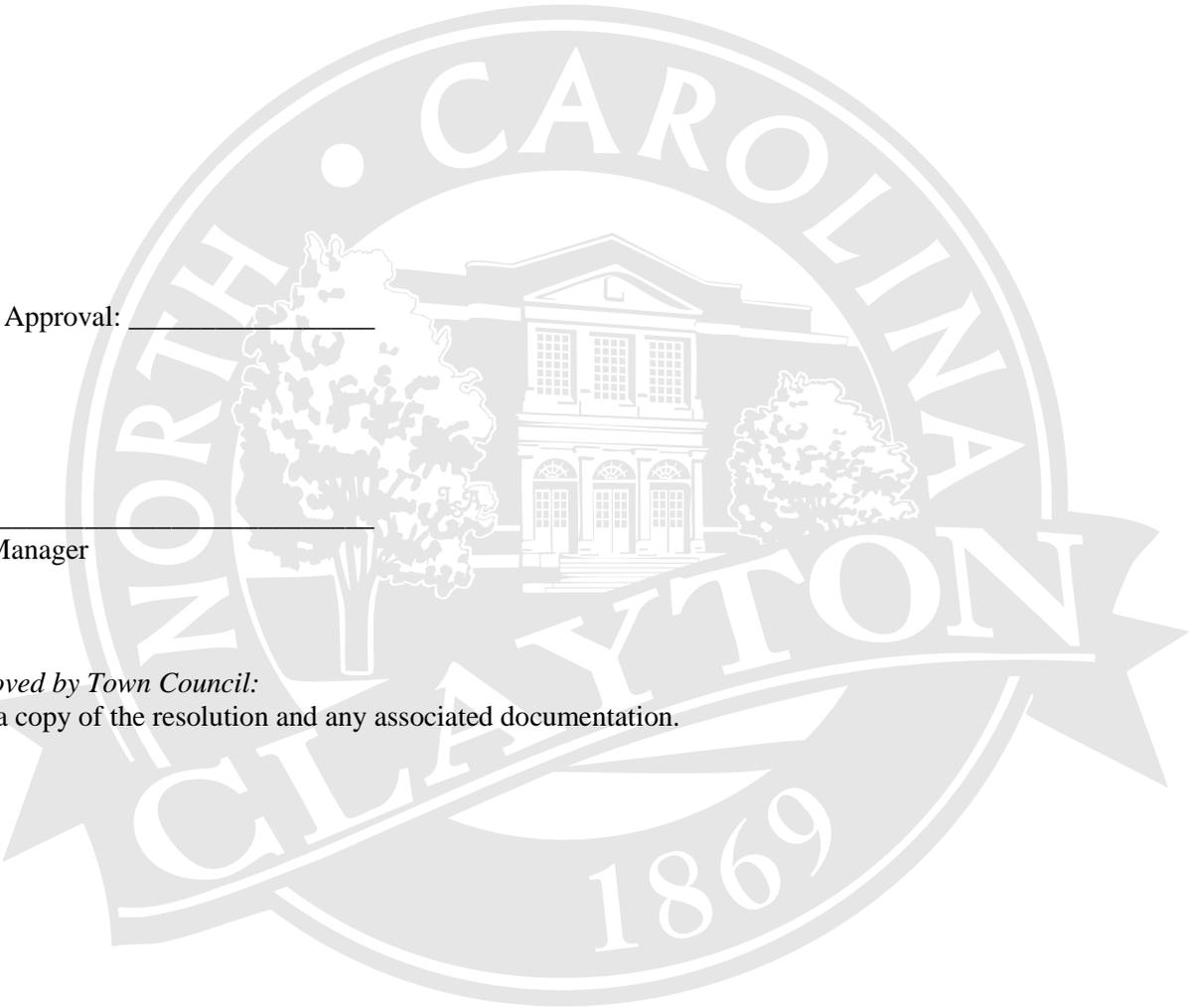
gallons per day for project # \_\_\_\_\_.

Date of Approval: \_\_\_\_\_

Signed:

\_\_\_\_\_  
Town Manager

*If approved by Town Council:*  
Attach a copy of the resolution and any associated documentation.



## APPENDIX A: DESIGN FLOW RATES

The following table from the North Carolina Administrative Code 02T.0114 shall be used to determine the minimum allowable design daily flow of wastewater facilities. Alternatively, the Town in its sole and absolute discretion may calculate the customer's initial average daily wastewater flow based on data from the customer's operations (or from similarly situated customers) with a comparable sanitary sewer system, where such data are available and reasonably current.

| Establishment Type  | Daily Flow Rate                   |
|---|-----------------------------------|
| <b>Barber and Beauty Shops</b>  |                                   |
| Barber Shops  | 50 gal/chair                      |
| Beauty Shops  | 125 gal/booth or bowl             |
| <b>Businesses, Offices and Factories</b>  |                                   |
| General business and office facilities  | 25 gal/employee/shift             |
| Factories, excluding industrial waste   | 25 gal/employee/shift             |
| Factories or businesses with showers or food preparation                                | 35 gal/employee/shift             |
| Warehouse   | 100 gal/loading bay               |
| Warehouse – self storage (not including caretaker residence)                            | 1 gal/unit                        |
| <b>Churches</b>   |                                   |
| Churches without kitchens, day care or camps  | 3 gal/seat                        |
| Churches with kitchen   | 5 gal/seat                        |
| Churches providing day care or camps  | 25 gal/person (child & employee)  |
| <b>Fire, Rescue and Emergency Response</b>  |                                   |
| Fire or rescue stations without on-site staff   | 25 gal/person                     |
| Fire or rescue stations with on-site staff  | 50 gal/person/shift               |
| <b>Food and Drink Facilities</b>  |                                   |
| Banquet, dining hall  | 30 gal/seat                       |
| Bars, cocktail lounges  | 20 gal/seat                       |
| Caterers  | 50 gal/100 sq. ft. floor space    |
| Restaurant, full Service  | 40 gal/seat                       |
| Restaurant, single service articles   | 20 gal/seat                       |
| Restaurant, drive-in  | 50 gal/car space                  |
| Restaurant, carry out only  | 50 gal/100 sq. ft. floor space    |
| Institutions, dining halls  | 5 gal/meal                        |
| Deli  | 40 gal/100 sq. ft. floor space    |
| Bakery  | 10 gal/100 sq. ft. floor space    |
| Meat department, butcher shop or fish market  | 75 gal/100 sq. ft. floor space    |
| Specialty food stand or kiosk   | 50 gal/100 sq. ft. floor space    |
| <b>Hotels and Motels</b>  |                                   |
| Hotels, motels and bed & breakfast facilities, without in-room cooking facilities       | 120 gal/room                      |
| Hotels and motels, with in-room cooking facilities                                      | 175 gal/room                      |
| Resort hotels   | 200 gal/room                      |
| Cottages, cabins  | 200 gal/unit                      |
| Self-service laundry facilities   | 500 gal/machine                   |
| <b>Medical, Dental and Veterinary Facilities</b>  |                                   |
| Medical or dental offices   | 250 gal/practitioner/shift        |
| Veterinary offices (not including boarding)   | 250 gal/practitioner/shift        |
| Veterinary hospitals, kennels, animal boarding facilities                               | 20 gal/pen, cage, kennel or stall |
| Hospitals, medical  | 300 gal/bed                       |
| Hospitals, mental   | 150 gal/bed                       |
| Convalescent, nursing, rest homes without laundry facilities                            | 60 gal/bed                        |
| Convalescent, nursing, rest homes with laundry facilities                               | 120 gal/bed                       |
| Residential care facilities   | 60 gal/person                     |
| <b>Parks, Recreation, Camp Grounds, R-V Parks and other Outdoor Activity Facilities</b> |                                   |
| Campgrounds with comfort station, without water or sewer hookups                        | 75 gal/campsite                   |

| <b>Establishment Type</b>   | <b>Daily Flow Rate</b>             |
|---|------------------------------------|
| Campgrounds with water and sewer hookups                              | 100 gal/campsite                   |
| Campground dump station facility                                      | 50 gal/space                       |
| Construction, hunting or work camps with flush toilets                | 60 gal/person                      |
| Construction, hunting or work camps with chemical or portable toilets | 40 gal/person                      |
| Parks with restroom facilities  | 250 gal/plumbing fixture           |
| Summer camps without food preparation or laundry facilities           | 30 gal/person                      |
| Summer camps with food preparation and laundry facilities             | 60 gal/person                      |
| Swimming pools, bathhouses and spas                                   | 10 gal/person                      |
| Public access restrooms   | 325 gal/plumbing fixture           |
| <b>Schools, Pre-school and Day Care</b>                               |                                    |
| Day care and preschool facilities                                     | 25 gal/person (child & employee)   |
| Schools with cafeteria, gym and showers                               | 15 gal/student                     |
| Schools with cafeteria  | 12 gal/student                     |
| Schools without cafeteria, gym or showers                             | 10 gal/student                     |
| Boarding schools  | 60 gal/person (student & employee) |
| <b>Service Stations and Car Wash Facilities</b>                       |                                    |
| Service stations, gas stations  | 250 gal/plumbing fixture           |
| Car wash facilities   | 1200 gal/bay                       |
| <b>Sports Centers</b>   |                                    |
| Bowling center  | 50 gal/lane                        |
| Fitness, exercise, karate or dance center                             | 50 gal/100 sq. ft.                 |
| Tennis, racquet ball  | 50 gal/court                       |
| Gymnasium   | 50 gal/100 sq. ft.                 |
| Golf course with only minimal food service                            | 250 gal/plumbing fixture           |
| Country clubs   | 60 gal/member or patron            |
| Mini golf, putt-putt  | 250 gal/plumbing fixture           |
| Go-kart, motocross  | 250 gal/plumbing fixture           |
| Batting cages, driving ranges   | 250 gal/plumbing fixture           |
| Marinas without bathhouse   | 10 gal/slip                        |
| Marinas with bathhouse  | 30 gal/slip                        |
| Video game arcades, pool halls  | 250 gal/plumbing fixture           |
| Stadiums, auditoriums, theaters, community centers                    | 5 gal/seat                         |
| <b>Stores, Shopping Centers, Malls and Flea Markets</b>               |                                    |
| Auto, boat, recreational vehicle dealerships/showrooms with restrooms | 125 gal/plumbing fixture           |
| Convenience stores, with food preparation                             | 60 gal/100 sq. ft.                 |
| Convenience stores, without food preparation                          | 250 gal/plumbing fixture           |
| Flea markets  | 30 gal/stall                       |
| Shopping centers and malls with food service                          | 130 gal/1000 sq. ft.               |
| Stores and shopping centers without food service                      | 100 gal/1000 sq. ft.               |
| <b>Transportation Terminals</b>                                       |                                    |
| Air, bus, train, ferry, port and dock                                 | 5 gal/passenger                    |

Source: North Carolina Administrative Code 02T.0114, January 1, 2007