

## **RESOLUTION 11-06**

A RESOLUTION OF THE CITY OF McCALL, IDAHO, PROVIDING FOR THE CONTINUING IMPROVEMENT AND REHABILITATION OF WASTEWATER COLLECTION AND LAND APPLICATION SYSTEMS; PROVIDING FOR THE PLANNING OF IMPROVEMENTS TO WASTEWATER TREATMENT FACILITIES; LIMITING THE ISSUANCE OF ADDITIONAL SERVICE HOOKUPS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, McCall City Code (MCC) 6-3-010 states that for the purpose of promoting health, safety and the general welfare of McCall, a system for the collection, transmission and disposal of sanitary sewage shall be constructed, extended, maintained, repaired, replaced, operated, and removed within the corporate limits of the City of McCall by which to provide an adequate system for the collection, transmission and disposal of sanitary sewage from domestic, commercial, industrial and such other uses and purposes for which said system may be used; and

WHEREAS, MCC 6-3-030 states that, in the event that McCall City Council determines that the existing City sewer system, whether collection systems or treatment facilities, are at or approaching their respective capacity limits such that the issuance of additional service hook-up permits would lead to harmful consequences to the general welfare of the City and its environs, the Council by resolution shall limit the issuance of additional service hook-ups in a manner designed to preclude such consequences until such time as additional capacity has been developed. The precise limits, the manner of allocating same, and the determination of when to impose or relax them shall be established by regulations to be promulgated by the Council in conjunction with the imposition of any such limits; and

WHEREAS, MCC 2-2-020 states that, prior to the issuance of a building permit the Building Inspector shall require evidence of approval of sewer hook-up, if applicable to the building in question; and

WHEREAS, the Payette Lakes Recreational Water and Sewer District (District) provides wastewater collection services to District customers and conveys collected wastewater to the City of McCall wastewater treatment facility for treatment and land application of the resulting effluent; and

WHEREAS, JUB Engineers, Inc. (JUB), acting as the District's engineer, by letter on September 16, 2004 informed the District and the City that, in JUB's opinion, the City's land application system for disposal of treated effluent was at capacity; and

WHEREAS, Holladay Engineering Company (HECO), acting as the City's engineer, by letter on October 28, 2004 concurred with the analysis of JUB, recommended a moratorium on new building permits until additional analysis could be conducted and improvements implemented, and informed the City that, in its capacity as City Engineer, HECO would no longer be issuing wastewater will-serve letters on the City's behalf until additional analysis could be conducted and improvements implemented; and

WHEREAS, on December 2, 2004, JUB presented the McCall City Council with further written analysis of the capacity limitations of the land application system for the storage and disposal of treated effluent; and

WHEREAS, on January 24, 2005, HECO presented the McCall City Council with further analysis of the capacity limitations of the land application system for the storage and disposal of treated effluent; and

WHEREAS, the City by Ordinance No. 809 on April 11, 2005 implemented a 182-day moratorium on zoning, subdivision, planned unit development and/or scenic route applications within the city limits of McCall in order to address wastewater capacity and zoning and subdivision issues; and

WHEREAS, the City by letter dated June 1, 2005 directed the District to discontinue committing any new users to the system until the City determines the long term solution for the capacity limitations of the system; and

WHEREAS, on July 18, 2005 the Valley County Board of Commissioners implemented a moratorium on zoning, subdivision, planned unit development and/or scenic route applications within the Impact Area, said moratorium expired when the City of McCall lifts its moratorium; and

WHEREAS, prior to the implementation of a moratorium by the City of McCall and Valley County, the City received applications for 22 subdivisions containing over 950 potential lots that are not subject to the moratorium and could, if built upon, add wastewater flows to the City or District collection systems; and

WHEREAS, there are numerous undeveloped, underdeveloped, or redevelopable lots within the City of McCall and the Impact Area that could, if built upon, add wastewater flows to the City or District collection systems; and

WHEREAS, on June 23, 2005 the City of McCall contracted with CH2M HILL to serve as City Engineer and to provide general engineering and planning services, including wastewater engineering and planning services, to the City; and

WHEREAS, CH2M HILL has concluded an analysis of the City's wastewater collection, treatment, and disposal system and has determined that elements of the existing City sewer system are at or approaching their respective capacity limits such that the issuance of unrestricted additional service hook-up permits would lead to harmful consequences to the general welfare of the City and its environs; and

WHEREAS, the City Council approved Resolution 05-15 Wastewater Policy on July 28, 2005; and

WHEREAS, the City Council by Resolution 05-21 on September 22, 2005 modified the Wastewater Policy to allow for additional service hook-ups in September, October and November 2005; and

WHEREAS, the City by Ordinance No. 816 on September 22, 2005 implemented a 180-day extension of the moratorium on zoning, subdivision, planned unit development and/or scenic route applications within the city limits of McCall in order to complete actions required to address wastewater capacity and zoning and subdivision issues; and

WHEREAS, CH2M HILL has annually provided the City and IDEQ with updated information on the capacity limits of the City wastewater treatment and disposal system since 2006; and

WHEREAS, the City staff has refined a program of Inflow and Infiltration (I/I) improvements, developed a priority list of projects, implemented several projects from that program, and continues to maintain an annual budget for such work, as directed in Section 10 of the Wastewater Policy; and

WHEREAS, in May 2006, the City embarked on a Wastewater Facility Plan, engaged the public, local stakeholders, agencies, and state and federal legislators to determine an acceptable long range wastewater treatment and disposal system for the City of McCall, as directed in Section 11 of this Policy; and

WHEREAS, in August 2007, the City completed a Wastewater Facility Plan and obtained approval from IDEQ, as directed in Section 11 of the Wastewater Policy; and

WHEREAS, the City staff have analyzed the existing wastewater rate structure, created a tool for developing new rates based on emerging information, updated the billing system, to better reflect actual usage, and implemented updated rates, as directed in Section 12 of the Wastewater Policy; and

WHEREAS, the City of McCall and IDEQ have amended the consent order under which IDEQ regulates the operation of the City wastewater treatment and disposal system; and

WHEREAS, the amended consent order requires the City of McCall to regulate sewer connections to avoid exceeding the capacity of the wastewater treatment and disposal system; and

WHEREAS, since 2006 the McCall City Council has annually adopted a Wastewater Policy by Resolution, which limits the number of additional service hookups until additional wastewater treatment capacity can be provided or the remaining sewerage capacity be recalibrated; and

WHEREAS, the City staff issued a policy paper dated February 24, 2006 that documented the process by which remaining wastewater capacity will be allocated for those seeking sewer hookup to the McCall Wastewater Plant; and

WHEREAS, the determination of available sewerage capacity is to be recalibrated every year based upon a number of measurements and adjustments until a new wastewater alternative is employed and that the remaining adjusted sewage capacity be distributed in a fair and equitable manner between commercial, industrial, mixed use, public projects and residential users; and

WHEREAS, the 2007 McCall Area Comprehensive Plan states that the City of McCall shall, “Develop and employ population growth management tools to maintain a healthy and manageable 3.5 percent average annual growth rate.” According to the 2007 Wastewater Facilities Plan, the population for the McCall Wastewater Service Area is 3,570. An annual growth of 3.5 percent, assuming 2.2 persons per EDU, will add 57 residential EDUs per year.

NOW, THEREFORE, it is resolved by the Mayor and City Council of the City of McCall, Valley County, Idaho, as follows:

Section 1: McCall City Council finds that the existing City sewer system, including portions of the collection system and treatment facilities, are approaching their respective capacity limits such that the issuance of unrestricted additional service hook-up permits would lead to harmful consequences to the general welfare of the City and its environs.

Section 2: To preclude such consequences, the McCall City Council limits additional service hook-ups to a total of up to 410 EDU’s until such time as additional land for land application can be secured or until a new wastewater alternative can be employed or the remaining sewerage capacity is recalibrated and further adjusted consistent with Section 13 below.

Section 3: Service hook-ups will be limited through limiting the issuance of building permits for structures requiring wastewater hook-ups or where such building permit will cause an increase in wastewater flow due to change in, or intensification of, use within the City of McCall and the Impact Area.

Section 4: McCall City Council directs staff to continue ranking and distributing building permits consistent with the goals of the City of McCall Comprehensive Plan.

Section 5: McCall City Council directs staff to provide a quarterly report to IDEQ detailing improvements to the wastewater collection, treatment, and disposal system or otherwise communicate such improvements.

Section 6: McCall City Council directs staff to provide a monthly report detailing additional connections to the system and the remaining capacity of the system in the form of a declining balance report.

Section 7: McCall City Council directs staff to include specific reference to this Wastewater Policy and the Building Permit Allocation process in any future wastewater “will serve” letter issued by the City of McCall and to condition the provision of wastewater service on the provisions of the Wastewater Policy, such that recipients understand that receipt of a wastewater “will serve” letter does not assure an immediate sanitary sewer hook up.

Section 8: McCall City Council directs staff to continue the development and implementation of improvements to the City wastewater land application system to provide land application capacity consistent with the capacity of the existing City wastewater treatment plant and winter storage pond.

Section 9: McCall City Council directs staff to continue to direct its energy, as appropriate, at finding additional sources of land for land application and to evaluate those pieces of land in accordance with Consent Order requirements once they are identified.

Section 10: McCall City Council directs staff to continue and refine a program of Infiltration and Inflow (I/I) mitigation improvements to limit non-wastewater flows within the City wastewater collection system.

Section 11: McCall City Council directs staff to plan for additional wastewater treatment and conveyance capacity improvements consistent with the long range needs of the City of McCall as described in the City of McCall Comprehensive Plan and to coordinate this planning with IDEQ and other agencies as appropriate.

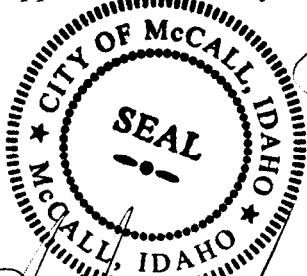
Section 12: McCall City Council directs staff to analyze the impact of the I/I mitigation program, the land application improvement program, and other capital investment in the sewer collection, treatment, effluent storage, and effluent disposal systems on the City's sewer rate structure and to bring any recommendations for changes to this structure to the City Council for consideration.

Section 13: McCall City Council will determine when to impose additional limitations or relax the limitations imposed in Section 2 above at the following times:


- at the request of IDEQ; or
- at key milestones in the wastewater facility plan process; or
- as pertinent new information is developed by CH2M HILL and/or City staff; or
- when the City Council of the City of McCall deems necessary.

Section 14: This Resolution shall take effect and be in force from and after its passage and approval.

Passed and approved this 28 day of April, 2011.



ATTEST:

  
BessieJo Wagner, City Clerk

  
Donald C. Bailey, Mayor