

MAY 17 1983

A RESOLUTION AMENDING THE SAND LAKE ROAD PLANT TYPE "B" PERMIT RULES; PROVIDING FOR THE ALLOCATION AND SALE OF SEWER SERVICE CAPACITY TO ALL THOSE APPLICANTS FOR TYPE "B" PERMITS WITH COMPLETE APPLICATIONS; LIMITING THE MAXIMUM FLOW AMOUNT FOR TYPE "B" SEWER PERMITS ISSUED PURSUANT TO SECTION 4(i), ORANGE COUNTY ORDINANCE ("O.C.O.") NO. 81-14, AS AMENDED, TO TWELVE-HUNDRED GALLONS PER DAY (1200 GPD) ON AN AVERAGE ANNUAL BASIS; PROVIDING AN ECONOMIC IMPACT DETERMINATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

PREMISES

1. Section 4(i), Orange County Ordinance No. 81-14, authorizes the County to establish maximum limits on the amount of sewer service capacity for Type "B" sewer permits for any single project.

2. The Board initially adopted the Sand Lake Plant Type "B" Permit Rules on November 3, 1981.

3. Since that time, the Board has determined that the Sand Lake Plant Type "B" Permit Rules should be amended to more equitably allocate sewer service capacity.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendment to Section 2, Sand Lake Plant Type "B" Permit Rules. Section 2 of the Sand Lake Plant Type "B" Permit Rules is hereby amended to read as follows:

"Section 2. Particular Projects; Maximum Annual Flows.

(a) Subject to applicable provisions of Orange County Ordinance No. 81-14, as amended, the County may issue one or more Type "B" Sewer Permits for aggregate flows not to exceed 50,000 gallons per day on an average annual basis during any one calendar year to an otherwise qualified applicant for any particular project, as hereinafter provided.

(b) Thirty (30) days after the County mails or delivers the initial letters of eligibility for any Type "B" sewer service capacity, any sewer service capacity originally allocated to those applying for Type "B" permits (including any capacity set aside pursuant to Subsection 5(e)(1), Sand Lake Road Wastewater Treatment Plant Connection Rules) which is not purchased or reserved, on the priority basis of the date of filing such application subject to the provisions of Subsection 2(a) hereof, shall be offered to those applicants for Type "B" permits who had a complete application filed with the County on or before May 17, 1983, and who were not offered sewer service capacity in the initial allocation, up to

the maximum amount per particular project set forth in Subsection 2(a) hereof. Said applicant shall have fourteen (14) days from the date of receipt of a letter of eligibility in which to pay all applicable sewer capital fees and charges and deliver any necessary letters of credit in order to receive a County sewer permit for said capacity.

(c) If any such sewer service capacity remains unallocated and unpurchased after the County has allocated, pursuant to Subsection 2(a) and (b), sewer service capacity to each applicant who has filed a complete application with the County for a Type "B" Permit by May 17, 1983, the County may allocate the remaining sewer service capacity (including any sewer service capacity coming available pursuant to Subsection 5(h)(4), Sand Lake Road Wastewater Treatment Plant Connection Rules) equally among those applicants who (1) have applied for more than fifty-thousand gallons per day (50,000 GPD) on an average annual basis and (2) have paid all applicable fees and charges for the first 50,000 GPD (or such lesser amount actually offered to be allocated to said applicant).

(d) Any sewer service capacity allocated pursuant to Subsection 2(c) above, and for payment of all charges and fees is not made within fourteen (14) days from the date of receipt of a letter of eligibility may be allocated equally among those Type "B" applicants who have paid all capital charges and fees for sewer service capacity allocated pursuant to Subsection 2(c) hereof. Any sewer service capacity allocated pursuant to this Subsection 2(d) and for which payment of all fees and charges are not made within seven (7) days from the date of receipt of a letter of eligibility may then be allocated equally among those persons, firms, or corporations eligible for Type "C" permits who requested and purchased additional, excess sewer service capacity pursuant to Subsection 5(h)(2), Sand Lake Road Wastewater Treatment Plant Connection Rules.

(e) In computing any period of time prescribed or allowed in this Section 2, if the last day of the period computed shall fall on a Saturday, Sunday, or legal holiday the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

(f) The maximum sewer service capacity which may be allocated for individual Type "B" Sewer Permits issued pursuant to Section 4(i) of Orange County Ordinance No. 81-14, as amended, shall be twelve-hundred gallons per day (1200 GPD) on an average annual basis.

(g) As used in these rules the term "particular project" means "any project consisting of contiguous or adjacent lands the development of which is under or pursuant to a common scheme or plan of development which is (a) owned, controlled, and initially planned by the same person, firm, or entity and (b) to be served by one or more FDER collection system permits issued to the same person, firm, or entity."

Section 2. Economic Impact Determination. The Board does hereby determine and find, pursuant to §1027(b), Orange County Code, that sufficient information has been provided for the Board to assess the economic impact of this Resolution on the development of real property in Orange County. The Board does hereby determine and find that no further economic impact statement or economic impact information is required in this matter.

Section 3. Severability of Provisions. If any provision of this Resolution or the application thereof to any person or circumstances is held invalid, the invalidity shall not effect other provisions or applications of this Resolution which can be given effect without the invalid provisions or application, and to this end the provisions of this Resolution are declared severable.

Section 4. Effective Date. This Resolution and the amendments to the Sand Lake Plant Type "B" Permit Rules contained herein shall take effect upon adoption.

RESOLVED THIS 17th DAY OF May, 1983

BOARD OF COUNTY COMMISSIONERS


Lou Treadway, Chairman


Mary Jo Garrison, Deputy Clerk