

RESOLUTION

CONSIDERATION OF RESTRICTING PUBLIC WATER AND SEWER AVAILABILITY AND
THE REQUEST FOR A WAIVER TO SECTION 19-59, WATER FACILITIES,
OF THE JAMES CITY COUNTY SUBDIVISION ORDINANCE FOR PROPERTY
LOCATED AT 9800 SIX MOUNT ZION ROAD (STONEHOUSE DEVELOPMENT)

WHEREAS, the Board of Supervisors of James City County has adopted Section 19-59, Water Facilities, of the James City County Subdivision Ordinance, which requires major subdivisions to construct a central water system to serve the subdivision; and

WHEREAS, the requirement for a central water system may be waived by the General Manager of the James City Service Authority (JCSA); and

WHEREAS, that waiver may be subject to reasonable conditions which shall be communicated in writing to the agent and subdivider; and

WHEREAS, Mr. Tim Trant has requested a waiver to Section 19-59, Water Facilities, of the James City County Subdivision Ordinance; and

WHEREAS, the proposed residential, non-residential, and commercial uses are set out in deeds of easement for the Stonehouse Preserve and Riverfront Preserve, made between SCP-JTL Stonehouse Owner 2 LLC and the County of James City, Virginia; and

WHEREAS, the property is located at 9800 Six Mount Zion Road and further identified as a portion of James City County Real Estate Tax Map Parcel No. 0630100005 (the "Property"), and contingent on the Board of Supervisors' approval of Case No. Z-18-0002 Stonehouse Rezoning, is zoned A-1, General Agricultural, and subject to the Master Plan document entitled "Stonehouse Virginia Rezoning and Master Plan Resubmittal James City County, VA" dated July 2019 (the "Master Plan").

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that the property rezoned from Planned Unit Development, PUD to General Agricultural, A-1 by Case No. Z-18-0002 shall not be served by public water and sewer and that staff is directed to remove such property from the primary service area during the next Comprehensive Plan update.

BE IT FURTHER RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby authorize the General Manager of the JCSA to grant the central water system waiver request as described herein with the following conditions:

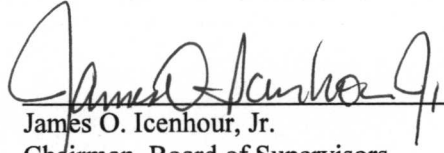
1. The Property shall be subdivided and developed generally in accordance with the Master Plan attached hereto. There shall be no more than four residential units in the Riverfront Preserve and no more than 15 residential units in the Stonehouse Preserve (excluding accessory apartments), and no more than 130,000 square feet of commercial uses in the Stonehouse Preserve as shown on the Master Plan.

2. The restrictive covenants for the subdivision shall contain the following provisions and shall be subject to the approval of the County Attorney, Planning Director, and JCSA General Manager prior to approval and recordation of any final subdivision plats:
 - a. Residential Parcels. Each of the 19 parcels in the Stonehouse Preserve and Riverfront Preserve containing residential or any combination of residential and non-commercial uses shall be served by individual private well(s). The owner of each parcel shall be responsible for the installation, maintenance, and if required, replacement of its well(s). Any well(s) deeper than 100 feet may be used for domestic use, water service to accessory structures, and outdoor non-commercial water use provided that the total groundwater withdrawal for each parcel does not exceed 5,000 gallons per day calculated annually, or 150,000 gallons in any one month. All applicants for ground water withdrawal shall be required to:
 - (i) Install a meter at each well in accordance with the requirements of JCSA for the purpose of monitoring groundwater withdrawal; and
 - (ii) Provide access to JCSA, to allow JCSA to read the meter(s) to verify the average annual ground water withdrawal and the total monthly groundwater withdrawal of all well(s) on the Property; and
 - (iii) Pay the prevailing water service fixed charge for each meter in accordance with JCSA's rules and regulations. The fixed charge shall cover the cost of reading the meter and customer account processes.
 - b. Additional Non-Residential Parcels. Additional parcels containing non-residential uses of a non-commercial nature may be served by individual private wells of less than 100 feet, unless otherwise approved by the JCSA General Manager. The owner of the non-residential use shall be responsible for the installation, maintenance, and if required, replacement of its well(s).
 - c. Commercial Wells. The total average daily groundwater withdrawal of all commercial uses on the Property shall not exceed 50,000 gallons per day, calculated annually. In addition, the maximum total groundwater withdrawal of all commercial uses on the Property shall not exceed 2,250,000 gallons in any month. All applicants for ground water withdrawal for commercial uses on the Property shall be required to:
 - (i) Install a meter acceptable to the JCSA with radio read capability for the purpose of monitoring their groundwater withdrawal; and
 - (ii) Provide access to the JCSA, to allow the JCSA to verify the average annual ground water withdrawal and the total monthly groundwater withdrawal of all commercial uses on the Property.
 - (iii) Pay the prevailing water service fixed charge for each meter in accordance with JCSA's rules and regulations. The fixed charge shall cover the cost of reading the meter and customer account processes.

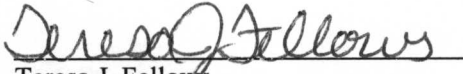
If commercial usage is divided among multiple lots, the developer shall allocate an average daily and maximum monthly groundwater withdrawal allowance for each commercial lot with the total withdrawal of all lots not exceeding the amounts established in this subsection.
 - d. Limits on Irrigation. Irrigation using groundwater as the source shall be permitted; however, any groundwater used for irrigation shall be included in the

calculation of the total groundwater withdrawals associated with uses as restricted herein. Any irrigation of parcels contemplated under subsection 2(b), shall be from irrigation wells less than 100 feet deep, unless otherwise approved by the JCSA General Manager.

- e. Building Separation. There shall be at least 100 feet of separation between all dwelling units on the Property, which requirement shall be reflected on the subdivision plat of the Property. The James City County Fire Chief may grant variances to the 100-foot separation requirement upon written request from the property owner and a finding that such a reduction will not endanger the health, safety, or welfare of the citizens of the County and/or is otherwise mitigated by alternate means of fire suppression including, but not limited to, automatic sprinkler systems. Reasonable conditions may be placed upon any variance granted by the James City County Fire Chief.
 - f. Access for Fire Apparatus. Any driveway that is longer than 150 feet as measured from the public right-of-way shall be at least 12 feet wide with unobstructed horizontal clearance of 16 feet and unobstructed vertical clearance of 13 feet 6 inches. The driveway shall be constructed of all-weather surface material and be designed to handle the imposed loads of fire apparatus. Any driveway that is longer than 200 feet as measured from the public right-of-way shall include a turn-around area sufficient to accommodate fire apparatus, as approved by the Fire Chief, or designee. These requirements shall be reflected on the subdivision plat of the Property. The James City County Fire Chief may grant variances to these requirements upon written request from the property owner and a finding that such a reduction will not endanger the health, safety, or welfare of the citizens of the County and/or is otherwise mitigated by alternate means of fire suppression including, but not limited to, automatic sprinkler systems. Reasonable conditions may be placed upon any variance granted by the James City County Fire Chief.
 - g. Enforcement. The County and JCSA shall have the authority to enforce these covenants. Violation of any condition may be penalized by the County in the same manner as violations of the Subdivision Ordinance in accordance with James City County Code Section 19-4, as amended, or by an action at law. Violations may be enforced by JCSA by any remedy available to JCSA for violation of its regulations, including termination of water flow through the meter, or by an action at law. Any Property Owners Association established for the subdivision requiring this waiver shall have the authority and responsibility to enforce these conditions. Covenants shall be included for each parcel containing commercial uses granting owners the right to enforce the restrictions and conditions of subsection 2(c).
3. This authorization to grant the waiver is not severable. Invalidity of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.


James O. Icenhour, Jr.
Chairman, Board of Supervisors

ATTEST:


Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SADLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of November, 2019.

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